in social security benefits; to the Committee on Ways and Means.

By Mr. PICKLE (for himself, Mr. ECKHARDT, Mr. FISHER, Mr. PRICE of Texas, Mr. PATMAN, Mr. WRIGHT, Mr. WHITE, Mr. MILFORD, Mr. POAGE, Mr. GONZALEZ, and Mr. CASEY of Texas):

H.R. 11188. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. PREYER:

H.R. 11189. A bill to confer jurisdiction upon the district courts of the United States over certain civil actions brought by the Congress, and for other purposes; to the Committee on the Judiciary.

By Mr. REUSS:

H.R. 11190. A bill to provide for the appointment and duties of an independent Special Prosecutor relating to offenses allegedly committed by the President, Presidential appointees, or members of the White House staff, and for other purposes; to the Committee on the Judiciary.

By Mr. RINALDO:

H.R. 11191. A bill to establish an Office of Special Prosecutor, to investigate and prosecute any official misconduct with respect to the 1972 election for the Office of President, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York:

H.R. 11192. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. SARASIN (for himself, Mr. DAN DANIEL, Mr. DENT, Mr. HENDERSON, and Mr. ROE):

H.R. 11193. A bill to impose a 6-month embargo on the export of all nonferrous metals, including copper and zinc, from the United States; to the Committee on Banking and Currency.

By Mrs. SCHROEDER:

H.R. 11194. A bill to amend the Social Security Act to provide for prevention, identification, and treatment in cases of abuse or neglect of children; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 11195. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading, to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation and for other purposes; to the Committee on Agriculture.

By Mr. STEELMAN:

H.R. 11196. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. STEIGER of Wisconsin:

H.R. 11197. A bill to amend the Consolidated Farm and Rural Development Act to increase the per diem, transportation, and travel expense allowance of Farmers Home Administration county committeemen; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 11198. A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 11199. A bill to establish an Office of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK (for himself, Mr. BURGENER, Mr. BAUMAN, and Mr. BLACKBURN):

H.J. Res. 801. Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.J. Res. 802. Joint resolution to insure the separation of Federal powers and to protect the legislative function by providing a procedure for requiring Federal officers and employees to inform the Congress; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H. Con. Res. 371. Concurrent resolution to censure the President without prejudice to impeachment; to the Committee on the Judiciary.

By Mr. RANGEL (for himself and Mr. HARRINGTON):

H. Con. Res. 372. Concurrent resolution relating to national priorities; to the Committee on Government Operations.

By Mr. ANDREWS of North Carolina:

H. Res. 670. Resolution directing the Committee on the Judiciary to prepare a compilation of information and evidence tending to prove or disprove the commission of any act by Richard M. Nixon which amounts to an impeacheable offense; to the Committee on Rules.

By Mr. DINGELL:

H. Res. 671. Resolution to create a select committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

## PETITIONS, ETC.

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

343. The SPEAKER presented a petition of Milton B. Sparks, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

344. Also, petition of the Board of Church and Society, United Methodist Church, Washington, D.C., relative to impeachment of the President; to the Committee on the Judiciary.

345. Also, petition of John P. Tucker, Jr., Charlottesville, Va., and others, relative to impeachment of the President; to the Committee on the Judiciary.

# EXTENSIONS OF REMARKS

## SIGNIFICANT GROUNDBREAKING CEREMONIES HELD FOR MODEL SECONDARY SCHOOL FOR THE DEAF

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, October 30, 1973*

Mr. RANDOLPH. Mr. President, on Wednesday, October 17, 1973 I was privileged to join with our First Lady Mrs. Richard Nixon, Secretary of the Department of Health, Education and Welfare Caspar Weinberger, Mayor Walter Washington, and Miss Nanette Fabray in the ceremonies marking the occasion of the groundbreaking for the Model Secondary School for the Deaf in Washington, D.C.

With us on the platform were several students of the school, who participated in the groundbreaking and pledge to the American flag. It was most appropriate that the ceremony, like the school itself, was student oriented. Several hundred youths were in the audience.

Mr. President, I ask unanimous consent that the program together with the remarks of the speakers be printed in the RECORD.

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

MODEL SECONDARY SCHOOL FOR THE DEAF GROUNDBREAKING, OCTOBER 17, 1973

ABOUT MSSD

The Model Secondary School for the Deaf was established in 1966 by P.L. 89-694 after a study of education services for the deaf by the Department of Health, Education, and Welfare revealed few genuine secondary programs for young deaf students existed in the United States. Charged by Congress to be both a regional high school and a national model, the MSSD continuously develops and evaluates new teaching techniques and materials which, if found to be valid, are disseminated to schools for the deaf throughout the nation.

Upon completion of the new facilities, which were designed by Hudgins, Thompson, Ball and Associates, the MSSD can accommodate up to 600 students from its primary service area of the District of Columbia, Maryland, Virginia, West Virginia, Pennsylvania and Delaware. The American Construction Company is general contractor for the project.

The MSSD is located on the Gallaudet College campus and is operated under an agreement between the College and the Department of Health, Education, and Welfare.

PROGRAM

Musical Selections: United States Marine Band.

Presiding: Dr. Doin E. Hicks, Director, MSSD, Dean of Pre-College Programs, Gallaudet College.

Welcome: Dr. Edward C. Merrill, Jr., President, Gallaudet College.

Pledge of Allegiance: Valerie Parsons, MSSD Student.

A Proclamation: The Honorable Walter E. Washington, Mayor-Commissioner, District of Columbia.

Greetings from the White House—Mrs. Richard M. Nixon.

Remarks: The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare; The Honorable Jennings Randolph, U.S. Senator, West Virginia; Miss Nanette Fabray, Co-Chairperson, National Advisory Council on the Handicapped.

Groundbreaking—MSSD Students: Robin Edwards, Stephen Gasco, Galinda Goss, Thomas Holcomb, Ivy Mathews.

National Anthem: Reginald Boyd, MSSD Student.

Interpreters: The Rev. Rudolph Gawlik, Dr. Henry Klopping, Dr. Lottie L. Riekehof, Mrs. Shirley Stein.

REMARKS OF DR. DOIN E. HICKS, DIRECTOR, MODEL SECONDARY SCHOOL FOR THE DEAF, DEAN OF PRE-COLLEGE PROGRAMS, GALLAUDET COLLEGE

OPENING REMARKS

Today is an historic occasion for the Model Secondary School for the Deaf. This ceremony symbolizes an important milestone in the School's development—the official initiation of construction of the physical facilities which will permit its programs to be fully operational.

Our hopes for the Model Secondary School for the Deaf, however, extend far beyond those young people who will pass through its doors. Programs developed within the MSSD have the potential of contributing to the educational welfare of all young deaf people. The 60,000 deaf students in schools for the deaf and the 10,000 people who work with them are our constituency. This mission of becoming an exemplary school of national scope is one which we accept gladly but with full recognition of the responsibility inherent in such an enterprise of developing, of doing and of sharing—a school and a learning laboratory for students and professionals nationwide. We are extremely pleased that each of you has come to share this important hour.

PLEDGE TO THE FLAG

We invite you to stand and join in the pledge to the flag to be led by MSSD student Valerie Parsons.

SPECIAL INTRODUCTIONS

It is now my pleasure to recognize our special guests seated on the rostrum but whose names do not appear on the printed program.

Dr. Edwin Martin, Associate Commissioner, Bureau of Education of the Handicapped.

Mrs. Patricia G. Forsythe, Professional Staff Member of the Senate Subcommittee on the Handicapped, and former Program Officer of MSSD.

Dr. George Muth, Chairman, Gallaudet College Board of Directors.

Mr. Lawrence Newman, Chairman, Model Secondary School for the Deaf Advisory Committee, and Supervisor, Santa Ana Madison Program for the Deaf in California.

Ms. Judy Fein, Program Officer for the Model Secondary School for the Deaf from the Department of Health, Education, and Welfare.

Dr. Leonard Elstad, President Emeritus, Gallaudet College.

Mr. William Finglass, President, American Construction Company.

Mr. Ralph Ball, President, Hudgins, Thompson, Ball and Associates.

Miss June Rothenberg, President, Gallaudet College Student Body Government.

Mr. Robert Geesey, Vice President, Gallaudet College Student Body Government.

Among the many communications we have received from persons unable to attend the groundbreaking is one from a special friend of the MSSD students—Star Running Back of the Washington Redskins, Larry Brown, who, last spring, was our Commencement Speaker. Larry says that Coach Allen frowns on his cutting practice thus he cannot be here, but asks that he be remembered to you students and as a gesture of his interest in you and the MSSD he is making a gift of $1,000 to the Athletic Program.

INTRODUCTION OF MAYOR WASHINGTON

Our City is extremely fortunate to have a public servant of Mayor Washington's experience and stature. The energy, enthusiasm and skill which he daily demonstrates is an inspiration to all of us.

His career in public administration and service extends to more than thirty years and is based on professional training which includes undergraduate and law degrees from Howard University. Honors and awards recognizing his achievements are so great as to defy numeration. Not the least of these, however, includes no less than eleven honorary doctorate degrees.

You honor us Mr. Mayor, both with your presence and the official recognition you are providing the Model Secondary School for the Deaf.

Ladies and Gentlemen, the Honorable Walter E. Washington, Mayor-Commissioner of the City of Washington.

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REMARKS OF WALTER E. WASHINGTON, MAYOR-COMMISSIONER, DISTRICT OF COLUMBIA

Mr. Chairman, Mrs. Nixon, President Merrill and all of the distinguished members on the dais and most important the distinguished members of the student body. It is a great occasion, a great day for Kendall Green, and indeed a great day for this city. And it is a privilege to have been invited to share this happy occasion with you. Quite frankly, after that introduction I started to quit while I was ahead, but I have a duty to perform and I want to do that in the sight of this great audience under this beautiful sky today.

Among the wealth of educational institutions of all types which thrive in the District of Columbia, the Model Secondary School for the Deaf is a unique character. The Model Secondary School for the Deaf is leading the way in teaching the deaf independence and self-reliance and the dignity that goes with it. It also provides, and will continue to do so, positive and enjoyable experience in learning and living. Therefore, I have this day issued a Proclamation designating this day, Wednesday, October 17, 1973, as Model Secondary School Day for the Deaf in the District of Columbia.

This Proclamation reads:

MODEL SECONDARY SCHOOL FOR THE DEAF DAY, OCTOBER 17, 1973, BY THE MAYOR OF THE DISTRICT OF COLUMBIA—A PROCLAMATION

Whereas, the Model Secondary School for the Deaf was authorized by Congress through Public Law to provide an innovative and comprehensive educational program for deaf youngsters of high school age; and

Whereas, the Model Secondary School for the Deaf serves deaf youngsters from the District of Columbia, Maryland, Virginia, West Virginia, Delaware and Pennsylvania; and

Whereas, the Model Secondary School for the Deaf will instruct parents about their children's deafness; train professionals to teach in other schools for the deaf; serve as a research laboratory in education of the deaf; and act as an information center for instructors and schools throughout the country; and

Whereas, Model Secondary School for the Deaf is intended to develop methods of making deaf persons more self-reliant and independent, enabling them to adapt in a more complex society:

Now, therefore, I, The Mayor of the District of Columbia, do hereby proclaim October 17, 1973 as "Model Secondary School for the Deaf Day" in Washington, D.C., and call upon all of our citizens to join with me in supporting the aims and objectives of the Model Secondary School for the Deaf programs.

WALTER E. WASHINGTON,
*Mayor, District of Columbia.*

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INTRODUCTION OF MRS. NIXON

Each of you, I am sure, can remember a special teacher who was inspirational and compassionate, and with qualities exceeding other teachers. One person recalling such a former teacher was quoted in a 1971 issue of the Saturday Evening Post. "I was a ninth grader, about fourteen, but I have never forgotten her. There was something very special about that teacher of mine. The school was in Whittier, California. Her name then was Pat Ryan: Today it is Mrs. Richard Nixon."

As a first lady of our land she still retains those very special qualities. They are now exemplified in a wider variety of pursuits but nonetheless are as evident as ever. As ambassador of good will abroad she has made each of us proud to have her as our representative. As a hostess at home she has exuded warmth in extending hospitality to thousands of visitors. Her particular interest in such activities as promoting volunteer programs is well known.

During these past five years she has lent her name to more than 150 organizations for the purposes of encouraging their work and programs. Included among these organizations are many which serve handicapped children and include our own Kendall Demonstration Elementary School here on Kendall Green. We are honored and flattered by her presence here today but know that her interest in the Model Secondary School for the Deaf and in deaf persons is genuine.

Ladies and Gentlemen, the First Lady of the United States of America, Mrs. Richard Nixon.

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REMARKS OF MRS. RICHARD NIXON

All the distinguished guests on the platform and here in the audience, I thank you for your welcome and for inviting me to join you on this special day when we have the groundbreaking ceremony. We are all very excited about it. I bring greetings to you from the White House. This includes our family, and members of the cabinet, the administration, all of these people who are working so hard on programs which will benefit the handicapped and that includes the ones who are handicapped by deafness. We have made great strides in this field and we are very proud of these.

I also would like to pay tribute to some of my young friends who are here. When I first arrived, I received the beautiful flowers from Toby Silver, a senior student. I first met her in 1958 when I visited the Washington Hearing Society. At that time she was just a little tot, but she presented flowers to me then and I am most grateful for both of these days.

Then, we have a lot of young people who come to the White House and my daughters and I have the pleasure of being hostess to them. They have special tours which we initiated so that they can enjoy the beauty and history there without waiting in a long line like other public tourists do. And we also serve a little refreshments, too, because I know that is part of coming to the White House.

And then another group from Kendall School came out at Christmas time and entertained guests there and this was one of the biggest hits we have ever had. The guests admired their ability to act. They did "A Charlie Brown Christmas" show that evening and I shall never forget it either. But apart from that they had another quality which we admired so much. It was this idea of "I can do, it can be done." And they showed us right there that night and I want to congratulate them again. I understand some of them are here today.

Now, we all look forward to the completion of this building which will mean so much to the students, the parents, the teachers, and for caring citizens all over the United States.

Thank you.

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INTRODUCTION OF SECRETARY WEINBERGER

Secretary Weinberger's distinguished career has been many-faceted. Best-known to us, of course, is his service within the Nixon administration during the past three years, first as Chairman of the Federal Trade Commission, then as Deputy Director and Director of the Office of Management and Budget,

and since last February as Secretary of Health, Education, and Welfare.

His early career as a lawyer and member of the California state legislature was marked by recognition for outstanding legislative statesmanship. During the 1960's he added additional successful pursuits to his accomplishments: That of journalist and television moderator.

In 1968 he was named State Director of Finance by California Governor Ronald Reagan and served in that post until moving to Washington in 1970.

We are honored to have Secretary Weinberger share this event with us and are deeply appreciative of his expressions of support on behalf of the Model Secondary School for the Deaf.

The Honorable Caspar W. Weinberger, Secretary of Health, Education, and Welfare.

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REMARKS OF CASPAR W. WEINBERGER, SECRETARY, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Thank you very much, indeed. Mrs. Nixon, Senator Randolph, very distinguished guests on the platform and in the audience and the student body.

When I was at college I was told that the principal glory of our college was not its building and not its faculty, but its student body. That sounded very good to me as an entering freshman and I learned since that it is even more true and that is the way we feel today and the way we are delighted to greet the large part of this audience. This school and residential complex that will rise on this site will be unique and it will be the only program of its kind that is fully supported and operated by the Federal Government. Initially, and of course directly, it will offer special education to 600 deafened students of high school age and these students will find a very creative faculty and the most modern equipment that we can possibly find anywhere. They will find unmatched resources to help them prepare for higher education or for the world of work. The Model Secondary School that will be erected on this very historic hill behind me will develop special methods to overcome the educational handicap which deafness presents.

But, the significance of this Model Secondary School goes far beyond what it will do for the hundreds of fortunate students who will be enrolled here and who will be admitted and study here. Its principal signifiance centers on what it can do for thousands of students in our nation who are deafened and all over, and all of the 50 states and there it will demonstrate what is the most complete and best example, I think, in the Federal Government. Because the real purpose of this school is not just to educate and help prepare the fortunate 600 students at the time who will go through, but it is to explore and demonstrate new ways of teaching, to share its findings and its innovations with every interested school system in the United States. In that sense everyone who attends here will be part of a model demonstration, everyone will be part of a model upon which we hope that schools all over the United States devoted to this same very high and noble purpose will be able to cast their work and to follow the things that will start here. So it will not only welcome the visits of educators, it will share its faculty. Staff members from here will be available to visit local schools which request their help in adopting or adapting the methods and procedures developed right here on this hill. And this most assuredly is the Federal role in its finest perspective. We not only are doing an immediate direct task here in our own Federal city, but we are setting a model and a precedence that we hope will be followed all over the United States and I think, as it is very likely from the other things we have done in a pioneer way, it will be followed all over the world. This Federal role really is to penetrate these new frontiers through research and to demonstrate what can be done to prepare persons with handicaps to become independent and to find the fulfillment which life can offer despite handicaps and to do once and completely what scattered local schools might on an individual basis try to do but could do only partly or incompletely because they could not have the resources and the strength of the Federal Government.

So we at the Department of Health, Education, and Welfare and in the President's administration welcome the opportunity to demonstrate to all the schools, to all the parents, to all the young people of high school age that deafness need not be a barrier to education, to job opportunities, or to social relationships. And we hope to demonstrate that not just to deafened children or to their parents, but to children who in turn can derive inspiration from what will be done here and will want to serve and help the handicapped in the way that so many here in Washington have done.

Now I would like to say a special word for Senator Randolph in this situation who has, with the chairmanship of his subcommittee and throughout his long and distinguished legislative career, made it a point to be of assistance in every way possible to the handicapped and has done so with consummate legislative skill and with great humanity.

We also have a very interesting feature at this school because we hope to demonstrate, too, that deafness need not be the terrible hazard that it has been and this we hope to do through very dramatic breakthroughs in telecommunications so we will be using not only the latest educational techniques but the latest scientific techniques. Those two young deaf athletes who perished in the Chicago hotel fire recently might have been saved had there been some kind of warning device which did not rely on the ringing of bells. The Model School dormitories will not rely on sound alone to signal danger. It will use flashing lights and a buzzer that can be worn on the body which will be activated electronically to vibrate and that same vibrating buzzer will summon students to specially equipped telephones in the school and those telephones will be fitted to transmit writing rather than sound. This is the kind of thing I find very inspirational, the kind of thing the Federal Government does best and the kind of thing the Federal Government and all of the people connected with this school will be trying to do here. Our great airplanes have broken the sound barriers in the sky and we believe that this Model School gives promise of breaking down all of the barriers that deafness has created over the centuries. And if that can be done, that will be an inspiration from which people will derive the hope and aspiration to continue that are the essentials of our kind of government. Thank you very much, indeed.

INTRODUCTION OF SENATOR RANDOLPH

Senator Jennings Randolph's legislative career began more than 40 years ago as a member of the United States House of Representatives. After serving seven consecutive terms (14 years) as a legislator he engaged in a variety of career pursuit, including editor, professor, university dean and business executive, prior to being elected to the Senate in 1958. He has served that body, his constituency and his Country in an exemplary manner since that time.

Senator Randolph is Chairman of the prestigious Public Works Committee. He holds membership in the Post Office and Civil Service Committee, the Veterans' Affairs Committee, the Special Committee on Aging and the Labor and Public Welfare Committee. Additionally, he is a member of three subcommittees of the Labor and Public Welfare Committee: Children and Youth; Education; and Handicapped, of which he is Chairman. It is, of course, this sub-committee chairmanship which holds great personal interest for those of us engaged in education of the deaf. We are grateful that a legislator of Senator Randolph's stature and skill is entrusted with developing and directing legislative matters which impinge so directly on our lives.

It is significant that Senator Randolph has taken time to share MSSD Day with us.

I am pleased to present the Honorable Jennings Randolph, Senator from West Virginia.

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REMARKS OF SENATOR JENNINGS RANDOLPH

Good afternoon, young ladies and young gentlemen. Mention has been made of that earlier period of more than 40 years ago, when I had the responsibility of becoming a member of your Congress of the United States. Lest there be any misunderstanding, Dr. Hicks and President Merrill, there is no generation gap—I get along very well with older people.

The history of this institution is a glorious one, often of sacrifice and truly of service. One hundred nine years ago, more than a century of helping young people who are to prepare to help themselves for productive lives. What a tremendously vital mission of education this has been for such a long period of time. This afternoon in a sense, there is a sense of contribution to this learning process which I am sure we all understand and greatly appreciate.

It was half a century ago that I came into contact with Gallaudet College. I came as a member of a college basketball team from the hills of West Virginia to play this institution. You had a good basketball team 50 years ago. I haven't checked your record, Mr. President, as of more recent years, but I remember then that if the hearing of your players was impaired, they had their eyes glued on the basket and they knew exactly where to shoot the ball.

Mayor Walter Washington and Secretary Caspar Weinberger recognize that since this institution began, and as of this day, there have been but four Presidents—just four Presidents. President Merrill who is here and a former President, Dr. Elstad. I only remind those in public service, either elective or appointive, that you change your leaders less at Gallaudet than we do in other positions throughout the country.

Yes, certainly for all of us, I would like to say that all of us are delighted that Mrs. Nixon, we'll call her Pat this afternoon, the gracious First Lady, with the able and articulate Secretary Caspar Weinberger, with the lovely Nanette Fabray, and the Mayor have come in good purpose. We are aware and eagerly anticipating not only the actual groundbreaking but the educational process which is to follow. What we are doing here is a further signifying of the reality of what earlier was just an idea. It was in fact an idea that was born in a real sense and brought to fruition in the Senate Committee on Labor and Public Welfare. I am gratified that it was my responsibility to co-sponsor P.L. 89–694. In the enactment there were many of us, regardless of party affiliation, who were active participants. It was a new venture in secondary education for deaf impaired students. But it was necessary.

Pat Forsythe has had the opportunity and responsibility to help in our understanding of these problems. I selected Pat as staff director for our Subcommittee on the Handicapped. I did not take a quick look. I checked very, very carefully and Pat Forsythe who is here today was chosen for that position. Pat, I am grateful you are on Capitol Hill rather than downtown.

It is a privilege to attend this ceremony for it signifies the reality of what was an

idea that was developed in the Senate Committee on Labor and Public Welfare.

During the hearings on this legislation to provide for a model Secondary School for the Deaf, you provided us with information on the problems of this particular group of fine young Americans. You urged us to give our attention to the need for better coordination of educational and psychological services for deaf youth. You asked that the legislation provide a model facility which would include a "laboratory" atmosphere with educational resource personnel in a learner oriented environment so that experimentation in individualized learning, and the most modern education technology, and instructional materials could be tested.

Now, the successful experiences that have occurred during the past three years in a temporary building are soon to be utilized in this new permanent facility. It is designed, as we know, to represent the hopes of the significant and stimulating experiment it will house.

It is a joy to me that West Virginia is one of the states whose deaf students will be among the first to attend this school. I am equally enthusiastic that all of your young deaf Americans will share the techniques and methodologies which are developed here, through dissemination of information by this Model Secondary School for the Deaf.

I know that all of you who have labored to bring this project to fruition share the feeling that comes when we see words turned into action.

Congratulations on a worthy endeavor which serves as a challenge for further constructive achievement.

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INTRODUCTION OF MISS FABRAY

This meaningful occasion is made even more important by the presence and participation of so important a personage as our next speaker, Miss Nanette Fabray.

She is an outstanding singer, dancer, comedienne, and actress who has appeared on the Broadway stage, in many motion pictures and on almost every major television show.

Aside from her burgeoning career, Miss Fabray is a dedicated and tireless worker for many causes, particularly those related to the education and welfare of hearing-impaired persons.

She serves on no less than six important boards and foundations serving the interests of the deaf.

Additionally, she has been the recipient of numerous awards and honors for her unselfish devotion to worthy causes.

Having experienced the problems associated with hearing impairment, Miss Fabray is able to personalize her convictions in a very convincing manner.

In private life Miss Fabray is Mrs. Ranald McDougall, a dedicated wife and mother—and in everything she does, a wonderful and gracious lady.

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REMARKS BY NANETTE FABRAY

I am honored to be among such company, and to speak on this moving occasion.

Moments such as this represent the highest ideals and goals of our society, our Government, and our time. To build instead of destroy. To make a beginning instead of an end. To answer the needs of others, instead of our own. To care, even to love, in a world that too often rages with hate and suspicion.

The restless torment of our times is very remote to those who must struggle every waking hour to understand the simple needs of the day. That torment never ends. All of life is education for the deaf, a quest with God's help, and ours, for dignity and grace, and a place in the sun.

And so this school is a moving and deeply important milestone in the history of education of the deaf in our well beloved country. It will be an enduring tribute to the many men and women whose dream it was, and whose work made it possible.

Many of our youth today are too quick and too fond of pointing out the sins and omissions of their elders. Perfection is not in us perhaps, but we try. We do not give up. And on some days—like this day—a victory is won.

Let it be remembered. When the young deaf students of this school—many of them here today, with thousands yet to come, down through the years—when they walk the pleasant paths that will be here in the future, when they speak with their hands and their bodies and the expressive faces—as the deaf so beautifully speak among themselves, let them remember that this school came from the hearts and minds and work of those who wish them well.

As for you and me, let us remember something too. This is not the end of the matter. The work is far from finished. This cannot remain the only school of its kind in the United States. It is merely the first. It is not a token—but a solemn promise, by name and by intention, a model school—a commitment to the future.

We have come to a pause in the progress of deaf education—a plateau if you will—a recess for re-evaluation, as I have seen it expressed on a governmental level. Congress and the administrative branches are feeling their way—even fighting their way—through a labyrinth of new concepts in Government aid, new approaches, not all of them responsive to the basic needs of special education.

Shock waves have gone out from the Department of Health, Education, and Welfare during the past year. The community of the deaf, and their supportive facilities, are reeling in alarm and confusion.

Those who build their lives on a dedicated service to the deaf have often found themselves in recent months using all their energies to save what they can from the wreckage of their programs. Many of them feel like passengers on the Titanic. They will settle for a lifebelt, anything that floats, but still have an inner dread that the ship is going down.

I do not believe that for a moment. The changes that have taken place will eventually be replaced by something even better. It has to be that way. Like any group of children, the deaf are entitled by law and the instinct of good people everywhere, to a full education and a full life. To deny them education is to deny them life itself, and make them forever a heavy charge and a terrible responsibility on those who have wasted their lives.

This school, and a dozen like it, more if necessary, is the real and proper goal of deaf education. It is one of the prime responsibilities of the Federal Government—to do for the disadvantaged children of this great land what they have not the power to do for themselves.

So you will understand, I hope, when I say again what a special meaning this day has for all of us who work in the field of education for the deaf. This school will be a dream come true, a promise, and an inescapable commitment to the future.

Thank you.

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REMARKS OF DR. HICKS

GROUNDBREAKING

We come now to the symbolic part of the program in which we officially recognize the initiation of construction activities. We believe it is appropriate that students have a leading role in this activity and have selected a student from each of five areas presently served by the MSSD to participate. We would also like our speakers to share with our students the breaking of ground. Would MSSD students Tom Holcomb, Robin Edwards, Galinda Goss, Ivy Mathews, and Stephen Gasco please move to the area in front of the podium? President Merrill, may I ask you to please escort Mrs. Nixon to this area also—and would the other participants please follow?

CLOSING

We wish to thank each of you for sharing this hour with us. Also we especially wish to express appreciation to the United States Marine Band for adding an enjoyable and exciting dimension to our program.

We will close with the National Anthem, played by the Marine Band and sung in sign language by MSSD student Reginald Boyd.

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## SOLAR ENERGY HEATING AND COOLING ACT OF 1973

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### HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. McCORMACK. Mr. Speaker, all of us are deeply concerned about the energy crisis that this Nation faces. We seek solutions which are realistic, technologically possible, financially viable, environmentally sound, and designed to make this Nation self-sufficient with respect to energy as soon as possible.

One of the most exciting options available is the development of solar energy. The rooftop of the average home in America receives energy from the sun at the rate of 17 watts per square foot. This energy can be used to replace fuels that are now in short supply, and it has a value, assuming a reasonable conversion efficiency, of hundreds of dollars every year for each homeowner. In an era of energy shortages and environmental crises, we can no longer afford to ignore the potential contribution of solar energy to our economy.

Solar heat is secure heat. No one can cut off our imports of sunshine, nor can its price be arbitrarily increased.

Nevertheless, we must keep our perspective with respect to the potential for practical uses of solar energy. There are three general approaches to converting solar energy directly into useful electricity or heat. The first involves the simple heating of buildings and of hot water, and of using the heat of the sun to drive air conditioners for our buildings. The second is by the generation of electricity at central power stations located in desert areas, and deriving their energy from vast "solar farms." The third is through the use of very large synchronous satellites with some sort of solar panels beaming the electricity to Earth as micro radio waves.

Unfortunately, the latter two of these options are very expensive, and consideration of them is, at the present time, essentially only theoretical. Even the most optimistic advocates agree that the first "solar farm" demonstration powerplant cannot be in operation before the mid-1980's, and that practical application of this technology will probably not be available before the 1990's. Satellite solar energy is still farther away, probably not being available before the turn of the century. Putting even one such satellite into orbit will require dozens or hundreds of flights of the second generation Space Shuttles. Both systems will also be very

expensive. The best estimates for electricity generated from solar farms indicate that it would cost from four to nine times as much as electricity generated from nuclear energy.

The third alternative—heating and cooling of buildings and hot water—is both within the capabilities of our present technology and almost economically competitive today.

The problem is that not much has been done so far in demonstrating the effectiveness of solar energy for heating and cooling. Although a few houses have been constructed for these purposes, one can in no way claim that adequate demonstrations have been made so that one could reasonably expect that private capital would be available for launching a new solar heating and cooling industry.

But let me emphasize again that solar energy is not a panacea for energy problems. Congressman JIM SYMINGTON of Missouri and I specifically pointed this out in a letter which we jointly submitted to the Washington Post, and which was published on August 6 of this year. We stated that:

Our two subcommittees have recently held hearings on solar energy research, development and application, including two days of joint hearings. The witnesses that testified included administrators and scientists from NASA and the National Science Foundation, along with a representative group of outstanding scientists and engineers conducting solar energy research and development in our nation's universities and industries.

Ten years from now, . . . one out of every 10 new homes built in this country can be partially heated and cooled using solar energy. In addition, water can be heated for domestic use. It should be observed, however, that there will be architectural constraints on these homes, and that they will be more expensive to build than conventional homes. It is also highly unlikely that solar energy alone will be sufficient for heating and cooling; in almost all cases, a backup source of energy, such as electricity, gas or oil, and a mechanism for utilizing the backup system, will be required. Although much research and development is in order to improve the efficiency of such systems, the fact is that the technology required exists today. Several solar-heated system homes are in use in the vicinity of the District of Columbia. What is needed is industrial involvement . . . Market analyses must be made and a massive education campaign undertaken to make manufacturers, builders and consumers aware of this new technology. Large scale demonstration projects should be constructed with support from government. The mortgage lenders and their regulators in government must take a broader view of housing costs, adopting total life cost accounting techniques that recognize the advantages of high capital cost improvements like solar heating. Also, in order to launch such a new industry successfully, a variety of temporary government incentives such as tax deductions, may be needed.

It is important to point out why, since solar energy has been utilized in some form since the advent of ancient civilization, it is not more widely or fully utilized now.

One might well ask why the inexpensive and reliable solar hot water heaters have lost favor. The answer is evidently that an affluent population has not, up to now, wanted to bother with them. It has just turned out to be less trouble to depend on electric or gas hot water heaters than their solar counterparts. As long as consumers can easily afford to pay for fossil fuels or electricity, history has shown that they are unwilling to put up with the simple and technologically unsophisticated solar heating equipment. The need for incorporating technological advances in solar heating equipment has been apparent for many years, and it is our responsibility today to encourage and support this important new technology.

Research and development in solar heating and cooling is a relatively new item in the Federal budget. The total obligation by all Federal agencies reached an annual rate of $1 million only 2 or 3 years ago. The total Federal expenditure for solar-related research in fiscal year 1973—this year—was less than $4 million. The proposed budget for fiscal year 1974 is $12.2 million, and an additional $1 million has evidently been added to this total because of congressional action related to the National Science Foundation Authorization Act. Of this total of $13.2 million, only $5.6 million supports research and development activities related to solar heating and cooling.

This is a woefully inadequate level of support for solar research. Last summer, my Subcommittee on Energy held 3 days of hearings on the state of our technology to utilize the unlimited energy of the sun.

In addition, JIM SYMINGTON and I held 2 days of joint hearings on satellite solar energy before our Science and Applications and Energy Subcommittees during last spring.

While our witnesses basically agreed that we are many years away from utilizing solar energy to generate electricity, they presented testimony documenting the fact that the technology is now available to tap the sun to heat buildings and that the technology is near at hand for combined solar heating and cooling systems.

In addition, the opportunities which are being increasingly recognized in this area were well documented in the report released in January 1973 by the solar energy panel, established under the Energy R. & D. Goals Committee of the Federal Council for Science and Technology. The purpose of this panel was to assess solar energy technologies and to propose a comprehensive solar research and development plan. The recommended plan called for a 10-year, $100 million expenditure for solar heating and cooling of buildings. The assessment was this would result, at its conclusion, in general public use of solar heating for residential purposes.

The panel's estimate of the benefits of this new technology was based on predictions that 10 percent of new buildings constructed in 1985 would utilize solar energy, 50 percent in the year 2000, and 85 percent in the year 2020. Fuel savings at these three points in time, based on these assumptions, are $180 million, $3.5 billion, and $16.3 billion annually, at present fuel prices. It is further estimated by this panel that sales of solar heating and cooling equipment would reach an annual level of $1 billion soon after 1985.

The chairman of the House Science and Astronautics Committee, OLIN TEAGUE, and I discussed the subcommittee testimony, this report and other well-documented studies on the short term potential of solar energy at length. We determined that the report's estimates probably fall on the low side. In our judgment, with adequate demonstration programs and carefully designed economic incentives, the market for solar heating and cooling will be even greater than these estimates would indicate. The opportunities are great, and we as a Nation must be willing and able to seize upon them at this critical time in history. In conjunction with Congressman CHARLES MOSHER and BARRY GOLDWATER, the ranking minority members of the full Committee and the Energy Subcommittee respectively, we determined that Federal incentives could be devised to demonstrate the feasibility of solar heating and cooling which would provide the "take-off" for use of solar energy by the average American homeowner and help create a viable private enterprise solar heating and cooling industry within the next 5 to 10 years.

H.R. 10952, the Solar Heating and Cooling Demonstration Act of 1973 provides for the early commercial demonstration of the technology of solar heating and cooling by the National Aeronautics Space Administration, the National Bureau of Standards, the National Science Foundation, the Department of Housing and Urban Development, the Department of Defense, and other agencies. It provides for the demonstration of solar heating technology on a large scale in 3 years, and the demonstration of the technology for combined solar heating and cooling of buildings in 5 years. It further provides for a 5-year demonstration program of solar heating and cooling of commercial buildings, factories, and industrial buildings. The total cost of these programs over the 5-year period, including installation of approximately 2,000 mass produced solar heating units and 2,000 mass produced solar heating and cooling units in residential dwellings will be $50 million.

The program called for in this legislation is one which is carefully constructed as a cooperative venture of a number of Federal agencies. The National Science Foundation is directed to continue and increase its support of basic and applied research related to solar heating and cooling. The National Bureau of Standards, utilizing its well-known expertise in this area, will set performance criteria for the solar heating and cooling equipment as well as the building designs, and will have further responsibility for monitoring and evaluating the equipment and buildings after installation.

HUD will coordinate the demonstration program as part of its activities with the building industry, and will provide information and reports to Congress and the public. HUD must incorporate this activity into its responsibilities for overseeing our national housing efforts, recognizing the importance of energy in the total cost of housing over its life cycle. The Defense Department, because of its role in administering controlled Federal housing projects on its bases, is the logical agency for providing build-

ings for installation of half of the mass-produced heating and cooling units.

NASA is assigned the task of developing and contracting for the production of the heating units and the heating and cooling units. Although the technology involved is not sophisticated or complex by NASA standards, the management and integration of the myriad R. & D., pilot projects, and procurement actions will be complex. It must be done with great competence if the tight time schedules are to be met. NASA has an outstanding capability and "track record" in this area, and is the logical agency to manage the hardware portion of this demonstration project.

Mr. Speaker, I commented on solar energy technology in a guest editorial appearing in the October 1973 issue of Professional Engineer, published by the National Society of Professional Engineers. My comments included the following:

I have repeatedly expressed the urgent need for an accelerated program with appropriately funded and aggressive mission-oriented programs in solar energy research and development. I have encouraged the directors of the National Science Foundation and NASA to use funds to support solar energy technology this fiscal year and in the future. I am confident that expanded mission-oriented solar energy programs will be developed.

This is a practical concrete legislative proposal for the development of an energy source which is clean, competitive and viable both technologically and economically. Since Chairman TEAGUE, Congressmen MOSHER, GOLDWATER, and I originally introduced this bill 2 weeks ago, it has been cosponsored by over 100 other Members of the House of Representatives. Similar legislation is being introduced in the other body of Congress.

We cannot avoid this opportunity to demonstrate that the Congress of the United States can take responsible initiatives in the energy policy arena. My Energy Subcommittee is scheduled to begin hearings on this bill in mid-November. The full House Committee on Science and Astronautics will consider our findings on this legislation as soon as its schedule permits. I am optimistic that both Houses of Congress will respond to the need for this kind of program at this particular point in our history.

Mr. Speaker, at this point I should like to have included in the RECORD a listing of the House and Senate cosponsors as well as the text of H.R. 10592, the Solar Heating and Cooling Demonstration Act of 1973.

SPONSORS AND COSPONSORS OF THE SOLAR HEATING AND COOLING DEMONSTRATION ACT OF 1973

Anderson of Illinois, Annunzio, Aspin, Archer, Badillo, Baker, Bell, Benitez, Bergland, Bevill.

Bingham, Blatnik, Breaux, Brown of California, Broyhill of N.C., Burgener, Camp, Carney, Cleveland, Collier.

Collins of Texas, Conlan, Corman, Cotter, Coughlin, Cronin, Conte, Danielson, Davis of Georgia, Dellums.

Downing, Drinan, Edwards of California, Edwards of Alabama, Esch, Eshleman, Fish, Fraser, Frenzel, Frey.

Fuqua, Froehlich, Gilman, Goldwater, Gunter, Hanna, Harrington, Harvey, Hastings, Hechler.

Helstoski, Hicks, Hogan, Johnson of Colorado, Jordan, Keating, Kemp, Ketchum, Lent, Long of Maryland.

McCormack, McDade, McKinney, Martin of N.C., Mayne, Meeds, Melcher, Metcalfe, Milford, Mitchell of New York.

Moorhead of California, Mosher, Parris, Pepper, Pickle, Poage, Podell, Pritchard, Quie, Rees.

Reuss, Robinson, Robison, Roe, Roncallo, Roncallo, Rosenthal, Roush, Roy, Scherle.

Schroeder, Schriver, Sisk, Stanton of Ohio (Wm.), Steiger of Arizona, Studds, Sullivan, Symington, Teague of Texas, Thomson.

Thornton, Udall, Vanik, Walsh, Ware, White, Wilson of California (Bob), Wilson of Texas, Winn, Wright.

Wyatt, Wydler, Young of Georgia, Young of S.C., Young of Illinois, Zwach.

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H.R. 10952

*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 Heating and Cooling Demonstration Act of 1973".

FINDINGS AND POLICY

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

(1) the current imbalance between supply and demand for fuels and energy is likely to persist for some time;

(2) the early demonstration of the feasibility of using solar energy for the heating and cooling of buildings could help to relieve the demand upon present fuel and energy supplies;

(3) the technologies for solar heating are close to the point of commercial application in the United States;

(4) the technologies for combined solar heating and cooling still require research, development, testing, and demonstration, but no insoluble technical problem is now foreseen in achieving commercial use of such technologies;

(5) the early development and export of viable solar heating equipment and combined solar heating and cooling equipment, consistent with the established preeminence of the United States in the field of high technology products, can make a valuable contribution to our balance of trade; and

(6) commercial application of solar heating and combined solar heating and cooling technologies can be expedited by early commercial demonstration under practical conditions.

(b) It is therefore declared to be the policy of the United States and the purpose of this Act to provide for the demonstration within a three-year period of the practical use of solar heating technology, using current technology for this purpose, and to provide for the development of and demonstration within a five-year period of the practical use of combined heating and cooling technology.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "solar heating", with respect to any building, means the use of solar energy to meet such portion of the total heating needs of such building (including hot water) as may be required under performance criteria prescribed by the Secretary of Commerce acting through the National Bureau of Standards;

(2) the terms "solar heating and cooling" and "combined solar heating and cooling", with respect to any building, mean the use of solar energy to provide both such portion of the total heating needs of such building (including hot water) and such portion of the total cooling needs of such building, as may be required under performance criteria so prescribed, and include cooling by means of nocturnal heat radiation or by other methods of meeting peakload energy requirements at nonpeakload times;

(3) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(4) the term "residential dwellings" includes mobile homes.

CONDUCT OF ACTIVITIES IN SOLAR HEATING AND COOLING TECHNOLOGIES BY NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 4. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended by redesignating subsection (b) as subsection (c), and by inserting immediately after subsection (a) the following new subsection:

"(b) The Administration shall initiate, support, and carry out basic and applied research, development, demonstrations, and other related activites in solar heating and cooling technologies, including (to the extent that funds are appropriated therefor) activities as provided for in sections 5, 6, and 7 of the Solar Heating and Cooling Demonstration Act of 1973.".

DEVELOPMENT OF SOLAR HEATING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 5. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of solar heating systems for use in residential dwellings.

(b) (1) Within eighty days after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator shall determine, prescribe, and publish—

(A) performance criteria for solar heating equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types or residential dwellings suitable for and adapted to the installation of solar heating systems meeting the performance criteria prescribed under paragraph (1) (A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate solar heating.

(c) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958, shall—

(1) (A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of solar heating systems meeting the performance criteria prescribed under subsection (b) (1) (A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b) (1) (B);

(2) enter into contracts with at least two

different persons or firms for the actual manufacture and production of solar heating systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers, or residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating systems involved, and of the dwellings themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under that subparagraph.

(d) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF COMBINED SOLAR HEATING AND COOLING SYSTEMS TO BE USED IN RESIDENTIAL DWELLINGS

SEC. 6. (a) The Administrator shall promptly initiate and carry out a program as provided in this section for the development and demonstration of combined solar heating and cooling systems for use in residential dwellings.

(b)(1) As soon as possible after the date of the enactment of this Act, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Administrator, shall determine, prescribe, and publish—

(A) performance criteria for combined solar heating and cooling equipment and systems to be used in residential dwellings, and

(B) performance criteria (relating to suitability for solar heating and cooling) for such dwellings themselves,

taking into account in each instance climatic variations existing between different geographic areas.

(2) As soon as possible after the publication of the performance criteria prescribed under paragraph (1) (and if possible before the completion of the research and development provided for in subsection (c)), the Secretary, acting through the National Bureau of Standards, shall determine on the basis of open competitions an appropriate number of approved designs for various types of residential dwellings suitable for and adapted to the installation of combined solar heating and cooling systems meeting the performance criteria prescribed under paragraph (1)(A). Any such design competition shall be open to all professionally recognized architects and engineers (or architectural or engineering firms) who are qualified to assist in the design of houses to demonstrate combined solar heating and cooling.

(c) During the period immediately following the publication of performance criteria under subsection (b)(1), the Administrator shall undertake and conduct with respect to solar heating and cooling a program of research, development, testing, and demonstration designed to provide the additional technological resources necessary for the development and commercial application of combined solar heating and cooling systems as contemplated by the program under this section.

(d) The Administrator, in accordance with the applicable provisions of title II of the National Aeronautics and Space Act of 1958 and at the earliest possible time during or immediately after the period specified in subsection (c), shall—

(1)(A) enter into such contracts as may be necessary or appropriate for the development (for commercial production and residential use) of combined solar heating and cooling systems meeting the performance criteria prescribed under subsection (b)(1)(A) (including any further planning and design which may be required to conform with the specifications set forth in such criteria or to reflect the results of the activities conducted under subsection (c)); and

(B) if the Administrator determines that it would expedite the program under this section or otherwise accelerate the achievement of the objectives of this Act, provide by contract or otherwise for the manufacture or production of prototype solar heating and cooling systems (by the persons with whom the development contracts under subparagraph (A) were entered into), and for the installation of such prototype systems in residential dwellings meeting the performance criteria prescribed under subsection (b)(1)(B);

(2) enter into contracts with at least two different persons or firms for the actual manufacture and production of combined solar heating and cooling systems as developed under contracts described in paragraph (1)(A) (including adequate numbers of spare and replacement parts for such systems); and

(3) take such action as may be necessary or appropriate—

(A) in conjunction with the Secretary of Defense, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are located on Federal or federally administered property where the performance and operation of such systems can be regularly and effectively observed and monitored by designated Federal personnel, and

(B) in conjunction with and under arrangements made by the Secretary of Housing and Urban Development, to secure the installation of such systems, manufactured on a mass production basis, in substantial numbers of residential dwellings which are privately owned and occupied.

The residential dwellings referred to in subparagraphs (A) and (B) shall be located in a sufficient number of different geographic areas (not less than three) in the United States to assure a realistic and effective demonstration of the solar heating and cooling systems involved, and of the dwelling themselves, under climatic conditions which vary as much as possible. Title to and ownership of solar heating systems which are installed in residential dwellings as provided in subparagraph (B) shall remain in the United States; except that if the owner and occupant of any such dwelling agrees at the time of the installation of the system or of the purchase of the property, in such manner and form and on such terms and conditions as the Secretary of Housing and Urban Development may prescribe, to observe and monitor (or permit the Secretary or his agents to observe and monitor) the performance and operation of such system for a period of five years, and such owner and occupant (including any subsequent owner and occupant of the property who also makes such an agreement) regularly furnishes the Secretary with such reports thereon as the Secretary may require, title to and ownership of such system shall vest in the owner and occupant (including any such subsequent owner and occupant) at the close of that period.

For purposes of subparagraphs (A) and (B) of paragraph (3), solar heating and cooling systems shall be considered to have been manufactured on a mass production basis and installed in substantial numbers of residential dwellings if they are manufactured and installed in sufficient numbers (as determined by the Administrator) to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for purposes of either subparagraph (A) or subparagraph (B) of such paragraph, they shall be considered to have been so manufactured and installed if they are installed in one thousand or more such dwellings under such subparagraph.

(e) The Secretary of Commerce, acting through the National Bureau of Standards and in consultation with the Secretaries of Housing and Urban Development and Defense, shall have the general function of monitoring the performance and operation of all solar heating and cooling systems installed in residential dwellings under this section, and of collecting and evaluating data and information on such performance and operation; and he shall from time to

time make such findings and recommendations and take such other actions (including the submission of special reports to the Congress when appropriate) as may be necessary to assure that the program under this section effectively carries out the objectives of this Act. The Secretary shall in addition maintain continuing liaison with the building industry and related industries and interests, during and after the period of the program under this section, with the objective of assuring that the projected benefits of such program are and will continue to be effectively realized.

DEVELOPMENT OF SOLAR HEATING AND COOLING SYSTEMS FOR COMMERCIAL BUILDINGS

SEC. 7. The Administrator, concurrently with the conduct of the programs under sections 5 and 6, shall carry out such projects and activities (including demonstration projects) with respect to apartment buildings, office buildings, factories, agricultural structures (including crop-drying facilities), and other commercial or industrial buildings, taking into account the special needs of and individual differences in such buildings based upon size, function, and other relevant factors, as may be appropriate for the early development and demonstration of combined solar heating and cooling systems suitable and effective for use in such buildings.

FUNDING OF SOLAR ENERGY RESEARCH BY NATIONAL SCIENCE FOUNDATION

SEC. 8. (a) Section 3 of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and by inserting after subsection (d) the following new subsection:

"(e) The Director shall initiate and support basic and applied research relating to solar energy development, as provided in section 8(b) of the Solar Heating and Cooling Demonstration Act of 1973.".

(b) The Director of the National Science Foundation is authorized and directed to initiate, support, and fund basic and applied research activities related to solar energy in support of the objectives of this Act. These research activities shall, insofar as practicable, support the new solar heating and cooling technologies demonstrated or to be demonstrated by the National Aeronautics and Space Administration pursuant to sections 4 through 7 of this Act. For this purpose the Director of the National Science Foundation is authorized to utilize funds appropriated to the Foundation pursuant to law or transferred to it from the National Aeronautics and Space Administration or other Federal agencies.

DISSEMINATION OF INFORMATION AND OTHER ACTIONS TO PROMOTE PRACTICAL USE OF SOLAR HEATING AND COOLING TECHNOLOGIES

SEC. 9. (a) The Secretary of Housing and Urban Development shall take all possible steps to assure that full and complete information with respect to the demonstrations and other activities conducted under this Act is made available to Federal, State, and local authorities, the building industry and related segments of the economy, and the public at large, both during and after the close of the programs under this Act, with the objective of promoting and facilitating to the maximum extent feasible the early and widespread practical use of solar energy for the heating and cooling of buildings throughout the United States. In accordance with regulations prescribed under section 11, such information shall be disseminated on a coordinated basis by the Secretary, the Administrator, the National Bureau of Standards, the National Science Foundation, the Patent Office, and other appropriate Federal offices and agencies.

(b) In addition, the Secretary of Housing and Urban Development shall—

(1) study and investigate the effect of existing building codes, zoning ordinances, and other laws, codes, ordinances, and practices upon the practical use of solar energy for the heating and cooling of buildings; and

(2) determine the extent to which such laws, codes, ordinances, and practices should be changed to permit or facilitate such use, and the methods by which any such changes may best be brought about.

(c) Each Federal officer and agency having functions under this Act shall include in his or its annual report to the President and the Congress a full and complete description of his or its activities (current and projected) under this Act, along with his or its recommendations for legislative, administrative, or other action to improve the programs under this Act or to achieve the objectives of this Act more promptly and effectively. In addition, the Secretary of Housing and Urban Development shall submit annually to the President and the Congress a special report summarizing in appropriate detail all of the activities (current and projected) of the various Federal officers and agencies having functions under this Act, with the objective of presenting a comprehensive overall view of such programs.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out their functions under this Act, all Federal officers and agencies shall take steps to assure that small business concerns will have a realistic and adequate opportunity to participate in the programs under this Act to the maximum extent possible.

REGULATIONS

SEC. 11. The Administrator, in consultation with the Secretary of Commerce, the National Science Foundation, the Secretary of Housing and Urban Development, the Secretary of Defense, and other appropriate officers and agencies, shall prescribe such regulations as may be necessary or appropriate to carry out this Act. Each such officer or agency, in consultation with the Administrator, may prescribe such regulations as may be necessary or appropriate to carry out his or its particular functions under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator, for the first five fiscal years beginning after the date of the enactment of this Act, such sums, not exceeding $50,000,000 in the aggregate, as may be necessary to enable him (1) to carry out the functions vested in him or in the National Aeronautics and Space Administration by this Act, and (2) to reimburse the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and the Secretary of Defense for expenses incurred by them (during the respective periods of the program under section 4 and the programs under sections 5 and 6) in carrying out the functions vested in them under this Act.

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## PRESIDENTIAL TELEVISION

## HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Tuesday, October 30, 1973*

Mr. METCALF. Mr. President, I call my colleagues' attention to David S. Broder's column in Sunday's Washington Post devoted to a study on "Presidential Television" conducted by former FCC Chairman Newton N. Minow, writer and diplomat John Bartlow Martin and Lee M. Mitchell, a communications attorney.

Commissioned 2 years ago by the 20th Century Fund, the study assesses the impact of the President's increasing use of network television on the balance of powers between Congress and the Executive and on the role of the opposition party within our two-party system. Not surprisingly, the authors conclude that television's impact "threatens to tilt the delicately balanced—constitutional—system in the direction of the President."

While it is true that President Nixon has used prime-time television with far greater frequency than any of his predecessors, the trend toward Executive and Presidential domination of this powerful medium of communication has been underway for some time. And Members of both parties in Congress have been deeply concerned about this problem for many years.

The Joint Committee on Congressional Operations, which it is my privilege to chair during this Congress, is conducting a major study of Congress and mass communications. This study, which we expect will be released early in the next session of Congress, examines in detail the consequences of an "institutional vacuum" surrounding Congress and its activities.

Most Americans have only the most general sense of the constitutional role that Congress performs and few citizens have any clear conception of how Congress executes its legislative responsibilities.

As a consequence, the branch of government that is structurally closest to the people is generally least understood by the people. The domination of the Nation's mass media by the Executive has tended to exacerbate this institutional vacuum.

Clearly, we stand at a moment in American history when the Nation's elected Representatives in Congress must do everything possible to make their actions understood and credible to the citizens. I am confident that this pending study of the Joint Committee on Congressional Operations will be a constructive and useful document in helping us to consider ways to meet this challenge.

I ask unanimous consent that David S. Broder's column from the Washington Post of October 28, 1973 be printed at this point in the RECORD.

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

LOOKING AT "PRESIDENTIAL TELEVISION"

(By David S. Broder)

It was sheer coincidence that President Nixon chose to schedule and then cancel two prime time television appearances in the very week in which the Twentieth Century Fund had decided to release its two-year study of the perils and potentials of "presidential television."

If anything were needed to underscore the report's main point—that the country's prime medium of communication has been converted into a President's personal tool—Mr. Nixon's actions did it.

He decided on Tuesday that he wanted to

address the American people on Wednesday evening, and all three networks canceled their programming to accommodate him. He decided on Wednesday that he preferred to hold a televised press conference on Thursday evening, and once again the eyes and ears of the nation—the television audience—were ready for him. When the Mideast crisis caused the President to change his mind again, the networks adjusted their schedules and awaited their next summons from the Oval Office. It came Friday and, once more, the networks cleared their schedules for the President.

This is power. And the burden of the Twentieth Century Fund report, "Presidential Television," published in book form by Basic Books, is that television's unique availability to a President may well be distorting the constitutional system of checks and balances.

In some ways, this week's example is highly unusual. Mr. Nixon did his on-again, off-again flirtation with the networks at the low point of his presidency. But even in this adverse circumstance, he had an advantage that no one else possessed. He alone could summon the television cameras, at a time and place of his choosing, to communicate to a national audience his views, in exactly the format he wanted to use. And he alone could cancel his appearances when the time proved inconvenient.

Admittedly, Mr. Nixon was not the only participant in the week's dramas to hold forth at a televised press conference. Some of the networks also provided live coverage of the Saturday afternoon press conference of former Watergate prosecutor Archibald Cox, the Tuesday morning press conference of resigned Attorney General Elliot L. Richardson, and the Friday morning press conference of Secretary of State Kissinger. But it is important to note that they did so at their own discretion, judging these events newsworthy, and the networks that preferred to satisfy the football or soap opera audiences were free to do so.

It is even more important to note the parties to these crises who were not seen or heard on simultaneous, prime-time television. Although the Watergate controversy was a dispute involving the executive, the legislative and the judicial branches, no one was invited to appear before the public in a comparable format to express the views of the judiciary or the Congress.

Although it was, in the most fundamental sense, a political crisis, no one from the political opposition, the Democratic Party, was accorded a comparable national audience—through simultaneous, prime-time television—to comment on the President's remarks.

The question raised by the "Presidential Television" study is what this kind of imbalance—more flagrant in other instances than this week—does to the workings of our democracy.

The answer is that "television's impact . . . threatens to tilt the delicately balanced (constitutional) system in the direction of the President."

That judgment by the study's principal authors—former Federal Communications Commission chairman Newton N. Minow, attorney Lee M. Mitchell, and journalist-diplomat John Bartlow Martin—is amply backed by the evidence.

On one side, recent Presidents have made increasing use of the "ultimate communications weapon," prime-time, simultaneous telecasts. Mr. Nixon, in his first 18 months in office, went to the airwaves more often than his three predecessors combined in a comparable period.

On the other hand, members of Congress, leaders of the opposition party and advocates of divergent views have found themselves hobbled by judicial and administrative rulings in their quest for equal access to television.

The solution, the authors suggest, is not to restrict the President; whatever he wants to say deserves a hearing. The answer is to open up the television channels on a fair basis to others—particularly to Congress and the opposition party—and they provide a number of specific proposals for doing so.

This week offers the clearest example possible of why the problem of "presidential television" needs our urgent attention.

## SPACE WEEK IN MICHIGAN

### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. ESCH. Mr. Speaker, as a member of the House Science and Astronautics Committee and Representative of Michigan's Second District, I wish to call attention to the observance of Space Week in Michigan.

The following proclamation signed by Governor William G. Milliken reminds all of us that it was 15 years ago this month that the National Aeronautics and Space Administration was created. It is fitting that residents of Michigan should observe the week of October 21 as Space Week since so many Michigan citizens contributed to the success of the American space effort.

The proclamation follows:

SPACE WEEK IN MICHIGAN

The United States space program, dedicated to the peaceful exploration of space, directly and indirectly benefits such fields as astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of earth resources, weather forecasting, education and international relations.

It was 15 years ago this month that the National Aeronautics and Space Administration (NASA) was created; it has since provided the United States with scientific and technological leadership while cooperating with other organizations throughout the world for the peaceful exploration of space for the benefit of all mankind.

Thousands of Michigan citizens have contributed to the space effort. Michigan industry, colleges and universities were key participants in the manned flight program from Mercury to the epoch scientific explorations on the moon in Apollo.

Michigan workers and scientists continue this tradition in the present Skylab manned program as well as the unmanned NASA programs, especially those involving the study of earth resources and environment.

Therefore, I, William G. Milliken, Governor of the State of Michigan, declare the week of October 21–27, 1973, as Space Week in Michigan and call upon the people of the state to reflect upon what space exploration means to all of us, not only in terms of economics, but in terms of an improved world environment on the natural and political levels.

Given under my hand on this eighteenth day of October in the year of Our Lord one thousand nine hundred seventy-three and of the Commonwealth one hundred thirty-seventh.

WILLIAM G. MILLIKEN, *Governor.*

## TRIBUTE TO SCOTT REXINGER, PRESIDENT OF TOASTMASTER ON HIS RETIREMENT

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. McCLORY. Mr. Speaker, today one of the giants of the electrical industry will retire as president of the Toastmaster Division of the McGraw-Edison Co. located in Elgin, Ill., in my congressional district, after a career of over 40 years as a salesman and marketing executive.

Mr. Speaker, Scott C. Rexinger's career with Toastmaster began some 35 years ago as a territory sales representative. In 1966, he became president of Toastmaster. During Mr. Rexinger's executive years with Toastmaster, the company has grown from a toaster manufacturer only to a manufacturer of more than 200 electrical appliances for the home—all manufactured under the Toastmaster brand name.

Mr. Speaker, Mr. Rexinger is a well-known figure in the electrical appliance field, having made significant contributions to the growth, stability, and character of the electrical industry. In 1959, Mr. Rexinger was elected chairman of the electrical housewares section of the National Electrical Manufacturers Association. In 1966, he was chosen as chairman of the executive committee by the American Hardware Manufacturers Association, and served as chairman of that committee, being elected vice president in 1971, and president in 1972 of that national association.

Having served on the executive board for 3 years, Mr. Rexinger was elected a director in 1971, and chairman of the executive board in 1972 of the Association of Home Appliance Manufacturers.

In 1967, Mr. Rexinger was selected for the board of directors of the National Houseware Manufacturers Association; elected a member of the governing executive committee in 1971; and elected as vice president in 1973.

Mr. Speaker, while directing a phenomenal growth at Toastmaster, it was Mr. Rexinger's industry leadership that has been recognized among his industry peers. I understand, Mr. Speaker, that industry leaders are hard pressed to recall another man who has served as either president or chairman of all recognized, national electrical industry associations.

Mr. Rexinger is a graduate of the University of Chicago, where he was a championship tennis player, having twice won the big ten singles and doubles tennis conference. In all, he won six varsity letters—three in tennis and three in varsity basketball.

Married to the former Eleanor Black, the Scott Rexinger family consists of Scott C. Rexinger, Jr., who is a product manager with the Carnation Co., in Los Angeles, Calif., and Allan Rexinger, a recent graduate of Valparaiso, Ind., School of Law, and the legislative assistant in my congressional office.

In addition, Mr. Rexinger has served on the board of directors of the United Way of Elgin, founded the Elgin Tennis Club in 1961, and is currently a member of the International Club of Kiwanis.

Mr. Speaker, I am proud to honor today Scott C. Rexinger of the 13th Congressional District of Illinois—a true champion in sports, industry, and civic affairs.

## HISTORIC AND DRAMATIC DEVELOPMENTS

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, I include my recent newsletter, Capitol Comments, in the appendix of the RECORD, as follows:

HISTORIC AND DRAMATIC DEVELOPMENTS

(Capitol Comments, by Hon. JOE L. EVINS)

This was a week to remember as the currents of history swept at flood tide through the Capitol City and the world.

The Agnew scandal exploded—the Mideast War erupted—the Watergate case came to life again with two major decisions—and it became obvious that another energy crisis for the winter threatens the Nation.

Shock waves reverberated throughout the government and the Nation as Vice President Agnew suddenly resigned, pleaded no contest to income tax evasion and was given a three-year probationary sentence and fined $10,000. Two days later, on Friday night, the President announced the nomination of Representative Gerald R. Ford of Michigan, minority leader of the House, to succeed Agnew as Vice President for the remainder of the President's term.

On that same night a United States Appeals Court, by a 5–2 margin, ruled that the Watergate grand jury was entitled to any relevant material on the tape recordings made of Presidential conversations at the White House related to its criminal investigation.

"He is not above the law's commands", the Court said, referring to the President who has opposed the release of the tapes on the grounds that the release would violate executive privilege and confidentiality. The White House will appeal the ruling to the United States Supreme Court.

Later in the week the Federal Court in Washington rejected the Senate Watergate Committee's demands for aecess to the secret tapes, asserting the Court had no jurisdiction to entertain a lawsuit by Congress against the President.

Congress must plow new ground in acting on the nomination of Representative Ford as Vice President, as this is the first time the 25th Amendment, approved in 1967, has ever been employed.

The amendment provides that when a vacancy occurs in the office of Vice President, the President shall nominate a successor and he must be confirmed by both Houses of the Congress.

By not naming Governor Nelson Rockefeller of New York—a liberal—or Governor Ronald Reagan of California—a conservative—the President avoided a party split on philosophical grounds.

The President had reportedly leaned toward nomination of John Connally of Texas, who recently switched from the Democratic to the Republican Party. However, the indications were that Connally would encounter strong opposition in the Congress.

The President turned to a team-player, popular Gerald Ford of Michigan, a former football star, who carries the ball for the President on issues in the House.

Congressman Ford has made it clear that he will not be a candidate for President, so he will assume the role of a caretaker Vice President when his nomination is approved—possibly within four to six weeks.

Congress will navigate uncharted procedural territory as it evaluates the President's nominee since there is no precedent that may be used for guidance. It has been decided that the Judiciary Committee of the House and the Rules Committee of the Senate will conduct confirmation hearings.

It is understood that thorough investigations will be conducted to avoid any further embarrassments as the Congress carries out its duties and responsibilities.

Extensive investigations are reportedly being conducted by the FBI, Internal Revenue Service, General Accounting Office and the U.S. Public Health Service, the latter with respect to Congressman Ford's health and physical condition.

Concurrent with the crisis in Washington came the crisis in the Mideast with the Israeli-Arab war flaming again, threatening the relations between the United States and Russia—as the United States is supplying military aid and assistance to the Israelis and the Soviets are supplying aid to the Arab nations. These events may result in shortages of heating fuel and gasoline as Arab nations threaten to cut off supplies to the United States.

This has been truly a week of historic and dramatic developments.

## PROTECTING THE SPECIAL PROSECUTOR FROM CONSTITUTIONAL CHALLENGE

### HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. COHEN. Mr. Speaker, President Nixon in a recent statement to the press and public indicated that the Acting Attorney General will name a new special prosecutor who will have the full cooperation of the White House, but who will not have the full range of powers or independence previously vested in Archibald Cox. Clearly, such a proposal will not be acceptable to Congress or the country.

The need for a special prosecutor whose independence cannot be intruded upon by the body that is the subject of investigation can no longer be a matter of legitimate debate. The question now must be: How can the objective of reestablishing the Office of Special Prosecutor be achieved most expeditiously and in a manner that will survive constitutional attack?

The most popular method suggested is for the appointment to be made by Chief Judge Sirica of the U.S. District Court for the District of Columbia. While there appears to be support for this procedure under article II, section II, clause 2 of the Constitution, it is nevertheless subject to constitutional question. While we cannot predict whether such a bill would be vetoed, or overridden if vetoed, we would in any event run the risk that any indictments returned against those individuals under investigation would be rendered void if the congressional act subsequently is declared to be unconstitutional. This possibility was recognized by Mr. Cox during a nationwide telecast yesterday.

Mr. Cox, in fact, suggested an alternative similar to the proposal I introduced in the House last week. In sum, I believe that Congress should pass legislation that would provide for the Attorney General, who would be subject to confirmation by the Senate, to name a special prosecutor and pledge to do everything within his power to protect the independence of that individual in fulfilling the duties of the office. In addition, the special prosecutor should be subject to confirmation by the Senate. Surely, the Senate would not confirm either an Attorney General or a special prosecutor unless it were satisfied that both nominees possessed the character, competence, and commitment to pursue the paths of justice without regard to where or how high they might lead.

While it might be argued that we merely would be restoring the status quo with the old guidelines and guarantees, I would respectfully suggest that the old guidelines that were approved by former Attorney General Richardson and the Senate were entirely adequate prior to the President's action in firing Mr. Cox. Indeed, the very intrusion upon those guidelines and guarantees of independence precipitated a national revulsion which continues to shake the very foundations of our Government.

While the President would retain the power to dismiss the special prosecutor for "gross improprieties," we would have the added guarantee that the President would not be in a position to cross the Rubicon of public opinion a second time. Mr. Cox recently stated that, as a practical matter, the President simply could not afford to dismiss a second special prosecutor.

Mr. Speaker, I respectfully submit that a bill as outlined above would achieve the desired objective of establishing an office of special prosecutor through a congressional act that will guarantee complete independence and survive any attack in the courts.

## TAX REFORM AND SOCIAL SECURITY AMENDMENT TO PUBLIC DEBT BILL GIVEN GO AHEAD

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. VANIK. Mr. Speaker, the Rules Committee has granted a rulemaking in order a combined amendment on tax reform and social security during consideration of the public debt bill, H.R. 11104.

The tax reform portion of the amendment will raise $3 billion per year in revenues and will affect some 24,000 corporation returns and only 273,000 individual returns out of some 75 million individual returns.

The 7-percent increase in social security benefits will be effective January 1, 1974, and will be reflected in checks mailed February 1, 1974. The increase will aid 29 million beneficiaries. The amendment will provide the average retired worker an increase of $12, from $161 to $173 per month. The cost of the amendment will be $1.6 billion in fiscal year 1974 and $400 million in fiscal year 1975.

Because of the importance of this social security increase during this period of rampant inflation, I would like to enter in the RECORD at this point a table showing the general average benefits—under present law and under the 7-percent benefit increase amendment—to various classes of social security beneficiaries:

EFFECT OF 7-PERCENT SOCIAL SECURITY INCREASE

| | Under present law | Under 7-percent amendment |
|---|---|---|
| Average benefits: | | |
| Retired worker alone (no dependents) | $161.00 | $173.00 |
| Retired worker and aged wife, both receiving benefits | 275.00 | 296.00 |
| Disabled worker alone | 177.00 | 190.00 |
| Disabled worker, wife, and 1 or more children | 362.00 | 387.00 |
| Aged widow alone | 157.00 | 169.00 |
| Widowed mother and 2 children | 389.00 | 416.00 |
| All retired workers | 166.00 | 178.00 |
| All disabled workers | 183.00 | 195.00 |
| Maximum benefits for worker reaching 65 in 1974 | 274.50 | 293.90 |
| Maximum benefits for retired worker and aged wife, both receiving benefits | 411.90 | 441.00 |
| Minimum benefit for a retired worker | 84.50 | 90.50 |

## EDITORIAL SCORES PUBLIC SECTOR UNIONS

### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. ASHBROOK. Mr. Speaker, the September 22 edition of the Arizona Republic carried the following editorial regarding public sector unions. I believe that it forcefully presents the dangers implicit in the attempted unionization of the public sector. The editorial follows:

GOVERNMENT UNIONISM

There is grave danger of a "private government" controlling, at least indirectly, almost every policy, every big decision, every movement of the official government of the United States.

Such a government would deny government by the people, in many respects turning over public affairs to private organizations which through the medium of collective bargaining could strongly enforce or even decree budgetary policy and moves of the government in general.

This rapidly growing private government consists of what unionists call "Public Sector Unions." In other words, unions of public employees on all levels from street sweepers, school teachers, to highly trained technicians and non-elected officials possessed of ominous powers.

It's a movement comparatively new in the union concept, comparatively new in the ranks of many government agencies. But it's growing fast.

For instance, the largest AFL–CIO affiliate in the public sector (The American Federation of State, County and Municipal employes) had 9,737 members back in 1936 when it was first chartered in Wisconsin. Now it has 600,000 dues payers.

Presently some 50 per cent of all federal employees are union members and some 8.5 per cent of all state, county and municipal employees are in unions.

These figures and arguments about the dangers of public employe unionism come from the Nation Labor-Management Foundation, an organization that naturally has some one-sided views on the subject. Nevertheless, the organization's aims bring out correctly enough the danger of a government that eventually could be controlled politically and materially by its workers.

In their efforts to bring unionization to the public sector, public employe unions of all branches of government are heartily backing House Resolution 8677, the National Public Employe Relations Act. Hearings on the bill are on Sept. 27 and Oct. 4.

The public already has seen plenty of examples of the chaos created by just one comparatively small city or county union strike.

Within the next few years it is estimated that the government will employ 20 per cent of the nation's work force, most of them enforced members of unions. What happens then in the case of a major strike by a federal union?

It could be anarchy, not chaos.

## "PEACE WITH HONOR" MERELY RHETORIC

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BROWN of California. Mr. Speaker, in light of President Nixon's recent repeated claims that he has brought us a generation of "peace with honor," I think it should be publicly acknowledged that there is neither peace nor honor in South Vietnam today.

Since last January 28, when peace was declared and we withdrew our troops, a total of 48,151 Vietnamese have been killed in South Vietnam. That figure, released October 22, comes not from some radical or pacifist group, but rather from the Saigon government itself. A quick calculation reveals that, on the average, one Vietnamese has been killed every 8 minutes since the peace agreement took effect. That can hardly be considered peace.

The Thieu government is understandably less willing to give out precise figures on another group of casualties—those being held in South Vietnamese prisons, because of their opposition to the Saigon regime. But reports in such highly respected journals as Time, Newsweek, and the New York Times tell us that the number of political prisoners could be even larger than the number killed. I have spoken with former political prisoners who have been released from South Vietnamese prisons, and I am familiar with the mistreatment and torture practiced by the Saigon government. I am especially dismayed that the United States continues to subsidize these activities by various means, including the shipment of equipment and the training of personnel. Our strong support of the activities of Thieu's national police directly contradicts the provision of the Paris agreement—signed by the U.S. Secretary of State—which states that "advisers to all paramilitary organizations and the police force will be withdrawn" and that the United States would not "interfere in the internal affairs of South Vietnam." This is certainly something less than honor.

And so it is clear that Richard Nixon has brought us neither peace nor honor in Vietnam. The rhetoric cannot hide the reality; he has failed us in this area, just as he has in so many other ways.

## TRIBUTE TO PABLO CASALS

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. YOUNG of Alaska. Mr. Speaker, I would like to join people all over the world in expressing my deep sorrow at the passing of one of our most gifted artists, Pablo Casals.

This man has contributed his life—97 years—not only to the expression of beauty in the form of music, but also to the cause of freedom in his rebellion against a dictatorship form of government. Casals has brought his wonderful talent with the cello and his abilities as a conductor to this country many times. Just this past May he appeared at the Kennedy Center here in Washington to honor the Organization of American States by conducting his arrangement for 40 celli of a Spanish Sardana and a movement from his oratorio "El Pesebre."

Many musicians as well as lovers of music have been inspired by his unique compositions. His music contains the elements of simplicity, enthusiasm, and style that have made the master cellist one of the world's greatest musicians.

His music is, I believe, a reflection of his own life. He said about himself:

I am a man first, an artist second. 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.

I have heard Pablo Casals many times, although I was not fortunate enough to see him perform. He is an example to us all, both in his contributions as a talented artist, a lover of beauty, a man of strong convictions, and was, in our own society with its youth culture, a tribute to nearly a century of highly creative, productive living. Mr. Casals was a man of rare talent—a performer, conductor, and composer who became well loved and honored during his own lifetime. I have tremendous admiration for the fine man and exceptional personality of Pablo Casals and wish to pay tribute, today, to a truly great man.

## GRAIN SHIPPING PROBLEMS

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. ZWACH. Mr. Speaker, many of our country grain elevators are being forced out of business or suffer huge profit losses because they are unable to get railroad cars to move the grain they handle for the producers.

Worst of all, Government callups of stored grain at illogical times compounds this problem.

So that my colleagues can have an understanding of what these elevators are up against, with your permission, I would like to insert into the CONGRESSIONAL RECORD a letter on this problem, written by the LaSalle Farmers Grain Co. to Mr. George M. Stafford, Chairman of the Interstate Commerce Commission.

The letter follows:

LASALLE FARMERS GRAIN CO.,
*LaSalle, Minn., October 19, 1973.*

Mr. GEORGE M. STAFFORD,
*Chairman, Interstate Commerce Commission, Washington, D.C.*

DEAR SIR: We have a thriving and progressive grain, fertilizer, feed and seed business in the small town of La Salle, Minnesota, located on a branch line of the Chicago & Northwestern Transportation Company. The discriminatory practices of the railroad are making it increasingly difficult for us to operate our business and serve our farmer customers.

The export market has expanded tremendously the past twelve months. We made sales of several thousands of bushels of grain to be shipped to the Gulf in the spring of 1973. On January 8, 1973, we put in an order for box cars to cover our anticipated needs through August of 1973. On January 18, 1973, we received a Loading Order from Commodity Credit Corp. for 69,549 bushels of grain to be delivered immediately. In the spring of 1973 the Commodity Credit Corp. announced that there would be no resale of Government grain. This meant that 1969, 1970, 1971, and 1972 grain would have to move during the summer of 1973. We were in the position of having 900,000 bushels of grain in the elevator to ship with about that much more to come in from the country. The railroad furnished us five or six box cars per month plus twenty-three open gondolas in March.

All our requests for additional cars, and we wrote many letters and made many phone calls, did not bring us any box cars. We explored the possibility of Unit Trains, but we were told our track was not adequate for Jumbo Hoppers and they were the only type of car being used in Unit Trains. We shipped eight open gondolas loaded with Commodity Credit Corp. grain when they abruptly withdrew permission to load CCC grain in open hoppers. Finally in desperation we made a sale to a commission firm that could supply leased hoppers to move the grain. The seller is at a disadvantage in a situation like this but we had to move the grain. All the while we were getting hoppers we were trying to get box cars to take care of our prior commitments to the Gulf. The CNW all down the line kept telling us if we got leased hoppers we would not receive any boxcars.

In August we gave up hope of being able to ship our contracts to the Gulf and bought out of the contracts at an expense to us of $72,754.75.

We were supplied 189 hopper cars from the latter part of June until the first part of September. During this time we received fifteen boxcars and we also reloaded any car that was shipped in with feed or fertilizer in it that the railroad would permit us to load. The commission firm that was supplying hoppers to us can no longer furnish them because these cars had been diverted from the fertilizer industry and they demanded them back for the fall delivery of fertilizer.

Buying grain on the open market becomes difficult if all your competitors are shipping grain by Unit Train. Just this week it has come to our attention that our closest competitor is being supplied with both a Unit Train and several box cars. The car dispatcher in Minneapolis says the local agent is responsible. Our agent says he doesn't know who is responsible.

In spite of the volume of business we could supply the railroad if only we had the cars it seems their every effort is directed to eliminate our service completely. This is really ironic when we have always been a rail shipper of grain and elevators that have prior to this year moved their grain by truck are being supplied Unit Trains.

We are writing this letter to bring to your attention the problems we are facing in the movement of grain to market. We are hoping that presenting our side of the problem will create a new insight into the many difficulties the country elevator incurs in the shipment of grain by rail.

Yours truly,

WILLARD I. BUSSE, *Manager.*

## THE GREAT PROTEIN ROBBERY—NO. 11

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. STUDDS. Mr. Speaker, the International Commission for the Northwest Atlantic Fisheries—ICNAF—held a special meeting in Ottawa, Canada, October 15–19, to discuss the serious problem of overfishing in New England coastal waters. The fish stocks in these waters have been terribly depleted in the past 10 years by massive foreign fishing fleets using the most modern equipment and ecologically harmful techniques. The U.S. delegation in Ottawa, headed by Ambassador Donald McKernan, was able to negotiate an agreement that reduces the overall allowable catch for 1974 in New England waters approximately 25 percent from current levels—and reduces it further in the next 2 years. The agreement also bans bottom trawling in waters less than 40 fathoms deep by vessels over 145 feet in length for 6 months of the year.

I am pleased by these improvements in conservation measures, particularly since they are evidence of some attempt at long-range planning for our complex fisheries problems. But conservation measures mean nothing if they are easily circumvented or ignored. The ICNAF agreement, under which each nation is responsible for enforcing conservation measures with respect to its own fishermen simply does not work. There must be a single management and enforcement authority to strictly enforce the rules. Unless the United States takes on this job, there is a real danger that these conservation measures will be honored more in the breach than in their observance.

In addition to the tremendous need for full U.S. enforcement authority in the fisheries off our shores, it is essential that overall catch quotas be set low enough to allow for regeneration of fish stocks to previous levels, which the quotas agreed upon in Ottawa do not allow. The United States Government actively proposed this, but other governments at the ICNAF meeting seemed to be more interested in taking the fish this year than in instituting adequate conservation measures. While the ICNAF agreement does represent an improvement in conservation measures, it will by no means do the whole job.

I shall continue to press for passage of my bill, H.R. 8665, to extend our fisheries jurisdiction out to 200 miles from our shores. We must preserve the marine resources in our coastal waters as a valuable source of protein for all the hungry people of the world, and stop the "Great Protein Robbery" off our shores.

An article by Ken O. Botwright on the ICNAF meeting in Ottawa appeared in the October 21 Boston Globe follows:

FISHING PACT FALLS SHORT OF N.E. HOPES

(By Ken O. Botwright)

OTTAWA.—Leaders of the New England fishing industry complained yesterday that an international agreement signed here was not stringent enough to prevent the Soviet Union and other European nations from overfishing Georges Bank.

The fishermen also claimed the catch reduction decreed Friday by the 16-nation International Commission for Northwest Atlantic Fisheries (ICNAF) was too low to guarantee that fish stocks could reproduce faster than they were being caught.

They called on Congress to press for extension of the United States" territorial limit from 12 miles to protect both dwindling fish stocks and New England fishermen from foreign competition.

"In other words, the agreement was far from satisfactory," said T. A. Norris, executive vice president of Old Colony Trawler Corp. in Boston. He was one of 27 New England fishing industry representatives, government officials, legislators and scientists who attended a five-day special ICNAF meeting which ended here Friday.

The agreement reduced the overall annual catch on Georges Bank by 25 percent over three years. The 1974 catch must be limited to 923,900 metric tons—the 1973 catch should total about 1,188,000—reduced to 850,000 in 1975 and set at a 1976 level that will allow fish stocks to produce "the maximum sustainable yield."

In addition, the agreement banned bottom-fishing vessels longer than 145 feet from operating in less than 40 fathoms off New England between July 1 and Dec. 31 every year. The United States hopes this will force the giant foreign fleets to stop plundering the rich coastal fisheries just off southern Massachusetts.

The accord ended a deadlock between the United States, Russia and other Communist bloc nations that resulted from the failure of the annual ICNAF meeting in Copenhagen last June.

Norris, who headed a fishing industry advisory panel in Ottawa, said the agreement "reduced over-fishing but failed to end it." He said the fishing industry would have preferred the 800,000-ton overall catch limit recommended by an ICNAF scientific panel because this would have allowed for restoration of fish stocks.

To fully protect New England fishermen from competition by foreign fleets, Congress must pass a proposed 200-mile limit bill filed by Rep. Gerry Studds (D-Mass.) and Sen. Warren Magnuson (D-Wash.), he said.

Ambassador Donald F. McKernon, the US delegation chairman, called the agreement "a great step forward," but said the United States would have preferred a 30 percent overall catch reduction. He praised Russia for its cooperation, noted the Soviets had dropped opposition to below-decks inspection of their fishing vessels, and pointed up curtailment to compensate the United States and Canada, "which have suffered 50 percent catch losses in the past 10 years."

Soviet delegation chairman Alexei Volkov said his country, hardest hit under the proposed catch cutback, "agreed to bear these hardships because . . . conservation is our goal." He termed the Ottawa agreement "distasteful" and told reporters, Our fishermen will not applaud when I return home."

## DeSALES MEN PUT RELIGION TO WORK

### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. MAZZOLI. Mr. Speaker, at a time in our country's history when the emphasis is consistently on what has gone wrong with America, and negativism is the mood of the day, it is refreshing to see an example of a group of individuals who are concerned, not with condemning what is wrong, but in taking positive action to improve, not only themselves, but the lives of those around them.

Such a group of individuals is the junior class of DeSales High School in my home district of Louisville, Ky.

These young men, under the direction of Father Bernhard Bauerle, have been supplementing classroom religious instruction with a 1-day-a-week volunteer hour at local community schools, a hospital, and a nursing home.

This effort—to "get out and do something" rather than just "sit and talk about religion"—has received enthusiastic approval, both from the students and from those they serve in the community.

For the benefit of our colleagues, I am inserting a copy of an article which appeared in the Louisville archidiocesan paper, the Record, about the DeSales project.

The article follows:

PRACTICING RELIGION, JUNIOR RELIGION CLASSES SERVE SOUTH LOUISVILLE

(By Louis Alexander)

The boys in the junior religion classes at DeSales High School say they are taught in their religion classes to help other people. And once a week they get a chance to put it into practice.

The youths do so by working as volunteers at SS. Mary and Elizabeth Hospital, the Christopher South Nursing Home and in five parish schools near DeSales in south Louisville.

About 75 students—one-half of the junior class—are working in the school's social service program, which is in its second year. The remainder of the junior class will have community service projects during the second half of the school year.

The students spend about one hour each Thursday morning, during the time usually taken by their religion classes, as volunteer workers. Classroom instruction in religion given on other days of the week.

In the five schools—Our Lady of Mt. Carmel, SS. Simon and Jude, Holy Name, St. John Vianney and St. Thomas More—the students conduct physical education classes and tutor students who need special help in mathematics and English.

At SS. Mary and Elizabeth they have a number of jobs. They deliver messages, take a library cart around to patients' rooms, take patients who are being dismissed from the hospital from their rooms to the front entrance, and take patients to and from the physical therapy department.

The students who are volunteers at the hospital like what they are doing. Bill Saffran explained, "In other religion classes you just sit and talk about religion. In this one you get out and do something."

Blanchard Robinson II has a dual purpose for serving as a volunteer in the hospital. "I want to be a doctor," he said,, "and this gives me good practical experience and it does go along with our religion program."

Mark Baum said he is glad he is a volunteer at the hospital rather than in one of the grade schools. "I just think I'm a lot more useful here," he said. Baum has carried the idea of "helping people" beyond his volunteer service at the hospital. He explained that he has helped a neighbor paint his house and has helped some Boy Scouts with a project because of what he has learned in religion classes.

Dominican Sister Linda Ann Gahafer, principal at SS. Simon and Jude School, thinks her students benefit from the work the DeSales volunteers do in the school. The grade school students look forward to having the boys come each week, she said.

Each Thursday, she said, some of the volunteers take one class at the school for a physical education period and "work on organized games and sports." Others provide individual instruction to students needing tutoring.

The social service program, Sister Linda Ann said, "gives the boys a chance to practice their service to the community" and at the same time "benefits our school."

For some of the residents of the Christopher South Nursing Home, 4300 Hazelwood Ave., the visits of the DeSales volunteers are the highlight of the week, said Mrs. Frieda Parker, staff member at the home. "Some have no visitors at all, except for the DeSales boys."

When the boys come to the home, she said, they "take patients outside in wheelchairs, play cards with them and sometimes they just sit and talk." On a recent Thursday they brought a record player and played records and also decorated the home for a Halloween party.

There is one older woman at the home, Mrs. Parker said, "who just loves to get one of those boys by the arm and go for a walk."

The students seem to enjoy their visits, Mrs. Parker said, and they are not at all bashful about working with the patients.

They are also very conscientious, she said. One of the boys who cannot visit the home because of a scheduling conflict contacted Mrs. Parker and requested the names of some residents who get no mail or visitors. He writes them once a week.

Carmelite Father Bernhard Bauerle, director of the religion program at DeSales High School, is pleased with the effect the community service program has on the students. "They seem to approach religion a little more enthusiastically" than students in a regular classroom would, he said.

Quite a number of the students have asked if the program could be expanded, and "that's about the most positive thing I've heard so far," he said.

## CONSUMER PROTECTION AGENCY AND GOVERNMENT AGENCY

### HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BROWN of Ohio. Mr. Speaker, a Government Operations Subcommittee on which I serve has now completed hearings on three differing Consumer Protection Agency bills.

One of the most credible witnesses to appear before us was Prof. Harold C. Petrowitz who teaches administrative law at American University. Professor Petrowitz, also an acknowledged specialist in the esoteric field of government contracts, was recently cited by the Supreme Court as the Nation's leading expert in contract appeal issues.

Professor Petrowitz' testimony before us, therefore, was instructive on two levels—how the CPA bills fit into the current administrative law structure, and the effect of these bills upon government contracting.

Because the Consumer Protection Agency is the most far-reaching consumer proposal ever to be considered seriously by Congress, I am inserting in the RECORD Professor Petrowitz' prepared statement on this subject, together with a short supplemental statement which was requested of him by the subcommittee.

The material follows:

STATEMENT OF HAROLD C. PETROWITZ

INTRODUCTION

I appreciate this opportunity of appearing before this subcommittee to discuss proposed legislation for establishment of a Consumer Protection Agency which is being considered by the House of Representatives. I am a professor of law at The American University here in Washington specializing in the fields of administrative and anti-trust law.

As I stated in your counterpart subcommittee of the Senate, there appears to be a strong Congressional sentiment in favor of establishing a Consumer Protection Agency now. All three bills under consideration here would cast the CPA in the role of advocate of consumer interests rather than in a regulatory capacity. This commitment has important consequences from the standpoint of a logical and orderly plan of integrating a CPA into the existing administrative structure.

There are three bills calling for the creation of a consumer protection agency presently being considered by this subcommittee. These bills are complex and differ widely in scope. I shall discuss some of their important points with the hope of adding to the subcommittee's understanding of this important legislation.

IMPACT OF A CPA ON THE FEDERAL PROCUREMENT PROCESS

My original involvement with the legislation concerned the effect that a consumer protection agency would have on the procurement processes of the federal government. This is an important problem because virtually everyone agrees that the introduction of an administrative mechanism that could paralyze government procurement would be highly undesirable and could even be catastrophic. Relatively little had been said about this problem prior to my testimony before the Senate subcommittees.

It is clear that H.R. 14, H.R. 21 and H.R. 564 would give a consumer protection agency

cognizance over many types of government contracts, particularly those "affecting" the interests of consumers. H.R. 14 would go the farthest in this respect since it would give the CPA full party status in all formal agency proceedings without exception. "Consumers" and "consumer interests" are somewhat restrictively defined in H.R. 21 and thus the cognizance over government contracts of a CPA created by this legislation would be slightly reduced but not eliminated. H.R. 564 excepts intelligence and security functions from coverage of the CPA, but many types of government contracts would still come within its cognizance.

H.R. 14 and H.R. 21 would also reverse the important decision of the Supreme Court in S and E Contractors v. United States by allowing the CPA to appeal to a court administrative decisions affecting government contracts.

I strongly recommend that this subcommittee give serious consideration as to the extent that the federal procurement process should be affected by a CPA. If government contracts are to be exempted from its coverage, this should be expressly stated in the legislation. If full exemption is not specified, specific guidelines regarding the extent of coverage should be stated.

WHAT SHOULD BE THE ROLE OF A CPA?

During the past few weeks I have listened to and read much of the testimony offered to this subcommittee concerning what a consumer protection agency should be and do. Your job in evaluating all of this testimony, much of it conflicting, is not an enviable one. I would like to submit a few suggestions based on administrative law theory and practice.

1. The proposed legislation for creation of a consumer protection agency will not—and cannot be expected to—cure all, or even a substantial number, of the problems affecting regulatory administrative agencies that have been discussed by witnesses before this subcommittee. The mere creation of a CPA cannot be regarded as a panacea. After all, it will be only one more in a family of over one hundred administrative agencies. Any sweeping change in the administrative process as we know it can come through a complete redesign of the existing structure. Present CPA legislation does not envisage any such change.

2. Proposed legislation looks toward the creation of a CPA as an *advocate* of consumer interests which would fit into the existing administrative structure. A scheme that would pit federal agency against federal agency and relegate to the courts much of the regulatory decision-making is not compatible with the existing administrative structure. Yet this is what would result from giving a CPA full party status in formal agency proceedings as proposed in H.R. 14 and to a lesser extent in H.R. 21. The "super amicus" status of a CPA as proposed in H.R. 564 is much better adapted to the existing structure. There is strong logic for allowing a CPA to grow in strength as does a tree—first a sapling, then branching into areas where strength is shown to be needed. A super-powered CPA is not the way to remedy deficiencies in existing regulatory agencies. This should be done by legislative reform of the specific agencies and by an effective program of legislative oversight.

3. Giving a CPA full party status in formal agency proceedings would create the highly undesirable likelihood of double prosecution in sanction oriented adjudication proceedings. This is a risk that those regulated by the Government should not have to assume. A role as "super amicus curiae" in formal agency proceedings and certain informal agency actions should give the CPA an adequate role in representing consumer interests without distorting the existing administrative structure beyond recognition. This means, of course, that CPA would not on its own be able to appeal the decision of another agency to the courts. The issue advanced by an advocate should properly be resolved at the administrative level and not in the courts. Super amicus status of the CPA would enable it to accomplish this objective.

4. The creation of a CPA with super agency status and the power to make unilateral demands on regulatory agencies would create havoc in the priorities, scheduling, work-load and expenditures of those agencies. The right of the CPA to request agency action and to receive a full explanation if such action is not taken should go far toward the solution of problems in this area.

5. If a CPA is given super-agency status, who will keep an eye on the CPA? We ought not to ignore Lord Acton's admonition regarding the corrupting effect of power.

6. I think a CPA should be able to participate as amicus curiae in certain informal agency activities. The problem is now to separate those activities where participation is useful from those where it is not. Commissioner Mary Gardner Jones in her testimony made a very good suggestion for working this problem out, one which I endorse. Legislative guidelines could also considerably alleviate these difficulties and minimize the risk of other affected parties.

7. It would be entirely appropriate to enable the CPA to intervene as amicus curiae in on-going court cases of a non-sanction type which involve the review of enforcement of federal agency action. This is provided for in section 103(c) of H.R. 564.

8. Acquisition of information by a CPA is a very important and sensitive part of its activity. The Freedom of Information Act can effectively govern information obtained from other Government agencies. Information from private sources is a much more difficult matter and great care must be taken to avoid unfairness or the posture of an acquisition. Only under the rarest and most exceptional circumstances should it be necessary for a CPA to acquire proprietary information.

9. Disclosure of information by a CPA is also a very sensitive area of activity. The safeguards that H.R. 564 would erect around disclosure of information appear to be well designed to prevent problems in this area. The fairness rules and private party indemnification provisions of H.R. 564 also have great merit and have my firm indorsement.

CONCLUSION

I suppose the approach one takes to the establishment of a consumer protection agency depends a great deal on personal philosophy and how government should operate. There is much experience and logic in support of a cautious approach when endeavoring to engraft a new agency onto the existing system. The concept of consumer representation by a special agency at the federal level is relatively new and entirely untried. Under these circumstances a cautious approach appears preferable to a block-busting approach. If after a trial period the CPA falls short or fails to live up to its legislative mandate, suitable statutory adjustments can be made.

This concludes my formal statement and I shall be pleased to answer any questions you may have.

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THE AMERICAN UNIVERSITY,
*Washington, D.C. October 23, 1973.*

HON. CHET HOLIFIELD,
*Subcommittee on Legislation and Military Operations, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: While appearing before your Subcommittee on Legislation and Military Operations October 10, I was asked to review my interpretation of H.R. 21 in regard to its applicability to government contracts and the scope and operation of its definition of "interest of consumers" and "consumer," and to offer suggestions as to how to exclude from Consumer Protection Agency advocacy certain government contracting activities. This responds to your request.

APPLICABILITY OF H.R. 21 TO GOVERNMENT CONTRACTS

Let me state, preliminarily, that I fear that this government contracts issue is in danger of becoming overemphasized. As I stated in my testimony, I have no doubt that the CPA will pay little attention to most Federal contracting situations, and my interest in the CPA concept goes far beyond this issue.

Having said this, however, the fact remains that all CPA bills before your Subcommittee would allow the CPA to exercise advocacy powers in Government contract activities which might affect consumers.

In preparing this response, I have reviewed Administrative Conference Chairman Antonin Scalia's testimony wherein he also interprets H.R. 21 as applying to Government contracting activities.

I have also reviewed my extended dialogue with Congressman Horton wherein we agreed that government contracting was covered by H.R. 21 (for example, Commodity Credit Corporation contracting), but disagreed over whether the CPA would find a consumer interest in some areas (for example, contracting for a Supersonic Transport, if such a project had been approved).

CONTRACTING AS AN AGENCY PROCEEDING

Subsection 204(a) of H.R. 21 gives the CPA a *right* to advocate consumer interests in any Federal agency proceeding "under" the provisions of chapter 5, title 5 of the United States Code.

I need not repeat here Chairman Scalia's explanation of how Federal agency contracting comes "under" 5 USC 551, the definitions section of the Administrative Procedure Act.

JUDICIAL REVIEW OF CONTRACTING

Subsection 204(d) of H.R. 21 gives the CPA an unmitigated *right* to seek judicial review of final actions arising out of proceedings in which it has fully intervened; that is, proceedings other than those primarily seeking to impose a fine, penalty or forfeiture. In addition, this subsection would allow the CPA to appeal actions arising out of proceedings where the CPA made no appearance, but subject to court findings which would probably be made on the strength of the CPA's complaint and its delegated expertise.

In both such situations, the CPA's right to appeal would only exist where "a right of judicial review is otherwise accorded by law." This has been explained by Chairman Holifield as meaning where other parties, such as a businessman, are accorded a right to appeal, the CPA has such a right. Such is the case in final actions relating to Government contracting. In addition, several witnesses have pointed to 5 USC 704 which provides that "final agency action for which there is no other adequate remedy in a court [is] subject to judicial review."

Thus, the CPA may appear in the proceeding, therefore it may appeal final contracting actions as of right, and, where the CPA has not appeared below, it may appeal with the court's proper finding. All of this because contractors may so appeal. This would, in effect, reverse S&E Contractors v. United States wherein the Supreme Court held that while contractors may appeal contract dispute clause decisions, another Government agency may not do so.

APPLICABILITY OF DEFINITIONS: CPA DISCRETIONARY RIGHTS

Under Subsection 204(a) of H.R. 21, of course, the CPA may advocate at the agency proceeding level where a prediction is made

that the result of that proceeding might substantially affect the interests of consumers and such interests might not be adequately protected unless the CPA intervenes or otherwise participates.

It should be noted that such a prediction to invoke a right is left to the sole discretion of the CPA—the forum agency may disagree with the CPA's conclusion, you and I may disagree, and consumers may disagree, but it will do anyone little good to do so.

Under subsection 204(d), the CPA need not make similar findings to appeal to the courts the results of any such proceeding in which it appeared as a full advocate. If the CPA appeals an action in which the CPA did not so appear, however, the court must affirmatively make findings very similar to those required of the CPA at the agency level.

DEFINITIONS OF "INTEREST OF CONSUMERS" AND "CONSUMER"

Everyone agrees that the definition of "interests of consumers" in subsection 304(5) of H.R. 21 is broad enough to encompass Government contracting. The question is whether the definition of "consumer" in subsection 304(4) of H.R. 21 operates to exclude such contracting.

My conclusion, based upon considerable review, is that the definition of "consumer" does not and should not so limit the CPA's advocacy.

First, as a matter of pure construction, the definition of "consumer" cannot so operate.

Remember that the term "interests of consumers" comes into operation as part of a discretionary prediction by the CPA or a court under these bills—they predict that the outcome of an action *might* affect such interests.

Congressman Horton noted that the word "consumers" appears on page 30, lines 22–23, in the definition of "interests of consumers," concluding thereby that the two definitions must be read together and when this is done government contracting of the type anicipated for an SST would be excluded.

I disagree, but we can easily test this theory by writing in the definition of "consumer" in H.R. 21 where that term appears in the definition of "interests of consumers," as follows (definition of "consumer" underscored):

"The term 'interest of consumers' means the cost, quality, purity, safety, durability, performance, effectiveness, dependability, and availability and adequacy of choice of goods and services offered or furnished to *any person who uses for personal, family or household purposes goods and services offered or furnished for a consideration.*"

The issues during the SST debate focused primarily on three areas—effects on consumers (air travellors), on the environment and economic feasibility. If a CPA had been in existence at that time, it is likely that it would have been asked to testify at the hearings on the SST proposal, as authorized under subsection 203(a) of H.R. 21. If the SST project had been approved, contract safety and performance specifications, new federal rules for airports and a host of other federal activities would legitimately be within the CPA's purview under H.R. 21, *if the CPA, in its discretion, chose to exercise its jurisdiction.*

Secondly, you cannot read the words "offered or furnished for a consideration" in the definition of "consumer" as meaning—"if a consumer does not usually buy the product or service himself, such a product or service is excluded." To put such a constraint on this definition, as suggested by Congressman Horton, would be to exclude baby food regulation from CPA jurisdiction or to exclude anti-trust actions where there is merely an effect on goods and services.

Thirdly, the definition of "consumer" does have an important role in this bill. It makes it clear that a consumer must be a human being, not a corporation or the Government. That is, the CPA will be protecting the ultimate recipients of goods and services in governmental actions which *affect those goods and services.*

FEDERAL CONTRACTING A LARGE AREA

Throughout our discussion I got the impression that those concerned about Government contracting being attacked by a CPA were thinking in terms of the "hardware" bought by the Government, particularly military purchases.

In point of fact, most Government contracting, in terms of volume, not money, probably has nothing to do with such hardware. For example, consumer groups of late have been very concerned over the Food and Drug Administration's contracts to scientific groups and laboratories for the safety testing of additives and colors. Consumer product testing occurs under contract in many agencies, and, indeed, H.R. 21 proposes that the CPA enter into such contracts under section 207. Expansion of coal leases by the Bureau of Land Management—in the name of the consumer—is currently being debated. Specifications for public housing projects under Department of Housing and Urban Development projects, bridge and national highway specifications, agreements concerning the railroads, and so on, come to mind quickly.

There is a substantial impact on consumer interests possible from all such situations. Whether the CPA would or should get involved, you have left up to the CPA in H.R. 21. And this is as it should be. But, granting such a wide discretionary scope to the CPA, I feel that you ought to pull back a little on the extraordinary powers proposed in H.R. 21, such as the right to seek judicial review and the other few areas of sensitivity outlined in my prepared statement.

EXCLUDING GOODS AND SERVICES FOR MILITARY PURPOSES

I was asked by Chairman Holifield to "submit us some language to consider that would keep this man [the CPA] from meddling [in] the F–14, F–15, the SST and the Boeing planes, and a few other things that are being bought by the government for military purposes."

This is an easy task if we limit our concern to procurement for military purposes. Section 203 of H.R. 564 by Congressmen Fuqua and Brown, the bill I primarily support, would accomplish this purpose.

I should note that my comments on the SST were not directed at its possible military uses, but at its commercial (consumer) uses. Therefore, if a similar air—or rail or sea—transport proposal comes before Congress and is adopted, I foresee a role for the CPA if it wishes to enter into the decisionmaking.

INTERRELATING "CONSUMER" AND "INTEREST OF CONSUMERS"

If you wish to interrelate more closely the definitions of "consumer" and "interest of consumers" in H.R. 21, this is also possible by striking the words "consumers" in line 22 and 23 of page 30 and inserting the words: "a person acting as a consumer."

This would apparently exclude free goods and services such as medical aid and perhaps food in certain situations, but it would do little more.

The definitions of "consumer" and "interest of consumer" are quite good as they stand. If you wish to limit the CPA's advocacy power, I would suggest that you do this directly in the substantive provisions of the bill.

I hope these comments will be useful. If there is anything else that I can do to assist in getting a responsible CPA bill enacted, please feel free to call on me.

Sincerely,

HAROLD C. PETROWITZ, *Professor of Law.*

## NORFOLK'S GOOD NEIGHBOR

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. WHITEHURST. Mr. Speaker, on November 15, a very sad event will take place in Norfolk, Va. Red Barrom is closing his gasoline station. Certainly, many gas stations open and close every year in this country, but Red's has been more than just a gasoline station; it has been a meeting place for friends and a community institution for more than a generation.

For this reason, I would like to insert at this point in the RECORD an article by Larry Bonko which appeared in the October 25, 1973, issue of the Ledger-Star in Norfolk. It is the kind of tribute that Red and Esther Barrom deserve. I am one of the many friends who will feel a deep sense of personal loss when Red's closes, because I taught at Old Dominion University, just across the street from that station, for 18 years, and I know from long personal experience the kind of real friend and good neighbor Red is. Norfolk just is not going to be quite the same after November 15.

The article follows:

[From the Norfolk (Va.) Ledger-Star Oct. 25, 1973]

TRIBUTE TO RED AND ESTHER BARROM

(By Larry Bonko)

These are the last days for the Francis M. (Red) Barrom all-in-one gas station, campus retreat, neighborhood meeting place, check-cashing service, polling precinct, magistrate's bench, official state inspection station, waltz revival and notary public.

After 33 years, Norfolk's Good Neighbor is going out of business.

Promptly at 5 p.m. on Nov. 15, F. M. Barrom will lock up for good at Barrom's Shell, 49th and Hampton in Norfolk.

Norfolk's Good Neighbor. That is how the Shell Oil Company described Red Barrom not many years ago. So, what we have here is a slice or irony. Barrom is giving up the lease on the station because he feels he has been embarrassed by the company which owns it. This is the same company which honored Barrom five years ago for "civic achievement".

NEEDS MORE GAS

Barrom needs 70,000 gallons of gas for his customers. Shell Oil's monthly quota is 50,000 gallons. "There is no way in the world I can operate like that and stay in business," said Barrom. "That's not treating me right. It means I can't treat my customers right. Rather than insult my customers, I'll close up". I have been trying to reach Shell officials for comment on this closing but I have had no luck.

When the tanks went dry last July, in the height of the fuel shortage, Barrom closed his doors for 7 days. In November, he will close for good. "It will be like leaving home," said Esther Barrom.

She has been her husband's business associate from the very beginning. Her style is to smile and ask, "How will you have your coffee?"

The Barroms have started to move things out of the station. Some of the furniture is gone and it is not as homely as it used to be. But the routine is the same as always. The other day, Barrom pumped gas, con-

sulted with the men who worked with him, cashed a bunch of checks for some students at Old Dominion University, notarized a few documents and talked with his friends.

He must have a million friends. When a friend and Red Barrom get together, the conversation goes something like this:

"Hello, brother. Hello, Red. How's everything, Red? Just like coffee that's been left out for too long, we're getting older and weaker all the time. There is more truth than poetry in that."

Barrom, 69, will soon go to work as Norfolk's chief magistrate. He played football in the old Dixie Pro League. Today, years later, he looks capable of surviving an afternoon of scrimmaging. Or a night on the dance floor.

Barrom has won more than 100 trophies in waltz contests. They talk dancing at Barrom's Shell.

A MUTUAL THING

People like Red Barrom. He likes people. People trust him. He trusts people. It's as simple as that. His customers have heard the man say many times, "I've never taken one penny illegally. I live and work by the Golden Rule. I have the nicest customers. God bless them. I mean the young people, too. In all the time we've cashed checks for the college boys and girls, we've never lost one dollar." Barrom's Shell is on the edge of the campus.

One of his friends, Trafton Robertson, said of Barrom, "He has been the father confessor to a whole generation of college kids. He's given a lot more than he'll ever get back."

Barrom is a member of many civic organizations. He is a Democratic committeeman who closes the garage on election day, converting it to a polling place. "I lose jobs but it's more important to me to make it as easy as possible for people to vote. People kid me about running a little country store here. But being friendly and nice to people has brought good results. To me, being a good neighbor is the only way to be."

From here on out, Red Barrom, your neighbors wish you the best. They will miss you like mad.

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## COLUMNIST JAMES RESTON EXPRESSES "VIEWPOINT ON THE TAPES CONTROVERSY"

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, the distinguished columnist of the New York Times, Mr. James Reston, in a recent column views in perspective the recent developments concerning the Watergate tapes and the dismissal or resignation of Special Prosecutor Archibald Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

Because of the interest of my colleagues and the American people in this matter, I place the column by Mr. Reston in the RECORD herewith.

The column follows:

THE TAPES BUY TIME

(By James Reston)

The one thing you have to say for Richard Nixon is that he knows when he is licked. Almost everything he always said he would never do—compromise with Moscow, recognize Peking, accept deficit financing, or be unfaithful to his promises—he has done. And he has done it again by releasing the Watergate tapes, which he said he would never release.

It was a clever move. He has retreated from one mess to another, but he has gained time. It will take weeks to get the tapes down on paper and to get a new team to take over the prosecution at the Justice Department, but meanwhile, he has gotten rid of Archibald Cox, the "independent" prosecutor, which was probably his objective, and he has postponed—though he has not avoided—a critical battle with both the courts and the Congress.

The President was in terrible trouble before he switched and agreed to let the tapes go to the courts. He judged Archibald Cox well enough. He gave Cox a dishonorable order he knew Cox wouldn't accept, and he was right.

But the President misjudged Atty. Gen. Richardson, and Deputy Atty. Gen. Ruckelshaus. He appealed to Richardson to concentrate on the Middle East crisis, and stay on even if Cox disappeared.

The White House didn't even give Richardson time to respond to the President's order to fire Cox. Gen. Alexander Haig called Richardson at 7 o'clock last Saturday night and told him the President was sending him a message, which seemed to call for an answer from Richardson, but while the attorney general was trying to draft a reply. the White House put out its announcement that Cox was fired.

Then the White House turned to Ruckelshaus to fire Cox, and Haig not only told him this was an order from "the commander in chief" but appealed to him on patriotic grounds to carry out the order. Ruckelshaus, according to his associates, replied that patriotism was not the same as obedience, that in his mind it was sometimes the opposite, and that he would not comply. So he was fired.

Meanwhile, Richardson appealed to the President's aides and lawyers to consider what the reaction would be in Congress and in the country if they fired Cox for carrying out the independent prosecution he was promised by the President and the attorney general, but his appeals were rejected.

It is interesting and significant that during those critical five days when Richardson was negotiating with the White House staff, and warning them not to fire Cox or force his own resignation, the President never discussed the problem personally with his own attorney general, until the very end when it was clear that the President was determined to get rid of Cox. Only then, when Richardson said he would resign if Cox was fired, did the President agree to see him.

It was a typical, bold, and desperate Nixon play, but this time it didn't work. Public reaction went against the President.

Accordingly, the President was confronted with precisely the power struggle he had sought to avoid. The Congress was proceeding toward impeachment proceedings in the House. The unions were demanding his dismissal from the presidency. More important, the old Republican establishment, led by the leaders of the bar, was denouncing the dismissal of Cox and the resignation of Richardson.

Facing all this, and the prospect that the controversy would go back into the streets if he defied the courts and the Congress, the President agreed to hand over the tapes. This will avoid the clash for a time but not for long.

For once he has admitted the tapes to evidence in the courts, it will be hard for him to exclude other relevant documents, or to argue against another special prosecutor. He is rid of Cox for the moment, but, not of prosecution. He has saved his skin, but not his honor.

Ironically, he chose to challenge in this latest of his political crises three men—Cox, Richardson and Ruckelshaus—who had become the most attractive and articulate symbols of objectivity and probity in his administration. And in the process, he lost all three.

This has shocked Washington more than anything since the Watergate burglary, and while he now has time to try to sort things out, he has affronted his own most loyal supporters and even his own Cabinet, and raised the most serious questions about his moral authority to govern over the next three years.

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## WATERGATE AND A DANGEROUS WORLD

### HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. ARENDS. Mr. Speaker, in an editorial on Sunday, October 28, the Washington, D.C., Star-News offered some sound advice to the Nation. For those who may have missed it, the editorial follows:

WATERGATE AND A DANGEROUS WORLD

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sunk in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time ada-

mantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more *gravitas* in the treatment of the President of the United States. There has been far too much slander, innuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insofar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot-eyed critics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

## SUPPORT OF S. 2282

### HON. DAVID N. HENDERSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HENDERSON. Mr. Speaker, it is a distinct honor to support S. 2282, which provides for the New Hope Dam on the Cape Fear River in North Carolina to be named the B. Everett Jordan Dam.

In the first place, the dam is in that part of the State of North Carolina where the Senator was born. As the crow flies, the site of the dam is less than 50 miles from Ramseur, where he was born, and from Saxapahaw, where he has lived all his life.

But what makes this more fitting is that no one in the modern history of our State has worked harder or more successfully to obtain needed public works projects for North Carolina.

As a ranking member of the Senate Public Works Committee, Everett Jordan was unflagging in his support of navigation and beach erosion projects on our coast, and flood control projects on inland rivers and streams.

For years, as North Carolina's only member of the House Public Works Committee, I have met many times in the Senator's Capitol office with him, State officials from North Carolina, representatives from the U.S. Army Corps of Engineers and others to help resolve problems and conflicts which have arisen in connection with these projects.

Able as he was as a legislator, Everett Jordan, during his distinguished service in the Senate, was much more than a legislator. Where public works projects are concerned, getting enabling legislation passed is often just the beginning. Somebody has described it as a hunting license for funds.

The Senator knew how to get the funds. And he knew how to help those involved work out tedious details as they were encountered. Many times, I have seen and heard local officials come away from those meetings shaking their heads in amazement at the manner in which the Senator could discuss local projects with the engineers and other officials in intimate detail.

There are other people entitled to a lot of credit for the New Hope Dam. One is my good friend and former colleague here in the House, Alton Lennon, who plugged for the project against formidable odds and was the workhorse in the House responsible for our success on this side of Capitol Hill where this particular project is concerned.

But I am sure he would agree with me, if he were here today, that it is imminently appropriate that we name this structure for a man both he and I have known and worked with and loved for many years, B. Everett Jordan.

## STALLING ON FORD IS IRRESPONSIBLE

### HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BAKER. Mr. Speaker, those of us who have been calling for expeditious handling of the confirmation of the President's nomination of the Hon. GERALD FORD to be Vice President will be solidly behind columnist William F. Buckley, Jr., who asks some searching questions of the Democratic leadership in his column, "Stalling on Ford Is Irresponsible," which appeared in the October 28th edition of the Washington Star-News.

With the thought that our leaders on the other side of the aisle will consider these questions and resolve to put partisan politics aside, I respectfully direct their attention to Mr. Buckley's column and add my voice to the point of view he expresses and condensed in the column's headline: "Stalling on Ford Is Irresponsible." The column follows:

STALLING ON FORD IS IRRESPONSIBLE

(By William F. Buckley, Jr.)

The furious response to Mr. Nixon's manipulations of last weekend has had curious consequences, some of them at best childish, at worst masochistic. Congressional leaders who denounce Mr. Nixon (not without reason, in some cases) for subordinating the public interest to his own, talked about impeachment flirtatiously. Then, when Mr. Nixon yielded on the matter of the tapes (Mr. Nixon always, repeat always, recognizes a superior force on the few occasions he has run into one), they consolidated their resentment of him by resolving: not to confirm Gerald Ford as vice president of the United States.

If one reaches for an explanation for this line of reasoning one is baffled. What is the Democratic leadership saying?

That anyone named by Nixon is, by act of having been named by him, contaminated? Surely that is an extreme position, most easily penetrated by the argument of *reductio ad absurdum*. If Nixon were to name Ralph Nader as vice president, would they really conclude that Ralph Nader has suddenly been corrupted by the appointment?

Is it the actual nomination of Gerald Ford that offends these Democratic leaders? If so, then one wonders: what has Gerald Ford done in the last ten days to abate the enthusiasm shown over his designation at the time it was done? So far as the public is aware, Mr. Ford has not, during the past fortnight, accepted a bribe, suborned perjury, or abandoned his family. Mr. Ford is being investigated most rigorously by the FBI—much more rigorously, one hazards the guess,

than the FBI would be invited to investigate down the line of presidential successors who, if one skips the vice president, are as it happens Democrats. If the champions of deferred confirmation are suggesting that they have discovered a great weakness in Mr. Ford, why don't they tell us what it is? Because they haven't discovered a great weakness in Mr. Ford.

It is a form of punishment they seek? Surely it is a high form of petulance to suggest that the Congress can punish President Nixon by denying him a vice president? The vice president isn't a valet who is personally useful to the president. As a matter of fact there are more presidents in United States history who would willingly have done without a vice president, than there are presidents who have made great use of their vice presidents.

As far as Mr. Nixon is personally concerned, he would probably be delighted not to have a vice president to distract him from his multifarious concerns. To deprive the President of a vice president isn't like saying he can't have his limousine.

Is the Democratic leadership attempting to out-trick Dick? The suggestion that this is the real meaning of the strange reaction is certainly cynical, and improbably correct. If Mr. Nixon should resign or be impeached, then we all know that as matters now stand, a Democrat would succeed him in the White House. This, as has been pointed out, would be to deny the mandate of the public as delivered resoundingly last fall. It is inconceivable that the Democratic leadership, in the name of restoring integrity to the United States Government, would attempt to pull off anything quite this brazen. Such a maneuver would have embarrassed General Trujillo: and probably, so long as there is an unconfirmed vice president, any move for impeachment would fail—for that reason alone.

We are left then wondering: shouldn't the criticism of Mr. Nixon accelerate, rather than diminish, Congress's concern to confirm a possible successor? Isn't this, really, the first order of business? And is anything Mr. Nixon has done, his tortuous resistance to Watergate, the equal of the irresponsibility of those who leave us without a vice president, in this season of great hazard? It is hard to take seriously any moral disdain for Mr. Nixon expressed by anyone who has a hand in delaying the confirmation of Mr. Ford.

## PEACE IN THE MIDDLE EAST

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. GILMAN. Mr. Speaker, the cessation of hostilities in the Middle East is welcome news to all people throughout the world. An immediate and lasting peace in that volatile part of the world is paramount. Our Nation can be proud of its effective efforts in seeking this peace.

I particularly commend our newly appointed Secretary of State, Dr. Henry Kissinger, whose painstaking diplomatic negotiations with other world powers greatly enhanced the positive action taken by the United Nations Security Council.

Mr. Speaker, our Nation has acted responsibly throughout these hostilities. I was particularly pleased by the President's staunch support of our Nation's commitment to Israel despite the lack of help from any other nation.

It was reassuring to have more than 220 of my colleagues join with me in cosponsoring a resolution supporting the President's efforts to maintain Israel's strength by providing military equipment necessary to repel the aggressors and to offset the supplies that were being furnished them by the Soviet Union.

It is incumbent upon free nations throughout the world to come to the aid of any nation defending itself in the fight to maintain its freedom and sovereignty.

It is hoped that our Nation's efforts to foster a spirit of negotiation will result in bringing about a lasting peace in the Middle East.

## CONGRESSMAN GARNER SHRIVER HONORED BY HIS CONSTITUENTS

### HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. SEBELIUS. Mr. Speaker, last week the supporters and constituents of our distinguished colleague, Congressman GARNER SHRIVER, of the Fourth Congressional District of Kansas, honored him at a reception dinner in his hometown of Wichita on the occasion of his 25th year of legislative service at the State and Federal levels.

More than 1,000 people attended this salute. They came from all over Kansas to honor this man who has dedicated himself to public service.

Congressman SHRIVER has been a valuable member of this body for nearly 13 years and prior to coming to Congress he served 4 years in the Kansas House of Representatives and 8 years in the State senate.

At a time when many people have come to question our political system and those who govern, it was especially significant and a high tribute to GARNER SHRIVER's integrity, sincerity, and ability that so many paused to honor him on this occasion.

Our former colleague and friend, Melvin R. Laird, Counselor to the President for Domestic Affairs, was the featured speaker. In his remarks, Mr. Laird cited GARNER'S commitment and important contributions to health, education, and welfare programs as a member of the HEW Appropriations Subcommittee. He also pointed to Congressman SHRIVER'S leadership in this Nation's efforts to move to an All-Volunteer Army and bringing an end to the draft.

Another friend of Congressman SHRIVER who participated in this deserved testimonial was Frank Carlson, former Governor of Kansas and former U.S. Senator. He traced GARNER'S leadership in the Kansas Legislature in the passage of vital mental health legislation and the first program of State aid to elementary and secondary schools.

Other speakers included Paul R. Wunsch, a former State senator and now a member of the Kansas State Board of Regents; State Representative Richard A. Walker, who formerly served as a congressional intern in Congressman SHRIVER'S office; Mrs. Evelyn Whitcomb, a member of the Wichita Board of Education; and William J. Wertz, former State supreme court justice.

Those of us who have worked with GARNER SHRIVER and have come to respect him recognize that he has earned the confidence of his constituents because he loves people, he listens to them, he works hard to help them in their problems, and he tries to do the best job possible in making fair decisions on the difficult legislation which comes before the House.

It is a privilege to join in congratulating my colleague, who we recognize as the dean of the Kansas delegation in the House, on this important anniversary and to wish for him many more years of public service to his district, our State and Nation.

## A DECADE OF PROGRESS

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. FUQUA. Mr. Speaker, the distinguished gentleman from Texas, the chairman of the Committee on Science and Astronautics, Mr. TEAGUE, has long been a strong advocate of research and development programs which support the technology so necessary to the well-being of the American people. The latest issue of Vectors magazine carries a brief article by the distinguished chairman of the Committee on Science and Astronautics highlighting the importance of satellite communication derived from our national space program which provides the research and development essential to adequate international communications technology. I commend this important article to the reading of all Members of the Congress and the general public:

A DECADE OF PROGRESS

"Live via satellite" has become so commonplace on our television screens that we have come to take for granted all that phrase implies. People now observe, in real time, historical events taking place half-way around the globe, and the system performs so flawlessly it is hard to remember when such a thing was impossible; indeed, except for a few dreamers the idea was once unthinkable.

Yet, it was only about a decade ago when the earliest experimental communications satellites were launched. In 1962, Telstar and Relay confirmed that artificial satellites could provide reliable intercontinental communications, and the same year Congress passed the Communications Satellite Act of 1962.

In 1963, Syncom proved that satellites in geosynchronous orbit offered such overwhelming advantages for all types of communications, including voice, that the lively arguments in favor of a system of satellites in lower orbits were quickly laid to rest.

The International Telecommunications Satellite Consortium (Intelsat) was established in 1964, managed by the successful U.S. Comsat Corporation. In the eight years that followed a global operational network has come into being with 83 member nations and more than 80 earth station anten-

nas in operation. For successively, more capacious, efficient, and reliable generations of satellites have been developed and launched, and the latest models have a capacity of up to 5000 two-way voice channels or 12 television channels. Three Intelsat IV satellites provide service across the Atlantic Ocean, while a fourth is stationed over the Pacific and a fifth over the Indian Ocean.

American businessmen now phone their counterparts in Europe routinely without knowing whether their voices are being carried by submarine cables or satellites. What they do know is that the cost of those telephone calls has been cut almost in half during the past three years because of the effectiveness of the satellite circuits. And because of the flexibility of satellite service, many previously isolated places are easily reached today.

The communications satellite network also has become important to the world economy in other ways. More than $400 million of capital investment has been made just in the space segment of the system, while close to $700 million has been invested in the construction of more than 65 earth stations around the world. Domestically, annual U.S. industry revenues from Intelsat activities currently average $200 million, while cumulative U.S. industry revenues have exceeded $1.15 billion since the beginning of commercial satellite service.

Truly, we have had a decade of dramatic progress in space communications. What about the future?

Experiments using communications satellites for education and health care in remote and sparsely populated areas are already underway.

Perhaps the greatest potential of communications satellites will prove to be in the field of education. Schools located far from the great cultural centers of the nation will some day have television access, through satellites, to the best minds in the academic world, to the best libraries, and to the latest teaching techniques.

While we look upon television today primarily as entertainment, the time may not be far off when it will be considered one of our most important educational tools.

Health care in remote and sparsely populated regions also can be vastly improved through advances in communications satellite systems. Small country hospitals will some day have quick access to assistance from the most medical centers. Rural physicians will be able to conduct consultations with specialists located hundreds of miles away by using two-way television conferencing. Medical diagnosis and treatment in rural areas will thus be improved in quality and effectiveness.

Finally, specialized communications satellites for reliable telecommunications to the world's merchant marine will soon improve the efficiency and safety of the great shipping fleets, while similar satellite systems are on the horizon for air-traffic control to make the airways safer.

Space age technology has already transformed our world; it has shrunk the globe, brought nations and people closer together. Imagine what another decade of progress will bring!

## IN SUPPORT OF THE SO-CALLED VITAMIN BILL

### HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. EDWARDS of Alabama. Mr. Speaker, I will be testifying this week in favor of the so-called vitamin bill. I urge every Member of Congress to consider this issue and work to support my bill, H.R. 7474, the Hosmer bill, H.R. 643, and other similar bills. I submit my testimony at this time for the consideration of my colleagues:

Mr. Chairman, members of the Committee, I am appearing today to testify in favor of my bill, H.R. 7474, the Food Supplement Amendment of 1973.

Many witnesses are testifying at length on this subject, so my remarks will be brief but I hope to the point. Many of my constituents have contacted me about this matter, and in a large sense, my remarks are based on the good points which my constituents have raised about this matter.

The purpose of H.R. 7474 is to prevent the Food and Drug Administration from unreasonably intruding into the standards of identity, limits, and claims on vitamin and health food products and otherwise affecting the content of vitamin-mineral preparations and other types of food supplements. The bill states that the FDA shall not limit the potency, combination, amount, or variety of any synthetic or natural vitamin, mineral, or ingredient of any food supplement unless the substance is intrinsically injurious to health.

Mr. Chairman, my constituents feel, and rightly so, that they have the right of self-determination in matters of health. They do not feel, again rightly so, that the FDA or any other governmental arm should dictate policy to them in matters of food, water, and medical care when those matters affect them as individuals and do not affect the public welfare.

The Congress should work to minimize governmental intrusion into the private lives of Americans, and H.R. 7474, H.R. 643, and other similar bills provide us with an opportunity to move closer to that goal.

## HISTORIAN SAYS A CONSERVATIVE BETRAYS HIS CAUSE

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. EVINS of Tennessee. Mr. Speaker, the respected historian, Mr. Theodore H. White, in a recent column in Newsweek magazine discusses with deep regret the fall of Vice President Spiro Agnew.

Mr. White takes the position that Mr. Agnew was one of the most eloquent conservatives in contemporary political history and that his loss has damaged the conservative cause for some time to come.

Because of the interest of my colleagues and the American people in this unfortunate situation, I place the column by Mr. White in the RECORD herewith.

The column follows:

A CONSERVATIVE BETRAYS HIS CAUSE

(By Theodore H. White)

Of all the absurdities of American politics, none is more absurd than the choosing of a Vice President.

From Truman to Agnew—through Barkley, Nixon, Johnson and Humphrey—all have been imposed on politics in the turmoil of conventions, either by Executive fiat, or the hasty compromise of exhausted factional leaders. And, though the country has been governed by such accidental men for fourteen of the past 28 years, each has been treated as a ceremonial figure of little consequence and no meaning.

Spiro T. Agnew was different. He was a man who finally gave the fossil office meaning—not as a figure of government, but as spokesman for one of the grand neglected causes of American history, the cause of American conservatives. And, thus, of all the crimes charged against him by the Justice Department, none can match in national importance his betrayal of that cause, for which he spoke so eloquently.

One must look back on history, beyond the mandate of 1972, to measure the hurt he has now inflicted on American politics. For generations, the conservative cause in America has been an impulse lacking either a respected voice or coherent philosophy. American history gives conservatives neither an honorable tradition nor great heroes. Where British Tories can look back on such men as Disraeli and Churchill who added glory to the empire and pride to Englishmen, American conservatives have had to reach all the way back past Calhoun to Hamilton to find a hero. The dull and tongueless men who paraded through American politics from Garfield through Harding and Hoover left us no more impressive descendants than Robert Taft, of starchy courage, and Barry Goldwater, of outraged integrity.

IMAGE OF A WATERSHED

The election of 1972 was thus—or so it appeared then—a watershed. For the first time since 1928, a conservative leadership appealed to the American people on clear issues—and won overwhelmingly. The conservatives, under Nixon, had read the mood of America better than the Democrats. They had read the times as signaling a halt in experimentation, a moment for curbs on power that affected the lives of common people.

The revelations of this spring and summer have profiled political tragedy. They have described a Nixon Administration, despite its creative historic achievement, as a conservative Administration worm-eaten by men who could not tell right from wrong.

The Americans had voted, in 1972, for a curb on power—in Vietnam, in their cities, in their schools. They had voted for "law-and-order," a civilized purpose. Then, all through the summer of 1973, they learned that what they had voted for was most abused by those who had promised it most solemnly. The first Attorney General of the Administration, it turned out, would be charged with violating the law he was sworn to uphold. The clean-cut young men who directed the mechanics of the Republican campaign were exposed as bungling knaves, as stupid as they were criminal. "My wounds save with the cold can not more ache," wrote Wilfred Owen of the men who held the line against adversity in Flanders in 1917; so might American conservatives have spoken until the unmasking of Spiro T. Agnew. But now, indeed, their wounds ache more.

OUT OF THE DARKLAND

Spiro T. Agnew was chosen on Thursday morning, Aug. 8, 1968, at the Hilton Plaza hotel in Miami Beach, only a few blocks north of the Doral Hotel on the ocean, where, four years later, the Democrats were to repeat absurdity in choosing Tom Eagleton. Agnew's name had been tossed up to the weary Republican candidate, Richard Nixon, after four long and inconclusive round-the-clock sessions of Nixon's counselors and party leaders. Southerners had vetoed all liberal candidates for the Vice Presidency—Lindsay, Percy, Hatfield. Northerners had vetoed all conservatives—Reagan, Tower, Bush, Baker. Nixon's personal choice had been Robert Finch, but Finch refused the honor. Nixon was left with a choice between two men whom his closest advisers called "the political eunuchs," both of whom had survived the elimination contest: John Volpe and Spiro Agnew. And Nixon chose Agnew.

Agnew, however, turned out to be anything but a political eunuch. He had a gift of rhetoric, an authentic cadence to his speech

which no other American conservative even approached. He had courage. He seemed, above all, intelligent and perceptive. He had come up in Maryland, out of suburbia, that darkland of American politics. Agnew understood and spoke for the emotions of homeowners, strivers, Middle Americans. His assault on the press, the most self-important power system in American life, was the most vivd public examination of its functioning by a political figure in recent years. Without doubt, after the mandate of 1972, Spiro Agnew was the leading candidate for the Presidency in 1976—a conservative with style.

And then he turned out to be a cheap, common crook—a man who accepted cash for a fix even as he sat is the Executive Office Building; an income-tax chiseler who put campaign contributions into his own pocket; a small-minded man who could not, in his own conscience, recognize cheating for what it is.

In doing so, he betrayed the conservative cause. A novelist may bring sympathy to this son of an immigrant family, hardened by the struggle to make a living, polluted by the radioactivity of money all around him, finally achieving the poise, the presence, the personality of a major man of state.

But a historian can bring no sympathy to Spiro Agnew.

There has come on us a turning point in the flood of American ideas; the mandate of 1972 accepted and welcomed it. The Liberal Idea, which had overborne American thinking in the previous fifteen years, would have been stronger, tougher, more fruitful had it been forced to examine the reality of the country once more in 1976; it is strong enough to have warranted decent opposition. Had Spiro Agnew—the publicly perceived Agnew of a few months ago—run in 1976, the country would have been the better for it. The political system would have been refreshed by real outspoken debate between an intelligent conservative force and an intelligent liberal resistance.

LOSING A CHOICE

Spiro Agnew, as the ablest spokesman of the conservative cause, has now and for some time to come deprived the country of this choice. No one else in our time who again uses the honorable words that Agnew so slickly mastered can speak them without arousing instant suspicion. No one who challenges the institutions he made his enemies—the press, the television networks, the great foundations, the universities—will be able to examine reasonably their power and their manner of using it. Far more than the scoundrels of Watergate, he has warped the structure of our politics. Almost as disastrously as Hoover's Depression hushed conservative voices for one generation, Agnew's felony may hush them for another. The conservatives deserved better than this.

(White is the author of "The Making of the President—1972.")

## THE NATIONAL GUARD AND ARMED FORCES RESERVE PROGRAM

### HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. CORMAN. Mr. Speaker, I was greatly pleased to learn that the president of a southern California based company has taken the initiative in encouraging his employees to participate in the National Guard and Armed Forces Reserve program. Also to be highly commended is his decision to grant leaves of absence to the employees without sacrifice of vacation time. I hope that other companies will follow the example set by Continental Airlines in this action.

With the end of American involvement in Vietnam I think all Americans hope that we are never called to arms again. However, the history of mankind and the realities of the world we live in demonstrate that the interests of peace cannot be promoted by laxity. The All-Volunteer Army can be maintained for only partial preparation should a future event become serious enough to force us into battle again. We have a viable alternative to conscription in the National Guard and Reserve programs.

Mr. Speaker, peace has to be waged with all our thought, energy, and courage each day and each year. I hope that all Americans recognize the benefit of strengthening our National Guard and Reserve units as a means of strengthening our commitment to the interests of peace.

## AFL–CIO AID TO ISRAEL, A POSSIBLE VIOLATION OF THE LOGAN ACT

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. RARICK. Mr. Speaker, many times organizations seeking to mold public opinion and motivate political action adopt positions which are so contradictory, that they have the effect of confusing each other.

Resolutions adopted by the American Federation of Labor—Congress of Industrial Organizations—AFL–CIO—at its 10th convention at Bal Harbor, Fla., this month are classic examples of such tangents by emotionally charged, well-meaning Americans. The AFL–CIO News heralded two convention resolutions as being made "to meet twin threats to democracy." The twin threats are identified as impeachment of President Nixon and a pledge of solidarity to Israel in the Middle East confrontation. The Laborites also urge: a tougher stand against the Soviets, criticism of the United States for bailing out the Kremlin, a boycott against apartheid by refusing to unload chrome from South Africa, as well as repeal of the Byrd amendment which allows U.S. importation of Rhodesian chrome and other strategic materials.

The inconsistencies to an outside observer are overwhelming. Since Richard Nixon has proven time and time again to be a "committed" friend of Israeli survival, demands for his ouster at this crucial time are impossible to reconcile with labor's pledged support for a foreign nation (Israel) at war.

In fact, informed Americans may wonder whether or not the action taken by Mr. Meany and the Federation's executive council in giving a $50,000 contribution from American labor to aid Israeli workers through HISTADRUT, the Israeli Confederation of Labor, is a possible violation of existing laws of our country, such as the Logan Act. For the benefit of our colleagues, I include the text of the Logan Act at this point.

As amended and enacted into positive law on June 25, 1948, as 18 U.S.C. 953, the Logan Act provides:

§ 953. *Private correspondence with foreign governments*

Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined not more than $5,000 or imprisoned not more than three years or both.

This section shall not abridge the right of a citizen to apply, himself or his agent to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. June 25, 1948, c. 645, 62 Stat. 744.

A direct contact of involvement must be considered as having occurred since the organizations own newspaper reports that the Israeli Primine Minster telephoned the AFL–CIO president in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Charges of Presidential law violations lose their credibility when national leaders of the importance of Mr. Meany take the law into their own hands, and work outside the legal framework of their own government to directly aid a foreign nation.

Another incongruity includes the demands to supply aircraft and equipment to Israel to offset Soviet military supplies to the Arab combatants. At the same time another resolution called for repeal of the Byrd amendment, which allows importation of chrome and other strategic materials from Rhodesia rather than relying on the only other alternative source of this critical material; that is, the Soviet Union. The ultimate combined effect of these resolutions, if successfully implemented, would be to force American manufacturers of aircraft and tanks to buy their chrome from Russia, and thereby supply Israel with aircraft weaponry made from Russian chrome to combat Soviet weaponry, also made with Russian chrome.

The foreign policy of the United States should be based upon what is in the best interest of the American people, who certainly include the working people of our Nation and their children. We may wonder, however, if the leadership of the AFL–CIO is willing to accept the responsibility for the eventual outcome of many of their inconsistant resolutions and activity adopted at their national convention. These resolutions are now being disseminated across our country and through labor organizations around the world as representing the position of the working people of the United States.

As labor leaders claim, this may be the way to effect change and to exert pressure for political action. But certainly it is also the way to undermine one's own country's strategy for national security

and prepare the atmosphere for another war.

I insert in the RECORD related clippings from the AFL–CIO News, October 27, 1973:

LABOR DRIVE OPENS TO AID HISTADRUT

BAL HARBOUR, FLA.—The AFL–CIO has launched a drive to raise funds from American trade unions and their members to aid Israeli workers through Histadrut, the Israel Confederation of Labor.

To get the drive rolling the federation's Executive Council, meeting right after the adjournment of the 10th convention, voted a contribution of $50,000 and called on all affiliates to involve themselves and their local unions in the campaign. A similar call went to AFL–CIO state and local central bodies.

AFL–CIO Pres. George Meany named a special five-member council committee to head the fund drive for Histadrut—Vice Presidents Peter Bommarito, John H. Lyons, I. W. Abel, Paul Hall and Max Greenberg.

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GOLDA MEIR SAYS: "OUR BOYS ARE FINE"

BAL HARBOUR, FLA.—Israel's Prime Minister Golda Meir telephoned AFL–CIO President George Meany in the midst of the federation's convention to express appreciation for the support given Israel by the American labor movement.

Meany briefly interrupted the proceedings to convey her greetings to the delegates and reported:

'She says to tell you, 'Our boys are doing fine, and don't worry—we will make it.'"

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"WE STAND WITH ISRAEL," DELEGATES MAKE IT CLEAR

(By John M. Barry)

BAL HARBOUR, FLA.—The American labor movement made it clear that "we stand with Israel," as the AFL–CIO's 10th convention rallied union members to help "speed generous help to the cause of peace and freedom which Israel is now defending so courageously against terrible odds."

A convention resolution on the war in the Middle East, which drew stirring expressions of support from floor speakers, pledged the AFL–CIO's continuing solidarity with Histadrut, Israel's trade union center. It called on federation affiliates to back this up with contributions for medical care and other vital services, and to step up their investment in State of Israel Bonds.

The resolution took note of United Nations attempts to bring about a cease-fire in the Arab-Israeli war, but warned there should be "no illusion about the difficulties in the path of an equitable and enduring peace" in the Middle East.

"The AFL–CIO convention emphasizes that, more than ever, the first requirement for attaining peace in the Middle East is direct negotiations between the countries at war."

The convention charged that "this terrible war had been carefully and thoroughly prepared for months" and could never have come "without the massive Soviet supply of the most sophisticated offensive weaponry to Cairo and Damascus."

The federation called on the United States to "spare no effort or material resources to prevent the destruction of Israel as a beacon of democracy and human freedom in this turbulent area."

Specifically, the resolution urged the U.S. government to:

Carry out a massive airlift to resupply Israel with weaponry.

Offer a guarantee of national independence and sovereignty to Israel and any other country in the Middle East ready to end hostilities and enter direct peace talks.

Halt all forms of aid to any Middle East country that persists in military aggression or engages in economic blackmail against the United States.

Seek the support of NATO and the UN in achieving an end to hostilities and the immediate start of Arab-Israeli peace talks.

On the opening day of the convention, Defense Sec. James R. Schlesinger cited to the delegates Time magazine's description of the Middle East crisis as "a grim reminder that the world beyond is part and parcel of America's concerns."

Schlesinger described U.S. efforts to resupply Israel in response to Moscow's refusal to end its massive airlift to the Arab states.

He said the immediate and long-range goal of the U.S. is to end the fighting and bring about a permanent and fair settlement.

"Any fair settlement," he said, "requires continuing security for the State of Israel and equity for her neighbors."

In discussion on the resolution, AFL–CIO President George Meany presented a statement on behalf of the maritime unions accusing the Soviet Union of provoking and supporting Arab aggression against Israel. The statement warned that the maritime unions would "take appropriate steps necessary to halt the use of our labor" in handling cargoes and ships involved in trade with the USSR if it persists in this course.

President Peter Bommarito of the Rubber Workers, also speaking in support of the resolution, recalled that Meany had just two weeks earlier wired Sec. of State Henry Kissinger that:

"In so critical a moment, no nation must be allowed to doubt, even for a second, where the United States stands."

Bommarito declared, to the roaring approval of the delegates that there must be no doubt, either, where labor stands:

"We stand with Israel. We stand with the future of democracy in the Middle East. We stand with Histadrut."

Vice President Velma Hill of the Teachers said that black workers particularly can identify with Israel in its struggle because Israel is truly a democratic nation and trade unions cannot survive without democracy.

"We have a basic commitment to democracy," she declared, "and we understand that the enemies of Israel are also the enemies of labor . . . and the enemies of blacks."

Sec.-Treas. William DuChessi of the Textile Workers Union of America recalled a recent visit to Israel by a group of U.S. trade unionists and described what they saw: "a building country, a hard-working people," with Arabs and Jews working together.

Sec.-Treas. William Lucy of the State, County & Municipal Employes expressed "wholehearted" support of the State of Israel "as a black, as a trade unionist, as a man. . . ."

Vice President Edward V. Donahue of the Graphic Arts Union, recalling Israel's long struggle for survival since its establishment, agreed that "this is the only democracy in the Middle East and if there is anything worth preserving in this world and worth this labor movement and this country committing itself to, it is a continued commitment to the maintenance of that . . . little democracy, a trade union democracy that's trying to do a job and show people how to live in this world."

Donahue urged that the cause of Israel is "strong enough and worthy enough" not to be confused with such situations as Vietnam and Cambodia, which he said "haven't been so worthy."

President Miles C. Stanley of the West Virginia AFL–CIO, who also recalled visiting Israel, declared that it is "indeed a beachhead of democracy in the Middle East" and stressed the impact that peace there would have on the world.

"If we are going to avoid a third world war," he said, ". . . we must bring peace in the Middle East."

SOUTH AFRICAN APARTHEID IS BOYCOTT TARGET

BAL HARBOUR, FLA.—As long as black workers are discriminated against by South Africa's apartheid policies, U.S. unionists should refuse to handle products from there, the AFL–CIO convention declared.

The convention praised the Longshoremen's position of refusing to unload chrome sent to the U.S. from South Africa and said the AFL–CIO would work for U.S. government support in extending economic sanctions against South Africa.

The resolution also called for repeal of the Byrd Amendment, which allows the U.S. to import Rhodesian chrome and other strategic materials.

"The AFL–CIO supports the trade unionists both inside and outside South Africa who are engaged in the struggle for recognition of trade union rights for the Black African workers," the resolution said. "In this respect, the efforts of the African-American Labor Center in conjunction with the African workers should be supported."

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## AWESOME POWER OF OEO's UNION

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. CRANE. Mr. Speaker, if elections are to mean anything, civil servants must be accountable to elected officials and their appointees. Unfortunately, the trend is the other way. One of the most blatant examples of taking power from the people and giving it to bureaucrats is the incredible union contract which now covers employees of OEO. Unfortunately, if the Senate version of the legal services corporation proposal is signed into law, it would lock the provisions of this contract in to the new corporation. The following recent article by Howard Phillips, former OEO chief focuses on this development:

[From Human Events, Oct. 6, 1973]

THE AWESOME POWER OF OEO'S UNION

(By Howard Phillips)

Perhaps no modern President has been more frustrated by bureaucracy than Richard Nixon. To a large degree, this is because he is the first since pre-FDR days who has advanced a domestic agenda which, if implemented, would truly threaten not merely the liberal policies favored by most bureaucrats, but also the power of civil servants to exercise broad discretion in establishing policy.

It is therefore ironic when top officials in the Nixon Administration make gratuitous concessions to the demands of anti-Nixon civil service unions. At the Office of Economic Opportunity (OEO), such concessions have been granted over a period of years. Now they are being further extended.

OEO UNION EXCESSES

Long in the radical vanguard of Washington bureaucratic politics, OEO's union often embarrassed its more stable colleagues in the labor movement, as the consequence of its role on the fringes of the anti-war movement and its heavy domination by SDS types. In 1972 its leadership presented a solid and active pro-McGovern flank. Although many OEO employes have minority group backgrounds, top officials of the union have been predominantly lily-white, radicals more interested in political objectives than in the welfare and security of their members.

Union negotiations have, for the most part, have been handled in recent years by Wesley Hjornevik, who served as deputy to OEO Directors Donald Rumsfeld, Frank Carlucci and Phillip V. Sanchez. Hjornevik's general philosophy led him to concede a few more points to the union in each year's negotiations.

Under the contract which Hjornevik left, it was stipulated that the "employer affirms the right of employes to decorate their working areas with paintings, posters, photographs, and other artistic or symbolic representations . . ." Accordingly, long before it became fashionable elsewhere, OEO's walls have been decorated with "Impeach Nixon" posters, pictures of George McGovern, assorted radical graffiti, and a wide range of anti-Administration propaganda.

The contract guaranteed the union one steward for every regional office unit, including up to 15 employes and one steward for every 30 headquarters unit employes, providing that all stewards may carry on their union activities during "official time."

Top union officials are given 20 hours out of each 40-hour week to spend on union business in special government offices provided (with telephones) for that purpose. In addition, OEO pays travel expenses for union officials who attend bargaining sessions or whose travel is required for "consultation." The union also has the chance to make a political pitch at orientation sessions for new employes.

Those taxpayers who find critiques of civil service implausible should learn something from the language of the OEO contract negotiated in March 1972:

"If an employe's performance is considered to be unsatisfactory, the supervisor will discuss the employe's performance with him in an effort to resolve the issue informally. If after this informal discussion the supervisor still considers the employe's performance to be unsatisfactory, then the supervisor must obtain the concurrence of the reviewing official on the warning notice. An employe may not be rated unsatisfactory until he has been given an official warning in writing at least 90 days prior to issuance of his performance rating. . . . When the supervisor discusses the warning notice with the employe, the employe may have a Union representative present.

"If the supervisor still considers the employe's performance to be Unsatisfactory at the end of the warning period, he will discuss the proposed Unsatisfactory rating with the employe and the employe may make written comments for the record. . . . The employe may have a union representative present at the discussion. Then the rating will be forwarded for approval by the reviewing official and concurrence by the Performance Rating and Incentive Awards Committee. . . . If the employe's official rating is . . . Unsatisfactory and he disagrees with that rating he may appeal. . . ."

"UNSATISFACTORY" RARE

Is it any wonder that few supervisors care enough to endure the extended personal aggravation resulting from a decision to rate an OEO employe "Unsatisfactory"? As a consequence, such ratings are extremely rare. It should also be noted by the taxpayer that "Satisfactory" ratings carry with them automatic pay increases. That's one reason why the cost of fighting "poverty" keeps going on.

Many observers in the Administration felt that Hjornevik, in the days immediately preceding his ouster as deputy director in January 1973, had gone about as far as possible in granting union requests without overtly declaring his intent to sabotage the authority of his successors. Now, OEO Director Alvin Arnett has yielded ground to the degree that Hjornevik retrospectively appears a comparative piker.

In secret August negotiations, which Arnett conducted personally with union leaders, important new concessions were granted to give union officers a major say in shaping policy of OEO. In addition, Arnett agreed that, after his confirmation by the Senate, he would open up the entire contract for renegotiation and make further concessions.

Arnett and his OEO union counterparts have focused on the following points thus far:

Removal of non-career temporary and policy schedule employes hired with White House recommendation or approval during the first half of 1973;

Granting preference to career OEO employes in filling OEO regional directorships and headquarters management positions;

An automatic promotion policy which has enabled the union to advise employes that "If you are below the journeyman level on a career ladder, have sufficient time in grade, are qualified to do higher level work, and if work is available at the higher grade, a promotion is yours for the asking.";

Appointment of a Grade Review board "to include at least four management and four union representatives" with a "neutral" chairman;

Restricting disciplinary action against employes so that no "adverse action" will be even initiated without prior hearings.

Preservation of the SDS-dominated OEO migrant division intact with no shift to a "revenue-sharing" policy before October, at the earliest;

Assurance to OEO employes who were shifted under the presidentally approved reorganization of July 6 that they may seek transfer back to OEO.

It has also been suggested in the civil services press that Arnett and union leaders "would explore areas in which they can jointly testify before the House subcommittee on equal opportunity for the purpose of extending congressional authorization for OEO and community action agencies through 1977."

In related fashion, Arnett has reportedly agreed to "evaluations of supervisors by the supervised, confirmation, election, and recall of first-line supervisors by employes, and rotation of employes through supervisory positions." A further aspect of Arnett's plans for "collective leadership" involves the creation of "employe participation councils" in each of the offices which comprise OEO.

Sources close to Arnett say that the new OEO director has given full sway to the union to gain liberal support for his Senate confirmation as well as to minimize press leaks by OEO union members which might embarrass the Administration.

Arnett has argued to conservatives that his concessions will count for nothing at the end of the fiscal year when OEO will presumably have disappeared and that, in the meantime, they serve to limit liberal criticism of the President's plan to disband OEO.

Some labor-management experts in the Administration are fearful, however, that the precedents which Arnett has established will have an unfortunate effect on contract negotiations in other federal departments.

For the moment, however, OEO is less accountable to the President, and those who elected him, than ever before.

## IN PRAISE OF THE POSTAL SERVICE

### HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. SARASIN. Mr. Speaker, often we debate and criticize the quality of service performed by the U.S. Postal Service. I would like to offer my colleagues comments of a constituent, exalting the mail service in Prospect, Conn. This letter applauding the courteous and superb performance of the postal employees appeared earlier this year in the Waterbury American. For a difference of perspective and comments on the U.S. Postal Service, I call this letter to the attention of my colleagues and insert it in the RECORD.

The letter follows:

PROSPECT, CONN.

PROSPECT POSTAL SERVICE DESCRIBED AS SUPERB

To THE EDITOR OF THE AMERICAN: Our U.S. Postal Service has been constantly under criticism. It is most unfair to condemn collectively service rendered by postal employes.

In our Prospect Post Office I have yet to find a postal clerk lacking service and courtesy. Daniel Guigliotti, our Evergreen Lane mail carrier, is most gracious and thoughtful. His service is beyond reproach. When packages are too large for my mail box he personally delivers the mail to me. If I am not at home he leaves it on a receiving table under carport.

Only yesterday I rushed to the Post Office with letters for immediate collection. As I stepped out of the car the collection truck was driving out. Noticing the letters in my hand the driver stopped and said, "If they are stamped I'll take them." I was most grateful for his thoughtfulness.

Hats off to the U.S. Postal Service!

A. ALMA GENEST.

## "CONSTITUENTS CONTINUE TO DEMAND IMPEACHMENT—NO. 2

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HARRINGTON. Mr. Speaker, after the firing of Special Prosecutor Archibald Cox, the White House seemed to have concluded that the people of this country were angered and upset over the specific matter of access to the Presidential tapes. The White House, therefore, apparently felt that if it reversed its longstanding claim of "executive privilege" with regard to the tapes, the public would forgive the President and repudiate the advocates of impeachment.

Has this happened? No, it has not. The demand for the beginning of impeachment proceedings against President Nixon has continued unabated from every section of the country. The American citizen is not simply interested in a few tapes—the average American is not satisfied by this diversion. Americans want honesty, integrity, and leadership in the White House, not cantankerous and bitter "compromises." The people who have written to me are opposed to the dicatorial manner of this President, and no number of new Attorneys General or special prosecutors will placate their opposition. Will the Congress answer this call? It must respond by beginning the impeachment process so that both the President and the people may have a fair hearing.

As evidence of this demand, I herewith provide a count of the correspondence I have received on the matter. I repeat

my request of October 25 that my distinguished colleagues do the same, so we may face how Americans feel.

In favor of impeachment—869.

Opposed to impeachment—22.

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## LEGISLATION INTRODUCED TO RESCUE SOCIAL SERVICES PROGRAM

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. REID. Mr. Speaker, I am most pleased today to join with Congressman CORMAN in introducing bipartisan legislation designed to rescue the social services program from restrictive, regressive HEW regulations which are scheduled to go into effect on November 1.

Last fall, Congress placed a $2.5 billion ceiling on the entire social services program. I, and many of my colleagues opposed this figure as being too low. But it was passed and we were prepared to live with it.

But, HEW was not. Instead of accepting Congress limitations on the program, the administration chose to ignore congressional intent, to impose further restrictions and thereby impound millions of dollars by redtape. The results would have been disastrous. Millions of working poor throughout the Nation would have been deprived of vitally needed services—services which all too often spelled the difference between welfare dependency and the opportunity to attain self-sufficiency.

The outcry was immediate, and unprecedented. And it came from every sector—from Congress, from the Governors, from local officials, and from the public at large.

But, inspite of immense concerns expressed, and in spite of clear comments from many key Members of Congress, including the chairman of both Ways and Means and Finance that the regulations had moved far beyond congressional intent, HEW has remained unresponsive.

A final set of changes were issued on September 10. These regulations will go into effect 2 days from now, on November 1. A number of cosmetic changes have been made. Health, Education, and Welfare claims that they have been responsive to congressional comments. Yet, this is simply not the case. These regulations still severely restrict the States' ability to provide a wide range of services to those individuals who have desperate need of them. Health, Education, and Welfare continues to attempt to defy the will of Congress and to rewrite the social security law to serve their own narrow goals.

It is clear that legislation is the only remedy.

On October 3, Senator MONDALE and 38 colleagues introduced legislation designed to save the social services program. On October 16, Congressman CORMAN and six other members of the Ways and Means Committee introduced a companion bill in the House. It is this legislation which I am pleased to support today. The purpose of this bill is to provide workable regulations which, within the $2.5 billion ceiling, take into account both the need for accountability and fiscal restraint as well as the need for State and local flexibility to provide services most reflective of local conditions.

I hope that my colleagues will join with us in supporting this legislation. It is time that we settled once and for all the question of which branch of Government legislates; time that we made it clear to the administration that they cannot continue to circumvent the will of Congress.

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## CONGRESS MUST INSIST ON OWN PROSECUTOR

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. STOKES. Mr. Speaker, no self-respecting lawyer in America will accept the position of special prosecutor under the conditions laid down by President Nixon in his press conference last Friday.

The American people want a separate and independent prosecutor who will pull out all the stops in pursuit of the evidence, no matter how deeply he may have to go into the Oval Office itself. The people will not tolerate a hired coverup artist.

I predicted last Friday that the public would not accept this new proposed arrangement. Already public sentiment seems to be going against the President's scheme. I am proud that the Cleveland Plain Dealer, in its editorial pages Saturday morning, took the lead among Ohio's newspapers by rejecting the President's proposal out of hand, and by inserting that we, as the elected Representatives of the American people, establish the office of special Watergate prosecutor under Judge Sirica.

I urge my colleagues to heed what the people are demanding. The article follows:

CONGRESS MUST INSIST ON OWN PROSECUTOR

Congress should proceed with legislation to establish the office of special Watergate prosecutor under the authority of U.S. District Judge John J. Sirica.

It is apparent now that President Nixon has no intention of naming such a prosecutor to represent the government and give that person truly a free hand and the total cooperation of the executive branch.

Mr. Nixon tried to be convincing at his news conference last night when he revealed that Acting Atty. Gen. Robert H. Bork next week would announce a special prosecutor to replace Archibald Cox, who was fired a week ago by the President.

But it did not come off.

There was no specific assurance the new man would have a free hand. Rather, the President once again stated emphatically that he, personally, must defend the office of the president against disclosure of confidential material. He would supply information from presidential documents, but not the documents. Would the presidential files be available if the prosecutor wanted them? Mr. Nixon only could hope this confrontation would not be necessary. He would "cooperate."

All the national agony which the country suffered one week ago tonight when the President brought about two firings and one resignation of key persons in the Watergate prosecution seemingly has not touched Mr. Nixon.

He played the same old record last night even though it is highly unlikely now that anyone believes an administration-backed investigation into Watergate—so necessary to prosecute the guilty and clear the innocent as Mr. Nixon himself declares—could be thorough or impartial. The Justice Department did not establish an enviable record in its first efforts in the case.

Obviously, and despite his thin attempts at humor, the President is deeply resentful of television. His cutting remark that he was not angry with television people because he could get angry only with those persons he respected, stunned the assembled news reporters. So did his abrupt departure. He stalked off the podium suddenly with no closing words, no final arguments, no attempt to summarize, not even waiting for the traditional "Thank you, Mr. President" from the senior correspondent.

Contrary to his declaration, Mr. Nixon seemed a little shaken by the attacks made recently on his motives and character. But also contrary to his rhetoric last night, the impression is he has no intention of giving one inch on the matters of the confidentiality and privileges of his office, come what may.

This leaves it up to Congress and Judge Sirica.

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## THE DAMAGE DONE TO DEMOCRATIC ETHICS AND GOVERNMENTAL INSTITUTIONS

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. RANGEL. Mr. Speaker, in the wave of impeachment letters last week, I received a copy of a resolution calling for the resignation or impeachment of the President, adopted by the board of directors of the American Ethical Union. The American Ethical Union represents ethical culture societies throughout the United States. It is dedicated to a common concern for ethical values which can best promote the unity of mankind. It is a shame that former members of the Nixon administration who have been implicated in the Watergate crimes and their coverup did not share the same common concern for ethical values. It is a continuing shame that the President seeks still to cover-up rather than reveal, to seek division and diversion through attacks on the press rather than to seek after the truth and the means for national reconciliation.

The resolution follows:

RESOLUTION—A CALL FOR PRESIDENT'S RESIGNATION OR IMPEACHMENT

The loss of moral leadership in the Presidency is not a situation which any citizen can contemplate with satisfaction, since Americans have always looked to the President of the United States for moral as well as political leadership. This must continue to be so, since political authority in a democracy cannot survive unless it is grounded in a people's confidence in the credibility of their elected leader.

We believe that the relentless flood of disclosures of wrong-doing, corruption, willful violation of constitutional rights, obstruction of justice, and usurpation of power involving police-state techniques and intrigues, which a distinguished United States Senator has aptly described as revealing a Gestapo mentality, have reached and corroded the moral authority of the President himself. Watergate only symbolizes a much wider and deeper corruption and abuse of authority, which, on the basis of his own statements, implicates Mr. Nixon.

In view of the damage already wrought by his administration to the institutions of free government and democratic ethics, the President should resign. The abuses and corruptions of power which have been uncovered cannot be shunted aside without remedial action.

Therefore, we urge that in light of the national interest, the President resign immediately, but failing that act, Congress should proceed to impeach.

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## VITAMIN HEARINGS

### HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. McKINNEY. Mr. Speaker, in response to the growing public indignation over the recently published Food and Drug Administration regulations governing dietary supplements, the Subcommittee on Public Health and Environment, chaired by Congressman PAUL ROGERS, has begun hearings on legislation to curb FDA authority in this area.

Last week I introduced H.R. 11085 to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and today I presented testimony before the subcommittee in behalf of my particular bill and on behalf of my many constituents who have expressed concern over the usurpation of power by the FDA.

At this time I would like to submit my testimony for inclusion into the RECORD:

STATEMENT OF THE HONORABLE STEWART B. MCKINNEY ON FOOD SUPPLEMENT LEGISLATION

Mr. Chairman: I would like to express my appreciation and that of my constituents for holding hearings on the issue of the Food and Drug Administration's authority in the area of dietary supplement regulation.

This is a most complicated and controversial issue, made even more difficult because the field of nutrition is conspicuous for wide differences of opinion. Because of the public uproar over the FDA regulations, it is essential that Congress receive testimony from experts representing all points of view so that consumers can be satisfied that all sides of the question have been heard and so that we as Members of Congress will have information at our fingertips in order to make the hard decisions that must be rendered.

The crux of the issue is whether a vitamin is a food or a drug; whether the FDA has the authority to set potency limits on vitamins and mineral supplements and, if they do, should they have this power; whether the FDA has or should have the authority to standardize combinations of dietary supplements; and, most importantly, whether such regulations infringe upon the rights and freedoms of the consumer.

To date I have received over 1,500 communiques from constituents on this issue, all highly indignant that the FDA should curb their freedom to supplement their diets. At this time I would like to take issue with those who have denigrated the character of those involved in this battle. It is evident from my mail that a large majority of those concerned with the FDA regulations have done a great deal of individual research on vitamins and their own proper intake for their best health. Generally I believe they constitute a healthy segment of our society, not seeking a "quick fix" from doctors when symptoms appear but instead relying on good, solid preventive medicine practices.

The more I study this issue and plough through the testimony of experts—and I might say that there are as many reputable scientists and nutritionists on one side of this issue as on the other—for this simple fact alone, that there is such a wide variation of opinion, I believe the dogmatism of the FDA in stating that high potency vitamins are drugs and can be injurious to health is unwarranted. Nutrition is not an exact science; there are too many unknowns and too little is known about the variations of human needs.

The allowances recommended by many scientists for many of the nutrients fall extremely short of the dosages suggested by other reputable nutrition experts. Yet the FDA arbitrarily accepts the Recommended Daily Allowances as "facts" and decrees that food supplements containing more than 150 per cent of the RDA will henceforth be redesignated as drugs. I simply don't believe the facts dictate such an intrusion into our freedoms nor that the known cases of overdoses of vitamins warrant the need for these rigid regulations of food supplements.

Should not the consumer have the right to self-medication with health foods, vitamins and minerals? In light of Department of Agriculture studies revealing a shocking decline in the quality of the American diet in recent years, should not the consumer be allowed to decide for himself how much, if any, supplementation of his diet he wants to make him feel his best—so long as the amounts are not injurious to health? And this issue—amounts injurious to health—I shall deal with shortly.

Many citizens believe, and with some justification, that natural foods are better than procesesd food. They also believe the FDA has a poor record in protecting the consumer from poor quality food, food additives—either dangerous or unnecessary, food contamination, and amphetamines and other across-the-counter drugs which are daily consumed by a large segment of our population. Why then should they bow to this "food czar" and a paternalistic government which impose regulations which lack a scientific consensus and which affect them as individuals and not the public health in general?

I would now like to address myself to the subject of safety. I have stated that so long as the amounts of vitamins are not injurious to health, every person should have the right to decide for himself what vitamins and food supplements he should take. But if vitamins are proven to be dangerous and injurious to health—and I mean "proven" in the truly accepted scientific sense of the word—then let the FDA step in and regulate them appropriately.

While I realize there are disputes raging even in this area, I support FDA's intentions with respect to vitamins A and D. A great many experts argue that the levels as dictated by the FDA regarding vitamins A and D should be higher, that the proposed levels for these two vitamins are arbitrary and without scientific merit, and that the proposed levels are suitable for children but higher levels would be more appropriate for adults. Still others maintain that the levels should be lower than those recommended.

I do not have the knowledge to take a position with respect to levels but I do associate myself with the generally accepted scientific opinion that massive doses of vitamin A and vitamin D can be harmful and indeed life-threatening in extreme cases. Therefore I believe the public should be protected against even a remote chance of overdosage of these two vitamins. And because of the promotional techniques, advocating large amounts of vitamins A and D for a variety of purposes, I find the FDA action with respect to these two vitamins—and only these two vitamins—as necessary at this time for the public well-being.

No one would deny or should deny that there have been abuses in the dietary supplement field and that the public should be protected against food supplementation excesses. However, I do not believe the solution is the imposition of strict and arbitrary limitations on the quantity of dietary supplements that may be contained, for example, in a single tablet or capsule. Aside from the factor of cost, this can be easily circumvented, although it will prove an irritant, by the consumer simply gulping more quantities of tablets in order to maintain the supply of nutrients he was taking before imposition of the regulations.

I believe the abuses in the food dietary supplement field can be dealt with effectively by requiring full and informative labeling. All foods for special dietary uses and dietary supplements should bear on the label the vitamin, mineral and other dietary properties which are necessary to fully inform purchasers of their nutritive value. The label should be of sufficient prominence and conspicuousness to render it likely to be read and understood. Moreover the label should state what is the recommended dosage and even state a warning that excessive amounts may be toxic.

By complete disclosatory labeling, the consumer would know exactly what he was buying and in what quantity and could make buying decisions consonant with all available health information. Moreover, by requiring manufacturers to list every product ingredient, this approach would provide the public and the government with the authority to take action against those manufacturers who misrepresent their products.

Several bills aimed at curbing FDA's authority to regulate dietary supplements have been introduced. Most prominent is H.R. 643, introduced by Congressman Craig Hosmer. Despite my opposition to the FDA regulations, I could not support the Hosmer bill for I believe it goes far beyond merely limiting FDA authority over the potencies and combinations of ingredients in vitamins and supplements. Rather, I view this bill as an extremely sweeping limitation of FDA authority which, I believe, could have very serious repercussions on the quality of our foods.

Under existing law, any substance in a food, food supplement or drug has to be proven safe and it is up to the manufacturer to show proof that an added substance is not harmful. Under H.R. 643, food supplements with unproven label claims—or products containing ingredients of doubtful and unproven safety—could be marketed unless the Government found them to be "intrinsically injurious to health in the recommended dosage." This legislation would prohibit the FDA from acting on a *potential* risk to man and would also shift the burden of proof of safety from the manufacturer to the government. The consumer protection presently afforded by the Food Additives

Amendment to the Food, Drug and Cosmetic Act would be seriously thwarted by enactment of H.R. 643.

Therefore, to meet what I consider the objections to H.R. 643 and in order to achieve a positive approach to the controversy, last week I introduced H.R. 11085.

The purpose of my bill is to clarify the authority of the Food and Drug Administration with respect to the regulation of dietary supplements. The legislation proceeds from two basic premises: First, that consumers should be fully and accurately informed as to the nutritional and other qualities of dietary supplements; and second, that consumers should be free to purchase—as a food—any dietary supplement that is safe. These fundamental propositions are by no means novel; they underlie the Food, Drug and Cosmetic Act's entire approach to the regulation of foods.

H.R. 11085 would clarify and strengthen FDA's authority in the labeling area by amending Section 403(j) of the statute to refer specifically to dietary supplements and to include authority to require full and accurate disclosure of information in labeling and advertising as well as on the product label. This new authority would dispel any doubt that FDA has the power to ensure that consumers are fully informed and are not misled as to the nutritional value of dietary supplements. The FDA could require not only a full statement of ingredients and quantities of ingredients but also other relevant nutritional information, such as the percentage of the recommended dietary allowance of each nutrient as to which an RDA has been established. The FDA could also standardize the format for such information, which would substantially serve to reduce any consumer confusion which may exist.

The corollary of this expanded authority, however, is that FDA should not have authority to prevent consumers, who are in possession of full and accurate information, from choosing to purchase a dietary supplement—even one which FDA believes is nutritionally unnecessary or "irrational." The food standard section of the statute—section 401—would be amended to preclude FDA from standardizing dietary supplements—i.e., limiting the potency in which vitamins and minerals may be sold as food or the combinations in which they may be sold. The two exceptions to the limiting of potencies would be vitamins A and D.

The bill would leave entirely intact FDA's powers to protect the public from dangerous products. No change would be made in FDA's authority over adulterated or unsafe foods, and no change would be made in the food additive provisions of the statute, which require the manufacturer of a food additive to establish its safety.

In conclusion, whatever the validity of FDA's position as to the nutritional adequacy of vitamin and mineral supplementation at levels reflected in their recently promulgated regulations, the fact remains that there are substantial numbers of Americans who, fully informed as to the nutritional composition of the dietary supplements they buy, believe that supplementation in higher levels and in combinations of vitamins and minerals different from those permitted under the new regulations will more adequately satisfy their own nutritional needs and desires. I do not believe those consumers should be denied the option of purchasing such products as foods. At the same time I believe the consumer should be provided with complete information as to exactly what they are purchasing. And that, gentlemen, is the intent of my legislation.

Mr. Chairman, I appreciate the opportunity to testify on this issue.

## THE RAILROAD CRISIS IS STILL WITH US

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HARRINGTON. Mr. Speaker, as the proposed legislative solution to the Northeast rail crisis makes its way to the House floor, it is essential that we educate ourselves and our constituents about the present rail situation. An article by William Jones which appeared in the October 12 Washington Post, outlines the present status of the Shoup-Adams railroad reorganization bill and several factors which make this legislation most urgent. For example, it appears that the largest transportation interest in the United States—in terms of total assets—the Penn Central Railroad, could run out of funds at almost any time. Should the Penn Central be forced to close, the economic ramifications throughout the Nation would be disastrous—production would decline, jobs would be lost, local economies would decay. Unless a rational and comprehensive reorganization plan is adopted within the next few weeks, we may be forced to adopt the only other alternative available—nationalization. Action, therefore, is imperative.

At this time, I would like to insert Mr. Jones' article for the information of my colleagues:

REASSEMBLING THE RAILROAD PUZZLE

(By William H. Jones)

With luck, a congressional committee this week may approve legislation that points the nation away from two potential disasters—the extreme of simply shutting down large railroads throughout the northeastern states on one hand and, on the other, the beginning of nationalizing a whole industry.

But nothing is certain, except that the Penn Central Railroad is dangling seriously close to a shutdown because it has about run out of money to meet weekly payrolls.

And, according to industry and congressional sources, the Nixon administration's continued opposition remains a big hurdle for legislation now before the House Commerce Committee.

The Penn Central is the nation's largest rail freight carrier and also the biggest transportation firm in terms of total assets (over $4.3 billion). But the Pennsy, and five other large northeastern railways are bankrupt. Operations of the Penn Central have been supervised since mid-1970 by U.S. District Court Judge John P. Fullam in Philadelphia and three court-appointed trustees.

Throughout 1973, the plight of the Pennsy has become deeper and more complex. Most of the other bankrupt lines also are living on borrowed time, existing week to week only with the aid of state financing in some cases.

Having been run out of a profitable business by a combination of previous bad management and too much government regulation—the consensus of most rail experts—railroads in the Northeast have been marking time, waiting for a new government policy to dictate the future.

All the while, the industry's image throughout the nation has suffered, maintenance of the northeastern lines has not kept pace, and the long-outdated and overbuilt system of tracks east of the Mississippi River and north of the Ohio and Potomac remains intact.

The problem has led rail industry leaders, legislators, government experts and others to consider proposals for "rationalizing" the U.S. rail network for the densely populated Northeast, over a period of many years.

But not until Judge Fullam applied pressure this year, by emphasizing that creditors have rights not to have their property "eroded" any more (the property being investments in Penn Central), did Washington attach a priority to the rail mess.

Fullam, a mild-spoken but stern judge, says he is not trying to set deadlines or tell other branches what to do. But in this case, actions speak louder than words: At this very minute, Fullam is considering what he should do next.

In Philadelphia on Oct. 12, Fullam said it appeared that the Pennsy could operate as is for a few weeks. Events since that court hearing would appear to indicate that the Pennsy could run out of funds at any time:

A House-Senate conference committee, approving money for Amtrak, the national rail passenger corporation, forbade Amtrak from paying an additional $40 million to the Penn Central for running passenger trains, as recently ordered by the Interstate Commerce Commission.

A Court of Appeals decision requiring the Penn Central to make immediate payments of some $20 million to railroads with which it connects, in a complex rate-splitting fight, and allowing the other companies not to pay Pennsy in amounts equal to the fees owed by the Penn Central.

A clash with new federal rail safety standards, in which the Department of Transportation's Federal Railroad Administration has ordered the Penn Central within 30 days to upgrade certain tracks and pay for new supervisory and inspection personnel at a cost estimated in the millions of dollars.

Constantly rising costs for fuel, which the railroad estimates at $30 million on an annual basis over what's been paid previously.

"It's ominous," an industry source who's not in the employ of Penn Central, said last week. "And the DOT seems to be getting its feet planted in more firm opposition to the compromise being worked out on the Hill," he said.

In many respects, ther Northeast rail crisis has come to resemble a giant jigsaw puzzle, with no one able to put together the pieces. In the past week, a number of private rail companies have been seeking advantages for themselves in any solution, the administration has restated opposition that existed last March, and weary congressional staff members have expressed despair.

In the midst of this activity, the House Commerce Committee will continue to "mark up" what one staff member has called the most complex legislation he's ever seen. Sections and provisions are being edited, rewritten and voted up or down in a weeks-long process.

If success is to come for the bill, called Shoup-Adams for its chief protagonists—Reps. Dick Shoup (R-Mont.) and Brock Adams (D-Wash.), it will require efforts by a number of people to put the puzzle together.

On the Hill, Shoup and Adams must maintain an alliance which to date has turned aside most efforts to dilute the comprehensive nature of the proposal. For the Nixon administration, Secretary of Transportation Claude S. Brinegar and his aides must decide whether they can live with whatever the committee approves or if they must fight for major changes on the House and Senate floors—possibly leading to a fatal delay.

Within the railroad industry, the key individual probably is Frank E. Barnett, chairman of the Union Pacific Corp., the only firm in the railroad industry to make a substantial investment of its own money and talent in an effort to find a solution to the Northeast crisis—a region the Union Pacific does not even serve directly.

In fact, it is the original Union Pacific

proposal which is now before the House Commerce Committee, in modified form. Barnett and another industry leader, Washingtonian W. Graham Claytor Jr., president of Southern Railway, also led management forces in reaching agreement with organized labor on a provision of the Shoup-Adams bill that requires federal assumption of the wages due any workers who lose jobs in a rail reorganization.

After Barnett made the Union Pacific proposal public early this year—in detailed, legislative form—Shoup alone endorsed it in a surface transportation subcommittee. Adams, who had been studying the rail problem in depth for several years, gave up on his own rail package and joined with Shoup when it became clear that the only alternative was working with the Nixon administration's own bill—which projected a rail modernization and trimming down without any significant federal aid.

Fannie Rae would design a new northeastern rail system, making use of proposals by government agencies and others. In addition to its role as a planning agency, Fannie Rae would provide financing to modernize the railroads' tracks, yards and other facilities, with up to $1 billion of government-guaranteed loans (reduced from $2 billion to meet administration objections).

Establishment of a for-profit Northeast Railroad Corp., to which bankrupt railroad estates would have to turn over any rail facilities determined by Fannie Rae to be part of the new rail network. In exchange for this property, the estates would be given stock in the new corporation. Bankrupt firms then would be free to dispose of other unnecessary rail properties.

The corporation would have the responsibility for operating trains over the new railroad, or railroads, set up under Fannie Rae's plans.

Federal aid of up to $200 million for employees of the six bankrupt lines put out of work by the reorganization plan. The $200 million figure is an estimate; no dollar amount is now in the bill.

Subsidies for unprofitable branch lines, with the federal government paying 70 per cent of the losses and local governments 30 per cent, with a limit of $50 million a year from the U.S. Treasury.

Authorization for Fannie Rae to negotiate with Amtrak, the national rail passenger company, on long-haul and commuter transportation—especially along the Boston-Washington Northeast corridor. These talks could lead eventually to an Amtrak takeover of the routes.

Brinegar objects most vehemently to the provisions requiring a mandatory transfer of railroad properties to the new rail corporation and detailed labor protection.

All last week, Adams, Shoup and Brinegar conducted "negotiations" on this issue and remained virtually wedded to their opposite viewpoints. Brinegar believes that the bill amounts to condemnation of property, which would be too costly.

Adams and Shoup insist that mandatory transfer of property is necessary to prevent minority creditors or stockholders of bankrupt estates from delaying the reorganization. When the committee meets again on Wednesday, the congressmen will offer amendments designed to make clear that their intention is not condemnation or "taking of property" but merely "railroad reorganization" as contemplated in rail bankruptcy statutes.

If the committee majority approves—chairman Harley O. Staggers, (D-W. Va.) supports Shoup and Adams—a bill might emerge Wednesday or Thursday. House action would be expected shortly thereafter.

The focus would then be on the Senate, where there is widespread support for the Shoup-Adams bill but where the administration is expected to push amendments with language it favors on labor protection and property transfer.

As fashioned by the House committee, the Shoup-Adams-Union Pacific bill would mark a historic turning point in government transportation policy.

Throughout U.S. history, various modes of transportation have benefitted at different times from government largesse—most recently airlines, whose system of airport facilities is subsidized by the federal Treasury; and motor transportation, aided significantly by the multi-billion-dollar interstate highway network.

Railroads were aided in earlier eras, too, with land grants in the last century and eased financial reorganization procedures during the Great Depression.

The nightmare of many industry people and legislators is that if the current legislative effort fails, the only alternative will be an even more expensive route—nationalization.

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## SEEKS TO ADD WEST FORK OF SIPSEY RIVER TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

### HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BEVILL. Mr. Speaker, I have cosponsored a bill with Congressman BOB JONES which would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey River in the State of Alabama for addition to the National Wild and Scenic Rivers System. Today I testified before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs in support of this proposal. Because of the importance of this bill to the State of Alabama, I am placing my testimony in the CONGRESSIONAL RECORD at this point:

STATEMENT OF HON. TOM BEVILL OF ALABAMA

OCTOBER 30, 1973.

Mr. Chairman, distinguished Members of the Committee, I appreciate this opportunity to appear before you today in support of H.R. 8643. This bill, which I have introduced with Congressman Bob Jones, would amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey Fork in the State of Alabama for potential addition to the National Wild and Scenic Rivers System.

Addition of the West Fork Sipsey to the Wild and Scenic Rivers System would assure its preservation in a free-flowing condition and a natural setting. As you know, Mr. Chairman, upon designation to the System, federally owned land within a quarter-mile of the river would be devoted to the recreational and scenic purposes of the Wild and Scenic Rivers Act.

The Warrior River is formed from three principal tributaries called forks—Locust Fork, Mulberry Fork and Sipsey Fork—plus many smaller streams. The Sipsey Fork has a main stem and a feeder stream that is named the West Fork of the Sipsey Fork but commonly referred to as the West Fork Sipsey.

The proposed area includes the West Fork Sipsey from the impoundment of Lewis M. Smith Lake in Winston County upstream to its origin in Lawrence County as well as the tributaries to that segment. This includes the Bee Branch area which has been protected by the U.S. Forest Service since the creation of the Bankhead National Forest. The area proposed for the Wild and Scenic Rivers System is about 16 miles long plus the tributaries.

The headwaters and much of the main stream of the West Fork Sipsey are typical mountain streams, beautiful but rugged. There are waterfalls and deep gorges, some more than 100 feet deep.

This area has some geological features, plants and birds that are reported to be rare in the United States.

Mr. Chairman, although the West Fork Sipsey is not a large river, it has unusual features which I believe merit consideration for addition to the Wild and Scenic Rivers System and I respectfully urge the committee to approve this bill.

Thank you.

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## THE 15TH OBSERVANCE OF CAPTIVE NATIONS WEEK

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. DERWINSKI. Mr. Speaker, under the direction of the National Captive Nations Committee, led by Dr. Lev E. Dobriansky of Georgetown University, the 15th Observance of Captive Nations Week was successfully held in this country and abroad. The committee has collated the seemingly endless reports on the annual event, which have appeared in these pages since July.

As additional examples of the abiding faith and convictions our people and others have in both the strategic importance and the eventual liberation of all the captive nations, I submit for our readers first, the report in America "Buffalo Observes Captive Nations Week"; second, the program of the South Florida Captive Nations Committee; third, the China Post Editorial on "Universal Human Freedom" and its commentary, "Captive Nations Week" and the China News report "President Pledges Support For Freeing Captive Nations," and fourth, the report on the Week in the Free Republic of China:

BUFFALO OBSERVES CAPTIVE NATIONS WEEK

BUFFALO, N.Y.—This year, as previously by the initiative of the Buffalo Branch of the Ukrainian Congress Committee, headed by Mr. Wasyl Sharvan, a separate Captive Nations Committee was formed in Buffalo to coordinate the activities for the observance of the Captive Nations Week which was held from July 15–21.

The Ukrainian representation included: Mr. Wasyl Sharvan, Mr. Andrew Diakun, J. D., Mr. Bohdan Moroz, Mr. Roman Tschip, Marta Hawryluk. On Mr. Wasyl Sharvan's proposal, Mr. Tibor Baranski, Hungarian representative, headed this year's committee, while Erie County Executive, Hon. Edward V. Regan again presided as Honorary Chairman. Due to the personal acquaintance of Mr. Wasyl Sharvan with our Erie County Executive, the committee was able to use the Conference Room in the Erie County Building for its meetings. The Committee also included: Mr. Voldemar Kirss (Estonia)—Vice Chairman and Treasurer, Martha Hawryluk—Secretary, Col. William Cybulski (Poland) headed the Proclamation and Resolution Committee with Mr. Tibor Baranski, Mr. Andrew Diakun, J.D., and Mr. Wasyl Sharvan as members. Represented in the observances

were the following captive nations: Ukraine, Albania, Bulgaria, Croatia, Estonia, Hungary, Latvia, Lithuania, and Poland.

Erie County Executive, Hon. Edward V. Regan as well as Hon. Stanley Makowski—Mayor of Buffalo, signed Proclamations in the presence of ethnic group representatives, designating the week of July 15–21 as Captive Nations Week in Buffalo. The events of the week were televised by the Buffalo television stations. During the week, the national flags were displayed around the county building.

On Wednesday, July 18, the Kiwanis Club held a luncheon at the Montefiore Club. Attending the luncheon were Hon. Edward Regan, county and city officials and representatives of the captive nations. The main speech was delivered by Hon. Mary Beck of Detroit. During the luncheon, the Kiwanis Club presented Mr. Wasyl Sharvan—Buffalo Chapter UCCA President with an honorary plaque—dedicated to the late Dr. Nestor Procyk for his dedication and work for the Captive Nations cause.

Telegrams with greetings and congratulations were received, among them a telegram from Congressman Kemp.

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THE 15TH ANNUAL OBSERVANCE OF CAPTIVE NATIONS WEEK

SOUTH FLORIDA CAPTIVE NATIONS COMMISSION,
*Miami, Fla.*

Each year the third week of July for the past fifteen years had been designated Captive Nations Week by Public Law 86–90 signed by President Eisenhower in 1959.

During the past fifteen years not one nation subjugated by a dictatorial form of Government was freed. The sad fact is that one more country—Cuba—in 1960 was added to the long list of Captive Nations.

Therefore we, immigrant and citizens of the United States cannot and will not forget those who are subjugated and living under the fear of despots deprived of their basic principle of human rights.

We shall remember and we shall remind our freedom loving Americans year after year of the unbearable life which the Captive Nations must endure on their God-given land!

THE PROGRAM OF THE ANNUAL OBSERVANCE—JULY 27, 1973

Procession from the Dade County Court House to the Torch of Friendship.

Opening Hymn at the Torch of Friendship Ceremony—M.C. Mrs. Katherine Hodivsky.

My country, 'tis of thee, Sweet land of liberty
Of thee I sing;
Land where my fathers died, Land of the Pilgrim's pride
From ev'ry mountain side Let freedom ring.
In unison the Audience sings it.

Pledge of Allegiance.

Invocation: Rev. John Paul Nagy, Hungarian Church of Reformation.

Greetings, The Rev. Theodore R. Gibson, Vice Mayor of Miami.

Presentation of Colors and Anthems of Captive Nations. One stanza, please.

Principal Address: The Hon. Fredrick N. Barad, Dade County Judge.

Grettings and Introduction of Guests: Mrs. Katherine Hodivsky, Secretary.

Prayer for the Captives: The Rev. Fr. Michael Horoshko, Pastor, St. Nicholas Ukrainian Orthodox Church.

Closing Address: Peter Gioia, Student of U.F., represents Young Americans for Freedom.

Closing Hymn: 4th Stanza of America. [The audience sings it in unison.]

Our fathers God, to thee, Author of liberty
To thee we sing; Long may our land be bright
With freedom's holy light:
Protect us by Thy might, Great God our King.

Benediction.



MEMBERS OF THE SOUTH FLORIDA CAPTIVE NATIONS COMMITTEE

American Czechoslovac Social Club, Cubans:Alfa 66, The Truth About Cuba Committee, Moviminto Unitario Invasor, German American Social Club, Hungarian Church of Reformation, Latvian Ass. of South Florida, Lituanian Council of Miami, Polish American Congress, Florida Division, Belo-Russian Ass., Slovac Club of America, Ukrainian Central Committee and Club, Young Americans for Freedom, Committee on Soviet Jewry, Estonian American Club.

OFFICERS OF THE CAPTIVE NATIONS COMMITTEE OF SOUTH FLORIDA

General Chairman: The Rev. John Paul Nagy, Pastor Hungarian Church of Reformation, Chairman: Rafael Pérez Doreste, President The Truth About Cuba Committee, Secretary: Ted Maksymovich, Past President Ukrainian American Club, Recording Secretary: Katherine Hodivsky, Ukrainian American Club,

Public Ralation: Lillian J. Michiak, Polish American Congress and Earle Silver Committee on Soviet Jewry and Young Americans for Freedom.

Treasurer: George Tischler, Honorary Chief-elder, Hungarian Church of Reformation.

"We shall never forget the plight of our fellowmen in captivity!!!"—Rev. John Paul Nagy.

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UNIVERSAL HUMAN FREEDOM

The mass rally commemorating the Captive Nations Week (CNW) yesterday morning at the Dr. Sun Yat-sen Memorial Hall in Taipei provided a fitting occasion for anti-Communist leaders to reexamine the anti-Communist cause in the present world.

President Chiang Kai-shek, No. 1 anti-Communist warrior of the world, made in his message to the rally a clarion call for universal human freedom. "Universal human freedom," the President declared, "can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule."

Vice President C.K. Yen called upon the rally to awaken the anti-Communist conscience of the freeworld and expose Peiping's camouflage of ugliness in the hope that the pro-Communist nations will become anti-Communist and their judgment will be restored.

Dr. Ku Cheng-kang, who presided over the rally, advanced the slogan of "No Peace Without Eliminating Slavery." He pointed out that "peace of the world is possible only when all of mankind is free, and that victory for freedom is the most reliable guarantee for peace to last." He also noted that the destruction of Chinese Communist tyranny must come first if the captive peoples are to regain their freedom and that the solution of the China problem will bring about durable peace to all Asia.

The rally also heard an eloquent address by U.S. Congressman Jack F. Kemp who urged the rally to assure the people behind the iron curtain that "We have not forgotten you. We will never forget you and freedom is your birthright."

The plight of the free world is very serious indeed in the face of rampant appeasement. But there is no lack of determination on the part of the free nations to march forward with firm steps and matchless courage. Let this rally serve to remind free people everywhere that their cause is not only far from lost but will emerge victorious because "to struggle against enslavement and for freedom and peace is truly the basic requirement and supreme aspiration of mankind." We have good reason to believe, therefore, that universal human freedom is not an empty dream.

CAPTIVE NATIONS WEEK

(NOTE.—Extracts from the editorial in the Chinese-language newspapers yesterday.)

Today, representatives of all walks of life of the Republic of China are gathering in Taipei for the "Captive Nations Week."

In an age of "negotiations for confrontation", we are supporting this movement in a unique mood. Fourteen years ago, U.S. President Eisenhower enunciated, according to a Congress resolution, the captive nations' week in spiritual support of the enslaved people of Eastern Europe, but now, President Richard M. Nixon has talked with Brezhnev in a cordial atmosphere, proudly announcing that "both sides are satisfied with the development of the normalization of their relations with Europe." With these developments, it seems that Captive Nations' Week has been forgotten.

Nevertheless, tens of thousands of people behind the Iron Curtain are still living in a dark and enslaved world, which can never be denied by the Nixon-Brezhnev communique. Even when Brezhnev was visiting the U.S., 31 groups composed of Americans of Russian descent bitterly pointed out in a big advertisement in the New York Times that Soviet Russia has become a series of concentration camps. Such being the situation in Russia, the fate of the Eastern European people is much worse.

We are supporting the Week because we are anti-Communist, anti-enslavement and because 700 million of our compatriots are enslaved on the Chinese mainland pending salvation, because this Week has the same objective as the Freedom Day on January 23. Although the U.S. has fallen behind in its support of the week which it initiated, we will never be discouraged. . . . What is noteworthy is not what will become of the age of negotiation, but the age of negotiation will of necessity lead to a more severe "age of confrontation." And the problem of China remains at the center of world problems and the solution of the China problem will determine the future of the mankind. . . . As President Chiang said, "We will never wait and see the changes in the world situation. We must take the initiative and fight hard." We hope the people of the whole world will join us in the fight.—United Daily News.

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PRESIDENT PLEDGES SUPPORT FOR FREEING CAPTIVE NATIONS

President Chiang Kai-shek today pledged the Republic of China's support for the captive nations in regaining their freedom.

In a message read at a mass rally supporting Captive Nations Week, President Chiang said the Chinese nation dedicates itself to the task of "world salvation" from the Communist holocaust.

"We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering."

He said freedom will triumph in the end.

This triumph, President Chiang said, "can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain."

Ku Cheng-kang, honorary chairman of the World Anti-Communist League, presided over the mass rally, which took place at the Dr. Sun Yatsen Memorial Hall in the morning.

Over 3,000 representatives of the people from all walks of life took part in the meeting, where Vice President C. K. Yen and U.S. Representative Jack F. Kemp (Rep.-New York) spoke.

Full text of President Chiang's message follows:

"Support of the captive nations and peoples in their struggle against Communist tyranny and persecution and for freedom demonstrates the moral force of humankind and constitutes the mainstream of the world

anti-Communist movement. Universal human freedom can be assured only after the captive peoples have been freed. World peace can be attained only after captive nations have cast off tyrannical rule.

"Influenced by Communist smiling diplomacy, bluffing and temptations, appeasers of the world have lost their ability to distinguish right from wrong and no longer have the conscience to promote the good and punish the wicked. Perverse theory is prevailing. Justice is giving ground to the forces of evil. These developments have confused the camp of freedom and abetted the growth of Communism. Even so, the fierce struggle for freedom of the people shut behind the Iron Curtain and the support for their emancipation provided by peace-loving people outside the Iron Curtain have never ceased despite the buffeting from waves of appeasement. To the contrary, captive peoples and their supporters are marching forward with firm steps along a brightly illuminated road and showing matchless courage as they overcome tens of thousands of difficulties.

"The three virtues of wisdom, benevolence and courage, as cherished and passed down by our ancient sages, make up the essence of our cultural tradition. Throughout our history, whenever evil forces prevailed, the altruistic and upright people have always shown their great wisdom by adhering to the right against the wrong, renouncing wrongful gain for justice, displaying their great benevolence in national salvation and summoning their great courage to surmount the crisis and turn back the perverse tide. At this moment of world turbulence and turmoil, all of us in the Republic of China should burnish bright this tradition and demonstrate a spirit of surpassing wisdom, benevolence and courage. We should take our stand determinedly and undauntedly and dedicate ourselves to the great task of national and world salvation. We should give our support to the liberation of the captive nations of the world and deliver our compatriots from their crucible of suffering. In other words, we should take up the difficult task of reshaping the world's destiny by destroying the tyrannical Communist rule now afflicting the earth and by delivering humankind from the Red holocaust.

"We believe that true world peace can be brought into existence only after the triumph of human freedom and that this triumph can be made manifest only by the mighty combined force of world justice and the masses of people shut behind the Iron Curtain. I should like to take this opportunity to express my wish for success and victory in our struggle against Communism and enslavement and for freedom and peace."

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### The 1973 Captive Nations Week in the Republic of China

Under the sponsorship of the WACL/APACL China Chapter, civic circles in the Republic of China observed the 1973 Captive Nations Week by carrying out a week-long program of anti-Communist activities from July 15 through 21 on Taiwan and the offshore islands. The 1973 Captive Nations Week in the Republic of China adopted "No Peace Without Eliminating Slavery" as its main theme, aiming at exposing the Communist united front scheme of smiling diplomacy and peaceful coexistence, striking back at the maneuver of international appeasers and rectifying the deviation in international politics. Following is a brief review of important activities of the week.

1. MASS RALLY

The Mass Rally of Civic Circles in the Republic of China for Supporting the Captive Nations in Struggle for Freedom was held on the morning of July 17 at Dr. Sun Yat-sen Memorial Hall in Taipei. Participants included high-ranking government officials, party leaders, parliamentarians, professors, foreign diplomats and representatives of woman, youth, cultural, educational and business organizations, totaling about three thousand people. Congressman Jack Kemp of the United States made a special trip to Taiwan for participating in the rally. Also participating in the rally were a 36-member delegation organized by the WACL/APACL Thailand Chapter and a 5-member group from the WACL Denmark Chapter. The rally was presided over by Dr. Ku Cheng-kang. President Chiang Kai-shek sent a message to the rally, and Vice President C. K. Yen personally delivered an address. The rally proceedings were broadcast live to the whole country by TV and radio stations and tape-recorded by local and foreign reporters.

Dr. Ku Cheng-kang said in his opening address: "Economic cooperation among the nations must be strengthened in order to promote mutual assistance as an initial step to lay a sound foundation for establishing a united front and safeguarding the common security of free nations on the one hand and, on the other, to provide spiritual encouragement, material aids and ideological incentives to the captive peoples behind the Iron Curtain in Asia and Europe so that we can enlarge the captive peoples' freedom movement into a dominant current of the times and protect all people's freedom by restoring freedom to the enslaved." Mr. Kemp said in his speech at the rally: "The Republic of China is a symbol of progress and freedom in the world today. Taiwan's achievements either in economic, political or cultural field are miracles. This is a distinctive contrast between Free China and the enslaved Chinese mainland." This is indeed the most to-the-point criticism against Communism and the Chinese Communist dictatorship. Mr. Li Ming, a Chinese refugee, who recently defected to freedom from the Chinese mainland, testified at the rally on the Chinese Communist tyrannical rule and the Communist scheme to ease up internal crisis by means of smiling diplomacy. The rally passed its declaration and a message to President Nixon of the United States pointing out that the illusive peace of appeasers could only lead to further aggressions by the Communists, emphasizing that the prerequisite for peace is the elimination of slavery, and demanding that President Nixon must carry through the primary objective of the Captive Nations Week movement sponsored by the United States and fulfill the liberation of captive nations from behind the Iron Curtain. In addition, the rally issued letters to the Chinese fellow-countrymen living on the Chinese mainland and the people behind the Iron Curtain reaffirming the WACL's and APACL's continued support for their struggle and encouraging them to fight to the end for freedom, a cable message of respect to President Chiang Kai-shek and a cable message to the peoples of Vietnam and Khmer expressing support and encouragement for their gallant fight.

2. OTHER ANTI-COMMUNIST ACTIVITIES

This year's Captive Nations Week was also observed in other cities and counties including Kinmen, Matsu and Penghu during the week from July 15 through 21 by holding rallies, lecture meetings, symposiums and religious services. Prayer meetings were held by national organizations of the seven principal religions in the Republic of China—Catholic, Protestant, Taoist, Buddist, Muslim, Li Chiao and Hsien Yuan Chiao—for blessings to the anti-Communist martyrs and for the victory to the captive peoples' anti-Communist struggle. Symposiums were held by anti-Communist Chinese refugees under the sponsorship of the Association for Relief of Chinese Refugees, by overseas Chinese under the sponsorship of the Overseas Chinese Association, by civic leaders under the sponsorship of the Civic Organizational Activity Center of Taipei, and by Chinese and foreign youths under the sponsorship of the China Youth Corps. The Musical Platform of New Park in Taipei produced an open evening show. An exhibition on Chinese Communist atrocities was held in Matsu and psychological warfare operations were intensified in Kinmen. These activities brought free Chinese people's support for the freedom movement of the enslaved to a climax everywhere throughout the country.

3. IMPORTANT ACTIVITIES OF CONGRESSMAN JACK KEMP

Upon his arrival in Taipei on the morning of July 14, Congressman Jack Kemp of the United States held a press conference at the International Airport. He participated in the Captive Nations Week mass rally on the morning of July 17 and delivered a speech. On the morning of July 19, Mr. Kemp gave a speech on the Vietnam war and the U.S.-Republic of China relations before 1,000 civic leaders at the Taipei City Hall. His profound understanding of the Communist intrigues and firm anti-Communist stand deeply impressed the whole audience. Besides participating in Captive Nations Week activities, Mr. Kemp visited industrial plants and mainland China research institutes and, on July 18, made a trip to Kinmen to see for himself the importance of the offshore island bastion and the high morale of the troops stationed there. He also made calls on and attended receptions held by high-ranking government officials, including Vice-President Yen, President Chiang of Executive Yuan, President Yi of Legislative Yuan, President Yu of Control Yuan and General Lai, Chief of General Staff. He was especially impressed by the fervor of the free Chinese people in observing the Captive Nations Week and the brilliant achievement of the Republic of China in economic reconstructions.

4. WIDE PUBLICITY

For the purpose of heightening the political effect of this year's Captive Nations Week, The WACL/APACL China Chapter, gave the widest possible publicity to the week's activities. News reports, editorials and special columns were published in local and foreign newspapers, magazines, pictorials and TV and radio drama and quiz programs were presented by radio and TV stations everyday during the week from July 15 through 21. Tape recordings and film records were made by the China Broadcast Company and the Government Information Office for use by foreign TV and radio broadcasts as a call to all freedom-loving people throughout the world for united efforts for the victory of freedom against Communist enslavement.

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## COMPUTERS IN NURSING HOMES

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. GUDE. Mr. Speaker, in the August issue of Modern Nursing Home, Donald H. Nixon, president of the Computer Information Systems Corporation of Silver Spring, reports that nursing homes are inreasingly finding that "computers can be a valuable tool in reducing bookkeeping time and cost, preparing payrolls, audits and budgets, and developing management reports that are not readily available by manual accounting methods.

Mr. Nixon's firm is the Nation's largest provider of computer systems for nursing homes. I am pleased to have it in my congressional district.

Mr. Nixon, in his report, sums up the future for computer use in nursing homes in this manner:

Looking toward the future, there are several trends that will encourage the use of computers in the long-term care field.

Increased government regulation, at all levels, will create more paperwork requirements for nursing homes. Government regulations will also encourage more standardization of both services and the reporting of those services. Computers offer one effective method to handle and evaluate the large volumes of information that will be produced.

More nursing home chains will be formed to take advantage of large economies of size as operating margins tighten through rising labor costs, increased construction expenses, and compliance with new government regulations. Multi-facility organizations can be expected to use more computerization for both accounting and managerial purposes.

It seems clear that the long-term care industry, like society in general, will have an increasing requirement for computer services. Undoubtedly, the next generation of computer services will benefit from the experiences of nursing homes during the past five years.

## WATERGATE AND A DANGEROUS WORLD

### HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. TAYLOR of Missouri. Mr. Speaker, the Washington Star-News of last Sunday, October 28, 1973, featured an editorial which summarized the events of the week past and concluded with some observations which I believe are worthy of your thoughtful consideration.

WATERGATE AND A DANGEROUS WORLD

This was, as they used to say, the week that was, and it will be perfectly all right if we do not have another like it in the immediate future.

It all began, against the backdrop of a major war in the Middle East, a week ago Saturday, when Special Prosecutor Archibald Cox held a nationally televised press conference in which he rejected the Stennis compromise which would have furnished expurgated versions of nine Watergate tapes to both District Judge John J. Sirica and to the Senate Watergate committee. Cox told the nation that he would bring a citation for contempt against the President in Sirica's court.

Later that day, with the inevitability of Greek tragedy, Mr. Nixon forced Attorney General Elliot Richardson's resignation and fired both Cox and Deputy Attorney General William Ruckelshaus. Meanwhile—with time out, of course, for the Redskins to destroy the Cardinals—the Israelis continued to expand their bridgehead west of the Suez Canal, imperiling the Egyptian Third Army dug in on the other side of the waterway.

On Monday, as the United Nations accepted a joint U.S.-Soviet Mideast truce plan, Mr. Nixon's domestic situation began to unravel. Western Union was deluged with telegrams calling for his impeachment and the Hill was seething with outrage.

Tuesday brought a sharp about-face on Mr. Nixon's part, as his lawyers told Sirica that the nine Watergate tapes would be surrendered to him. But this abrupt reversal did nothing to still the cry for the President's political hide. Indeed, as it sank in on the Senate and the public that the President's surrender of the tapes to the court had negated the bargain with the Watergate committee—and hence made it virtually certain that less rather than more eventually would be known about his part in the Watergate coverup—the pressure on the Oval Office increased. Perhaps not entirely incidentally, the Mideast truce broke down almost before it had taken effect, as the Israelis raced southward to seal off the Third Army.

On Wednesday, House Democrats decided to pursue and broaden an inquiry into the possible impeachment of the President. In the Senate, Republican leaders who had stood by Mr. Nixon throughout the Watergate crisis urged the appointment of a special prosecutor to replace Cox, a step to which the President was at that time adamantly opposed. Mr. Nixon scheduled, then canceled, an address to the nation.

In the small hours of Thursday morning, after a 3 a.m. emergency meeting of the National Security Council, American forces were put on a middle-level worldwide alert in the face of an apparent Russian threat to intervene unilaterally in the Middle East to save the doomed Egyptian Third Army. Secretary of State Kissinger, in a performance as virtuoso in its own way as had been Cox's, spoke in grave terms of the threat posed to world peace by the Russian demarche. It is perhaps symptomatic of the cancer which afflicts us that he was met with insinuations that perhaps the alert was designed less to forestall the Russians than to extricate Mr. Nixon from his Watergate difficulties, perhaps at the cost of democratic government in this country.

By Friday, although the alert was still on, the international crisis appeared to have eased considerably. Although Russian personnel had arrived in Egypt in unknown numbers, the Kremlin had agreed to a U.N. cease-fire force which would exclude the major powers, and fighting in the Mideast had decreased in intensity.

There was still more to come Friday night. At his press conference, Mr. Nixon's feud with the news media escalated to its highest peak yet, and his announcement that the administration would appoint a new Watergate prosecutor to succeed Archibald Cox, after all, hardly pacified his critics in Congress. Although most liberal Democrats and many pundits also continued to cry for the impeachment of the President, however, there was a discernible sigh of relief from other quarters that, seemingly against considerable odds, the country had at least survived one of the most tumultuous weeks in its history.

And indeed if there is a lesson to be learned from those wild seven days in October, it is that, as Kissinger observed in his press conference, there always is a price to pay for a prolonged and strident convulsion of the political system. And when one is talking in terms of a nuclear war in which millions are certain to die, the price of instant righteousness can be higher than the average man wants to pay.

We are not suggesting for a minute that, given the stench of Watergate, Mr. Nixon's personal finances and political acts are not legitimate subjects of public concern. If it can be proved conclusively that he has been guilty of peculation or of the gross abuse of his constitutional powers, then there can be no alternative to his impeachment.

But insofar as we are aware, Mr. Nixon has broken no law, defied no court, padlocked no legislature, muzzled no member of the press. The jackboots that some observers seem to hear echoing in the streets of Washington are largely in their own minds.

The new special prosecutor of the Watergate case will have a responsibility to the public to follow every trail wherever it may lead. And the House has the obligation to act on this and other information in the ascertainment of Mr. Nixon's fitness to lead the country.

But as events of last week show, this is a serious business and those who embark upon it must be aware of the possible consequences of their acts, if only because other nuclear-armed nations have an immense capacity to misinterpret what happens here, with possibly terrible results for all mankind.

In short, we could use a little more gravitas in the treatment of the President of the United States. There has been far too much slander, inuendo and loose rhetoric about Mr. Nixon's possible deeds and presumed motives. He has yet to be found guilty of anything other than having underlings and associates accused and some guilty of misdeeds. Nor is he, insfar as we know, mentally unbalanced, an insinuation which some have made.

Let the investigation of his administration continue. Let the House, if it feels it must, pursue the question of whether he has been guilty of the "high crimes and misdemeanors" which can be the only basis for his impeachment. But, as someone once remarked, it would be helpful if all of us would "lower our voices" a bit. It would be useful if some of the President's more hot eyed crtics would examine their own motives. It would be realistic to keep in mind that there is a world beyond Bebe Rebozo and Robert Vesco.

Thinking men used to hold that the blood of kings can be shed, but never lightly. Richard Nixon is not our monarch but he is our president, and the only one we happen to have. To destroy him out of pique, at the cost of destroying the nation, would be a shallow victory for some and a defeat for all.

## FROM THE MAILBAG—THE PEOPLE OF THE 22D DISTRICT OF NEW YORK FAVOR IMPEACHMENT

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BINGHAM. Mr. Speaker, my mail is running about 50 to 1 in favor of the actions taken by the House to investigate the President's conduct to determine if impeachment is warranted. The letters and telegrams, received from Republicans as well as Democrats, confirms my belief that the impeachment process is the only available avenue open to restore public confidence in this country's government.

I have selected a few of these communications which illustrate the tenor of my mail on this subject, and I commend them to those who claim that the Congress is "out to get" the President rather than acting responsibly under the Constitution on behalf of the majority of the people. The letters and telegrams follow:

BRONX, N.Y.

Congressman JONATHAN B. BINGHAM,
*Bronx, New York.*

DEAR CONGRESSMAN BINGHAM: This letter is very hard for me write, but the events of the past few days have been frightening.

As a registered Republican in your district, I strongly urge you to initiate impeachment proceedings, and I believe it is imperative that approval of Gerald Ford for Vice President be withheld until this matter is settled.

Sincerely,

SUSAN RUBENSTEIN.

BRONX, N.Y.,
*October 23, 1973.*

DEAR CONGRESSMAN BINGHAM: I am a very busy individual, working, going to school, keeping a home, etc., and unfortunately I never take time to write my Congressman, however, I feel this matter is so urgent and desperate. I support your stand on impeachment for President Nixon. Please follow through on it.

BLOSSOM WITTLIN.

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BRONX, N.Y.

JONATHAN B. BINGHAM,
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: I would like you to support the position of impeaching President Nixon. He is unfit to govern. His illegal bombing of Cambodia, his secret spy plan, his illegal wiretapping, his dismantling of the Office of Economic Opportunity (OEO). His starting of a dictatorship bringing the military in government such as Alexander Haig.

Yours truly,

MEYER SANDAK.

Bronx, N.Y. 10468.

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OCTOBER 23, 1973.

Hon. JONATHAN BINGHAM,
*House of Representatives,*
*Washington, D.C.*

SIR: I am writing this letter to express my shock and outrage over the events of the last weekend concerning the firing of Special Prosecutor Cox, and the resignations of Messrs. Richardson and Ruckelshaus.

It is inconceivable that Mr. Nixon believes that this latest adventure into Banana Republic politics will not be met by the people and Congress with the most aggressive if disagreeable action, that is impeachment. After having listened to Charles Morgan of the American Civil Liberties Union read sections of the Declaration Of Independence over the radio Sunday, there is no other course left open to us but to cast off the yoke of Dictatorship, as quickly as possible. There are those who say that impeachment would tear the country apart, however the long range consequences of not doing so would be far more harmful to the Republic.

It is with trembling hand and tears in my eyes that I too must add my voice to those who cannot and will not accept this situation any longer. Impeach Nixon Now.

Sincerely,

JAMES F. COLLINS.

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BRONX, N.Y.,
*October 23, 1973.*

Congressman JONATHAN BINGHAM,
*Capitol Hill, D.C.*

Reconfirm the American spirit at home and abroad, impeach Nixon.

NANCY POSNER.

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BRONX, NEW YORK,
*October 21, 1973.*

Hon. JONATHAN BINGHAM,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN BINGHAM: It has become apparent recently that the President is attempting to usurp the legal powers that are granted to the judicial and legislative branches of government and is making a travesty of the Constitution. We are horrified by the firing of Special Prosecutor Cox. Even without this shocking act, there are many other horrendous attacks upon the rights and liberties of American citizens. I urge you to immediately introduce a resolution for impeachment before this country takes another step closer to dictatorship.

Thank you very much.

Very truly yours,

DAVID B. GROSSBERG.

BRONX, NEW YORK,
*October 23, 1973.*

Congressman JONATHAN BINGHAM,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN BINGHAM: As constituents of yours in your congressional district we are writing this letter to ask that you call for the impeachment of President Nixon. As the events of the last year clearly indicate, we have a president in office who is obsessed with power and has total disregard for law and the constitution of the United States.

As citizens of this great country, we are appalled at the total disregard of this so called "leader" of our country has for the law of the land and for the needs and rights of its people. His flagrant use of power and his arrogant attitude that he is above the law is just shocking in a democratic country as the United States.

As we can clearly see from Watergate, his top aides are on the brink of being indicted; his former Attorney General and former Secretary of Commerce have already been indicted, it is hard for an enlightened individual to believe that the president had absolutely no knowledge of this. The burglary of Daniel Ellsberg's psychiatrist's office and the bribe of Judge Byrne to become Director of the F.B.I. is unparalleled in United States history. The paranoid atmosphere that has precipitated these events and which is evidently still present, is both shocking and appalling.

These past few days where President Nixon has fired Special Watergate Prosecutor Archibald Cox and Assistant Attorney General William Ruckelshaus has convinced me that the President is afraid of the truth being known and has something to hide.

The firing of Mr. Cox, a distinguished man who is trying very hard to get at the truth even if it leads to the White House, is just another example of President Nixon's total disregard for true justice and his promise of an open and free investigation of Watergate and its subsequent coverup. His failure to turn over the White House tapes is even more proof that he has something to hide and his arrogant belief that he is above the law.

As constituents of yours, we ask that you call for his impeachment. Mr. Nixon's abuse of the office of the Presidency must be stopped immediately. It is time for America to once again regain its prestige and to have a President that can truly lead this country and present an example of true leadership of the highest esteem.

Sincerely,

TILLIE LANG.
PETER LANG.
EDIE LANG.

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BRONX, NEW YORK,
*October 20, 1973.*

Congressman JONATHAN BINGHAM,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN BINGHAM: This is the first time in the four years since my wife and I moved to the Bronx that we have felt an overwhelming and compelling desire and sense of obligation to write our congressman to express our feelings. We both are teachers: my wife at Bronx Community College and myself at Lehman College. We both have tried to retain a sense of perspective and objectivity over the incidents which have occurred during the past year in conjunction with Ellsberg, Watergate, etc. That same perspective and objectivity has led us to the conclusion that our congress should begin the Impeachment process against the President. We are only two who urge you to consider such a step, but we know we are not alone in our conviction.

The specious arguments put forth by President Nixon are intolerable in a supposed democratic society such as ours. His defiance of the courts, of the law of the land makes his position all too clear and thus all too dangerous to our way of life. His position is indefensible regardless of what may ultimately be found on the so-called Watergate tapes. Further, we would urge you not to vote on Gerald Ford at this time for what would seem to be obvious reasons.

An attack on President Nixon is not an attack on the presidency nor on the stability of our Country; indeed, it is our belief in the Presidency and in our country's Constitution and stability which leads us to urge the drastic but what we consider to be the essential and necessary step of Impeachment.

Sincerely yours,

BING D. BILLS.
LUCILLE M. BILLS.

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BRONX, N.Y.,
*October 23, 1973.*

Hon. JONATHAN BINGHAM,
*House of Representatives,*
*U.S. Congress,*
*Washington, D.C.*

DEAR CONGRESSMAN BINGHAM: As one of your constituents, I feel that it is time for me to speak out and add my voice to those who are flooding Washington with mail and telegrams calling for the resignation or impeachment of President Nixon. In view of the disclosures of the last 6 months—Watergate, the Agnew affair, the "plumbers unit", the plans for a "secret police force" operating out of the White House as described in the infamous Huston memo, the secret bombing of Cambodia, Nixon's real estate deals, the $100,000 Hughes money, and now the firing of Archibald Cox and the sealing of his offices by the FBI, in a manner reminiscent of the OGPU and the Gestapo, and God only knows what else that we have yet to hear about; I feel that there is not only ample cause for impeachment but that it is necessary, to return this nation to the path of unity and progress.

This is a time of great disquiet in America, and there has never been a greater need for unity and leadership. President Nixon has most certainly not brought unity, but has in fact split the country far more than any of his predecessors. And as for leadership, Mr. Nixon has shown us by the caliber of the people surrounding him that he is incapable of leading anyone whose moral qualities are higher than those of an ordinary common crook, let alone lead the United States.

Once again, I ask that you do anything in your power as a Member of Congress to either force Nixon to resign, or begin impeachment proceedings immediately.

Respectfully yours,

JEANETTE NEUHAUSER.

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BRONX, N.Y.,
*October 20, 1973.*

Hon. JONATHAN BINGHAM,
*Congressional Office Bldg.,*
*Washington, D.C.*

DEAR SIR: I urge you to take the initiative to institute impeachment proceedings against Richard M. Nixon.

Either we are a Nation under law or we are animals in a jungle. How can the President break the law, approve illegal acts, shield those who are in violation of the law, submit fraudulent reports to Congress and defy the courts.

The Congress must fulfill its responsibilities to the country and the people and take all necessary steps to return this Government to responsible law-abiding and law-respecting leadership.

Yours sincerely,

FITZ I. SQUIRE.

BRONX, N.Y.,
*October 23, 1973.*

Hon. JONATHAN BINGHAM,
*House of Representatives,*
*Washington, D.C.*

DEAR CONGRESSMAN BINGHAM: President Nixon's recent dismissal of Special Prosecutor Cox is a clear attempt on his part, despite whatever disclaimers he may make, to obstruct justice and the search for truth. This is especially appalling in light of his repeated pledges of non-interference with the investigation.

It is for this reason, as well as for the Administration's unrelenting attempts to undermine our fundamental civil liberties, that I strongly urge you to seek Mr. Nixon's impeachment as vigorously as possible.

I realize that impeachment is considered to be a drastic measure. But such action is necessary if we are to prevent, as Mr. Cox and others have stated, this country from becoming a nation of men and not laws.

I am sure that I speak for many others when I make this request.

Respectfully,

NICHOLAS W. AQUILINO.

## "IN THE NAME OF GOD, GO"

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HARRINGTON. Mr. Speaker, in the last week, much has been said about Richard M. Nixon's manner of governing this country. Most comments have centered on the immediate issue of the firing of Watergate Special Prosecutor Archibald Cox. In the October 22 New York Times, one columnist, Anthony Lewis, has seen through the immediate issue of Watergate to the underlying philosophy of the Nixon administration and, from that, to the reason he believes Richard M. Nixon must go if this great Nation is to survive. We would all do well to listen to his words.

The article follows:

[From the New York Times, Oct. 22, 1973]

THE END BEGINS

(By Anthony Lewis)

WASHINGTON, October 21.—During his few minutes as Acting Attorney General, William Ruckelshaus had a telephone call from the White House chief of staff, Gen. Alexander Haig. The General conveyed President Nixon's order to fire Archibald Cox as special Watergate prosecutor. Mr. Ruckelshaus, like Elliot Richardson, refused. Then General Haig said:

"Your Commander-in-Chief has given you an order."

There it was, naked: the belief that the President reigns and rules, that loyalty runs to his person rather than to law and institutions. It is precisely the concept of power against which Americans rebelled in 1776, and that they designed the Constitution to bar forever in this country. It is in fact a form of power that no English monarch has exercised since George the Third.

General Haig's military phrase was significant in another sense also. Over this extraordinary weekend, Washington had the smell of an attempted coup d'état. Like the plotters in a novel, Mr. Nixon and his men invoked threats abroad. They skillfully enlisted political elders enfeebled by years of subservience. They tried to cut out the judges, the lawyers, the constitutionalists. They sent the police to seal the dangerous files. Mr. Cox's assistant, Henry Ruth, caught the feeling when he said: "Maybe it isn't 'Seven Days in May,' but it is one day in October."

But short of a real military coup, the attempt has failed. Most important, the issue facing this country has been made so clear that no one with eyes to see can avoid it any longer. That issue is the legitimacy of this President.

The American system gives enormous presumptive weight to the legitimacy of any President, and rightly so. Fixed Presidential terms and orderly succession have been anchors of stability in our turbulent history. But the Framers of the Constitution did not stake all on the Executive, they did not make him absolute or immovable. In the end, they rested their faith on law.

By his acts of the last few days, Richard Nixon has made manifest his contempt for law and for the very tripartite structure of our Government that he so often invokes. He has sought to teach Americans the lesson that the great among us may choose whether and how to obey the law. He has broken a solemn promise made to the United States Senate—the promise to let the truth of Watergate be discovered and the law enforced.

It is impossible now to resist the inference that Mr. Nixon has been trying to conceal evidence of his own violations of the criminal law. That would explain his dogged refusal to disgorge not only the White House tapes but much other documentary material—and explain his fear of Archibald Cox.

Much that has happened in this last week was really designed to get rid of Mr. Cox. So obsessive had that aim become in Mr. Nixon's mind that it was like the cry of Henry the Second about Thomas à Becket: "Who will free me from this turbulent priest?" Eventually someone was found to wield the dagger. His name was Robert Bork, but it will count no more in history than the forgotten names of Becket's murderers.

Oct. 20 was a frightening day in Washington. But it was also profoundly encouraging to those who have maintained their faith in the American system during the horrors of the Nixon years. For there were men who, despite the most terrible pressures, followed the path of honor and the law.

No one who watched Archibald Cox could be altogether cynical again about the good that lies in the American character. It was "Mr. Smith Goes to Washington," for real: the almost naive decency, the sense of duty, the care for personal kindness even in that extreme situation. And then came the redeeming support of Elliot Richardson and William Ruckelshaus.

Mr. Nixon will try to meet the crisis now with one more effort to rally the country behind his person. The answer to that is that royalism has no place in America—and besides, the king is dead. We must look elsewhere for continuity, for legitimacy.

The struggle for the next few days and weeks will require many of us to give up comfortable assumptions. Government officials will have to think again about where their loyalties lie. The lawyers of this country will have to speak out. Constitutional conservatives, above all Barry Goldwater, will have to recognize that Richard Nixon has betrayed them especially.

Today even Congress, which so often rolls on its back like a spaniel, is beginning to face the necessity of impeachment. It need not come to that; for the good of the country it should not. Rather, before long, someone in Richard Nixon's shrinking palace guard will surely tell him that he must listen as the country sends him the same cry that went across the floor of the House of Commons to Neville Chamberlain in 1940: "In the name of God, go."

## PRESIDENT NIXON'S GRIP ON REALITY

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. STOKES. Mr. Speaker, President Nixon's press conference last Friday clearly dramatized, in many ways, why this Nation can no longer trust his word on any matter.

On page 35 of yesterday's New York Times, Mr. Anthony Lewis provides certain facts the President distorted with regard to Thomas Jefferson's action in the Aaron Burr trial. But in his reconsideration of different episodes in the unfolding Watergate scandal, Mr. Lewis probes a question basic to our whole concern about the President's grip on reality. He asks:

Is there in (Nixon) some unconscious process that reshapes the truth to his ends?

I recommend that my colleagues consider this fundamental question as we press on with impeachment proceedings.

The article follows:

WHY WE ARE SHAKEN

(By Anthony Lewis)

WASHINGTON, October 28.—In answering the first question at his press conference Friday, President Nixon brought up the case of Aaron Burr as a precedent to support his continued withholding of Presidential papers. He said:

"You remember the famous case involving Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson. . . ."

The historical facts are as follows: The letter at issue was not from Jefferson but to him, from Gen. James Wilkinson. Jefferson did not refuse to cooperate in the matter; indeed he offered to be examined under oath in Washington. And he did not produce a mere "summary" of the letter. He gave the entire original letter to the U.S. Attorney, George Hay, who offered it to the court for copying and use of "those parts which had relation to the cause."

In short, Mr. Nixon's account was a farrago of untruths. It may seem a minor matter in a press conference that also saw him falsely imply that Elliot Richardson had "approved" his course of action on the tapes. But the President's misuse of the Burr case is interesting precisely because it was so unnecessary, so minor, so gratuitous.

Why did he introduce such an historical episode into his discussion and then so gravely distort it? Did he consciously intend to deceive his audience? Or is there in him some unconscious process that reshapes the truth to his ends?

Those questions are not put down to suggest that there can be sure answers. What is disturbing is that the public cannot be sure. Even on so small a matter we cannot trust the President of the United States.

Trust is fundamental to the functioning of a free government. Those who wrote the American Constitution understood that, and therefore tried to make sure that faith in our system of democracy would survive mistaken leadership. To that end they created in-

stitutions—in shorthand, government of laws, not men.

That Richard Nixon has made it impossible for the country to trust in him is not the worst he has done as President. The more grievous harm has been to damage trust in our institutions. Consider some examples.

The police are a particularly sensitive barometer of trust in any society.

The most respected American police institution has been the Federal Bureau of Investigation. In 1970 President Nixon sought to involve the F.B.I. in a program of illegal wiretapping, surveillance and burglaries. After protests from J. Edgar Hoover, the program was allegedly canceled, but the White House plumbers carried out some of the illegal activities. Amercians' confidence that Federal law-enforcement institutions will respect the law has certainly been damaged.

The Central Intelligence Agency is another sensitive institution. The evidence indicates that Mr. Nixon's top assistants, almost certainly on the orders of the President, sought to involve the C.I.A. in the cover-up of Watergate.

Our military institutions suffered a painful loss of public confidence as a result of Mr. Nixon's secret bombing of Cambodia. It is not surprising that people should be shaken if our powerful forces can be used in secret, without the consent or even the advice of Congress, and with military men joining in a conspiracy to deceive Congress and the public by false reports.

It hardly needs to be said that the courts have been abused by this President, or that Congress has suffered as an institution from the attitude of open contempt displayed toward it by this White House.

Finally, one must mention a sordid episode in which Mr. Nixon did not hesitate to soil the institution of the Presidency itself—by innuendo directed at a dead President. At a press conference on Sept. 16, 1971, he said the United States had got into Vietnam "through overthrowing Diem and the complicity in the murder of Diem." We have no evidence of any such complicity. Mr. Nixon's remark came shortly after his White House consultant, E. Howard Hunt, tried to forge some—a "cable" made to look as if it had come from the Kennedy Administration.

These assaults on our institutions and on our trust have left the country in a state of nervous exhaustion. Before we can recover, we shall have more to endure. Investigating a President, and judging him, will require us to face hard questions of law and policy and politics. But there is no other way.

As we proceed, we should remember above all that we are trying to heal wounded institutions. That means that the whole process of investigation, impeachment and, hopefully, political accommodation must be carried forward with a deep concern for institutional regularity. We must answer disrespect for institutions with respect, lawlessness with law.

## L. I. NATIONAL BANK'S ENVIRONMENTAL PROGRAM

### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. LENT. Mr. Speaker, the Long Island National Bank, which is headquartered in my congressional district. has just completed an ecology program, designed to help conserve our national resources; beautify communities; preserve clean air and water; and improve the quality of life for our Long Island residents. In reporting on this effort, the Long Island Financial Newsletter in a recent issue stated the following praise of the bank's civic-minded effort:

FOURSQUARE FOR ECOLOGY

With the financial institutions: Long Island National Bank jumped in foursquare for ecology with a well-promoted month-long campaign (August 27th to September 21st) encouraging efforts to conserve, clean up, brighten up, and generally beautify. President James Dinkelacker's team will be distributing about 25,000 "ecology kits" thru the bank's 11 offices in the bi-county region. The kits include a tabloid publication on this subject, flower seeds, lapel button, pamphlets and article reprints. An ecology flag, believed to be the first of its kind flown on the Island, is fluttering in the breeze at the main office in Hicksville. Congrats on a contemporary campaign.

Mr. Speaker, this is an exemplary program which could well be emulated by banks and other business institutions throughout the United States, so that the problems created by energy shortages, pollution or other ecological problems can be alleviated.

## AKRON UNIVERSITY PERFORMING ARTS CENTER—EXTRAORDINARY ACHIEVEMENT

### HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. SEIBERLING. Mr. Speaker, in these days when people are inclined to look to the Federal Government to finance any project of an unusual nature and when local communities and private citizens often feel powerless to bring about extraordinary new public enterprises, it is gratifying—indeed, thrilling—to read about the stunning new Edwin J. Thomas Performing Arts Center at the University of Akron in Akron, Ohio.

Opened less than 2 weeks ago, the new performing arts center has been hailed by artists, architects, music critics, and educators all over the country as a major breakthrough. Ada Louise Huxtable, the architectural critic of the New York Times, has called it, "a building of which any world capital could be proud." Without detracting from the splendor of New York's Lincoln Center or similar cultural centers in other cities, I am proud to note that Ms. Huxtable says that all other centers are "provincial by comparison."

The State of Ohio, the University of Akron, Mr. Edwin J. Thomas, and the many other citizens of the greater Akron community whose contributions made this splendid achievement possible deserve the Nation's compliments and warmest congratulations.

However, as Ms. Huxtable points out, the construction of such cultural centers is only a beginning. If they are to make a meaningful and uplifting contribution to the cultural life of our communities, and therefore of our Nation, continued financial support for the performing arts is essential. Every major country in Europe, and even some European cities, provides greater subsidies for the performing arts than all U.S. Government and State programs combined. Nevertheless, it is gratifying that the House this year approved legislation providing for substantial increases in the National Endowment for the Arts. We owe it to our people to continue and expand this kind of support.

The full text of Ms. Huxtable's article follows:

THOMAS HALL "SUPERB," SAYS NEW YORK CRITIC

(By Ada L. Huxtable)

They got it all together in Akron. The trials and errors of a 15-year performing arts center building boom in the United States have finally produced a superb structure—the Edwin J. Thomas Performing Arts Hall, which had its gala opening this week.

It happened in Akron, not in New York, where the performance halls of Lincoln Center look, and are, provincial by comparison or in any of the cities that call themselves the country's cultural capitals. This is a building of which any world capital could be proud.

Located on the campus of the University of Akron, a stone's throw across the railroad tracks (which the university hopes to bridge) to the city's downtown, Thomas Hall is a spectacularly beautiful job. Its superior design is the result of 13 years of collaborative effort on similar projects by theater designer George Izenour and acoustician Vern Knudsen, and the lessons learned from the ambitious Jesse Jones Hall in Houston by the architects, Caudill, Rowlett, Scott.

Everybody's learned a lot. "The theater of experience," a distinguished drama critic colleague of ours calls it, with not a little irony, and adds, "at last they've got it right."

Architecturally, this is a strong and sophisticated work, conceived with unusual care. It is a structure of essentials, in which nothing is there without a reason, and all the elements are utilized rationally and creatively, for a powerful effect. Dalton, Van Dijk, Johnson and Partners of Cleveland worked with Charles Lawrence of Caudill, Rowlett, Scott, and Ian MacGregor was the university client as vice president for planning.

Acoustically, we cannot pretend to judge, but the hall contains, and in fact consists of, one of the most flexible acoustical systems yet devised, and there were happy faces among the experts at the opening performances of the Akron Symphony. That all-important factor still remains to be evaluated fully with continued use. And whether inevitable compromises have had to be made for a multi-use structure meant to accommodate music, dance, drama and a full grab-bag of cultural events also remains to be seen in practice.

Programmatically, the building raises all the questions that these centers habitually pose of how to match the facilities with arts resources, although as part of the university it will also be used for educational purposes, which eases the strain.

Financially, it will surely be no stranger to the economic problems that haunt the performing arts and their physical plants and are the cultural cross of the communities that have taken on these extravagant centers. But Akron's resources are considerable; this is a $13.9 million hall and its sponsors are feeling no pain, Akron desperately wanted this building.

It is a big, as well as an expensive, building, providing a 3,000-seat auditorium. Like other big performance halls in smaller cities—greater Akron numbers about 500,000—it is designed as a multi-use, multi-form facility.

A striking hung ceiling of steel sections that move in mitered caternary curves can cut off parts of the house to make it serve

smaller audiences of 2,400 or 900 people. It takes an incredibly short 15 minutes to make one of these changes; we know, we watched.

The cables from which the ceiling is hung are counter-weighted to lighten it, so that the 44-ton ceiling is balanced by 47 tons of weights, which hang, as 27 massive chrome-plated steel cylinders, in the soaring lobby. Their polished geometric forms, suspended in 90 feet of space, surpass any sculpture.

The building is poured concrete, its weighty mass lightened by entrance walls of glass on two sides, butted and joined without metal, in the European fashion. This crystalline delicacy juxtaposed to solid walls makes a facade of great visual elegance, in which boldness and delicacy strike a breathtaking balance.

From the outside, the angled structure—the result of an asymmetrical plan—appears to be folded into terraced steps and plantings which lift people from a fountain below to entrances on several levels above, with parking tucked underneath. Nothing is static. The upper and lower plazas, banked tiers of flowers and patterns of movement, turn this architecture into a multidimensional solution through extremely skillful site planning and the treatment of the act of entrance as a complex and ceremonial sequence of spatial experiences.

Inside, the lobbies are also a spatial experience. This is just about the handsomest public area to be seen anywhere, barring some not-quite-appropriate furniture. Three continuous lobbies flank the auditorium and stage house, and they can accommodate all 3,000 occupants of the hall at one time.

Inside, the auditorium breaks many rules. It is fan-shaped, rather than the more conventional rectangle, a 30-degree hall in which no seat is more than 132 feet from the stage. How the far side seats will work in terms of vision and intimacy for drama is still to be tested.

One hopes that, unlike Houston, it will not be found necessary to sell the full 3,000 seats for every performance, suitable or not, to balance the books, so that expensive flexibility becomes a bad joke. Or like still other halls that started with gala performances, it will not be reduced to an amateur-night formula after its initial schedules run down.

Sir Rudolf Bing, at an opening luncheon, served notice that the Metropolitan Opera's costs were too great to abandon the 7,000-seat Cleveland Auditorium, no matter how badly performances suffered there, and no matter how tempting Akron might be. He painted a dismal picture of unused houses and arts without subsidy.

There is only one thing that can be said with certainty on the uncertain cultural scene today: Thomas Hall, named after the retired chairman of Goodyear and a major contributor to the hall, is a splendid performing arts center, synthesizing all that has gone before it. But unless there is content to match, architecture becomes an empty art.

## NATIONAL FIRE PREVENTION MONTH

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HOGAN. Mr. Speaker, I would like to take this opportunity to congratulate all volunteer and professional firemen in this Nation who have for so many years selflessly performed their duties in protecting homes and our cities. This month has been set aside as National Fire Prevention Month.

One way we can recognize our responsibility is by giving all the help and support we can offer to our local and State firefighters. From the time of Benjamin Franklin's first volunteer firemen to the present day, these men and women have fought tirelessly to guarantee our personal safety.

We have had several tragic losses in my home county of Prince Georges just this past year which have brought home to me in very real and very terrible ways how necessary this protection can be. Also I have seen several families left fatherless due to the heroic efforts of a firefighter who lost his life in trying to save and protect others. The acts of heroism performed by our firefighters in the routine performance of their duties are no less praiseworthy than those performed by the soldier on the battlefield, and this kind of public recognition is long overdue.

We all have an unrepayable debt for the protection these individuals have given to us, our families, our homes, and our properties. I am truly grateful for this opportunity to say thank you.

## FACING DOWN A THREAT

### HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. FORSYTHE. Mr. Speaker, in Friday's editions of the Wall Street Journal there was an editorial concerning U.S. actions with respect to the Mideast crisis that I thought was most appropriate.

For the benefit of those of my colleagues who may have missed it, I herewith include the text of the editorial at this point in the RECORD:

FACING DOWN A THREAT

Secretary Kissinger had every right to be grave at his press conference yesterday; a President with a badly damaged domestic political base was confronted with a bold threat by the Russians to take unilateral military action in the Middle East.

The administration had sought, by alerting U.S. forces, to quickly counter the danger of a Soviet miscalculation that would lead to a real confrontation. It had acted intelligently by trying to defuse the danger by proposing that the UN Security Council send to the Mideast a peace keeping force that would not include troops of either the U.S. or U.S.S.R.

A short while later the diplomacy worked. The Russians agreed to the U.N. Security Council proposal.

Particularly in the light of the results, we find very little to quarrel with in the way Secretary Kissinger and the President handled themselves in the early hours Thursday in making those decisions. And we find very little as well in the way the U.S. handled diplomatic advances to the Russians prior to the Soviet challenge. It is incredible that some reporters at the press conference suggested that the President had stage managed an international crisis to divert attention from the domestic one; Secretary Kissinger was quite right in stomping hard on such foolish and dangerous notions.

We have no idea why Egypt and then the Russians proposed that the U.S. and U.S.S.R. send peace keeping troops to the area but it was a bad idea and one that the U.S. quite properly rejected. Detente has not quite reached the point where anyone should expect U.S. and Soviet troops to confront each other in an area where a war is winding down without there being grave risks involved.

We can only conclude that the Egyptians made the proposal because their army in the Sinai was in serious danger of collapse, a predicament that was not being ameliorated quickly enough by the agreed-to cease-fire. The Israelis apparently were proceeding with an encirclement that had isolated the Egyptian forces. Perhaps it was dangerous for the Israelis to press on after the cease-fire but then the Israelis have had some provocation over the last three weeks.

Whatever the dangers a big-power peace keeping force would have posed, the dangers of a unilateral move of Soviet troops into the area were even greater. The Egyptians themselves apparently became aware of this, somewhat belatedly; Ashraf Ghorbal, an adviser to President Sadat, refused to comment when asked if Egypt would accept a unilateral Soviet troop commitment. Egypt might be a long time restoring its sovereignty once Soviet troops were stationed on its soil. It could ask Hungary and Czechoslovakia something about that.

In the present situation, Egypt has been left with an alternative and that was perhaps the most important product of Mr. Kissinger's diplomacy. Had a cease-fire not been achieved when it was, there is every possibility that the Egyptian Third Army, caught east of the Suez without sufficient supplies, would have been victim of a major military disaster. The U.S. probably denied the Israelis a total victory but in so doing it also protected the Egyptians from a total defeat that would have thrown them into the waiting arms of the Russians.

We hope the U.S. has taken pains to make it plain to the Egyptians that they owe Mr. Kissinger and the U.S. President quite a lot for that. The least they could do under the circumstances would be to agree to participate in direct peace talks under U.S. auspices with the Israelis and give up any ambitions to push the Israelis into the sea.

The Russians, of course, may have plotted the confrontation from the beginning, although we suspect it more likely that they have merely been practicing their usual opportunism. Whichever, it is clear from their actions that imperialism is never very deeply submerged in Soviet policy making.

Secretary Kissinger is quite right in saying that the U.S. must do what it can to try to promote detente and peace in this nuclear age. But it is also true that the U.S. cannot expect miracles.

In other words, it still is a dangerous world, one in which the U.S. must remain resolute when faced with foreign threats, whatever its domestic difficulties. The administration has faced down one threat, but there no doubt will be others, perhaps from this same Middle East war, which has not yet been settled. If the U.S. people lose sight of that they will do so at their peril.

## THE NEGOTIATED DECLINE AND FALL OF SPIRO T. AGNEW

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. STOKES. Mr. Speaker, President Nixon's recent behavior may have induced a lot of us to remember Vice Presi-

dent Agnew's resignation and conviction of a felony as ancient history.

It happened only 3 weeks ago. But the "firestorm" over Mr. Nixon's firing of Archibald Cox, his defiance of the courts and his subsequent half-about-faces on the issues which led to the firing of Cox—and the public furor demanding the President's impeachment—tend to let us forget the immense scandal and miscarriage of justice involved in the Agnew deal.

The Cleveland Plain Dealer of Sunday, October 28, published the story of Spiro T. Agnew's "Negotiated Decline and Fall." It was written by James M. Naughton, and based on reporting by him, John M. Crewdson, Ben A. Franklin, Christopher Lydon and Agis Sulpukas, all of the New York Times.

THE NEGOTIATED DECLINE AND FALL OF SPIRO T. AGNEW

WASHINGTON.—The collapse of Spiro T. Agnew's career was a negotiated decline and fall.

The dimensions of the bargaining were even broader than the public record suggested. President Nixon sent a messenger to the vice president in early September to seek his resignation. The vice president consented at that time, but fought to obtain a guarantee that he would not go to prison. The attorney general encouraged the bargain.

The details behind Agnew's bartered resignation and disgrace were as fascinating as the event was stunning. They contained elements of psychological drama. They reflected clashing motives in the upper reaches of the government. They produced a game of legal chess in which constitutional issues were gambits and the presidency itself was a pawn.

The drama began with a luncheon conversation late last year. It culminated on Oct. 9 as a result, in part, of a speech by Secretary of State Henry A. Kissinger about war and peace.

And in between, over barely 10 months, were ingredients more suited to a novel than to a national trauma: A President who could not bring himself to tell his heir apparent to his face, to quit. A vice president inviting his own impeachment in order to threaten a President with the same prospect. Lawyers for the nation's second-ranking office taking steps to guard against government wiretaps of their telephones. Prosecutors discussing the mental health of the President.

The outcome became history when Agnew stood before U.S. District Judge Walter E. Hoffman in a Baltimore courtroom. He resigned, pleaded no contest to one charge of income tax evasion and permitted the government to publish evidence that he had extorted bribes for a decade. In return, his plea left him technically free to proclaim his innocence of any wrongdoing and the government settled for a sentence of three years of unsupervised probation and a $10,000 fine.

Not until the last few days have central figures been willing to describe the steps that led up to that momentous result. Some of the elements are matters of dispute. Years from now, scholars may debate the causes and consequences. But based on interviews with Agnew's defense lawyers and key officials in the government—some of whom insisted that they not be identified—here is how the fate of a vice president was sealed in secret:

THE INVESTIGATION

It started with a casual remark, over lunch in Baltimore, late in the fall of 1972.

Robert Brown, director of the local Internal Revenue Service intelligence unit, mentioned a curious matter to George Beall, the U.S. attorney. The intelligence unit had been poking into the income tax returns of Maryland officials and some of them "don't jibe," said Brown.

With equal nonchalance, Beall replied that he had heard rumors of local officials taking kickbacks from government contractors. Perhaps, the two men agreed, it was time to seek a connection between the tax returns and the rumors.

The investigation centered in suburban Baltimore County, where a Democrat, N. Dale Anderson, had succeeded Agnew as the county executive in 1967. On Dec. 4, Beall had U.S. District Judge C. Stanley Blair—who had been Vice President Agnew's chief of staff until his appointment to the bench in 1971—impanel a federal grand jury.

The objectives were modest. Maybe they would catch "a couple of building inspectors" on the take, Beall thought. He assigned the case to three young assistants—Barnet D. Skolnik, Russell T. Baker Jr. and Ronald S. Liebman.

In January, they subpoenaed truckloads of official records from Baltimore County. By February, the county seat, Towson, was alive with speculation about the inquiry and rumors of it reached Agnew. He was startled, but outwardly unconcerned. He had done nothing wrong in his tenure there, he confided to friends.

Then the prosecutors traced the suspicious pattern of payoffs to two contractors who had long been associates of Agnew: Jerome B. Wolff, who had served as a public works staff man to County Executive Agnew, state roads commissioner under Governor Agnew and science adviser to Vice President Agnew; and Lester Matz, a partner in a consulting firm that had had many dealings with Agnew's county and state administrations.

The two contractors were alarmed. They warned Agnew that his name would be dragged into the investigation if the probe were not cut short.

One account, from an Agnew associate, is that the two men approached the vice president directly last spring but Agnew told them he had nothing to fear and would not intervene.

Another version—which the prosecutors in Baltimore were exploring as the basis for a possible obstruction of justice charge against Agnew—was more involved. It was that Matz and Wolff had sent their message through I. N. Hammerman, a wealthy Maryland mortgage banker who had begun an Agnew-for-president movement for his close friend with "Spiro of '76" bumper stickers. Agnew was said to have sent back a rejoinder, paraphrased by one prosecutor:

"Don't worry. It's going to be stopped. You'll be indicted, but what's an indictment? You can beat it. The prosecutors will be kicked up stairs and it will end."

Whichever version was correct, Agnew decided in April that he had to have legal advice. He got in touch with Charles W. Colson, the former White House special counsel.

It was a curious choice. Colson was himself coming under investigation by the Senate Watergate committee for his activities on behalf of President Nixon and had gone so far as to take a lie detector test to demonstrate that he was not involved in the Watergate burglary on June 17, 1972.

Colson met a number of times with Agnew. He also is known to have discussed the situation with the President. He asked his law partner, Judah Best, to get in touch with Beall.

Just before Easter, on April 19, Best went to Baltimore to declare that Agnew was concerned that "people were putting pressure on him to stop the investigation," and he wanted Beall to know that the last thing the vice president "wanted to do in the middle of Watergate was to cover up."

As he later recalled it:

"I explained to Beall that I represented the vice president; had heard these stories that he'd better stop the investigation or they'd make charges about him and also that we'd heard rumors on the cocktail circuit about the dubious loyalties and lack of discretion of people on his (Beall's) staff."

The last remark was a reference to Skolnik, the most expert of the three assistant prosecutors on corruption cases—"I have an instinct for going after public officials who take cash in envelopes," he later boasted. But he was a liberal Democrat who had taken a leave from the prosecutor's office to work in the unsuccessful 1972 presidential campaign of Edmund S. Muskie, D-Maine.

It was Skolnik who pursued the investigation until it touched on Agnew, a point that later would lead one of the vice president's strategists to complain that Beall, a Republican whose father had been and whose brother was a United States Senator, had "lost control" of the inquiry.

In April, though, Agnew had yet to be implicated. Beall told the vice president's lawyer that there was nothing to warrant any suggestion that Agnew was involved, said that he understood the delicacy of the situation and agreed to keep Best advised of the progress of the case.

Through June, Best kept telephoning Beall every 10 days or so and getting the same report: Don't worry.

They didn't. Agnew discussed with his staff the prospect of another trip abroad on behalf of the White House. He submitted to a series of interviews in which he was able to note that he alone, among the officials closest to the President, had escaped any hint of involvement in the burgeoning Watergate scandal.

But Skolnik and his two colleagues were pressing hard with the tactic that prosecutors employ to get lesser figures to implicate higher-ups.

"The train is at the station," they would warn a potential criminal defendant. "Lots of people are getting on. Room is running out. The train may leave at any moment."

On June 4, the Baltimore County administrator, William E. Fornoff, succumbed to the tactic and gave the prosecutors detailed allegations that led to a subsequent grand jury indictment of Anderson. Unknown to Agnew, however, Fornoff gave no information involving him.

But Fornoff's actions apparently threatened Wolff and Matz. On June 11, almost simultaneously, they reached the prosecutors and started talking. By the end of June, the case against Agnew had begun to take shape.

NO MORE SMILES

The routine call from Best to Beall, in early July, did not elicit the routine assurance. Instead, the U.S. attorney told Agnew's lawyer, "'It would be beneficial if we didn't talk again."

To Best, the implication was clear. "All smiles ended in early July."

It was universal, among those involved. On July 3, Beall and his three assistants came to Washington to alert Atty. Gen. Elliot L. Richardson to the important new turn in the case.

"Boy, do we have bad news for you," one of them said as they entered the office of the nation's top law enforcement official.

They outlined the charges. For a decade, up to last December, Agnew had accepted, perhaps even solicited, cash payments from contractors in return for official favors.

Richardson listened until the prosecutors had finished. He immediately cast the situation in its most broad and serious context. What was at stake, he remarked, was "the continuing capacity of the nation to govern itself."

All during the previous week, John W. Dean III, the former White House legal counsel, had been testifying to the Senate Watergate

committee that Nixon was the active participant in the Watergate coverup.

Beyond that, Richardson voiced concern—which he would repeat many times over the next three months—that Agnew was one step away from becoming President of the United States.

"The President's plane could go down tomorrow," the attorney general kept saying. "There could be an assassin's bullet. He could die tomorrow. Here we have a vice president under a cloud."

He told the Baltimore prosecutors to proceed. They expected, as one of them later put it, "some midnight phone calls" to order that they direct the investigation away from the vice president. The calls never came.

Much later, after Agnew had resigned, an associate attributed Agnew's denouncement to the turmoil that Watergate had stirred in the Nixon administration.

"If it hadn't been for Watergate," he said, "this whole thing would have been manageable. We wouldn't have had Richardson in the Justice Department, for one thing. I sure as hell would rather have dealt with Kleindienst"—former Atty. Gen. Richard G. Kleindienst.

The point was not that Kleindienst might have been induced to cover up the case. It was that he might have understood better than Richardson—a Boston brahmin whose politics had never depended upon others' wealth—how Agnew could rationalize a political life-style in which secret gifts from others were considered necessary for survival.

From the outset of the case against him through his televised explanation of his resignation Oct. 15, Agnew insisted that he was innocent of any wrongdoing, that he had never violated a public trust in return for political contributions.

The nub of his proclamation of innocence was twofold: He had done no more than others in Maryland politics in making sure that nonbid consultant contracts went to friends. And more important, none of the favors he accepted in return had enriched his personal net worth.

For Agnew, it was all essential to survival, a basic platform from which he would continue to pursue higher office.

He accepted groceries from a supermarket executive. The restaurant tabs were picked up. He used funds given to him when he was governor to stock a wine cellar. When he traveled as vice president to Palm Springs, Calif., everything was paid for him there by Frank Sinatra or Bob Hope.

He had entered big-time politics precipitantly, without benefit of wealth—indeed, in a 1970 interview he said he had considered withdrawing from politics because other occupations might be more "monetarily rewarding"—and he felt constant pressure to live up to the standards of his wealthier peers.

Early this year he moved into a $190,000 home—with a $160,000 mortgage—and could not afford new draperies. Last December, as an impressive Christmas present to Sinatra and Hope, he arranged for a Baltimore friend to send each a $168 case of Pichon-Longueville '59, a rare and exquisite Bordeaux wine.

As one of his closest associates stated it, Agnew felt that "you can't go to (political) rallies if you don't have shoes, and gasoline in the car."

But as the Agnew supporters suspected, Richardson took the view—as did the prosecutors in Maryland—that what the vice president was accused of was illegal and immoral.

"How can he stay in office?" Richardson asked colleagues in one Justice Department meeting. "I couldn't do it."

FROM X TO Y TO Z

On the last day of July, Beall telephoned Best and asked him to come to Baltimore. Best asked if he could do so in a few days, but the U.S. attorney said, "You'd better make it tomorrow."

When Best entered Beall's office the next day, Aug. 1, the three other prosecutors already were there.

Beall handed him a letter advising Best that the vice president was under investigation for possible violations of the federal criminal code and internal revenue statutes. Best read it, folded it up and without a word, left the office.

He drove back to Washington and made arrangements through Colson to see Agnew, who was then in New York, the next day. Then another partner, David I. Shapiro, telephoned to the New York law firm of Paul, Weiss, Rifkind, Garrison & Wharton to ask Jay H. Topkis, a specialist in tax fraud cases, to join in the defense.

"We've got a very high government official we'd like you to defend," Shapiro said.

There was a pause at his end of the telephone conversation and then he told Topkis, "Well, no, not quite the highest."

Topkis agreed and added Martin London of the New York firm to the defense team. From that point on, in many telephone conversations about defense strategy, the lawyers referred to the vice president only as "the client" and spoke in what they later described as a "highly elliptical" manner. They suspected that the government would tap their phones.

The three principal defense lawyers—Best, Topkis and London—had their first meeting with Agnew on Aug. 6, in the vice president's suite in the Executive Office Building.

The meeting lasted all day. In the afternoon, Agnew's telephone rang. He picked it up, then announced: "It's Richardson. He's coming over."

The attorney general joined them and recited the case as it then stood. It consisted of allegations by Matz and Wolff and by Allen Green, the principal in a large engineering company, that they had funneled thousands of dollars to Agnew on a regular basis in exchange for favors.

"That's a pack of lies, all nonsense," Agnew said.

He told the attorney general: "These people certainly received government contracts, but the receipt of contracts was never influenced by campaign contributions. I've never abused my public trust. Contractors may have made contributions, but I haven't taken any money."

He looked across his huge mahogany desk and told the attorney general:

"I am not going to take this fall."

His lawyers implored Richardson to send someone from the Justice Department to Baltimore to weigh the allegations. They suggested that Beall's "young Turks" had eagerly lapped up stories concocted by the accusers to ward off prosecution by a Republican administration.

The attorney general had already decided on a review of the case. At 5 p.m. that same day, he called Henry E. Petersen, the assistant attorney general in charge of the criminal division, to his office. Petersen knew nothing of the Agnew case. It was his first day back from vacation and he was concentrating on testimony he would give the next day to the Senate Watergate committee.

"You're going to be sorry you came back from vacation," Richardson told him.

Petersen, who was unfamiliar with the case went to Baltimore, reviewed the accumulated evidence and quickly decided it was genuine.

To bolster his judgment, Petersen had the principal witnesses undergo lie detector examinations. On the "critical issues involved," he reported, the tests were "sufficient to give us confidence that there was not deliberate misstatement."

Among those who took the lie detector test was Agnew's close friend, who had pledged to raise several million dollars for a 1976 presidential bid—Bud Hammerman. He was the last of the four central witnesses against Agnew to give evidence to the prosecutors, and the most important.

One of the prosecutors outlined the case this way:

"Let's say we've got money flowing from X to Y to Z. Before Hammerman, we had a lot of X's talking. The problem with that is that they take the stand and say, "Yes, we gave money to Y and we believe it went to Z. If you get Y to take the stand it's devastating."

In August, Y agreed to take the stand if necessary and implicate Z.

PURGATORY

The messages had been coming with some regularity from Hammerman. Agnew would answer the phone and an intermediary would say, "We may be in trouble."

Then came the day in August when there was a final, shocking message: "You may be in big trouble."

There were no more cryptic calls after that. Agnew was stunned that even Hammerman had turned on him. But he set out to win vindication. The process was complicated by the suddenness with which the case against him had become an open fight, in full public view. Before it would end, he would describe it as a "purgatory."

The day before Richardson outlined the government's evidence to the vice president, someone outlined part of it to Jerry Landauer, a reporter for the Wall Street Journal. He telephoned Judge Best, one of Agnew's lawyers, the night of Aug. 5 and asked for comment. Best temporized.

"I know the letter," Landauer told him, referring to the U.S. attorney's notification that Agnew was under investigation. Best remembers that he "just about fell out of my chair."

The next day, Agnew was advised that the Journal was preparing an article for its edition of Aug. 7. Did he have any comment?

With the aid of the lawyers, he prepared a brief statement acknowledging that he was being investigated and proclaiming innocence of any violations of law.

On Aug. 8, Agnew conducted a news conference at which he called the charges against him "damned lies," pledged cooperation with the prosecutors and said he had "absolutely nothing to hide."

It was the first step in an intricate campaign to place pressure on the President and, through him, on the Department of Justice.

As one official knowledgeable about Agnew's strategy deliberations characterized it, the news conference was intended to draw a sharp contrast between a cooperative vice president and a President who was withholding Watergate tapes from the Senate and government investigators. Second, it was intended to "use the press, in the classic sense, to counter the other side's use of the press" through leaks of evidence against Agnew. Finally, it was meant to be a warning to the President: "We're going to fight; we're not going to be pushed around."

Nixon and Agnew never became close personally. Agnew resented the role that had been pressed on him, in the process making him the object of both praise and scorn, in the 1970 congressional election campaign. It had failed to produce a Republican legislative majority, and some of his advisers believed it had severely damaged his political prospects.

He was remembered for his acerbic alliteration—"nattering nabobs or negativism" and "pusillanimous pussyfooting" were examples—but a respected friend persuaded Agnew that he had become no more than a "Kamikaze pilot" for the White House by letting Nixon's speechwriters put words in his mouth.

In the 1972 campaign, Agnew used his own writers, toned down his rhetoric and in-

structed Maj. Gen. John M. Dunn, a career Army officer who technically was his military aide, to reject unsuitable campaign requests from either the White House or the Committee for the Re-Election of the President.

When the two senior officials of the government met in private they were uncomfortable with one another. Cordial, yes. Respectful, always. But never fully candid. When the Agnew scandal became a public property it was doubly so. Nixon at first gave periodic and seemingly begrudged expressions of public confidence in Agnew. Later, he began volunteering the statement that no improprieties had been cited while Agnew was vice president—a qualification that later proved erroneous.

The White House kept insisting, after each of a series of private meetings between the President and vice president, that no requests had been made by Nixon for Agnew's resignation. Most Washington skeptics automatically disbelieved it. Curiously enough, it was true, strictly speaking.

NO DEAL

The President discussed the criminal case with the vice president on Sept. 1. He reportedly wanted Agnew to resign, but recoiled from making a direct appeal.

Instead, he sent an agent to see the vice president in early September. An Agnew associate said it was Bryce H. Harlow, a gentle but politically streetwise counselor to the President who had developed a close relationship with Agnew during the 1970 campaign.

Harlow described the severity of the charges against Agnew. He suggested that a resignation might be best, "for the good of the country." And he alluded to an understanding in the White House that the consequences for Agnew should be made minimal in return for an act of patriotism.

From the outset, Agnew made it clear he would stand and fight if doing otherwise would involve the risk of imprisonment. It was, said one of the half-dozen people with whom he consulted about the overture, "very, very important to him, the most important thing of all, that he not go to prison." He continued to profess his innocence, but he understood that resignation would be taken as a token of guilt, and a presumption of guilt might well be a prelude to conviction and jail.

On Sept. 14, Agnew asked his closest confidant in the Senate, Barry Goldwater of Arizona, to meet with him. He told the Senator, whose support for him had rallied other American conservatives, that he was seriously weighing a presidential request for his resignation.

Goldwater told the vice president that was fine if he were guilty. If not—as Agnew assured him—then he should fight it to the end.

Later that morning, Goldwater telephoned Harlow and was harshly critical of the request and the pressure it represented. The Senator then flew to his home in Phoenix.

Harlow sought an appointment with the senator shortly after he left Washington. Goldwater's Senate staff promised to leave a message in Phoenix. To the senator's surprise, however, Harlow went by White House jet to Phoenix and arrived not long after Goldwater—accompanied by the special White House counsel whose role would become central in a negotiated settlement of the conflict in Baltimore.

J. Fred Buzhardt Jr., was Nixon's special counsel on Watergate. But his journey to Phoenix with Harlow was intended to provide enough details of the allegations against Agnew to dissuade the senator from continuing to support him.

For an hour, the two presidential assistants outlined the evidence, but Goldwater told them it contained nothing he had not already seen in the newspapers. He resented this nearly as much as Agnew did, because of its prejudicial impact on the vice president's defense. In his customary blunt style, Goldwater said he did not care if Agnew was "as guilty as John Dillinger"—what mattered was, he was not getting fair treatment from the Department of Justice.

But Agnew was already secretly beginning to try to make a satisfactory bargain with the Justice Department. Each side withheld from the opposite a private fear that prosecution could be disastrous: The government lawyers because they thought it inevitable that one or more jurors would shrink from convicting a vice president, Agnew's lawyers because they were uncertain that jurors would accept a contention that their client had abided by a code of ethics, however questionable, that was standard in Maryland politics.

Each side had a fundamental demand that was to imperil the negotiations. Agnew would not go to prison; the Baltimore prosecutors insisted he should. The government had to be able to avoid coverup charges by publishing the core of its evidence, Agnew's lawyers wanted some opportunity to insist on his innocence and thus salvage some dignity.

Buzhardt played the role of broker to get the two sides to the bargaining table. Who instructed him to do so remains unclear, but to Assistant Atty. Gen. Petersen. "It was clear where he was from. It was clear that the quicker it could be resolved the better the President would like it." But Buzhardt made no suggestions. He didn't have to. When the two sets of lawyers met the first time on Sept. 13, Judah Best made a startling proposal.

"My line was," he later reminisced, "I want an end of this, an end of the investigation. And his resignation is part of it. Let's cut a deal. A nolo plea (a nolo contendre, or no contest, the legal equivalent of a plea of guilt without the admission) to a one-count information. No jail term. And he'll resign. And I want to save this man's honor to the extent I can."

Henry Petersen was "dumbfounded." He had encountered nothing like it in 25 years at the Justice Department. "When a guy comes in and wants to plead before indictment, you've got him whipped," he said. "That's extraordinary in itself."

But the senior law enforcement officials wrangled for five days over whether to accept. The arguments were ferocious. Richardson sat at the head of a large conference table with five aides and the four Baltimore prosecutors shouting at one another.

One assistant prosecutor, Barnet D. Skolnik, in particular, demanded stern retribution, a prison term. Others argued about the impact of a deal on the public image of a Justice Department already soiled by Watergate. Everyone worried about the political implications, the effect on legal institutions of a vice president copping a plea, versus the damage to the nation and the Republican party from a bitter and long public prosecution.

Richardson abstained, for the most part, but periodically he would chime in with the same insistent theme: Agnew must not become president. And, a colleague of Richardson's said, the attorney general "was very worried about Nixon—he might be impeached, assassinated, he was not in the best psychological condition."

In the best of times, the government is a sieve. While the argument raged at the Justice Department, information trickled out. On Sept. 19, the Washington Post reported that Agnew was considering resignation. It was denied. The plea bargaining went on all that week but, Best noted, "We'd shake hands on something one day and next day we'd come back and nobody would agree on what we'd said."

On Wednesday, Sept. 22, it leaked into print that plea bargaining was under way. Best denied it; the Justice Department waffled.

And Agnew called it off. "No," he told his lawyers, "It's impossible. We're negotiating in a posture where I'm plea bargaining. I'm innocent, and the public perception must be that I'm innocent."

PRESSURE

On Sept. 23, the vice president set up a legal defense fund. On Sept. 25, he urged the House of Representative to conduct a full, public inquiry that would give him an opportunity to vindicate himself. On Sept. 26, House Speaker Carl Albert shelved the request. On Sept. 27, the Baltimore prosecutors began presenting evidence against Agnew to the grand jury. On Sept. 28, Agnew's lawyers filed suit in the federal courts to block the grand jury action, contending the Constitution forbade the indictment of a vice president and news leaks had irreparably damaged prospects for a fair trial.

On Sept. 29, the vice president vowed in a Los Angeles speech not to resign even if indicted and accused the Justice Department of trying to "destroy" his career. On Oct. 3, Judge Walter E. Hoffman granted Agnew unparelleled authority to subpoena prosecutors and journalists to find the sources of news leaks. On Oct. 5, the Justice Department asserted in a legal memorandum that a president could not be indicted but a vice president could.

It occurred with such breathtaking speed and mounting intensity that the nation seemed confronted with not merely another, but a whole series of new legal, constitutional and political crises. The cascade of developments was, in fact, the public product of a strategy to strengthen Agnew's hand at the secret bargaining table or, failing there, to build a foundation for a long, drawnout effort in the courts.

The bid for a House inquiry—an open invitation to impeachment—was the most excruciating of the pressure tactics. It was designed to pose a risk to a besieged President that the derelict constitutional machinery of impeachment would be overhauled by the Agnew case and, oiled, humming and ready to perform, be available for use against Nixon himself.

The legal argument that Agnew could not be indicted in office contained a threat of a Supreme Court ruling that might also set a precedent for the presidency.

The legal and oratorical charges that the Justice Department was systematically leaking damning accusations against Agnew were meant to generate public support for his role as an underdog and thus put more heat on the prosecutors.

An admirer once credited Agnew with an uncanny ability to compartmentalize his activities, keeping some of his closest associates from knowing what other, equally close aides were doing.

Only three other persons were aware of Agnew's strategy of escalating pressure. They were Arthur J. Sohmer, the vice president's administrative assistant; Gen. Dunn and Mary Ellen Warner, Agnew's confidential secretary.

The message, later summarized by a marveling admirer of the strategy, was basic:

"We need help. Wanted help. Demanded help."

"The White House got the message."

THE BARGAIN

Within days of Agnew's Sept. 29 attack in Los Angeles against the Justice Department and his vow to stand and fight, a channel of communication that none of the participants would specify but one called "bizarre" fed a response to Agnew from the White House: Resume the bargaining and this time it will work.

J. Marsh Thomson, the vice president's spokesman, was advising newsmen that Agnew would deliver another stern rebuke to

the prosecutors on Oct. 4 at a Republican party banquet in Chicago. But a day earlier, Thomson was suddenly ordered to make himself totally unavailable to news outlets. The speech turned out to be unfettered praise of the President, with only a cryptic reference to the Baltimore investigation.

"A candle is only so long and eventually it goes out," the vice president told a mystified Chicago audience.

The next day Agnew told Best, "I think they're ready to negotiate."

Once again the broker was Buzhardt and it was implicit for whom he was acting. As Petersen stated it, "The President would be a blithering idiot if he weren't trying to exert some role in this thing. It's his administration! He had both a political interest and a constitutional interest in getting a resolution of the situation."

Late on Friday, Oct. 5, Best caught a plane to Miami to meet with Buzhardt, who was at nearby Key Biscayne with the President's entourage. From midnight until 3 a.m. Saturday, in Best's hotel room, they settled on the wording of a statement in which Agnew would acknowledge evading income taxes in 1967, and they reached an "ironclad agreement" that the vice president could see the summary of the evidence against him before it was published.

"The key," Best said, "was Agnew's capacity to deny it."

But the question of punishment still had to be settled, and that would mean involving a federal judge in private negotiations.

On Columbus Day, Oct. 8, Judge Hoffman met from 5 p.m. to 7 p.m. in the old Colony Motel in Alexandria, Va., with three representatives from each side: Petersen, Baltimore District Attorney George Beall and Skolnik for the government and Jay H. Topkis, Martin London and Best for the vice president. The tentative agreement was outlined, but Agnew's lawyers wanted a decision on the sentence they could expect, and Hoffman refused to make any commitment without a recommendation from the attorney general's office.

The government could not agree on the punishment it wished to exact. The argument broke out again and it became apparent, in the words of one source, that they would have to "trample on Skolnik" to get his support for a recommendation of leniency."

At 8:45 that night, Petersen was driving home from the office. On his car radio he heard part of a speeech by Secretary of State Henry Kissinger to Pacem in Terris, a conference on the search for world peace.

"A presumed monopoly on truth obstructs negotiation and accommodation," Kissinger was saying. "Good results may be given up in the quest for ever-elusive ideal solutions." Policy makers, he said moments later, must understand "the crucial importance of timing. Opportunities cannot be hoarded; once past, they are usually irretrievable."

The next morning, Petersen had his secretary type copies of two pertinent pages from Kissinger's text. Petersen gave them to the Baltimore prosecutors and told Skolnik, "We can bring him (Agnew) to his knees. There's no doubt about that. The question is, should we?" Disgrace, he said, would be sufficient without sending the vice president to prison.

Later that day, Oct. 9, the negotiations resumed before Hoffman. This time, however, they were at the Justice Department. Atty. Gen. Richardson was present and he was prepared to recommend against a prison sentence.

"It is my understanding," Richardson told the judge, "that for you to give a guarantee you need an affirmative recommendation from me. Judge, if it's a must, you've got it."

"If I've got it, okay, I will commit myself," Judge Hoffman replied.

It was a bargain.

## AID TO ISRAEL: ARMS BALANCE IS VITAL

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. DERWINSKI. Mr. Speaker, now that the diplomatic advance work toward a Middle East conference is developing, it is essential that the basic facts involved in this problem area be kept in mind.

Coincidently, my attention has been directed to an editorial in the San Diego, Calif., Union of October 17, which I feel is a balanced, practical viewpoint of the inherent relationship to peace of an arms balance in the Middle East:

AID TO ISRAEL: ARMS BALANCE IS VITAL

Considering its own self interest and that of the free world, the United States of America really had every reason to continue the sale and shipment of replacement arms to Israel. The reluctance of the United States to announce the policy publicly undoubtedly was in the spirit of detente with the Soviet Union. We wanted to see first what the Russians would do about resupplying their clients, the Arabs.

The Soviet Union exhibited no reluctance but began an immediate airlift of weapons to Syria and Egypt while those two nations still were in the early phases of their surprise offensive against Israel. Since Israel's survival as a nation depended upon the arms balance being maintained, the United States was forced to act.

Certainly, the destruction of Israel, apart from the human inequities which it would involve, is not a development that the United States or the Western world could accept. For one thing, it would put a large fraction of the world's supply of oil in the hands of the Soviet Union, with all of the frightening consequences that would bring.

Not that the years ahead are going to be a picnic, even under the best of terms. Certainly one of the striking aspects of the current "Yom Kippur war" is the unprecedented unity it has created among the Arab nations. Seven other states, seeing the early successes of Syria and Egypt, have joined the offensive overtly by committing men and arms. Even the reluctant warriors, Jordan and Lebanon, are in the war. Additionally, the appearance of Libyan Mirage aircraft leaves no doubt that Libya, the 10th Arab nation to do so, also has joined the battle. In short, President Sadat of Egypt has achieved at the enormous cost of blood and national treasure an Arab unity that the persuasion of scores of years has not heretofore brought about.

It is plain that the Arabs are serious about this effort. Win or lose, their unity will not quickly disappear so far as the face that they turn to the United States is concerned.

They will focus on the United States because we are the leader of the Free World and because the Soviet Union, using its replacement arms as a lever, will continue to prod them into it.

In previous Middle East wars we could shrug off Arab hostility—there was little that Egypt could do to hurt us. This is no longer true, as today's meeting of Arab oil exporting nations in Kuwait reminds us. We can be certain with the entry of Saudi Arabia into the war, that the Arab nations will manipulate oil exports in any way that they can in order to persuade us to drop our support of Israel.

That, fortunately, is a game that two can play. The fact of the matter is that the Arabs have only one political resource, their oil. The United States has many political resources, including a potential for the development of energy that is even beyond our own needs. Furthermore, we have the technology and the money to begin that development immediately. The events in the Middle East war are telling us that we should lose no time in doing exactly that. Without another day's delay we should establish priority programs for the clean use of our vast coal supplies. We should put all possible speed behind getting what oil we can from Alaska and from the offshore fields. We should give incentives for the high priority exploration of new gas and oil fields and we should open wide the throttles on the construction of nuclear power plants and development of solar and thermal energy projects.

This is all within our capabilities. Combined with a tough conservation program, such a priority energy policy could conceivably make the United States self-sufficient in energy; possibly even an exporter at prices that could make $5 per barrel Arab oil unattractive in world markets. It would be hard to conceive of a more powerful step toward world peace.

## COLUMBIA LAW STUDENTS URGE IMPEACHMENT

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Ms. ABZUG. Mr. Speaker, a large and well informed group of students from Columbia University Law School were in Washington today lobbying in my office and the offices of many of my colleagues in favor of the impeachment of President Nixon.

As an alumnus of Columbia Law School, and as the university's Representative in Congress, I was proud to meet these students. They argued persuasively and with great substance. They are a credit to their school.

The following is an article from the New York Post by Lewis Grossberger about today's lobbying:

COLUMBIA LAW STUDENTS URGE IMPEACHMENT, QUIETLY

(By Lewis Grossberger)

Campus protest just isn't what it used to be.

At Columbia University, where they used to seize buildings, the talk now was of lobbying. About 170 Columbia law students are in Washington today, not marching or trashing, but meeting with Congressmen in small groups to urge the beginning of impeachment proceedings against President Nixon.

Their leadership had reminded them to wear coats and ties or dresses.

The students are armed with copies of a 90-page memo on impeachment prepared by their research committee. They have appointments with about 89 Representatives, including all the members of the House Judiciary Committee, which would initiate any impeachment action.

They are going as law students to talk about the law and what they consider the President's abuse of it.

They got support yesterday from the Law School dean, several professors and the president of the Bar Assn. of the City of New York at a meeting in the Law School auditorium. About 500 people attended.

There was also advice from fellow stu-

dents. "Don't pressure him to make a decision," said Peter Huessy, a first-year law student from Vermont who has worked for several Congressmen. "The first time you pressure him, his ears will close."

Huessy also counseled: "Make sure any charges you make are factual. Be very specific and if possible, quote a source within the Administration." And: "Be serious and respectful; don't laugh at what he says."

Orville H. Schell Jr., the city bar president, told the students the time had come to begin the impeachment process and that appointing a special prosecutor independent of the executive, while necessary, was not enough.

GET ON WITH IT

"We've got to get on with it," he said. "This country is falling apart at the seams." Schell said he thought the episode of the White House tapes was only one part of the Watergate affair and Watergate only one part of "a fantastic list of allegations of violations of the law."

Dean Michael L. Sovern also urged the students to press Congress to take the double course of legislating for the appointment of a special prosecutor by the courts and beginning the impeachment process. He spoke of "Presidential contumacy."

Sovern also said that more than 40 Law school deans now had signed a petition urging Congress to take such action.

The law professors who addressed the group quibbled over the fine print, but agreed that the impeachment process should be started.

Some of the quibbling was over the grounds for impeachment. The Constitution mentions "high crimes and misdemeanors."

GARDEN-VARIETY CRIMES

"As a former prosecutor, it is very grating to me to see an effort to get Richard Nixon on things that don't amount to high crimes," said Prof. Abraham Sofaer, indicating that he felt Nixon was within his rights on the tape issue. "I would concentrate on garden-variety crimes," he said. "I think there are plenty of those." He didn't go into detail.

Prof. Hans Smit said he felt the issue was not whether criminal statutes had been broken but whether the President had committed "gross improprieties of such a nature that a civilized society can no longer permit him to function."

He charged that by taking the tape issue to court and then trying to ignore its decision, Nixon "has tried to subvert the legal processes of our nation."

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## NASA WORKS FOR GENERAL AVIATION

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. TEAGUE of Texas. Mr. Speaker, a significant part of the National Aeronautics and Space Administration's efforts are devoted to an essential but less visible portion of its research work involving aviation. A continuing series of innovations are being provided through NASA's work in the aviation field. A recent article in the September edition of the AOPA Pilot discusses NASA's current aviation program. I commend this significant article to my colleagues and the general public in recognition of the continuing need to maintain and improve technology in the general aviation and commercial aviation fields:

NASA AT WORK FOR GENERAL AVIATION

NASA is the acronymic wonderland of spacemen, satellites, rocket ships and skylabs. It's the federal forum for the Flash Gordon revue. The production has been an awesome one and has captivated all mankind. The men of NASA were assigned the seemingly impossible, yet they pried open the doors to eternity. We earth men will never recover from the sight. "Well done" is a meager salute.

But again to those letters: NASA. They stand for the National Aeronautics and Space Administration. "Aeronautics," not "space," comes first in the name, making for a bit of juxtaposed irony. Aeronautical research has been a very poor second to matters of outer space during NASA's 15-year history.

Even so, some men within the agency have been studying aeronautics from the start. That research has involved transport and military aircraft primarily, but now general aviation has come into its own as well.

Earlier this year the agency opened a General Aviation Technology Office responsible for developing and coordinating lightplane-related research, some of which has been under way for several years. Although the office's 1974 budget of $4.6 million is measly when compared with the overall $3 billion plus allocated to the agency, it does mark unprecedented interest by NASA in lightplane technology.

Head of the general aviation office is Roger Windblade, an engineer with excellent piloting credentials. Windblade has been NASA's in-house lightplane authority for some time, but the new formal recognition of his office now gives him better leverage to get things done.

NASA's current work within general aviation covers the gamut of light-aircraft activity. Studies are under way concerning uncontrolled airport traffic flow, stall/spin characteristics, spoilers, airfoils, low-cost jet engines, noise reduction, collision avoidance systems, flight control systems, crashworthiness improvements, and visual approach aids, to name a few. The results of this research can range from the exotic—for example, an entirely new lightplane wing design akin to the supercritical wing—to the simple, such as a diamond painted on the end of a runway to give the pilot immediate glidepath reference.

Some projects are still on the blackboard, one of Windblade's favorite tools, but the research on others is well advanced. NASA publishes results of most of its studies while the projects are still in progress. These reports are available to all for the asking.

A detailed analysis of the status of all NASA's general aviation projects would be a difficult undertaking, but some of the most current ventures follow:

NASA contracted Cessna Aircraft Co. to modify a push-pull prototype twin by placing a shrouded prop on the rear. The aircraft, similar to the Cessna Skymaster, will undergo a series of wind-tunnel tests, using various blades and shrouds, at various power settings. The aircraft will be powered by an electric engine during the tunnel tests at NASA's Langley Research Center in Hampton, Va. Those tests are scheduled to begin near the end of the year.

Windblade said the purpose of this testing is to determine whether a shrouded prop can reduce noise without an undue loss of overall efficiency. "You could make a terribly quiet engine that has zero horsepower," he explained. "So, while our objective is noise reduction, it has to be efficient enough to be viable."

If the shrouded-prop tunnel tests prove successful, the prototype's electric rear engine will be replaced with a rotary combustion engine and then the aircraft will be flight-tested. If the flight tests take place, they will probably begin some time next year.

Piper Aircraft Corp. has provided NASA with 16 brandnew planes that were ruined in last year's flood at Lock Haven, Pa. NASA's general aviation men have taken over the Lunar Landing Research Facility at Langley and have strapped slings onto the huge open-girder structure already there. The Piper planes will be suspended from the slings and then released, swinging freely into controlled crashes on the cement floor below. The crashes were planned to be of relatively minor impact at first, with the speeds and intensity increased with each new crash. Dummies may be seated in some of the doomed aircraft.

The purpose of this testing is to document in detail just what happens in a lightplane crash. Relatively little such data now exist. Eventually NASA hopes it can find ways to increase the plasticity or shock absorbency of the lightplane and suggest additional ways to improve passenger safety in a crash. The crash testing was scheduled to begin in August.

NASA's Langley facility is also a center for stall/spin research effort. That such research is warranted is supported by government figures which show that stalls and spins are factors in about 35 percent of all general aviation fatalities. Up until now NASA has been using both its horizontal and vertical wind tunnels and several radio-controlled model aircraft for all the project's data. The studies involve high- and low-wing light aircraft with some 40 different tail designs.

A prototype of the Grumman American Yankee has been brought to Langley. A new tail has been added to the aircraft, and new instrumentation is being installed. Flight tests using two or three different tails on the prototype will be made to "validate the data generated by the model program." The flight tests may begin at the end of the year. A high-wing plane will undergo similar flight testing, but no particular aircraft has yet been selected.

Windblade said he hopes the stall/spin research will be completed within two or three years. He said the data gained during the research will tell future airframe designers exactly what stall/spin characteristics to expect from any tail configuration on any aircraft design.

One project for which Windblade shows considerable enthusiasm is the "advanced technology airfoil." The project involves an all-new lightplane wing that is shorter, lighter and thicker than the conventional wings of today. The advanced wing was designed by Langley's Dr. Richard Whitcomb. Windtunnel tests on the new airfoil suggest it may be a real breakthrough. Windblade said test results indicate the new wing has more docile and more predictable stall characteristics, greater lift, more fuel space, and better cruise performance than existing lightplane wings.

NASA plans to install the new wing on a Piper Seneca and begin flight testing some time next year. Windblade hedged on any predictions about the impact of the new wing on the general aviation fleet of the future, saying "we'll feel a lot more confident once we put [the wing] on an airplane and demonstrate that, yes, it does work."

Should the wing and the other general aviation projects all prove successful, Windblade and his NASA associates still can't claim any laurel wreaths until Cessna or Piper or Beech or Grumman American or Rockwell International or Bellanca, et al., start incorporating the NASA findings in the aircraft they build and sell. That's the whole idea behind the NASA research. The agency doesn't develop products per se; it originates concepts or "technologies." If the planes that private pilots fly in the future are unaffected by NASA's efforts, then those efforts have been for naught.

Said Windblade, "If the results of our work

do not show up in the planes people buy and use, then our job has been useless. Well, maybe not useless; we've created work for librarians." To avoid such fruitless endeavor, the NASA people confer with manufacturers and the FAA throughout each project. Not only must there be a need for any project undertaken, but the end product must be within the grasp of the general aviation community.

For example, several years ago NASA developed a superautomated flight control system and installed it in a Piper Twin Comanche. The system was so automated and so accurate that a nonpilot was able to fly precision ILS courses in the bird. The system also cost about $750,000, making it totally impractical for general aviation. NASA has since teamed up with University of Kansas engineers, and they plan to install a substitute, less complex system on a modified Beech 99 airliner. Should flight tests next year prove encouraging, the commuter airline fleet may be adding this system to its planes in years to come.

Such research is expensive, and Windblade said the general aviation manufacturers have not been able to devote the money or manpower to the kind of experimentation NASA is now doing. And, he said, too often the advances made in air transport and military aircraft over the years were inapplicable to light plane because of high costs involved. Consequently, light-plane design advances have been slow to unfold.

Now, with NASA's General Aviation Technology Office in the game, that pace may quicken. NASA can afford to tackle the more abstruse light-plane research. And NASA can afford to be wrong. Said Windblade, "If something doesn't work—that's why we're in the business. We don't have to show a profit."

All NASA has to show is that it is making a difference in light-plane development. The "profit" sheet on that is still years away.

## OUTSPOKEN ADVISER

### HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BAUMAN. Mr. Speaker, although recent events within the administration may indicate that Presidential appointees with a degree of independence may get in trouble, I commend the appointment of William Fellner as a member of the Council of Economic Advisers.

Mr. Maurice Rimbo of the Daily Banner in Cambridge, Md., has written an excellent editorial pointing out Mr. Fellner's ability and his economic views. I insert the Daily Banner editorial at this point in the RECORD:

OUTSPOKEN ADVISER

President Nixon no sooner had nominated William Fellner, a Hungarian-born former Yale University economist, to the three-member Council of Economic Advisers than Mr. Fellner took a full swing at the administration's economic controls.

Mr. Fellner succeeds Marina Whitman, who served briefly and in almost total obscurity as a member of the council. Mr. Fellner has made plain that if confirmed by the Senate he will be heard from.

It is unusual for a major appointee to a government post to hold a press conference before confirmation hearings by the Senate. Mr. Fellner held a conference anyway. In rapid order he said he favors a rapid lifting of federal wage and price controls because they represent "bad economics" and "bad politics." He also said that price controls can do little more than suppress inflationary symptoms, and then only if controls are enforced "ruthlessly" and accompanied by allocations and rationing. Present problems with petroleum products seem to bear him out.

Mr. Fellner also said that efforts to reduce employment much below 5 per cent cannot be won by more "pumping up" of the economy and that Mr. Nixon was right in vetoing legislation that would have increased the federal minimum wage. A tax increase, he added, would not be necessary if the government followed a "reasonably restrained monetary policy" that would push inflation down to a moderate level.

Congressional sources have indicated that Mr. Fellner will face little opposition in the Senate, even though many senators strongly disagree with his views. The hearings on his confirmation, however, may provide senators with a platform from which to criticize the administration's economic policies, criticism which the administration should be used to by now.

It's plain that if Mr. Fellner is confirmed, Mr. Nixon will be getting no "yes man" on the Council of Economic Advisers. Just such a man, with no evident political ax to grind, is just what the council needs.

## PREMIUM PAY FOR CIVIL SERVICE EMPLOYEES IN AN ON-CALL STATUS

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. WALDIE. Mr. Speaker, I am introducing a bill today which would provide for the payment of premium pay to employees who are required to remain in an on-call status, away from their post of duty, outside their basic administrative workweek. Under the provisions of this bill, employees would be entitled to on-call pay at a rate of 10 percent of their hourly overtime pay.

Recently, legislation was enacted, Public Law 93–82, which provided that doctors and nurses in Veterans' Administration hospitals should receive compensation for hours in addition to their regular workweek, spent in on-call status.

Mr. Speaker, it is time that Congress recognized the need to make these same provisions for civil service employees.

The full text of the bill follows:

H.R. —

A bill to amend title 5, United States Code, to provide premium pay for employees for time in an on-call status away from their duty posts

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section after section 5546:

"§ 5546a. PAY FOR TIME IN ON-CALL STATUS

"An employee who officially is required to remain in an on-call status away from his post of duty is entitled to premium pay at the rate of 10 per centum of his hourly overtime rate of pay for each hour outside his basic administrative workweek that he is—

"(1) in the on-call status; and

"(2) not otherwise entitled to premium pay under this subchapter.".

(b) The analysis of subchapter V of such chapter 55 is amended by inserting the following new item after 5546:

"5546a. Pay for time in on-call status.".

SEC. 2. Section 5547 of title 5, United States Code, is amended by striking out "and 5546 (a), (b)" and inserting "5546 (a), (b), and 5546a" in place thereof.

SEC. 3. The amendments made by this Act shall take effect on the first day of the first applicable pay period which begins on or after the ninetieth day following the date of enactment of this Act.

## WILLIAM YLVISAKER DEFENDS SCIENCE AND TECHNOLOGY

### HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. McCLORY. Mr. Speaker, our Nation has experienced great progress as a result of the application of scientific and technological research and development. This progress has been accomplished principally by the private sector.

The importance of a continuing private involvement in technological and scientific research and development as the most effective means of resolving our most serious present-day problems recently was explained most eloquently by my constituent, Mr. William T. Ylvisaker, chairman and president of Gould, Inc. of Chicago, when he addressed the International Oil Industry at their meeting in San Francisco on September 24.

Mr. Speaker, I attach the text of Mr. Ylvisaker's important message, "In Defense of Science and Technology," as follows:

IN DEFENSE OF SCIENCE AND TECHNOLOGY

Good morning, Ladies and Gentlemen. It is a pleasure to have this opportunity to be with you today.

I want to share some of my thoughts with you about an important national topic—science and technology: What it is and isn't; what it can and cant do toward easing the problems of our society; why much of the current criticism of technology is misdirected; and why, even where technology has animated social ills, the best hope for their solution is in its further application.

This particular industry meeting is certainly an appropriate forum for discussing this subject. Technology has brought this industry a long way, even in the past few years. As manufacturers of many products and especially of batteries for your distribution, we do know. Only five years ago few batteries were encased in plastic. Today, 60 percent have high-impact polypropylene cases. They're lighter, tougher, and contain 15-20 percent more capacity in the same space. Other innovations have brought more starting power or faster cranking and quicker starts.

Radial tires are another example. Several years ago widespread use of radial tires was unheard of, and 40,000 miles of tread wear and improved fuel economy would have been near-fantasy. So, technology has changed the nature of your business as well as ours.

Speaking for Gould, we feel we have the credentials to speak out in defense of technology as a matter of public interest and concern. For the record, Gould is a diversified company of some $620 million in sales, concentrated in electrical and automotive products. Neither a high nor low technology com-

pany, we describe ourselves rather as an integrated technology company—one whose primary growth will come from product development and product improvement.

TECHNOLOGY IS ON TRIAL

Science has been defined as man's attempt to understand the world in which he lives. Technology, in turn, provides the means to help control that world for human purposes.

Today, technology is on trial and I would like to speak in its defense, not only because of its positive accomplishments, but its essential promise . . . not because of its quantitative fulfillment, but its ability to provide qualitative choices . . . not so much for its products as for its ideas . . . and not in defense of technology for its own sake, but for technology needed to solve the urgent needs of our society.

Technology is under attack because, ironically enough, it has performed, maybe not wisely, but too well. It is fair to say that in the last 50 years technology is probably the only area of human endeavor where progress has been uniformly and spectacularly upward.

Technology has eliminated disease and pestilence, made deserts bloom and cities flourish, substituted machines for muscle, created affluence for the many and hope for all, and provided the foundation on which the promise of our society now stands. As British scientist and author C. P. Snow has said, "the scientific revolution is the only method by which most people can gain the primal things—years of life, freedom from hunger, survival for children—the primal things which we take for granted and which have in reality come to us through having had our own scientific revolution. Most people want these primal things. Most people, wherever they are being given a chance, are rushing into the scientific revolution."

To Snow's list of "primal things" I would add two: Education and communication. Not only are they essential to the functioning of a technological society, but they have broken down the barriers of class and made ours a participatory society.

Against this backdrop of progress, we have seen unfolding in recent years a variety of movements with an anti-technology character. There was the opposition to the supersonic transport, the ban on DDT, and disenchantment with nuclear power plants, to name a few.

THE PUBLIC'S VIEW OF TECHNOLOGY

Despite the attack on technology, some reassurance can be drawn from a report just submitted to the President by the National Science Foundation. The Foundation surveyed public attitudes and found that most people still believe that science and technology change their lives for the better, and most of those interviewed report a general reaction of either satisfaction or excitement. They rank scientists second only to physicians in their esteem and rank engineers above lawyers, architects, bankers, accountants, and businessmen in terms of the same prestige. So far, so good.

Yet 31 percent feel that science and technology do as much harm as good and another four percent feel the harm outweighs any good. Approximately half blame science and technology for some of our problems and three in 10 feel that society should increase its control of science and technology. And while the public generally expresses confidence in the ability of science and technology to solve major problems, half feel it would be only partially successful in solving such problems as pollution, disease, drug abuse, and crime.

I personally think this public perception of the limits of science is as incisive as it is overdue. Since World War II, science and technology have presented the public with one "miracle" after another through a largely uncritical press. Antibiotics, nuclear fission, miracle wheat, heart transplants, men on the moon. Yet, as public expectation soared, these and other "miracles" began to manifest undesirable yet often unavoidable side effects which the public had not been conditioned to expect.

In the view of an apprehensive public, antibiotics could produce resistant microbes . . . nuclear testing produced radioactive fallout . . . heart transplants proved successful, but the patients often died . . . and it was said that much wealth was spent in bringing rocks back from the Moon in the midst of inflation and a highly unpopular war.

The phenomenal success of science during and after World War II conditioned the public to a level of expectation that could not realistically be met. Yet science spoke only of the pluses until those like Rachel Carson began to advise the public of the minuses. Then there was pollution—mercury, lead, DDT, and auto exhaust. In each case, the facts were more complex and equivocal than those presented to the public, and each revelation came as something of a thunderbolt. Confidence in science and technology was eroded and continues to be.

So what we have, unfortunately, is a public growing disenchanted with science and technology . . . and at the same time, scientists becoming disenchanted with those outside their fields. One of the problems is that they view the same scene differently.

The very success of science moves it steadily away from public understanding and direct human experience. And much of that success involves man's growing control over nature. Thus science, on the one hand, enlarges human freedom while, on the other, it plants the seeds of new conflict.

Scientists, peering through the same glass, see a public which cannot differentiate between possession and consumption, between quantity and quality, between stewardship and destruction. Especially in the culture of the disenchanted, scientists see bizarre contradictions: Conformist non-conformity . . . organic food and mind-alerting drugs . . . hitchhikers reading Thoreau . . . and dropouts disappearing in the world.

It is generally unobserved that youth and others in our society today can march to a different drummer precisely because technology makes it possible for them to do so. In no society before this has it been possible for the common man to select life styles like we can today. Technology has helped create "poverty by choice." And youth seeks to fight society and finds technology an appealing target. It is the wrong one.

DECISIONS FOR SOCIETY

This is not a blanket indictment of the counterculture. That would be as mindless as similar blanket indictments of technology. Much of the criticism leveled at the misuse of technology has been well taken. Yet that criticism is better aimed not at technolgy, but at those in the driver's seat: Society and its institutions.

Let me cite a few examples of decisions which must be made by society, not by scientists and engineers alone.

First, the SST. Whether or not to build the supersonic transport properly became a subject of spirited public debate. For the first time, the public changed the question from "Can we?" to "Should we?" And a new word was coined as such issues were referred to as "trans-science" questions. They were not ones for science to answer. They were added to the list of other such decisions that our political institutions will have to make.

Or consider the energy crisis. It seemed to arrive overnight, but in fact, numerous scientists and technologists have warned for some time that it would have to come, warned that energy consumption was increasing at a fantastic pace that could not long be sustained. They were treated much like the boy who cried "Wolf!" until the crisis was upon us. And now the public wants to know who is responsible. Unfortunately, we didn't slide into this crisis overnight and the problem is not one for which there is an instant or painless "fix." Each alternative solution presents its own set of tradeoffs and, no matter how resolved, many people will be unhappy.

The point is that technology can help evaluate our energy options, but it remains for society and its leaders to hammer out the values on which energy policy must be based. In fact, the problem is long-term and its ultimate effect will be to introduce fundamental changes into the American way of life.

In still another example, the President in his 1971 State of the Union message announced an all-out effort to conquer cancer. This national policy was set with the participation of numerous people inside and outside of science, which is a healthy way to set societal goals. But now we see some bitter wrangling over the cancer program. One question concerns how much money can be wisely spent, and here the Federal agencies and Congress disagree. More serious is the disagreement over the proper strategy for attacking cancer. Should that strategy be decided by a centralized bureaucratic mechanism in Washington, or by the scientific community working on the problem?

MOVING AWAY FROM "BUREAUCRATIC SCIENCE"

The correct route, of course, lies somewhere in between. But the essential point is that such national science programs funded by the Federal government tend to be masterminded from Washington—when a more diverse and flexible approach is clearly needed. I cite the cancer example because it reveals an inherent defect of Big Science and big Federal spending. Fortunately, we are moving rapidly away from bureaucratic science to private sector science, competitive science, science responsive to public need rather than dictating it. This is not to say that Federal support of science can or should cease. It is to say, however, that the trend toward private sector science is very much in the public interest and that Federal science should concentrate on those high risk/high cost endeavors of national or strategic importance.

Emphasizing this point is the same National Science Foundation report I mentioned earlier, in which it notes that ". . .the decline in total R & D expenditures in 1970 was due entirely to reductions in the level of Federal support. Federal funding actually leveled off in 1966 while industrial support rose more rapidly than in previous years, with the result that industry replaced the Federal government in 1968 as the principal source of support for industrial research. By 1972, industry funded 58 percent of all industrial R & D as compared with 43 percent in 1961."

Company-funded R & D is projected to increase by about 25 percent between 1972 and 1975, rising to some $14 billion, and the number of scientists and engineers employed in such R & D is anticipated to increase to 260,000 in 1975.

This shift from Federal dominance will go a long way toward making technology more responsive to society's needs. Where bureaucratic science tends to lock in on a single approach, industrial science is much more diverse. As companies strive to develop proprietary opportunities in the marketplace, the approaches become more competitive, resulting in more effective solutions to society's problems.

A good example is the current auto emission control effort. The Clean Air Act of 1970 set very stringent emission levels. But what kind of controls on what type engine, with what results in terms of efficiency, cost to the consumer, and fuel economy? Here is a col-

lision between environment, economics, and social values.

It is a fundamentally different situation from that of cancer research in that the role of the government is not to advocate a preferred technical solution, but rather to establish a competition of ideas and approaches. Competitive science is addressing an urgent social problem and it is increasingly clear that the 1976–77 automotive emission standards are going to be met.

The fluid state of auto emissions technology is such that no one in this room would be prepared to guess as to the final outcome. One thing seems clear: Where technology may have created a major social problem with auto emissions, it is now inventing solutions which will provide the benefits of auto transportaton without the hazards to clean air.

REVIEWING OUTWORN LEGISLATION

The current cures being engineered for auto emissions represent an example of what American technology can do. Longer term, however, the Federal government must do its part in reviewing possibly outworn legislation and regulations affecting the domestic and international economic activities of American corporations. At the same time, we don't need new laws discouraging American competition and dampening our growth. We do need legislation encouraging the selective merger of small and medium-sized American companies in related fields to stimulate competition—especially so if it results in technological and social improvements.

The need for such encouragement can be seen from the fact that the U.S. patent balance—that is, patents of United States versus foreign origin awarded in each country—dropped by some 40 percent between 1966 and 1970. The decline is due principally to the reduced number of patents awarded to U.S. nationals by foreign countries. Since these are measures of a nation's inventive output, our favorable balance is steadily slipping away and, along with it, the ability of American technology to help offset our balance-of-payments deficits.

If we are to maintain a competitive position in world trade, we must have a highly paid and motivated work force concentrating on significant technological innovation. The most urgent priority for the Federal government, vis-a-vis American technology, is to create a suitable regulatory and legislative climate in which it can continue to flourish.

WE BELIEVE IN THE PROMISE OF TECHNOLOGY

In summary, let me say that we at Gould believe very firmly in the promise of technology.

We believe science and technology helped make this nation great . . . that the invention and innovation of the American spirit gave Americans the highest standard of living in the world . . . that our technical prowess eased the burdens of millions, freeing them for higher pursuits . . . that our quality of life, though not without problems, is superior to all, because it is shared by the many, not simply by a privileged few. We believe that none of this would have been possible had not those who came before us pushed back the frontiers of science, medicine, aerospace . . . wherever their inherent curiosity led them.

We are convinced that the great majority of Americans share our commitment to continue this pursuit of knowledge, to make the world around us the servant of man. And we believe most Americans share our concern about the thoughtless attacks on our technological capability and direction. We want to speak out now, hopefully to bring an end to the self-doubts and wringing of hands, so we can get on with the job of bringing the promise of technology to reality.

And so this morning I would like to ask two things of you in this industry. First, I would ask you to join us at Gould in the defense of science and technology in America. We urgently need to dismantle the barriers to man's progress which are being erected through unthinking opposition by some segments of our society.

Second, I would urge all in industry to upgrade their efforts and expenditures in research and development. Frankly, this nation needs all the technology it can muster in these days of intense international competition, and the private sector is in the best position to provide it efficiently, and effectively.

We believe in this concept at Gould, and we've intensified our development efforts accordingly. I hope all companies—large and small—will follow a similar course. For therein lies the best promise for our future—as businessmen, as a free and flourishing society, and as a total world community.

## "MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 39

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. HARRINGTON. Mr. Speaker, on October 26, the Boston Globe published a list of the homicides committed in Boston since the beginning of 1973. Of these deaths, more than half were committed by handgun. At this time, I would like to include the article and let the facts speak for themselves:

BOSTON HAS RECORDED 102 HOMICIDES SO FAR THIS YEAR, ONLY TWO SHY OF 1972 MARK

With more thn two months to go in 1973, Boston has recorded 102 homicides, only two less than logged in 1972. The record of 117 was set in 1971.

Boston's population is 665,000. By comparison Baltimore, with just under 1 million people, has had 218 homicides to date, and Detroit, with 1.5 million, has had 605.

New York City, with 8 million population, had 819 homicides through June, the latest police statistics available.

According to Boston police homicide bureau figures, 55 of the victims here were white, 41 were black and six Puerto Rican; 87 were males and 15 females. Black victims numbered more than 40 percent of the homicide totals in a city with approximately 18 percent black residents.

The bureau listed 57 of the murders as solved and 45 under investigation.

It listed 36 of the assailants as white, 40 as black and four as Puerto Rican. The rest are unknown.

Thirty-one of the blacks were victims of black assailants, and 32 whites were victims of whites. Seven whites were the victims of blacks, and three blacks the victims of whites.

More than half the murders, 54, were committed by handgun. Knives were used in 21 others. Of the total, 52 were committed inside premises, and 51 outside.

The hot months were the worst for murders, with 39 committed in June, July and August. June had the most, 17. January was also high with 12.

Listed in order in which they appear on Boston police records.

VICTIM AND CAUSE OF DEATH

Jan. 1—Demetrius Busby, 2, Dorchester. Stabbed; suspect arrested.

Jan. 6—Thomas Murphy, 28, South Boston. Shot in chest; suspect arrested.

Jan. 8—William Rae, 16, South Boston. Shot in stomach; suspect arrested.

Jan. 12—Shirley B. Sewell, 34, Dorchester. Beaten with hammer; suspect arrested.

Jan. 13—Manny Perry, 30, Dorchester. Shot in head; suspect arrested.

Jan. 14—William R. Jackson, 28, Weymouth. Shot in chest; no arrest.

Jan. 11—Ferdinant Singleton, 41, Everett. Beaten with board; no arrest.

Jan. 23—Theron Lowery, 40, Mattapan. Shot in stomach; suspect arrested.

Jan. 23—Ralph T. Anzalone, 29, Quincy. Shot in neck; no arrest.

Jan. 26—Charles Bibbey, 37, South Boston. Stabbed in chest; suspect arrested.

Jan. 30—Charles O'Brien, 37, South Boston. Shot; no arrest.

Jan. 31—Pamela Hicks, 17, Roxbury. Stabbed in chest; no arrest.

Feb. 1—Joseph D. Hershenson, 34, Hyde Park. Shot in head; no arrest.

Feb. 4—Albert F. Stuart, 40, Boston. Beaten to death; suspect arrested.

Feb. 5—Pasquale Todisco, 43, East Boston. Shot in face; no arrest.

Feb. 15—James H. Gibson, 43, Roxbury. Shot in chest; suspect arrested.

Feb. 15—Alice Sourain, 67, Dorchester. Beaten on head; no arrest.

Feb. 20—Richard Maloof, 62, Dorchester. Shot; no arrest.

Feb. 20—Charles G. Rice, 25, Boston. Stabbed in neck; no arrest.

Mar. 3—Hector Morales, 28, Roxbury. Shot; suspect arrested.

Mar. 8—Michael Milano, 39, Brighton. Shot; no arrest.

Mar. 9—Auturo Pinto, 19, Boston. Shot in chest; suspect arrested.

Mar. 12—John Stappen, 16, South Boston. Shot in back; suspect arrested.

Mar. 14—Cleophus Gillian, 51, Roxbury. Shot in head; suspect arrested.

Mar. 14—Charles Shumrak, 78, Mattapan. Beaten to death; no arrest.

Mar. 10—Edward Onessimo, 34, Brockton. Strangled; no arrest.

Mar. 20—Albert Plummer, 48, Andover. Shot; no arrest.

Mar. 24—Matt Mayers, 33, Roxbury. Stabbed in chest; suspect arrested.

Apr. 7—Robert Smythwick Jr., 25, Dorchester. Shot in heart, suspect arrested.

Mar. 14—Daniel J. Mulqueeney, 38, Quincy. Stabbed; suspect arrested.

Apr. 14—Warren T. Caldwell, 27, Dorchester. Shot; suspect arrested.

Apr. 23—Joseph Pennacchio, 37, Watertown. Shot; no arrest.

Apr. 25—John D. Wadsworth, 29, Boston. Stabbed; no arrest.

Apr. 27—Maria Marshall, 37, Hyde Park. Beaten to death; suspect arrested.

May 1—Hakim A. Jamal, 42, Roxbury. Shot; suspect arrested.

May 2—Alfred Mott, 52, Roxbury. Stabbed; suspect arrested.

May 11—Delores E. Hurt, 28, Dorchester. Shot; no arrest.

May 11—James A. Wilder, 45, Dorchester. Shot; no arrest.

May 18—Salvatore Barreiro, 25, South Boston. Shot; no arrest.

May 20—Suturnino Villa, 19, Jamaica Plain. Stabbed; suspect arrested.

May 25—Joaquin Paul, 22, Dorchester. Shot; suspect arrested.

May 26—Eugene Elmore, 22, Dorchester. Shot; suspect arrested.

May 31—Ervin Gillard, 25, Roxbury. Stabbed; suspect arrested.

June 3—William T. Smith, 36, Dorchester. Stabbed; suspect arrested.

June 5—George Pratt, 17, South Boston. Shot; suspect arrested.

June 9—Donald Raineri, 21, Revere. Shot; no arrest.

June 10—Thelma O'Leary, 36, Dorchester. Shot; no arrest.

June 10—Colleen O'Leary, 11, Dorchester. Shot; no arrest.

June 10—George T. O'Leary Jr., Dorchester. Shot; suspect a suicide.
June 10—Michael O'Leary, 7, Dorchester. Shot; no arrest.
June 10—Melinda O'Leary, 7, Dorchester. Shot; no arrest.
June 11—Robert Ward, 9, Mattapan. Burned; suspect arrested.
June 24—Anna Curran, 41, Dorchester. Stabbed; suspect arrested.
June 25—Charles Webber, 20, Newton. Burned; no arrest.
June 27—Carlton M. Smith, 37, Washington, D.C. Shot; no arrest.
June 28—Juan Ayala, Roxbury. Shot; no arrest.
June 28—Willie L. Jackson, 45, Dorchester. Strangled; no arrest.
June 29—Mary A. Veremey, 24, Roslindale. Shot; no arrest.
June 29—Dianne Mooney, 28, Hyde Park. Shot; no arrest.
July 5—Gerald Cohen, 57, Mattapan. Shot; no arrest.
July 6—Ismael Melendez, 29, Roxbury. Shot; suspect arrested.
July 10—James B. Miller, 59, Roxbury. Shot; no arrest.
July 10—James R. Smith, 21, Dorchester. Shot; suspect arrested.
July 11—Unknown white male. Beaten to death; no arrest.
July 13—Jeremiah Lynch, 21, Boston. Suffocated; suspect arrested.
July 17—Marion B. Shirley, 43, Dorchester. Shot; suspect arrested.
July 18—Alford Burrell, 27, Roxbury. Beaten to death; no arrest.
July 25—Susan Corey, 19, Jamaica Plain. Shot; suspect arrested.
July 26—Richard Fantasia, 32, Boston. Shot; no arrest.
Aug. 1—Samuel Lee James, 27, Jamaica Plain. Stabbed; no arrest.
Aug. 1—Paul Latson, 18, Roxbury. Shot; suspect arrested.
Aug. 3—Nathaniel James, 18, Roxbury. Stabbed; suspect arrested.
Aug. 5—Mendez D. Thornton, 22, Allston. Shot; suspect arrested.
Aug. 8—Ramon J. Rodreiques, 27, Roxbury. Shot; no arrest.
Aug. 12—Curtis S. Weaver Jr., 27, Roxbury. Shot; no arrest.
Aug. 14—John E. Cacici, 47, Boston. Stabbed; no arrest.
Aug. 16—Joseph Butler, 60, Boston. Stabbed; suspect arrested.
Aug. 17—Mary Lou Clark, 35, South Boston. Shot; suspect arrested.
Aug. 19—Richard Barrows, 30, Roxbury. Stabbed; no arrest.
Aug. 20—John Lanier Jr., 11, Dorchester. Shot; suspect arrested.
Aug. 22—George W. Holden, 25, Medford. Shot; no arrest.
Sept. 3—George Calderon, 24, Dorchester. Shot; no arrest.
Sept. 5—Gregory P. Johnson, 20, Roxbury. Shot; suspect arrested.
Sept. 19—Robert Limoges, 36, Chicopee. Beaten to death; no arrest.
Sept. 21—Melvin Lanier, 38, Roxbury. Shot; suspect arrested.
Sept. 21—Robert J. Seward, 33, Roxbury. Shot; suspect arrested.
Sept. 25—Paul Jennings, 48, Boston. Beaten to death; suspect arrested.
Sept. 27—James W. Gilchrist, 30, Roxbury. Shot; suspect arrested.
Sept. 27—Richard L. Stratton, 24, Dedham. Shot; no arrest.
Sept. 29—Samuel Alsen, 55, Milton. Shot; suspect arrested.
Oct. 2—Emma J. Gilmer, 30, Mattapan. Shot; suspect arrested.
Oct. 2—Sylvester Jones, 46, Roxbury. Shot; suspect arrested.
Oct. 2—Evelyn Rene Wagler, 24, Roxbury. Burned; no arrest.
Oct. 2—Robert Shea, 32, South Boston. Beaten to death; suspect arrested.
Oct. 4—Louis L. Barba, 65, Roxbury. Stabbed; suspects arrested.
Oct. 6—Kirk B. Miller, 21, Belmont. Shot; no arrest.
Oct. 13—Phillip Lucas, 33, unknown address. Stabbed; no arrest.
Oct. 17—John H. Chase, 12, Charlestown. Shot; suspect arrested.
Oct. 19—John C. Rhoden, 49, Brockton. Shot; suspects arrested.
Oct. 19—Richard A. Fisher, 27, Roxbury. Stabbed; no arrest.
Oct. 24—Romeo DeFilippos, 43, Everett. Kicked on head; suspect arrested.

BOSTON HOMICIDES, 1973

| | |
|---|---|
| Total | 102 |
| Solved | 59 |
| Warrant issued | 10 |
| Under investigation | 43 |
| (Includes 10 Warrants Issued). | |
| Number each month: | |
| January | 12 |
| February | 7 |
| March | 9 |
| April | 6 |
| May | 9 |
| June | 17 |
| July | 10 |
| August | 12 |
| September | 9 |
| October | 11 |
| November | |
| December | |
| Total | 102 |
| Cause of death: | |
| Handgun | 55 |
| Shotgun | 2 |
| Rifle | 5 |
| Knife | 20 |
| Strangulation | 2 |
| Blunt instrument | 8 |
| A & B hands | 3 |
| Arson | 3 |
| Shod foot | 1 |
| Suffocation | 1 |
| Automatic weapon | 2 |
| VICTIMS | |
| White | 55 |
| Black | 41 |
| Puerto Rican | 6 |
| Male | 87 |
| Female | 15 |
| BY DISTRICT | |
| One | 12 |
| Two | 33 |
| Three | 15 |
| Four | 11 |
| Five | 3 |
| Six | 9 |
| Seven | 2 |
| Eleven | 10 |
| Thirteen | 3 |
| Fourteen | 2 |
| Fifteen | 2 |
| ASSAILANTS VS. VICTIMS | |
| Black vs. white | 7 |
| White vs. Black | 3 |
| Black vs. Black | 31 |
| White vs. white | 32 |
| Puerto Rican vs. Puerto Rican | 3 |
| Puerto Rican vs. White | 1 |
| Black vs. Puerto Rican | 2 |
| White vs. Am. Indian | 1 |
| Unknown | 22 |
| Total | 100 |

## WILL THE REPUBLIC LIVE?

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Ms. ABZUG. Mr. Speaker, a chilling but accurate statement of our dilemma is contained in the October 29 issue of the New Yorker:

Will we remove a lawless administration from office or will we submit to illegitimate rule? The question has probably been put in its final form, and may not be asked again.

Those still undecided about impeachment proceedings might well give thought to the future foreseen in the editorial which I insert in the RECORD:

[From the New Yorker, Oct. 29, 1973]

THE TALK OF THE TOWN—NOTES AND COMMENT

For nearly a decade, a question has been haunting our national life. It is whether the Republic will live or die. The question has been asked in countless forms. May newspapers print whatever they wish to print, and the people read whatever they wish to read? May the people assemble without fear of injury or loss of life? Must senators and others always support the President in his difficult decisions? Are the people to be treated like children or like adults? To what extent does the government have the power to check up on what the people are doing? To what extent do the people have the right to check up on what the government is doing? How do we spend our money? When do we go to war? Who decides? The question arose on the battlefields of Vietnam, and it hung in the air over the battlefields of America. Lieutenant Calley posed it for us in one way, Daniel Ellsberg posed it in another. Several times, we came near to paying with our Republic for our war. The question loomed in city streets, in precinct houses, in congressional hearing rooms, in courtrooms, at the summit in Moscow and Peking.

Now, in the coming days and weeks, the nation must give its answer. The President has dismissed the man charged by Congress and the Attorney General with discovering any wrongdoing in the White House. The potential defendant fired the prosecutor and defied the judge. For the moment, those guilty of crimes in the Watergate cases are beyond prosecution. And since the President, by the same stroke that removed him from the law's reach, took personal control of the law—forcing two Attorneys General from office before he found one willing to obey his commands—every innocent person in the country is endangered. For the machinery of law enforcement has been transformed wholly into the political—even the personal—instrument of one man. On this occasion, as on many others in recent years, the President has flouted the law. He has not merely broken the law; he has overthrown the law. But this time, since his lawbreaking seems to remove a threat to the very survival of his Administration in office, it is not just this one act but the continuation of the Administration itself that has become lawless.

The question of whether the Republic will live or die has now been decisively posed in this form: Will we remove a lawless Administration from office or will we submit to illegitimate rule? The question has probably been put in its *final* form, and may not be asked again. When the President launched the country into the worst Constitutional crisis in its history, he explained that he had

done it to avoid a Constitutional crisis. But it was not a Constitutional crisis that the President wished to avoid—it was the Constitution. The problem we all face now is not how to avoid a Constitutional crisis but how to resolve one. And the only resolution the President has left to us, unless he resigns, is for Congress to begin consideration of impeachment proceedings.

The country surveys a scene of devastation. The wreckage of American institutions lies all around us. Any future under the present leadership is unthinkable. The point of no return has been passed, and the country has no choice but to take the first, dread steps toward putting its house in order.

## THE SUCCESS OF THE ANADROMOUS FISH CONSERVATION ACT IN MAINE

### HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. COHEN. Mr. Speaker, today the Committee on Merchant Marine and Fisheries' Subcommittee on Fisheries, Wildlife Conservation, and the Environment is considering H.R. 6396, which would continue the Anadromous Fish Conservation Act for 5 years beginning fiscal year 1974. This legislation is of vital interest to the State of Maine. I recently received a letter from Mr. Richard P. Choate, Maine's deputy commissioner of marine resources, concerning this important piece of legislation, excepts of which I am pleased to insert in the RECORD at this point:

DEPARTMENT OF MARINE RESOURCES,
*Augusta, Maine, September 25, 1973.*

DEAR CONGRESSMAN: The great potential for restoration and development of Maine's anadromous fisheries resources and the recent progress already realized under P.L. 89–304 makes continuation of this program essential.

Maine's abundance of fresh-water resources, of highly indented coastline of thousands of miles, and high quality marine waters offers great potential for supporting large runs of native anadromous fish which historically occupied most of our major and minor coastal watersheds.

The early obstruction of Maine rivers by dams with no fish passage facilities destroyed the vital link between the fresh water spawning and nursery areas and the ocean growing area and resulted in total extinction of fish runs in some of our major rivers. Progressive deterioration in water quality through increasing industrial and municipal waste water discharges has caused serious declines in remnant fish populations existing below major river obstructions.

The advent of P.L. 89–304 has provided the financial resources to combat and reverse the general downward trend in anadromous fish landings and bring about a noticeable increase in populations in some of our rivers. The Maine Atlantic Salmon Commission, in its fishway construction program on the Penobscot River and its tributaries, has opened up the major portion of this 8570 square mile drainage to Atlantic salmon, shad, and alewives. The Penobscot salmon runs have been increasing since 1969, and with timely completion of a new Atlantic salmon hatchery at Green Lake in Ellsworth, the success of this salmon restoration program is assured.

Since 1967, the Department of Sea and Shore Fisheries has been actively involved in five projects funded under P. L. 89–304. Early programs involved inventories of coastal watersheds to assess the productive capacity of selected rivers, locations and extent of obstructions to fish migration, condition and use of existing obstructions, and existing and potential levels of fishery abundance. An anadromous fish resource development project was then initiated, using the results of our two-year inventory project to establish priorities for fishway construction or dam removal. This continuing project has resulted in construction of five fishways and removal of one obstruction. During the 1973–74 season, four additional fishways will be constructed. Completion of these fish passage facilities will result in access of anadromous alewives to 6,923 lake surface acres of spawning area. Based on current unit production in existing spawning areas, these newly accessible areas will increase annual production by approximately 2,800,000 pounds valued at $112,000.00 based on 1973 landed values. This production will more than double the current alewife landings of 2,500,000 pounds. These fish are vital to the lobster industry which is experiencing a chronic shortage of bait for the lobster trap fishery.

Another important use of alewives is reduction for fish meal. Recent drastic declines in Peru's anchovy fishery has resulted in a scarcity of fish meal. Peru is the world's leading fish meal producing nation. Because of this decline in supply of fish meal, prices have increased from $193.00 per ton in 1972 to $425.00 per ton in March 1973. In 1972 the average daily meal requirement of the Maine poultry industry was 48,000 pounds. It is conservatively estimated that five pounds of whole fish will yield one pound of fish meal. Therefore, to provide for Maine's fish meal needs, 240,000 pounds of raw fish per day or 87.6 million pounds per year are required. The streams and rivers of Maine could, with adequate pollution abatement and fish passage facilities, produce 16 to 50 million pounds per year of alewives which would provide 18 to 57% of the state's annual fish meal needs.

Other ongoing projects include research on the striped bass fishery, the sea-run smelt resource, and research on the size, age, and sex composition of commercially-fished alewife runs. Smelt studies have been directed toward inventory of streams to determine distribution and extent of the resources, evaluation of factors affecting reproductive success, and compilation of landings statistics on the winter sportfishery. A creel census of the winter fishery has shown that sportfishery landings exceed 200,000 pounds annually.

Striped bass studies have been centered on the western Maine sportfishery. Investigations of striped bass have substantiated the tagging indications that Maine fish originate from the mid-Atlantic states and particularly Chesapeake Bay. Creel census analysis of the sportfishery from 1968–1972 has shown that over 85% of the total annual catch consists of 2, 3, and 4 year old fish.

Future programs will emphasize fishery resource development, with fishway construction and stream improvement assuming a greater role than previously. Over 1,000 dams still exist on Maine rivers, most with no fish passage facilities. Expansion of fishway construction and dam removal programs are essential if we are to realize the full potential of anadromous fish production in Maine.

In summary, P. L. 89–304 has provided us with the financial resources to conduct effective research and development programs to enhance important anadromous fishery resources in Maine.

Sincerely yours,

RICHARD P. CHOATE,
*Deputy Commissioner for the Commissioner.*

WILLIAM S. COHEN.

## IMPEACHMENT MAIL

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. STOKES. Mr. Speaker, as of this morning the impeachment mail pouring into my office stands at: 1,316 for—14 against. Yesterday alone I received 516 letters and telegrams demanding President Nixon's impeachment—more than any day last week, including Tuesday when 18 different impeachment resolutions were introduced in the House. The volume of mail has increased since Nixon promised to give some tapes to Judge Sirica. I can only conclude that more and more people refuse to be fooled by any Presidential pretensions to compliance with the laws of this land.

As a matter of fact, very few messages, before the President's apparent about-face on the tapes issue, mentioned his defiance of the courts as the reason for impeachment. Many more people did mention the firing of Archibald Cox as the decisive factor. Hundreds and hundreds of the telegrams said simply: "Impeach Impeach Impeach."

The letters I have received range in tone from the grave to the flippant. One even urged that the President be remanded to St. Elizabeth's and certified "paranoid schizophrenic."

The following letters offer a sample of the various reactions to President Nixon's behavior, all culminating in the demand for immediate impeachment:

PATRICK J. AMER,
*Cleveland, Ohio, October 22, 1973.*

Congressman LOUIS STOKES,
*House of Representatives, House Office Building, Washington, D.C.*

I

DEAR CONGRESMAN STOKES: The issue is: Is the President obliged to comply with the law of the land? The issue is not whether he has lied to the American people about Watergate, or about Cambodia, as he has; it is not whether he has violated promises made to the Senate in connection with Mr. Richardson's confirmation, as he has. The issue is whether the President is subject to the law, or above it.

The order of Judge Sirica, as affirmed by the District of Columbia Court of Appeals, is the law of the land and the law of the case. Nixon chose not to challenge this order by further appeal; he chose to let it become final.

Nixon has refused to comply with the law embodied in this order. He has dismissed those officers charged with its enforcement. He has placed himself above the law in the clearest and most definitive way.

It is absolutely fundamental to our constitutional system that the President be subject to the law of the land. If Nixon now succeeds in maintaining that he is above the law, the Constitution will be a scrap of paper. For violating his duty to "take care that the laws be faithfully executed," the President must be impeached.

II

I fear for the Republic, because Nixon may succeed. He is devious and resourceful in his contempt for the Courts and for Congress.

A. He declined to appeal to the Supreme Court, in the belief that the average citizen will think that a final order of a United States Court of Appeals is less the law when

it has not been appealed than when it has been affirmed. This device, transparent to any lawyer, simply shows how little he thinks of the people.

B. He has announced a "compromise" intended to mislead. The "compromise" is that he will ignore the order of the D.C. District Court; yet the D.C. District Court is not a party to the "compromise." Where I come from, an agreement with others to break the law is called a "conspiracy," not a "compromise."

A further feature of the "compromise" is Nixon's cruel insult to Senator Stennis. Nixon will not trust Sirica, Cox, or Ervin with the tapes, and we know they are honorable men. He trusts Haldeman, and we know Haldeman is a crook. When Nixon says he will trust Senator Stennis, what does this say about Stennis? Most people will think Nixon has something on Stennis which makes Stennis subject to Nixon's control. It is a clear indication of Senator Stennis' lack of ability to do the task that he does not see the insult.

C. Nixon is already waving the flag, saying we cannot question the President when there is a war on anywhere in the world. Nonsense—the international situation is all the more reason why we must preserve and protect the American system, and assure that the President remains subject to the rule of law.

III

As the President is devious, so the Congress is weak and divided. So Nixon thinks, as he has chosen this time to cast the gauntlet.

I care not whether the President is succeeded by Gerald Ford or Carl Albert—neither is preeminent, but neither has refused to obey the law—yet a pusillanimous and hyperpolitical Congress will become preoccupied with the succession and neglect to pursue Nixon's contempt of Court and Congress.

What is at stake is whether Nixon must obey the law. He trusted in the Courts; now he must abide by the law as set forth by the Courts. Since he has refused to obey the law, and since he has dismissed from office the three highest officials charged with enforcing this law, he has violated the Constitution and his oath of office, and set himself above the law.

It is not within the power of Congress to retain Nixon as President. The choice is this: Congress can impeach Nixon and remove him as President—or Congress can permit him to remain—as Dictator.

For the sake of the Constitution, and for the sake of the nation, Nixon must be impeached without delay.

Very truly yours,

PATRICK J. AMER.

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OCTOBER 24, 1973.

The EDITOR,
*The Cleveland Plain Dealer,*
*Cleveland, Ohio.*

DEAR SIR: President Nixon has clearly demonstrated his disdain of, and contempt for the American people who elected him to the highest office in this country. Further, having surrounded himself with aides who have either been indicted for, or convicted of, felonies, he shows and has shown us that he believes the office of the Presidency gives him the powers of absolute dictator.

Even to a layman, it is painfully clear that President Nixon chose not to respect the law of this land by refusing to comply with a Federal Court Order to either produce the tapes and other relevant Watergate material, or make an appeal by midnight, Friday, October 19, 1973. At 12:01 a.m., October 20, 1973 Nixon was in contempt of court! He is no more above the law than any other citizen of this country!

After firing a man (Archibald Cox) who would not be compromised, intimidated or deterred from seeking the truth, no matter how high it led, Nixon was backed into a corner by the public's rightful and long overdue indignation, outrage and anger over yet another glaring insult to their intellect, intelligence and integrity. A wounded animal, trying to protect his domain, Nixon sought time to regroup, lick his wounds, and plan one more assault on the public's integrity by releasing the Watergate tapes (which by now could've been well doctored) after the fact.

With this flimsy peace offering does Nixon truly believe the American people will once again graze on the grass of his unctuousness? What is this dark, dirty, squalid secret he is so desperately trying to keep hidden?

In his explanation to the nation of his reason for withholding the tape evidence and other relevant Watergate material, Nixon first stated it was "in the interest of national security." A few weeks later this reason was inoperative and the wily magician had somehow rearranged the alphabet to make those words mean, "to preserve presidential confidentiality." What further magic tricks will he perform in his effort to dupe the masses?

Since Nixon irrationally concludes that the law is not for him, his personally selected staff and aides, his friends, the wealthy, the powerful, or the industrial giants—then all our laws should be prefaced with this statement:

"These laws are *not to be obeyed* by the wealthy, the powerful, the industrial giants, and certainly not the President (since he is God).

And, in addition—all jails and penal institutions should have enormous neon signs erected at their entrances which state:

"Only the poor, indigent, middleclass, and powerless shall be confined here if they break the laws. All others keep out!"

The docile sheep (American public) will then know with certainty that they are to feed on the injustice of the Nixonites of this country. They will know that this land is "the home of" those seeking *freedom* from injustice and the "land of" those *brave* enough to dare wrest even the dream of such freedom from them.

If the American people have been so disillusioned into apathy that they will allow this man (Nixon), who publicly states he cares nothing for public opinion, to turn our country into an anarchy; then *the legislators who truly serve the people they represent will do all that must be done to insure that Mr. Nixon be removed from the office of President of these United States of America.*

Sincerely,

LUEVENIA RICHARDSON.

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CLEVELAND, OHIO,
*October 20, 1973.*

Congressman LOUIS STOKES,
*Washington, D.C.*

DEAR CONGRESSMAN STOKES: I never got mad enough at the antics there in Washington to warrant writing you. Until now, that is.

Mr. Nixon should be impeached, in my opinion. Either he has gone absolutely mad or he's so guilty he just can't afford to have anybody find out.

What I'm referring to is his latest move in firing the Special Prosecutor and the assistant Attorney General. Also in the asking for the resignation of the Attorney General.

First he makes a big deal in promoting his honesty by proclaiming a special investigator who would have total freedom in his dealings. Then when the Special Prosecutor does his job and it looks like Tricky Dick's going to be found out he pulls this trick out of his bag.

Please do something to keep this little dictator in line.

Sincerely,

ROBERT POSHEDLEY.

CLEVELAND, OHIO,
*October 20, 1973.*

President RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

MR. PRESIDENT: I have just heard on the news that because of the intentions of the Special Prosecutor and the Attorney General to pursue your Watergate caper further and demand the tapes you illegally made you fired the Special Prosecutor and the assistant Attorney General and that the Attorney General has resigned because of you.

What I want to know is: Who the hell do you think you are?

Sincerely,

ROBERT POSHEDLEY.

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## A CONTINUING MIDDLE EAST DOUBLE STANDARD

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## HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BRASCO. Mr. Speaker, it is difficult to follow unfolding developments in the Middle East since the cease-fire took effect without coming to the conclusion that a double standard prevails against the Israelis, and that the U.S. Government appears to be cooperating in the situation.

After the Arab attack, as the Israelis rallied and struck back, the tide of battle inexorably and irresistibly turned in their favor. While the Arabs held the initiative their surprise attack had gained for them temporarily, no one came forward with a viable cease-fire effort. However, as soon as the Jews took the military initiative, there was no lack of peacemakers, eager to halt hostilities before the armed forces of Israel had written finis to the fourth dream of Arab conquest since 1948.

As these events unfolded, I could not help but note the international imbalance prevailing against Israel. On one side were the Russians, the Chinese, their satellites and allies, more than 20 African countries who had unilaterally broken off diplomatic relations with Israel, the United Nations and the oil industry, led by the American behemoths.

Also aiding them were many European countries wedded to oil money and arms with Arab States. Britain and France were foremost in this category.

On Israel's side were the United States and the international Jewish community. That was it as far as allies were concerned.

We did the only correct thing in resupplying Israel, and the Israeli armed forces showed what they were made of, using the resupply effectively and swiftly to hurl back the Arab armed forces. In the process, the Israelis utilized daring military maneuvers designed to turn the tide tactically. In a classic stroke, they hurdled the Suez water barrier with armor, cutting off an entire Egyptian Army, complete with equipment. The world majority was to be disappointed, for the underdog had pulled victory out of the fire. The Arabs, aided by Russia and backed by the "third world," had managed to snatch defeat out of the jaws of victory.

A great outcry then went up around the world on behalf of an immediate cease fire, led by the Russians, the United Nations and other apologists for the Arab side. The Israelis, reluctantly at first but then with grudging acquiescence, held back their final stroke which would have annihilated the "Third Army" as an effective fighting force. That military organization was left battered and dazed, clinging to a sliver of desert on the east bank of the Suez Canal.

Since then, acting in the finest humanitarian manner, the Israelis have been allowing food, water, medical supplies and other assistance through to the trapped and helpless Egyptians. Let it be also noted here that the State Department, expressing the wishes of the highest levels of our administration, pressed such a course upon the Israelis with enormous behind-the-scenes vigor.

The Israelis, deprived of a well-deserved and much-sought triumph, have every reason to feel cheated and victim of a double standard. Had victory chosen to nestle under the Arab banner, where would the champions of compassion be found? How many voices would have been raised effectively on behalf of the Israelis? From the lynch mob atmosphere of the U.N.? Never. From the Communist world? Do not hold your breath. From the "third world" humanitarians? Hardly. From the western Europeans or oil companies? A hopeless and sterile expectation.

Yet even this was not enough, for worse was yet to come. As a result of the surprise attack, several hundred Israelis had fallen into the hands of the Egyptians and Syrians in the course of the fighting. These men were prisoners of war in every sense of the word, taken in combat wearing the uniform of their country with weapons in their hands. Many of these men had been wounded, some severely.

As scrupulous as the Israelis have been in honoring provisions of the Geneva Convention governing treatment of prisoners of war, so the Arab side has been remiss in that respect. No full list of the captured has been forthcoming, even though elementary decency and compassion calls for such action on the part of both sides. Israel, deprived of full victory by the exigencies of international politics, has been denied so far of even knowing which of her missing sons are alive. And the United States, pressing hard for cease fire and withholding of the final Israeli stroke in Sinai, has completely overlooked this aspect of the problem. It is as shameful as it is inexcusable.

One must search the pages of history for a parallel to such a one-sided situation, where a small country is victimized by an international coalition seeking its total annihilation. It is difficult to find a situation as abysmal in its shame, whereby nothing the small state can do meets with international support and approval.

We must go back to 1938, when Czechoslovakia, determined to defend her sovereignty from Hitler, was ready to fight rather than yield on the question of the Sudetenland. Then, deserted by her formal allies, Britain and France, she was handed over without having any say in the matter to the tender mercies of Germany. Dismembered and abandoned, she shortly entered that limbo reserved for betrayed democracies, never to rise again as a free nation in our time. The powers that were at the time presided over her demise, voicing noble thoughts and piously bowing in the direction of democratic ideals. Such hypocrisy has earned the participants their richly deserved places in the annals of betrayal and infamy.

Today Israel chooses not to acquiesce in the ultimate scenario laid out for her by the international funeral chorus. She opts not to attend her death scene, so carefully worked out by today's majority, who are willing to buy some oil and temporary relief from reality at her expense. In this, at least, she shall differ from the untimely fate of Czechoslovakia.

What is most depressing to me is that in the process, so much that is decent, honorable and hopeful in the West is becoming expendable. The concept of an effective international peacemaking organization has been further harmed. Democratic socialism also sustains a grievous wound, as New Left fanatics sacrifice old ideals to placate the howls of those who cannot understand, much less carry on the momentum of such a positive ideological thrust. Only anarchy and terror can and will fill the vacuum. By attempting to sacrifice this tiny democratic state, or by standing by idly and allowing its rights to be chipped away in the international arena, those who cherish national freedom gamble away the priceless currency of international morality.

Those nations who participated in or stood idly by while a similar crime was successfully perpetrated in Europe in 1938 were to pay heavily for their actions in the unavoidable bloodletting that was made inevitable by that betrayal. We again wear smooth the path toward the disaster that will assuredly follow, reiterating again by our actions Santayana's words:

> They who do not learn from the mistakes of the past are doomed to repeat them.

I am sending a letter to the Secretary of State, asking that we move forthwith to guarantee that lists of prisoners are forthcoming and an exchange be arranged as expeditiously as possible.

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## RECLASSIFICATION OF SECURITY POSITIONS AT CHINA LAKE NAVAL WEAPONS CENTER

### HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. WALDIE. Mr. Speaker, I introduced the following bill to provide for the reclassification of security positions at China Lake Naval Weapon Center:

A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, California, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) it is the policy of the Congress that personnel discharging law enforcement responsibilities be adequately paid, in amounts commensurate with the degree of danger and stress incident to these responsibilities, that Federal salary rates be comparable with private enterprise salary rates for the same levels of work as stated as the policy of the Congress in section 5301(a)(3) of title 5, United States Code; and that, to this end, members of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, shall be paid at rates not less than the rates at which other law enforcement personnel are paid.

(b) Section 5109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Each position of policeman in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–5, GS–6, GS–7, and GS–8.

"(2) Each position of detective in the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California (other than a supervisory or managerial position) shall be classified, in accordance with regulations issued by the Civil Service Commission, at GS–6, GS–7, and GS–8."

SEC. 2. (a) Effective on the effective date of this Act, a policeman who is a member of the Police Division, Security Department, Naval Weapons Center, Department of the Navy at China Lake, California, on such date to whom the amendment made by the first section of this Act applies, shall have his rate of basic pay initially adjusted, as follows:

(1) A policeman in GS–2 immediately before the effective date of this section shall be advanced to that step of GS–5 which corresponds numerically to that step of GS–2 which he had attained immediately before such effective date.

(2) A policeman in GS–3 immediately before the effective date of this section shall be advanced to that step in GS–6 which corresponds numerically to that step of GS–3 which he had attained immediately before such effective date.

(3) A policeman at GS–4 immediately before the effective date of this section shall be advanced to that step of GS–7 which corresponds numerically to that step of GS–4 which he had attained immediately before such effective date.

(4) A policeman at GS–5 immediately before the effective date of this section shall be advanced to that step of GS–8 which corresponds numerically to that step of GS–5 which he had attained immediately before such effective date.

(b) An increase in pay by reason of an initial adjustment of pay under subsection (a) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335 of title 5, United States Code, for purposes of step increases. For purposes of periodic step increases, an employee shall be credited, as of the effective date of this section, with all service since his last periodic step increase before such effective date.

(c) No rate of basic pay in effect immediately before the effective date of this section shall be reduced by reason of the enactment of this Act.

SEC. 3. The preceding provisions of this Act shall become effective at the beginning of the first applicable pay period which commences on or after the date of enactment of this Act.

## FDA VITAMIN REGULATION

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. COLLINS of Texas. Mr. Speaker, during the past 6 months, my largest volume of mail from Dallas has been from citizens concerned over new FDA regulations limiting vitamin potency. I would like to review with all of my colleagues the remarks I made before the Subcommittee on Public Health and Environment during their hearings on our bill, H.R. 643, to limit FDA power in this area. This problem of bureaucratic big-brotherism is one that vitally affects citizens throughout the entire country.

FDA REGULATIONS NOT WARRANTED

Mr. Chairman, the most overwhelming characteristic of our Washington Bureaucrats today is the constant conviction that the citizens of our Country cannot possibly know what is good for themselves. Over the past few years, we have been told what foods we may eat and what products we can use. We have even been told that, regardless of our personal choice, we must be completely strapped into our cars before the engine will even start.

Now the Bureaucrats have come up with one further edict which completely denies our individual rights—the restriction of vitamins and food supplements which we may use without a prescription. The officials of the Food and Drug Administration have decreed, with very questionable substantiation, that all nutrients containing more than 1½ times their Recommended Daily Allowance must be now labeled as "drugs" even though many knowledgeable doctors have declared that the RDA amounts fall far short of reasonable dosages needed to maintain health. The labeling of a vitamin as a "drug" means that it can be subjected to use by prescription only. Vitamin A and Vitamin D tablets exceeding RDA maximum dosages have already been restricted to prescription sale and undoubtedly, other vitamins will shortly follow.

In defending their selection of RDA limits, the FDA has cited the Food and Nutrition Board as their source. However, they fail to mention that, in most cases, the Food and Nutrition Board referred to levels 20 to 30 times above the RDA quotas when discussing toxicity. For example, the FDA has set vitamin A intake at 5,000 I.U. per day even though the Food and Nutrition Board noted that possible danger could occur only when 100,000 to 150,000 I.U.'s of Vitamin A were taken per day for long periods of time. It is also interesting to note that 1 cup of diced carrots contain 18,000 units of Vitamin A. Are we also to assume that the FDA will label and regulate healthful foods such as carrots and liver which exceed the mandatory RDA limits?

The Food and Drug Administration regulations have shown a complete disregard for hundreds of reputable studies showing the importance of nutritional vitamins and food supplements in our diets. Nobel Prize winning biochemist Dr. Linus Pauling has recommended that a person take 3 grams of Vitamin C per day to combat colds. Under the new FDA ruling, you will be limited to 60 milligrams per day, or 1/30 of Dr. Pauling's recommended dosage. Dr. Paul Gyorgy, another Nobel Prize recipient, proved through clinical research that an individual should take 25 milligrams of Vitamin $B_6$ as a protective health measure, and yet the FDA declares that we must restrict $B_6$ intake to 3 milligrams a day. Mr. Chairman, it is very hard for our Citizens to be expected to accept the FDA Bureaucrats' word as "fact" when these and hundreds of knowledgeable chemists blatantly disagree.

The Agency has also to a great extent, outlawed combinations of vitamins even though they have shown no evidence of toxicity. This means that you will no longer be able to purchase such nutrients as the B complexes or Vitamin C with Iron. This also means that bioflavonoids, or P Vitamins, will be virtually banned even though hundreds of tests have shown their value in preventing many disorders such as polio, high blood pressure, hemorrhages, and diabetes.

The new regulations bring up countless cost and enforcement problems. Although a citizen will not be allowed to buy a high-potency vitamin or combination vitamin, he may buy as many low-potency and single vitamins as he wishes. However, this method will subject the consumer to increased costs and nuisance to obtain his desired vitamin dosages. For example, if you wish to take 1 gram of Vitamin C per day, you will now be forced to take 11 pills instead of 4 that you may be taking currently. In addition, the added relabeling costs forced on the companies will necessarily be passed along to the consumer.

The FDA has also prohibited most promotional claims by the food supplement industry even when the claims are scientifically proven and accurate. This means that a company will not be allowed to advise consumers that an ordinary diet will not supply adequate nutrients even though medical research centers around the world have produced reports that vitamin insufficiency is indeed grave and far greater than we realize. The ban on promotional advertising will also prohibit statements on the serious effects which preparation, storage, and transportation methods will have on nutrient content. Our consumers certainly should retain the right to know these basic facts, and I can find little justification in banning such statements under the guise of "consumer protection."

Our bill, H.R. 643, will define the term "food supplement" and will prohibit the FDA from limiting such supplements unless they are intrinsically injurious to health or fraudulently labeled. The purpose of our Legislation is to insure that all citizens maintain the right to freely purchase all nutrients which they feel are necessary to their health.

Mr. Chairman, although the FDA claims that they did in fact accept comments during their development of the new regulation, they seldom mention that the comments were almost totally opposed to implementation. I think it is time the Federal Agencies start listening to the wishes of the people who are completely capable of determining their own vitamin needs by consulting a physician. Mr. Chairman, I urge that we act immediately on our bill, H.R. 643, in order to protect American citizens from this type of bureaucratic arrogance.

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## NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. FRASER. Mr. Speaker, the Middle Eastern conflict has made more urgent than ever an effective national response to the energy crisis.

The Department of the Interior has estimated that with normal winter temperatures, domestic supplies of heating oil and diesel will fall short of our needs by 650,000 barrels a day. We had planned to import this fuel from Western Europe, Canada, and the Caribbean. Since Europe depends upon the Arab States to supply its refineries, several of our traditional overseas suppliers have already placed restrictions on exports of heating oil and other refined products.

While the energy crisis snowballs into what will probably be a very cold winter for all of us, the administration continues to sit back. Slowing the rate of energy-consumption runs counter to the credos of big business. This administration, with its special ties to big business, has been reluctant to take the steps needed to cut down on demand for electricity and gas and oil. The belated and half-hearted, voluntary conservation measures proposed thus far have been no more successful than the voluntary petroleum allocation program has been.

In fact, the Nixon administration's reliance on individual initiative and the profit-motive, in conjunction with its erratic economic controls, may be aggravating the scarcity of heating oil in this country. Oil companies can earn several cents a gallon more on gasoline than they can on heating oil or diesel. Industry figures indicate that gasoline stocks are increasing and that each day, 420,000 excess gallons of gasoline are being produced, even as the days grow colder and our foreign sources of heating oil grow more uncertain.

At the same time we learn that trucks in Pennsylvania, in order to dodge diesel taxes, have been substituting precious supplies of heating oil for diesel. These are taxes used to finance the roads upon which trucks depend.

Apparently we cannot rely in this instance upon the leadership either of the administration or of the big business interests with which it is so closely allied. Congress must move into the policy void and take immediate steps to forestall real hardships this winter.

The distinguished Senator from Washington (Mr. JACKSON) has recently introduced a bill, S. 2589, to reduce petroleum consumption through mandatory means, including: A prohibition on advertising designed to increase energy use, periodic tuneups of automobile engines, lowering of speed limits to 50 miles per hour or less, and modifications in scheduling and routing of airplanes and trucks.

Congress might usefully consider additional mandatory measures. We should make mandatory the current voluntary labeling of efficiency of major electrical appliances. We should impose graduated taxes on automobiles to encourage use of those with the greatest fuel economy. We should also explore the possibility of Federal encouragement of lowered mass transit fares—or even free mass transit—as an incentive to use these facilities.

I call Members' attention to the following excellent discussion of conservation of energy in two recent issues of Energy, a new weekly journal:

NEED FOR EFFECTIVE ENERGY CONSERVATION POLICY

The Administration has kicked off its "Mom & Pop" energy conservation campaign,

which it hopes will help get the country through this winter without serious economic disruptions.

The effort represents the Administration's attempt to deal with one of the most difficult and politically-charged aspects of the energy situation. The combined residential-commercial-transportation sector of small energy users that accounts for half of U.S. energy consumption must, of political necessity, have a high priority on any supply list. But it has the least incentive to cut down on waste, and officials are reluctant to clamp down. The opening gambit to deal with this problem in a non-compulsory fashion was a gala White House press conference to get the voluntary campaign rolling. Unfortunately, it appears to have been a bust. Despite the effort by White House Energy Policy Office Director John Love to connect energy conservation by small users with the Middle East war (by describing it as a hedge against an oil cutoff), reporters present at the conference indicated mostly indifference.

Most newspapers gave very little space to the conservation campaign. Even the energy industry trade press, which usually can be counted upon to cover extensively any energy announcement that comes from close proximity to the president, was largely indifferent to the campaign.

This journalistic inertia in the face of a critical winter may be explained by the absence of "hard news" in what the Administration had to say. There were no new studies indicating the amount of precious energy which could be conserved by this and that measure. The Arab-Israeli war and vice presidential resignation left little news space and broadcast time for energy conservation. Publicly, the Administration claims that voluntary cooperation by businessmen is just one part of a broad effort. Privately, officials acknowledged that there is really very little the Federal government can do, except to provide authoritative reference material. It will be up to large consumers, principally the business community, to make the effort a success on the local level.

To aid businessmen and public officials in achieving the cooperation of small energy users in their area, a large volume of material is available. Some of the more important of these documentary resources are identified and evaluated elsewhere in this issue.

Here are the actions announced by the White House as "elements of the winter phase of the National Energy Conservation Campaign" to reduce energy demand over the next year by 5% (which would mean allowing about a 2% increase in demand over the previous year):

Adoption of the comic strip character "Snoopy" as a symbol for the "SavEnergy" campaign.

Broad distribution of energy saving hints to consumers.

An extensive program to promote energy conservation by all elements of the business community.

Distribution of energy conservation kits to teachers for use in schools.

Cooperation with state and local governments in developing energy conservation programs.

The White House said the following energy conservation steps would receive "particular attention:"

Lowering thermostats by four degrees.

Installation of insulation, storm windows, weather stripping and caulking whenever practical.

The Administration said that if every residential thermostat would be turned down four degrees, 16.8-million gallons of oil would be saved this winter. This, according to the White House, was about the amount of oil the U.S. was expected to be short this winter. (The Dept. of Interior, however, calculates that the shortage could be up to 50% greater than the 16.8-million gallon figure in the case of a very cold winter.)

The White House listed these conservation actions already taken:

Creation of an Office of Energy Conservation in the Interior Dept. to lead and coordinate Federal energy conservation activities. (The office is not yet fully operative. When on line later this fall, it will have a staff of 25 to 30 professionals and a budget for the first year of about $1-million.)

Action by the Federal Aviation Administration and Civil Aeronautics Board, in cooperation with the Air Transport Assn., to reduce airline speed and increase load factors in order to raise the number of passenger miles travelled per gallon of fuel.

Commerce Dept.'s program for voluntary labeling of major appliances to show energy efficiency. (Reports from the Commerce Dept. indicate less cooperation than initial, optimistic reports anticipated.)

Environmental Protection Agency's publication of gasoline mileage data for 1974 autos and program for voluntary mileage labeling of 1975 and future cars. (EPA officials say privately that they were disappointed with the limited publication of 1974 mileage data by local media. They suspect that many newspapers were afraid to antagonize local car dealers who provide substantial advertising revenue. Auto manufacturers, however, have agreed to cooperate with the labeling program for 1975.)

General Services Administration demonstration project of an energy efficient office building in Manchester, N.H.

Defense Dept. (which accounts for 85% of all government energy use) action to reduce the number of aircraft training flights and ship speeds.

Overall Federal actions to lower thermostat settings four degrees, eliminate unnecessary lighting and purchase and rent more energy efficient vehicles. The national government consumes slightly less than 3% of all U.S. energy.

POLITICS

Any campaign which attempts to unite the nation behind Snoopy and draw together schoolchildren and businessmen in a common purpose is clearly designed to appear several light years away from the snakepit of enrgy politics. The National Energy Conservation campaign may itself be above politics, at least to a degree. Most large consumers must fall in line as supporters in the interest of survival, whether or not they agree with the basic premise that small user profligacy may be dealt with only by polite persuasion.

Energy conservation itself bears the seeds of a highly-charged political issue whose tensions probably will begin to surface early next year.

The Energy Conservation Campaign kick-off, for instance, did have its political elements. They were petty, but instructive; demonstrating the dissension among Administration energy policy makers. The White House urged that thermostats be turned down four degrees and said that this could wipe out the winter's expected heating oil deficit.

The previous week, Deputy Treasury Secretary William Simon had urged that thermostats be turned down three degrees and said that this could cut anticipated winter shortages of oil in half. The lack of coordination between Simon, who serves as chairman of the President's Oil Policy Committee, and White House aide Love, is as obvious as the discrepancy in their figures. (Energy watchers may choose for themselves which calculation is correct, although Simon, characteristically, made his staff's methodology public while the White House, also characteristically, did not.)

Not so obvious is the bad blood between Simon and Love and their staffs that led to different public statements being run around Snoopy's doghouse.

Another political aspect to the campaign was the decision by Love and his staff not to address the Great Gasoline Question. If the White House had opened the press conference by announcing a gasoline tax increase, the energy conservation campaign would have been on the front page of most newspapers in the U.S. It also would have bucked up the spirits of large users feeling the distillate pinch.

As late as the last week in September, Interior Dept.'s energy staff was making another serious push for an increase in Federal excise tax on gasoline of 5c to 10c a gallon. The effort was led by Deputy Assistant Secretary for Energy, Eric Zausner, who based his work, at least partially, on an academic study of gasoline elasticity done for the Ford Foundation Energy Policy Project.

The Ford study put gasoline elasticity in the shortrun at 0.43 and said this could increase to about 0.75 after about five years. (An elasticity factor of 0.75 means that a 100% price increase should cut demand by 75%.)

Interior staff hoped gasoline tax increase would dampen demand sufficiently to encourage refiners to squeeze less gasoline and more distillate from each barrel of oil. It is estimated that refiners nationally could produce up to 10.5-million additional gallons of distillate daily instead of gasoline. That sum, which is more than half the expected shortfall of distillate in the case of a winter with average temperatures, would be valuable to the entire country. It would be especially helpful to the Midwest, where the alternative—additional imports—is largely unavailable due to transportation problems.

The White House immediately quashed the tax hike and Love's office has so far rejected compromise proposals such as weight and horsepower taxes on automobiles.

COUNTERATTACK

While White House energy specialists are refusing to consider taxes on "the fuel with the votes" as a way of dampening demand, Administration economic officials are working on another front to hold down price increases in the private sector that could have the same dampening effect on gasoline demand.

The White House pales a shade every time another jump in the Consumer Price Index hits the front page and television evening news. Increases in food and petroleum products accounted for 70% of the rise in the Consumer Price Index since the end of 1972. Since gasoline is the most visible petroleum product, the Cost of Living Council is doing everything in its power to protect gasoline consumers (and voters) from price increases.

The council went so far as to force gasoline retailers to absorb price increases imposed by their suppliers until the council decided to permit retail prices to be increased. It was this action, primarily, that touched off the wave of service station strikes around the nation.

THE ECONOMY

The Cost of Living Council's action perhaps could have been considered a noble experiment at some other time. At the moment, it simply deals another blow to the distillate user.

Gulf Chemical Co., an affiliate of Gulf Oil, addressed the problem cogently in a submission to the National Commission on Materials Policy. Company executive E. M. Glazier said:

"If normal growth in petro-chemical production cannot take place, this could have the effect of almost bringing to a halt growth in manufacturing, thus limiting increases in Gross National Product as all the industries dependent upon petro-chemical products would be unable to expand their operations

and certainly hesitate to invest in new equipment in view of this supply constraint.

"Petro-chemical plants . . . have limited flexibility in the nature and range of the petroleum materials which they can effectively utilize . . .

"There are more viable alternatives in other end use areas which can permit the reduction of use without disturbing the economy; specifically, automotive use—for use of gasoline is probably much more elastic without effecting the level of the economy since it is possible to reduce the amount of discretionary use and increase the use of mass transit, car pools, etc., for the necessary commuting without significantly disturbing the economy or affecting the growth of the country."

The issue of whether small consumers should be expected, for their own economic well-being, to share the shortage a little more equitably with large consumers is, of course, just one aspect of the politics of energy conservation.

There are many others that should prove to be equally controversial: the adjustment of utility rate structures to impose higher costs on large-scale users with potential to cut back use; the rationing of energy by an administrative, rather than a market mechanism; the allocation of clean fuels to small users who can't afford emission control technology and to regions with severe air quality problems; and the use of natural gas for so-called "inferior" uses such as boiler-fuel in steam-electric plants.

With a critical winter approaching, however, the chief political issue would seem to be whether the burden of shortages should fall on gasoline or distillate users.

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FOUR SCENARIOS FOR HANDLING OIL CUTOFFS AVAILABLE FOR REVIEW

William Johnson, chief of Treasury Dept.'s energy staff, is a very non-profane Mormon. So when Johnson is asked, following European oil product and Middle East crude oil cutoffs and slowdowns, what effect these developments will have on the U.S. in the next several months and he replies: "It's going to be a bitch," there is indication that the energy situation may indeed have reached the point of crisis.

There are four scenarios that indicate how key energy policy centers, the White House, oil industry, Congress and Treasury Dept., would cope with the crisis. Users may wish to review the four, listed below, before consulting with local, state and Federal officials.

It now appears that the U.S. will be unable to obtain a large portion, if any, of the distillate imports from Europe it needs to cover the projected heating season shortages.

It appears that the U.S. must adopt a very stringent mandatory allocation program for fuels or an equally stringent energy conservation program. A mix of both plus gasoline rationing at the consumer level seems to be a real possibility.

The Administration is now reviewing its emergency gasoline rationing plan. At the moment, any attempt to implement it would face a tooth-and-nail fight that would probably result in a rout of the pro-distillate forces. Some economic and even physical hardship this winter, however, could make a difference.

Energy users may wish to obtain the four most important viewpoints available on how to handle oil cutoffs.

INDUSTRY

The oil industry's proposals are given in an interim report published last July by the National Petroleum Council. The council is a quasi-governmental body of oil and gas company officials which advises the Secretary of Interior on petroleum matters. It has long been considered to be virtually a part of the Interior Dept. (critics say Interior Dept. is part of the council) and its opinions historically have swung great weight there, especially on such subjects as how the oil industry could handle this or that emergency.

The council stresses that temporary interruption of oil imports "is a fundamentally different condition from the current tight petroleum supply situation which exists domestically and its report recommends "emergency measures (that) can only be maintained for weeks or months rather than years."

There are indications that the end of the Middle East war will not entirely reopen the oil supply gates, so the "emergency measures" taken may indeed have to be maintained for longer than weeks or months. But the report is important reading because it is sure to exert influence on whatever will be the U.S. policy to cope with disruptions.

The study is titled "Emergency Preparedness for Interruption of Petroleum Imports into the United States" and is available for $2 from NPC, 1625 K St. NW, Washington DC 20006.

WHITE HOUSE

*The White House* has no official scenario for handling the cutoffs. However, at a press conference on Oct. 12 announcing the mandatory allocation program for distillates, Charles DiBona, the chief White House technical specialist on energy, was forced into a relatively lengthy discussion of the subject by repeated questions from reporters.

DiBona abhors Federal controls and has steadfastly advised his boss, Energy Policy Office director John Love, against all mandatory allocation programs except the one for propane. He was overruled on distillate, apparently because of political considerations.

At the press conference, DiBona took a more upbeat view of the fuel situation than most other major energy figures including Interior Under Secretary John Whitaker with whom he shared the podium. Whitaker said things looked "gloomy" for winter, that "there will be some cold people" and "there could be some people who lose their jobs."

DiBona told the press corps that he didn't believe a cutoff "would require rationing. I think it could be handled by some mandatory conservation measures and the extension of the allocation program."

The Administration hasn't printed the text of the press conference for public distribution. However, copies of the transcript can be obtained by writing to First National Publications Research Div., PO Box 9084, Washington DC 20003. Specify "Mandatory Middle Distillate Fuel Allocation Program Press Conference." (There is no charge.)

TREASURY

*Treasury Dept.* has prepared a conservation program which it predicts could mitigate the absence of exports if only 50% effective. The program was released last week in a low-keyed manner. Treasury is pushing for the program to be adopted by the Administration as its standby mandatory plan.

Given the bitterness between Treasury and the White House on energy matters, it appears unlikely that any plan worked up by the agency would be adopted, no matter how great its merits. However, as an Interior Dept. observer of the feud noted: "Treasury's covered so much ground in the program that how much else can the White House come up with?" A high State Dept. official, asked what the U.S. could do to cope with cutoffs, pointed to the Treasury plan as probably the best general indicator of what must be done.

A copy of the program can be obtained by writing to Robert Nepp, Public Affairs, Treasury Dept., Washington DC 20220. Almost all the information in Treasury announcement was reported in the Oct. 15 edition of Energy.

CONGRESS

Sen. Henry Jackson (D-WA) is the leading figure on Capitol Hill. He directs the Senate's extraordinary fuels and energy study and the subject is an important plank in his undeclared presidential campaign. He also is among the most militantly anti-Arab legislators.

Jackson has introduced a "National Energy Emergency Contingency Act" which would authorize the President to declare fuel shortage emergencies when demand exceeds supply by 5% or more. The measure would require a variety of conservation and rationing activities by both state and Federal governments.

Soon after Jackson disclosed his proposal to a packed press conference, Administration officials began informally informing reporters of their objections. The Administration was particularly upset because Jackson's announcement was blatantly anti-Arab at a time when President Nixon had entered what he described as "delicate diplomatic negotiations" to stop the Mideast fighting.

For example, Jackson said:

"This program will provide 3.3 million (42-gallon) barrels of oil each day and more than offset the 1.2 million barrels the Arab States could deny to the U.S. each day. The purpose of this bill is to let the Arab states, our allies, and every American know that the U.S. can deal effectively with his challenge."

That was on Oct. 18 when all of the U.S.' European allies, except West Germany and Britain, had embargoed oil product shipments to the U.S. while the Arabs had announced only 5%–10% production cutbacks. The result, Administration energy officials feared, would be to irritate the pro-American Arabian Peninsula states and, hence, undercut Mr. Nixon's peace efforts.

Despite Administration objectives, the mood of the Congress appears to be solidly behind Jackson and his proposed legislation would seem to have a good chance of eventual passage.

For the text of the measure write to William J. Van Ness Jr., Senate Interior Committee, 3106 Dirksen Office Bldg., Washington DC 20510. **(If delay is experienced, a summary of the measure is available from First National Publications Research Div.)**

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## ADVANCED ORGANIZED CRIME SEMINAR

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## HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mrs. BOGGS. Mr. Speaker, recently William J. Guste, Jr., the knowledgeable and dynamic attorney general of Louisiana had the privilege of giving the keynote address to the Advanced Organized Crime Seminar sponsored by the Law Enforement Assistance Administration. Because I feel these comments would be of wide interest to my colleagues I include Attorney General Guste's remarks in the RECORD:

ADDRESS BY WILLIAM J. GUSTE, JR., ATTORNEY GENERAL OF LOUISIANA TO THE ADVANCED ORGANIZED CRIME SEMINAR

We meet to discuss an aspect of crime that affects every citizen: organized crime: a conspiracy of two or more operating on a continuing basis to violate the law for profit.

In 1972, it was my privilege to attend an Organized Crime Law Enforcement Conference sponsored, as is this Conference, by the Law Enforcement Assistance Administration at Notre Dame in South Bend, Indiana. There it was estimated that the gross national take of organized crime was $20 Bil-

lion of which $6 Billion was profit and of which a substantial amount was used to corrupt public officials to permit illegal activities to continue.

In my short term of office, I have learned that the hand-mate of organized crime is public corruption. And this is no original conclusion. It was the finding of the Kefauver Senate Committee in the early 1950's, and the Senate Committee Hearings chaired by Senator McClellan in the late 50's and the 60's.

It was the finding of the Mayor's Advisory Committee on Police Corruption in New Orleans in 1952.

It was the finding of the Orleans Parish Grand Jury as was evidenced by the series of indictments in the 1960's of members of the New Orleans Police Department.

It was the conclusion of the Metropolitan Crime Commission after 19 years of citizen effort in this area and the reason that we brought it into being.

It was the finding of the Louisiana Legislative Committee which investigated the influence of organized crime in Louisiana in 1972.

And it was brought home all the more forcefully to me this very month and last month when, as a result of intensive investigations by our staff, under grants funded through LEAA, we developed evidence of organized criminal activities in North Louisiana.

Bossier Parish, Louisiana is a suburb of Shreveport, Louisiana long known for illegal gambling, prostitution, B-drinking, drugs and other activities. During the last two weeks following several months of investigation, our office presented evidence to the Bossier Parish Grand Jury which has led to 31 indictment counts involving public bribery, public contracts fraud and other corrupt practices. Included among those indicted were the former Mayor of the City of Bossier, the Mayor's son, the Mayor's brother, the former Chief of Police, the former Head of the Vice Squad, the former representative of the Alcohol Control Board and the former Commissioner of Public Finance.

I cannot help but re-emphasize that organized crime and public corruption go hand in hand. Most organized crime could never exist without the knowledge and permission of public officials who have sold their integrity for votes or for dollars.

I am convinced, as are many of you, that we must attack street crime on two basic fronts. We must fight the symptoms of crime, and the causes of crime.

At last year's LEAA Seminar on Crime, Courts and Corrections, there was almost complete unanimity that we need more and better policemen, swifter and more relevant justice in the courts, and correctional procedures that truly correct and are not simply schools for increased criminality.

And there was also agreement that we must attack the basic causes of crime—lack of education, lack of job training and jobs, racial injustice, narcotics and a breakdown of discipline and love in the home.

But when we deal with organized crime, we are not dealing with criminals who emerge from the slums and ghettos. Here we are talking about crimes that operate as a business—often under the cover of legitimate business. We are often talking about well-to-do merchants who have an efficient well-trained organization operating secretly and engaged in illegal activities for profit where very frequently there is no victim who is willing to complain.

For example,

The sports bettor.

The off-track bettor.

Some say that's not organized crime. But they fail to realize what a sports betting system includes.

Here are a few of the items:

1. Runners who pick up bets for the handbook.

2. A handbook where bets are placed by the runners or the bettor himself.

3. A handicapper and odds information services.

4. A place where the handbook can lay off the bets for its protection.

5. Credit—the ability to borrow—quickly when necessary to pay off a large bet.

6. The machinery for settling of disputes out of court.

7. Machinery for enforcement of settlement of disputes and the weapons here are usually fear and force.

Another example—loan-sharking. Our consumer protection unit, operating under an LEAA Grant, recently uncovered a loan-sharking operation where the interest was as high as 25% per week.

At South Bend, we learned of loan-sharking loans that are made without security—nor was any evidence of the debt required. Why? Because the agreement is so clear—that no written contract is necessary. The collectors are enforcers and the security is the life of the debtor! Again, the borrower will not complain.

Narcotics are penetrating our cities and rural areas, our colleges and high schools. It takes an organization to move the poppy-seeds raised in the fields of Asia to a desperately hooked student in New Orleans. Again, there is frequently no complaining witness. Yet, this activity is eating away at the fiber of American youth.

And the other organized crimes of prostitution, extortion, anti-trust violations and back again to the hand-mate—public corruption.

The result: billions of dollars of take: millions plowed into narcotics that lead to wasted lives and the crime in the street that we all fear; and millions more that are available for organized crime businessmen to compete with legitimate businessmen with tax free funds.

This is a kind of competition legitimate business can't stand. And it is the reason why legitimate businessmen must group together to fight organized crime which in the end can rob them of a legitimate business.

Louisiana's constitution has always given a broad grant of authority to the State's Attorney General to initiate or intervene in any civil or criminal proceeding. Historically, this power had never been used.

We have begun a planned program to correct the inaction of the past and to move as quickly as possible against organized crime and corruption in this State.

But beyond this, we have gone to our legislature to secure certain tools which we considered essential and which we recommend to you to increase your effectiveness in fighting organized crime.

As a result the 1972 session of our legislature enacted laws granting the Attorney General:

1. The power of subpena equal to that possessed by District Attorneys.

2. The power, in conjunction with a local District Attorney, to grant immunity.

3. The right to be present in the Grand Jury Room.

4. The right for a Grand Jury which discovers or suspects that a crime has been committed outside of its jurisdiction to report this through the Attorney General to the Grand Jury which does have jurisdiction.

This in effect sets up a means whereby investigations which cross parish (county) boundaries can be continued.

(I do not consider this as effective a special state grand jury which can be convened by the Attorney General. However, it is an important step in this direction.)

5. And finally, they gave us the funds necessary to maintain our Criminal Division and match LEAA Grants.

Again, I wish to publicly thank our legislators for this.

It did not see fit to enact a law permitting the controlled use of electronic surveillance. Now, I recognize that this is really not a good time to talk about wiretapping and bugging. But, I believe we must distinguish between legitimate and illegitimate use of wiretapping. And I believe that it is essential that we strengthen our laws which prohibit illegitimate wiretapping and severely punish those who illegally invade one's privacy.

But at the same time, with the strictest controls possible to protect the right to privacy, I believe that electronic surveillance used by law enforcement personnel where there is probable cause that a crime is being committed is a very valuable tool with which to fight underworld crime.

There are a few special points that I would like to make.

First, I believe that we should all acknowledge our awareness of the fact that under state law there are far more legal weapons available to deal with organized crime and corruption than there are available to Federal agencies. The federal system has an impressive record because they have used their authority.

It is time for Louisiana and other states to take the initiative, to accept prime responsibility for action against organized crime and use the sleeping giant of state law.

No state case deals with organized crime as an island unto itself. Criminals formed into an organization are too intelligent to limit themselves to political boundaries.

The law enforcement community must resist limitations placed upon themselves because of political boundaries. If organized crime is to be defeated in Louisiana the enemy must not be permitted to succeed merely by crossing a parish or county or a state line.

I take this opportunity to pay tribute to the organized crime units of the New Orleans Police Department, Jefferson Parish Sheriff's Office and the Louisiana State Police which have first of all had the wisdom to assign personnel to the intelligence gathering function and to coordinate their activities where parish or county lines are crossed.

At the state level, we know that we need and want the help of other states. And I intend that this will be a two-way street and, therefore, offer the help of our staff to other states as well.

I think we should candidly admit that in the past federal and state and local law enforcement agencies have been reluctant to share information. In many cases, federal agencies just didn't trust state agencies. I believe this must change and will change as state and local agencies show their willingness and their determination to fight the common enemy.

I am proud to state that I am sharing information with all U.S. Attorneys in Louisiana and they and the Organized Crime Strike Force are beginning to bring me information. And when they do, our staff is actively following up on it.

Here let me emphasize the importance of the task force approach. I mentioned the recent indictments we secured in Bossier Parish, Louisiana. These successes were due to the fact that our Criminal Division under Jack Yelverton, working in particular through Ronald Black, Chief of Investigative Services, and William Faust, Chief of our Organized Crime Investigative Section, put together a specially coordinated effort involving the legislative auditor, the local sheriff, the state police intelligence unit and the local district attorney. We assigned them a specific problem. We coordinated their efforts. They worked together with a spirit to accomplish their task—sharing information and advice. I recommend this type of task force approach to you because I believe

it is better to complete one task than to begin twenty and complete none.

I have learned the value of working with the newsmen. They get good tips. But neither newsmen nor citizens are going to give you information if they do not believe you are sincere, and are going to conscientiously follow up on the lead they give you.

I have had the opportunity to consider looking at the problem of organized crime from two angles. As a citizen-member and President of The Metropolitan New Orleans Crime Commission, and now as a public official with responsibility for acting.

From this experience, I can stress the importance of citizens and public officials working together.

I wish to take this occasion to state that I have already begun, and I intend to continue to make full use of the wealth of information developed by our Citizens' Crime Commission. And I heartily recommend to you the encouragement of Citizens' Crime Commissions and their use. You may be assured that when you demonstrate your sincerity, these citizens groups will gain public support for your work without which your job is all the more difficult.

The coat of arms of Louisiana contains the three qualities for which our State stands UNION—JUSTICE—CONFIDENCE. It is my hope and trust, and I am sure it is shared by you, that out of this advanced organized crime seminar will come—

A *union* of purpose and of action and a *union* of integrity;

A greater degree of *justice* which eventually comes from improved professionalism and united effort;

And public *confidence* in law enforcement efforts and in government which we represent at the local, state and national level.

## REPRESENTATIVE HOLT COUNSELS CAUTION ON IMPEACHMENT QUESTION

### HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Mr. BAUMAN. Mr. Speaker, while things have calmed down a bit since the President fired Archibald Cox, and some sort of accord may be reached on the appointment of a new prosecutor, there are still many in the Congress who would push on in an emotional charge to impeach Mr. Nixon. While cause may or may not exist to consider such a move, the very serious question of impeachment must be considered in a calm, deliberative light, and not in the heated passion of partisan debate.

My colleague from Maryland's Fourth Congressional District, Representative MARJORIE HOLT, has written an editorial, printed in the Baltimore Sun over the weekend, which states clearly and persuasively the case for careful, unemotional consideration of the impeachment question. I think her advice is wise, and I offer it here, in the hope that some of the President's more ardent opponents will take it to heart:

[From the Baltimore Sun, Oct. 27, 1973]

(Editorial by Marjorie Holt)

The resignation of the Attorney General and Deputy Attorney General, and the subsequent dismissal of the Special Prosecutor Archibald Cox, have ignited a holocaust of adverse public opinion which is unmatched in recent years. There is no question that the American public is opposed to this action, and feels that the so-called Watergate tapes should be rendered to the appropriate judicial authorities.

Highly placed White House officials have conceded that they grievously erred in their assessment of public reaction to this event. This problem is symptomatic of the troubles which have plagued this administration since it assumed office in 1969.

Much of the problem is due to the President's inability to communicate with the country through the press. The President has become far too insulated from the people and the legislative branch.

The utilization of the Chief Executive's time must be carefully supervised, but not to the point where a total breakdown of communication with other integral parts of government and the country as a whole is allowed to occur. It must always be remembered that accomplishments in office, and this administration has had many great ones, are quickly forgotten if the faith of the people is lost.

The public outrage over the tapes issue and the shakeup in the Justice Department have inevitably led to renewed calls for the initiation of impeachment proceedings.

Impeachment is the most serious action that the Congress can take, and the gravity of this procedure demands that it be well considered and deliberate. It must be consistent with the Constitution, and it must serve the best interests of the country and its people.

The House of Representatives clearly has the authority and obligation to examine the impeachment question. This is currently being effected by the Judiciary Committee, and I have every hope that this will result in a fair, nonpartisan evaluation of our constitutional responsibilities. My own view is that the recent demands for impeachment are premature and based more or emotion than fact.

The President's decision to release the disputed tapes has averted a major constitutional crisis and eliminated a potential ground for impeachment.

The decision to make these tapes and related documents available to Judge Sirica was the proper course of action. While the constitutional crisis may have been blunted, we are still faced with a serious crisis of confidence, to which all elected officials and all citizens must turn their attention.

The proper functioning of a democratic form of government requires that elected officials reflect the views of the electorate and the electorate, in turn, must have implicit trust in their representatives—trust in their abilities and in their character.

It is no secret that trust in the holders of political office is currently a rare commodity. The precise causes of this situation can be debated indefinitely, but the assignment of blame for the situation does not bring us any closer to a solution. As in the case of all complex national problems, there is no quick or easy remedy for this ailment.

The eradication of the crisis in confidence which plagues our government must begin with a complete and thorough airing of the infamous events which are now collectively referred to as the Watergate affair. Reform of public institutions is always preceded by a public exposition of evil. The process of exposition and prosecution is painful and traumatic, but it is an absolute necessity. It must be diligently pursued regardless of where it leads.

It is also mandatory that both Houses of Congress move with deliberate speed in their investigation and confirmation hearings on the Vice President-designate, Gerald R. Ford. The absence of a Vice President is always a matter of concern and this is compounded by the current national mood. Action on this nomination must occur both to fill the office and to remove all political considerations from the impeachment issue.

Partisan politics must be set aside at all costs. A sound government can only reinforce both parties, whereas politically motivated actions during this crucial period will only further weaken our political party system.

Investigation and public disclosure must become a way of life for those who seek to hold public office. It may be advisable to go further than our current efforts, and subject all of those in the line of succession for the presidency to close public scrutiny. We must do all in our power to protect our country from further shocks of the sort to which they have recently been subjected.

I pray that the members of the three branches of government will be given the wisdom and the courage to squarely approach our current problems and develop meaningful solutions.

## EEOC PENSION RULING ON SEX DISCRIMINATION

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 1973*

Ms. ABZUG. Mr. Speaker, early this year the American Nurses' Association charged that the use of separate actuarial tables to compute pension benefits for men and women constitutes discrimination on the basis of an individual's sex. In August, the Equal Employment Opportunity Commission ruled that this practice is discriminatory and, therefore, unlawful.

The argument used to support the practice of using separate actuarial tables was based on the longer average life expectancy of women than men. The ANA argued that such a practice would be legitimate only if similar distinctions were made to benefit members of minority groups with shorter life expectancies than white people.

This decision by the EEOC set valuable precedent to prohibit sex discrimination in the computation of pension benefits. This prohibition should be statutory, though, if it is to be truly effective. Since we are now considering major pension reform legislation, we are in a position to make this necessary and just change.

I am inserting the charge made by the ANA as well as the EEOC's decision into the RECORD.

In addition, I am inserting "Academicians Find Shortcomings in Pension Reform Bills" from the October 1973 Legal-Legislative Report News Bulletin:

CHARGE MADE BY ANA

In a charge of discrimination filed with the Equal Employment Opportunity Commission, Dr. Eileen M. Jacobi said:

"The Board of Governors of Wayne State University provides retirement benefits to employees which are discriminatory by sex. The benefits in question are provided through the insurance carrier—Teachers Insurance and Annuity Association. The retirement plan of TIAA provides larger monthly payments to a male member employee than to a female member employee even though each has made the same contribution for the same number of years. While paying women less on the ground that they have a longer average

life expectancy, TIAA simultaneously refuses to pay blacks more when in fact they have a shorter average life expectancy. Thus, this amounts to discrimination based upon sex, and such discrimination violates guideline 1604.9(e) and (f) of the Guidelines on 'Discrimination Because of Sex' issued by the Equal Employment Opportunity Commission, on March 31, 1972 and published in the Federal Register on April 5, 1972."

AFFIDAVIT

State of Missouri,
County of Jackson, sworn statement.

I, Eileen M. Jacobi, Ed.D., R.N., after being duly sworn, upon oath depose and say:

I am 54 years of age and live at 4406 West 95th Street, City of Shawnee Mission, County of Johnson, State of Kansas. My telephone number is (816) 474–5720, and my Social Security Number is 056–24–2488.

I am Dr. Eileen M. Jacobi, Ed.D., R.N. Presently I am the Executive Director of the American Nurses' Association whose offices are located in Crown Center, 2420 Pershing Road, Kansas City, Missouri 64108.

The American Nurses' Association is the professional organization of registered nurses. It has approximately 163,000 members belonging to constituent associations in the fifty states, the District of Columbia, the Virgin Islands and Guam.

The Association's purposes are to foster higher standards of nursing practice, to promote the professional and educational advancement of nurses, and to promote the economic and general welfare of nurses to the end that all people may have better nursing care.

Dr. Virginia Cleland, Ph.D., R.N., now residing at 13 Norwich, Pleasant Ridge, Michigan 48069, is a member of American Nurses' Association (ANA), and is a member of ANA's Commission on Nursing Research. Dr. Cleland is employed as Professor of Nursing by Wayne State University, Detroit, Michigan 48069. The Board of Governors of Wayne State University provides certain fringe benefits, including retirement benefits, to employees. The retirement benefits are provided through the insurance carrier—Teachers Insurance and Annuity Association, commonly known as TIAA. TIAA's central offices are located at 730 Third Avenue, New York, New York 10017.

The retirement plan of TIAA, to which Dr. Virginia Cleland belongs, provides larger monthly payments to a male member than to a female member upon retirement at the same age, even though each has made equal contributions for an equal number of years. While paying women less because they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more. In fact, blacks have a shorter average life expectancy than women. This is discriminatory by sex.

It is my firm belief that such a discrimination based upon sex violates the provisions of Title VII of the Civil Rights Act of 1964 and guidelines 1604.9(e) and (f) of the Guidelines on Discrimination Because of Sex, issued on March 31, 1972 by the Equal Employment Opportunity Commission. In my judgment, the practice of TIAA is, therefore, illegal.

In my capacity as the Executive Director of American Nurses' Association, I have today filed a Charge of Discrimination on behalf of Dr. Virginia Cleland with the Kansas City District Office of Equal Employment Opportunity Commission.

Dr. Cleland is advised that I am filing this complaint in her behalf.

I have read the foregoing statement consisting of two pages, and swear (affirm) to the best of my knowledge and belief that it is true.

EILEEN M. JACOBS.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
*Kansas City, Mo., August 1, 1973.*

DETERMINATION

Under the authority vested in me by Section 1601.19b(d) of the Commission's Procedural Rules, Volume 37, Federal Regulation 20165 (Sept. 27, 1972), I issue on behalf of the Commission the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the timeliness, deferral and all other jurisdictional requirements have been met. The action taken by the State has been considered.

Charging Party alleges that the Respondent is discriminating against women members of the American Nurses Association on the basis of sex (female) because of the Respondent's retirement benefits which uses two separate actuarial tables based on sex for calculating retirement. Records on file show that the Respondent is a participating agency in the retirement program and that two separate actuarial tables are used to calculate benefits that are based upon sex, therefore, I find reasonable cause to believe that Respondent is in violation of the Civil Rights Act of 1964 as amended.

Having determined there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. We enclose an information sheet entitled "Notice of Conciliation Process" for the attention of each party. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On Behalf of the Commission.

FRANC HERNDON,
*Director, Kansas City District Office.*

ACADEMICIANS FIND SHORTCOMINGS IN PENSION REFORM BILLS

Thirty-six law, economics, insurance and sociology professors have signed a statement which cites the Javits-Williams Bill (S. 4), the Finance Committee Bill (Bentsen) (S. 1179) and the Dent Bill (H.R. 9824) as all falling short of providing the reforms needed in the private pension system. The statement, which was distributed by the outspoken critic of the private pension plan system, Professor Merton Bernstein of the Ohio State University, recommends changes in the areas of vesting, coverage, conflicts of interest, widow benefits, plan termination insurance, and bargaining rights for retirees.

With regard to vesting, the academicians urge 50% vesting after five years of service, with an annual increase of 10% each year thereafter. They submit that only under such a vesting schedule will employee benefit achievement be improved over the current unsatisfactory situation. They also contend that their suggested vesting formula will "enable women—who typically have a shorter period of service—to begin to achieve pension benefits in a substantial way."

The professors also feel that "if private pension plans are to provide the supplementation needed by all," then they must cover all workers. They note that none of the bills before Congress effectively deals with the problem of coverage, and they recommend "experimentation with a national, low-cost boiler-plate plan" before their recommended broad coverage is adopted.

In the area of conflict of interest, the statement argues that "all trustees should be completely neutral and owe loyalties only to the fund beneficiaries." The statement further provides that company and union officials should not be permitted to serve as trustees because of possible conflicts of interest and that any dealings involving the pension trust funds and the company and union should be prohibited.

As for widow benefits, the professors recognize that options for survivor benefits are seldom exercised and advocate remedying the situation by a legislative mandate that survivor benefits be deemed exercised unless affirmatively rejected in writing.

With regard to plan termination insurance, the statement simply says that it is highly desirable and should be tried.

Finally, in the area of bargaining rights for retirees, the professors cite the fact that very few pension plans have provisions to help off-set the effects of inflation on those on a fixed income. To remedy this situation, they urge that the National Labor Relations Act be amended to permit pensioners to bargain with their former employers (and successors) and require those employers to bargain with retiree representatives.

# HOUSE OF REPRESENTATIVES—*Wednesday, October 31, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*This is the day which the Lord hath made; we will rejoice and be glad in it.*—Psalms 118: 24.

As we begin another day of service to Thee and to our country, we thank Thee, our Father, that we can put our hands in Thine and walk with Thee through the coming hours. In this journey through life help us to realize anew that neither learning, nor wealth, nor position can ever make up for a lack of faith in Thee or for the loss of a conscientious spirit.

Accept our gratitude for the opportunities of this day and help us to be happy in our work and eager to be of service to our beloved America. Make our country great in goodness and good in greatness. May righteousness exalt us as a nation, good will expand our higher moods, and understanding express the goal of our nobler endeavors. In Thy holy name we pray. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced