lization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. McKINNEY (for himself, Mr. CONTE, Mr. FAUNTROY, Mr. FRENZEL, Mr. JOHNSON of Colorado, Mr. MITCHELL of Maryland, Mr. MOSHER, and Mr. STARK):

H.R. 11213. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11214. A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the Office of President and Office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER (for himself, Mrs. BOGGS, and Mr. CONYERS):

H.R. 11215. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Illinois (by request):

H.R. 11216. A bill to amend Public Law 93-60 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ROE:

H.R. 11217. A bill to establish a National Environmental Bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

H.R. 11218. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

H.R. 11219. A bill to amend the Public Health Service Act to provide for programs for the diagnosis and treatment of hemophilia; to the Committee on Interstate and Foreign Commerce.

H.R. 11220. A bill authorizing the Secretary of the Interior to issue certain obligations and to utilize the revenues therefrom to acquire additional wetlands; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN (for himself, Mr. ANNUNZIO, Mr. BARRETT, Mr. MOORHEAD of Pennsylvania, Mr. BRASCO, Mr. COTTER, Mr. HANLEY, Mr. JOHNSON of Pennsylvania, Mr. MOAKLEY, and Mr. RONCALLO of New York):

H.R. 11221. A bill to provide full deposit insurance for public units and to increase deposit insurance from $20,000 to $50,000; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 11222. A bill to authorize the establishment and maintenance of reserve supplies of soybeans, corn, grain, sorghum, barley, oats, and wheat for national security and to protect domestic consumers against an inadequate supply of such commodities; to maintain and promote foreign trade; to protect producers of such commodities against an unfair loss of income resulting from the establishment of a reserve supply; to assist in marketing such commodities; to assure the availability of commodities to promote world peace and understanding; and for other purposes; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. CLARK, Mr. DOWNING, Mr. GROVER, and Mr. MAILLIARD):

H.R. 11223. A bill to authorize amendment of contracts relating to the exchange of certain vessels for conversion and operation in unsubsidized service between the west coast of the United States and the territory of Guam; to the Committee on Merchant Marine and Fisheries.

By Mr. TEAGUE of Texas (by request):

H.R. 11224. A bill to amend the District of Columbia Sales Tax Act to exempt certain food programs from the imposition of the sales tax; to the Committee on the District of Columbia.

By Mr. WHITE (for himself and Mr. HANLEY):

H.R. 11225. A bill to amend title 13, United States Code, to prohibit delaying or postponing the preparation, the taking or the publishing of any of the statistical compilations or periodic censuses required by said title, and for other purposes, to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 11226. A bill to amend section 911 (a)(2) of the Internal Revenue Code of 1954 to permit alien residents to exclude from gross income certain income earned abroad in the same manner as U.S. citizens; to the Committee on Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself and Mr. ECKHARDT):

H.R. 11227. A bill to amend title 1 of the Marine Protection, Research, and Sanctuaries Act of 1972 in order to facilitate the enforcement of the ocean dumping laws by requiring that dye or other effective visual marking be used to identify where wastes are dumped; to the Committee on Merchant Marine and Fisheries.

By Mr. CAREY of New York:

H. J. Res. 803. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY of Texas:

H.J. Res. 804. Joint resolution authorizing the President to proclaim the week beginning on the second Monday in November each year as Youth Appreciation Week; to the Committee on the Judiciary.

By Mr. HUBER (for himself and Mr. SEBELIUS):

H. Con. Res. 374. Concurrent resolution expressing the sense of the Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. BEVILL:

H. Res. 674. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Res. 675. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. O'NEILL (for himself, Mr. COHEN, Mr. COLLINS of Texas, Mr. DOWNING, Mr. ESHLEMAN, Mr. JONES of Oklahoma, Mr. MOSS, Mr. SHRIVER, Mr. TAYLOR of North Carolina, and Mr. WIDNALL):

H. Res. 676. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. SHUSTER:

H. Res. 677. Resolution to investigate Archibald Cox and his task force; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOLAND:

H.R. 11228. A bill for the relief of Sunshine Art Studios, Inc.; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 11229. A bill for the relief of Mrs. Harry F. Armstrong; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

323. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to support of the State of Israel; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

346. The SPEAKER presented a petition of Renato Luppi, Ferarra, Italy, relative to economic aid to the Soviet Union; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

TREASURY STUDY SUPPORTS THE VANIK-MOSS APPROACH TO GASOLINE CONSERVATION—IV

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 30, 1973

Mr. VANIK. Mr. Speaker, the Treasury Department has recently completed a staff study which explores the potential for gasoline conservation through the institution of an excise tax on new automobiles. The level of the tax would vary with the efficiency of the vehicle—those which are the most inefficient pay the highest tax. Senator Moss and I have been joined by 39 of my colleagues in sponsoring legislation—H.R. 9859—to accomplish this task. The Treasury study was conducted with assumptions which are alined closely with the Vanik-Moss bill.

I would like to outline briefly some of its major points:

First. The American auto industry can produce large cars which yield close to 20 miles per gallon using existing technology without sacrificing comfort, styling, or exhaust emission standards.

Second. Through such a tax gasoline savings could reach 1 million barrels a day by 1980.

Third. The proposed tax will not adversely affect the competitive position of American autos with regard to foreign imports.

Mr. Speaker, I believe that the conclusions of this study are so important to our energy future that I am enclosing

the entire text of this report in the RECORD.

TREASURY DEPARTMENT STUDY

DOWNWARD SHIFT

It is also possible that many owners of large cars would shift to smaller cars, rather than no cars as a result of the tax. It seems clear that some Ford owners might shift to a Maverick, or a Chevelle owner might shift to a Vega. How pronounced would this shift be? We have found no studies which would provide any information on this subject. In the absence of any data, we have elected to ignore the possibility. To the extent that it happens, of course, this will be a useful national trend which will aid in gasoline savings. But since there is already a massive national shift in this direction, we have assumed that this trend would continue, but that it would not be augmented by the tax.

WHAT SAVINGS IN GASOLINE WOULD OCCUR FROM THE TAX?

The gasoline savings can be estimated by the following gas consumption before the tax—estimated gas consumption after the tax equals gasoline savings.

To make this calculation requires some assumptions:

(a) There will be no savings from high priced cars or foreign cars.

(b) The savings apply, of course, only to new cars, so the effect is spread slowly, year by year, throughout the automotive fleet.

(c) The present trends on annual automobile mileage will continue. These trends are shown in Report No. 2 of the Nationwide Personal Transportation Study of DOT, April 1972 as being as follows:

Age of Car (year) and Avg. No. of Miles driven in 1 year:

New	17,600
1	16,200
2	13,200
3	11,500
4	11,700
5	10,000
6	10,400

These figures are modified to introduce a scrappage factor based on scrappage in previous years. (1965 was used as a base). Accordingly, the scrap rate of new cars is taken as follows:

Year and percentage of cars remaining:

	Percent
1	100
2	99.8
3	99.3
4	96.4
5	93.9
6	89.8

Thus modified, the annual mileages of cars are adjusted by the scrappage factor:

Year and Avg. miles driven (less scrappage):

1	17,500
2	16,068
3	13,108
4	10,990
5	10,517
6	8,950

Using these assumptions, therefore, gasoline savings can be calculated as follows:

$$\left[\frac{L_p}{M_{1p}}-\frac{L_a}{M_{1a}}\right]+\left[\frac{S_p}{M_{sp}}-\frac{S_a}{M_{sa}}=r_{75}, r_{76}, r_{77}-r_{80}\right.$$

Where

L_p = pretax large car sales
L_a = after tax large car sales
M_{1p} = pretax large car miles per gallon
M_{1a} = after tax large car miles per gallon
Sp, Sa, M_{sp}, M_{sa} = small car data

And total gasoline savings (g) each year are as follows:

$g_{75}=r_{76}$ (17,500)

$g_{76}=r_{76}$ (17,500) $+r_{75}$ (16,068)

$g_{77}=r_{77}$ (17,500) $+r_{76}$ (16,068) $+r_{75}$ (13,108)

$g_{80}=r_{80}$ (17,500) $+r_{79}$ (16,068) $+r_{78}$ (13,108)

From these calculations, $r_{75}=52.34$; $r_{76}=169.66$; $r_{77}=232,62$; $r_{78}=260.75$: $r_{79}=270.71$; $r_{80}=259.92$.

and annual gas savings are:

	Millions of gallons of gas	Barrels per day
Year:		
1975	916	59,686
1976	3,804	248,140
1977	7,466	487,018
1978	11,076	722,504
1979	14,365	938,256
1980	17,098	1,115,329

Translated into specific terms, this means that the fuel economy tax, by 1980, could be saving one million barrels a day of gasoline: this is roughly one half of the projected output of the Alaska pipeline by 1980, so the saving is substantial.

REVENUE EFFECTS

It is now possible to summarize the revenue to be derived from a fuel economy tax, as shown on the following chart:

TAX REVENUE FROM THE FUEL ECONOMY TAX, 1975–80

	1975	1976	1977	1978	1979	1980
Tax rate (per EG)	$80	$160	$235	$235	$235	$235
High price cars sales (thousands)	257	257	257	257	257	257
Tax paid per car	$414	$827	$1,215	$1,215	$1,215	$1,215
Total tax revenue (thousands)	$106,398	$212,539	$312,255	$312,255	$312,255	$312,255
Large cars sales (thousands)	4,561	3,814	3,371	3,053	2,695	2,451
Tax paid per car	$386	$576	$503	$294	$132	$132
Total revenue (thousands)	$1,760,546	$2,196,864	$1,695,613	$897,582	$354,420	$323,532
Small cars sales (thousands)	$2,933	$3,209	$3,497	$3,841	$4,198	$4,465
Tax paid per car	$100	$114	$61			
Total revenue (thousands)	$293,300	$365,826	$213,317			
Foreign cars sales (thousands)	1,584	1,584	1,584	1,584	1,584	1,584
Tax paid per car						
Total revenue						
Total revenue (billions)	$2.16	$2.78	$2.2	$1.2	$0.6	$0.6

[1] Some large imports would, of course, pay some tax since their mpg is less than 20. The number of such imports is so small ,however, as to be negligible in this chart.

The tax would generate the most revenue in 1976 when the tax was only $160 per EG. It would rapidly fall off to $600 million by 1979 when the mass of American car owners would be driving in smaller sized fuel-efficient vehicles getting close to 20 mpg.

AIR CONDITIONING

The EPA study indicates that air conditioning adds about 9 percent to the fuel usage of an automobile in the months in which it is used. If we average Florida (12 months) with Maine (2 months) we can perhaps assume a national average of 6 months of the year, i.e., a 4.5 percent fuel use increase. A new car equipped with factory air conditioning would thus pay a fuel economy tax which would include an allowance for the cost of the air conditioning. This opens up, however, a major loophole for add-on air conditioning since it would obviously be considerably cheaper to have air conditioning units added on after the purchase of the car and thus avoid a significant portion of the excise tax.

To eliminate this loophole therefore, it would be necessary also to tax add-on air conditioning for automobiles at about the same rate. This should not penalize the add-on air conditioning business but simply keep the two types of air conditioning on an equal basis.

How much should the add-on air conditioning tax be?

To make this determination it is necessary to determine how much the tax on factory air conditioning would be. The simplest method is to take the median 1973 car rates in terms of weight. This is a Ford Torino weighing 3,700 lbs., curb weight, its inertia weight being 4,000 lbs. This car should deliver an average of 11.2 miles per gallon or 8.92 gallons per hundred miles. About 75 percent of new cars come equipped with air conditioning so we may assume that the median Torino has .75 of an air conditioning unit. After calculating the cost, it can be shown[1] that air conditioning in the median car costs an annual average of .39 gallons per hundred miles. Multiplying this figure by $235 per EG equals an excise tax of $91.88 on add-on automobile air conditioning to equate them with the excise tax on factory air conditioning.

[1] Median car (Ford Torino) inertia wt. 4,000 lbs. mpg 11.2 w/o AC.

Includes .75 of a.c. ac=4.5 percent less mpg. . . includes (.75) (.045) =.

∴

[1 − (.75) (.045)] 11.2=10.74 mpg with AC.

GPCM without AC=8.92.

GPCM with AC=9.31.

EG from AC=.39.

Tax @$235=$91.88.

FOREIGN CARS

One often cited obstacle to a fuel economy tax is the claim that it would temporarily give a competitive advantage to foreign imports. These generally have greater fuel economy and hence, would pay a lesser fuel economy tax than U.S. automobiles (or in most cases no fuel economy tax at all).

The facts do not support this claim. It is true, of course, that the tax would provide a slight competitive advantage to luxury type foreign imports such as the Mercedes or the Volvo which are light in weight, high in mpg, but long on luxury. But these cars are an extremely small percentage of total sales totaling less than 1 percent of all U.S. car sales.

[In the case of the competitive automobiles such as the Volkswagen, Toyota, Datsun, Opel and Fiat, the tax should not be of significant help. There are two reasons for this:]

a. Phasing of incremental tax increases

The U.S. automobile industry needs time to design fuel-efficient machines and to get them into production. Given sufficient time, it is probable that the automobile manu-

facturers can build competitive vehicles. But the industry is unlikely to begin work until it knows that there are economic incentives requiring it. It is for this reason that it is proposed that the tax be enacted in 1973 applying to 1975 models and that this initial tax be a modest tax ($80/£G) with increasing taxes for 1976 and 1977. This system should give sufficient warning and lead time to the U.S. industry without giving major competitive advantage to foreign automobiles.

b. Devaluation of the dollar

The successive devaluation of the dollar and the reevaluation of foreign currencies have been particularly meaningful in regard to imported car prices. Competitive models are now at or above U.S. prices with the sole exception of the Toyota.

	1973 price [1]	Price increase since 1971 (percent)
Datsun 1200	$2,245	+26.4
Fiat 128 2-door sedan	2,245	+22.0
V.W. Beetle	2,249	+19.2
Toyota 1200	1,998	+11.1
Gremlin 6	2,098	+10.5
Pinto 4	2,021	+5.3
Vega	2,087	−.1

[1] Includes dealer preparation fees, excludes local transportation, local taxes.

The addition of a small fuel economy tax to the three sub-compact automobile prices will still leave them cheaper than any comparable foreign import except the Toyota.

For the above reasons, therefore, it is believed that the fuel economy tax will not provide an overwhelming advantage to foreign automobiles.

RESOLUTION ON IMPEACHMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith a significant statement adopted by the board of trustees of the Unitarian Universalist Association of America on October 28, 1973.

This resolution recommending the impeachment of the President was adopted by the board of trustees by a vote of 23 "yeas" and 1 "nay."

The Unitarian Universalist Association is composed of over 1,000 churches and fellowships in the United States and Canada with its continental headquarters in Boston.

This resolution of impeachment adopted by the national decisionmaking body of the Unitarians in America has been promulgated by the joint Washington Office for Social Concern—a unit which is a cooperative effort to apply the insights of humanistic ethics and liberal religion to major problems facing American society.

The impeachment resolution of the Unitarians follows:

RESOLUTION ON IMPEACHMENT

Adopted by the Board of Trustees of the Unitarian Universalist Association of America, at Boston, October 28, 1973

The loss of confidence in the Nixon administration and the proliferating charges of high crimes and misdemeanors leveled against the President have caused a grave and threatening national crisis.

The events of the past weeks have demonstrated that the best way to resolve this crisis is for the House of Representatives to initiate formal impeachment proceedings so that all the facts can be uncovered.

Therefore be it resolved that the Unitarian Universalist Association Board of Trustees:

1. Calls on the Congress to fulfill its constitutional responsibility by initiating such impeachment procedures;

2. Urges member UUA congregations in the United States to speak out on this issue and communicate their stand to their Representatives;

3. Directs the President of the Unitarian Universalist Association to transmit this action to other religious organizations in the hope that they, too, will do all in their power to help restore our nation's self-confidence and pride.

TRUTH ABOUT HEARING AIDS

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, as a result of an earlier published article in the CONGRESSIONAL RECORD, a constituent of mine, Bill Keeler, contacted me about many glaring errors in that report. Mr. Keeler is a hearing aid specialist in Dallas and is president of the Texas Hearing Aid Association.

To rebut the earlier article written by a high school student, Mr. Keeler contacted Marvin H. Pigg, president of the National Hearing Aid Society, to respond point by point to the earlier report.

Being one of the many thousands that wear hearing aids, I would like to insert it in the RECORD so that my colleagues will be aware of the true facts concerning hearing aids.

NATIONAL HEARING AID SOCIETY,
Detroit, Mich., October 12, 1973.

Hon. DALE MILFORD,
House of Representatives,
Washington, D.C.

DEAR SIR: When you consider that the hearing aid industry has devoted itself to the welfare of the hearing impaired for over 60 years, that it has developed sophisticated equipment to test hearing and then compensate for the hearing loss with such tiny but effective devices, that the industry itself has been one of the most powerful and constructive forces in reaching and maintaining high levels of competence and ethics in the field, and that this has been possible only because of the thousands of dedicated individuals in the field who made it happen, we are dismayed that the narrow and erroneous views of a high school student should be awarded the credibility and stature to be read before Congress and placed in the Congressional Record.

The record should be set straight about the report of Ms. Nadine Woodard, which Representative Gilbert Gude introduced into the Congressional Record on August 3, 1973. Although Representative Gude said that this is "a close study of the problems and the possible solutions", by a student intern, and that he had "selected one that shows especially conscientious research", the report by Ms. Woodard was not original research at all, and was almost totally extracted from a report written by a group of college students in Minnesota. The Minnesota report, known as the MPIRG report and published in November, 1972, has been discredited, but the truth has had difficulty catching up with it. The language of both reports was emotionally charged, opinion-loaded, inflammatory, and unworthy of any report purporting to be objective research. Phrases such as "unscrupulous sales techniques," "unjustifiable profits," and "outrageous prices" are not substantiated by fact. Consider, for example, the conclusion: "Incompetence, deceptive and misleading statements, inadequate or even non-existent testing and testing facilities and extreme pressure tactics have made the hearing aid industry into what it is today. The industry is analogous to a spider, as it preys on people like flies once they have been trapped in the web of deafness. It is time that its stranglehold on the destinies of the hearing impaired be released." This statement is without substance; yet, the hysterical tone of its dramatic rhetoric would alarm and frighten the hearing impaired, causing further reluctance in obtaining care. It portrays the hearing aid industry as an unscrupulous predator on the hearing handicapped, when, in fact, it has been one of the most dedicated protectors and benefactors of the hearing impaired.

Point by point, some errors contained in Ms. Woodard's report are as follows:

1. "Bulging under clothing or protruding from the ear . . ." This statement is not correct. All body-type aids can be worn in cloth carriers which fit close to the body and do not bulge. "Protruding from the ear" applies only to the receivers used with body-type aids. With behind-the-ear aids or eyeglass aids, nothing protrudes from the ear. With the all-in-the-ear aids, the aid is visible but does not protrude unless the user has a very small ear. Modern technology has permitted manufacturers to produce small hearing aids. This was not always true, however, for in the 1930's, the batteries were in a separate box which was strapped to the user's leg. At that time, the complete hearing aid weighed over two pounds, while today, it weighs just a few ounces.

2. "These high prices help to explain the fact that while fifteen million Americans have significant hearing impairments, only ten percent of those afflicted wear hearing aids." Objective evidence indicates that primary reason people are reluctant to wear a hearing aid is vanity. They must be motivated to seek assistance. Even in those countries where hearing aids are free, the hearing impaired are reluctant to admit their handicap and obtain a hearing aid. The Market Facts Survey of 1971 showed that only 7% believed hearing aids were too expensive.

3. "Unscrupulous sales techniques coupled with misleading advertising often induce those persons who do seek help to make needless or inappropriate hearing aid purchases." Since the adoption of the Code of Ethics of the Hearing Aid Industry in 1960, its enforcement by the National Hearing Aid Society, and the F.T.C. Trade Practice Rules for the Hearing Aid Industry, misleading advertising and unscrupulous sales techniques have been nearly eliminated. In addition, the licensing laws for hearing aid dealers in 38 states control and regulate advertising and sales practices. It should be pointed out, however, that ethical advertising and sales practices by hearing aid specialists have been a prime motivator in persuading the hearing impaired to obtain care for their hearing loss. To say that the hearing aids are "needless" or "inappropriate" rejects objective studies by the U.S. Public Health Service and Market Facts, Inc. which show satisfaction levels at 90% or better.

4. "When a forty million dollar industry reaps unjustifiable profits. . . ." This accusation, which is so frequently hurled at the hearing aid industry, is unsupported by facts. Objective studies prove that profits are reasonable and justified. One such study was

made in 1971 by the Auditor General of the State of Michigan, and another was conducted in Massachusetts, and both showed that the net profit margin is small and the median income of hearing aid specialists is modest. The Michigan report also showed that hearing aid specialists have a high overhead.

5. "Hearing aids may be purchased at prices ranging from seventy-five dollars to seven hundred fifty dollars. . . ." The report failed to say that the $750 figures would be for TWO hearing aids.

6. The definition of an audiologist is incorrect. Many audiologists hold only bachelor's degrees.

7. ". . . one should see an audiologist before shopping for a hearing aid." This advice is being perpetuated by the audiologists who wish to elevate their own importance, but generally, it is not necessary to consult an audiologist. This only creates unnecessary expense and inconvenience in obtaining care. The National Hearing Aid Society recommends that a person with a hearing loss consult a medical ear specialist first, and then let the medical doctor determine the best management of the hearing loss. Sometimes, the medical ear specialist can provide medical or surgical treatment. In other cases, the medical doctor refers the person directly to a hearing aid specialist. A few cases may benefit from an audiological work-up, and the medical doctor will recommend it when needed.

8. The information about the National Hearing Aid Society, and its educational and Certification programs was grossly inaccurate. Our Society has been one of the most constructive forces in improving the skills of hearing aid specialists. The Basic Course in Hearing Aid Audiology was developed in consultation with reputable educators, and includes not only the twenty lessons cited by Ms. Woodard, but the required reading of three textbooks. The twenty lessons serve as a guide to the textbook study. The price of the course cited by Ms. Woodard was not correct. Our final examination is always monitored by a professional person and every effort is made to eliminate errors, avoid cheating and insure accurate results.

Our total Certification requirements include much more than just taking the course and passing the examination. The Certification program sponsored and administered by the National Hearing Aid Society has been a significant and valuable contribution in encouraging hearing aid specialists to reach and mantain high levels of competence in the selection and fitting of hearing aids.

To correct the record: Certification is granted only to those who have met strict standards of education, experience, competence and character.

Education.—The applicant must complete the NHAS Basic Course in Hearing Aid Audiology, or an equivalent approved course.

Examination.—The applicant must pass the comprehensive NHAS certification examination, or an equivalent approved examination. All examinations must be monitored by a professional i.e. educator, doctor, lawyer, etc.

Experience.—The applicant must submit proof of two years actual experience with supervision, in the fitting of hearing aids.

Endorsement.—The applicant must submit references from three persons: his employer, a physician (preferably an otologist), and a qualified person in the hearing aid field. The physician and employer affirm that the applicant is competent to make the required hearing analysis, take ear impressions, and adjust a hearing aid and earpiece to carry out their functions. The applicant must also submit character references, as well as financial references from his bank and suppliers. All references are thoroughly checked by the National Hearing Aid Society.

Ethics.—The applicant must pledge, under oath, to abide by the NHAS Code of Ethics. He must also submit all his advertising for a period of 30 days prior to the examination, as proof of ethical advertising practices.

Evaluation.—On successful completion of these requirements, the applicant's name is published in a bulletin to the NHAS membership for comment. His application is then sent to the National Board for Certification for review and evaluation.

All Board members are Certified members of NHAS, and come from various areas of the United States and Canada, to provide broad geographical distribution. Certification is granted only by majority approval of the Board.

In its By-Laws, the National Hearing Aid Society has established a procedure for filing of grievances against Certified members, investigation of such complaints, and reprimanding any Certified member who is found to have violated the standards. Penalties may be imposed, even to the extent of withdrawing Certification.

Those who are granted Certification are granted use of the title, Certified Hearing Aid Audiologist. Its use is carefully monitored by our Society. Ms. Woodard claims that its use deceives consumers and implies a medical competence which does not exist. This is entirely erroneous. Our traditional, historical, and legal rights to the title have been documented, and it was in use by hearing aid specialists long before clinical audiology became a separate specialty. By applying the name "audiology" to their profession, the clinical audiologists created whatever confusion exists. Further confusion results when the clinical audiologists with a Ph. D. use the title of "Doctor", leading many consumers to believe that they have medical expertise and training, which is not the case. Theirs is a non-medical specialty.

10. "Some dealers . . . take upon themselves the diagnosis . . . of hearing problems. . . ." This would be an unethical practice, if, indeed, it actually occurs, and would be subject to the penalties imposed by the 38 licensing acts and of our Society. Most of the licensing acts require the hearing aid specialist to give written notice that the purchaser is advised that any examination or representation made by a licensed hearing aid dealer and fitter in connection with the fitting and selling of a hearing aid is not an examination, diagnosis, or prescription by a person licensed to practice medicine and therefore must not be regarded as medical opinion or advice.

11. Under "Hearing Aid Sales", Ms. Woodard makes some sweeping generalizations about the practices of hearing aid specialists which would lead the reader to believe that hearing aid specialists cannot be trusted, and are merely manipulating the consumer. Our sense of justice compels us to reject the notion that a person who earns his living through the sale of a product is any less trustworthy or less honest than a person who is paid a fee for his or her services. We believe that Ms. Woodard's condemnations and insinuations have little basis in fact. We believe it is fair to ask what kind of study Ms. Woodard conducted in order to reach these conclusions, for it is our belief that she has no direct or personal knowledge of the field, and has written a report based on hearsay.

12. "Virtually no dealer has the equipment necessary to test the objective benefits of binaural fitting." This statement is misleading, since ALL binaural tests are subjective and rely on the judgment of the person being tested. Equipment for making an objective test does not exist.

13. Ms. Woodard denigrates the hearing aid dealer licensing program; yet, it is doubtful that she has read these state laws. If she had, she would have found that these laws, which have been enacted in 38 states, protect the consumer as follows:

a. The hearing aid specialists must show proof of competency
b. Prohibited acts are listed
c. Penalties for violations are provided
d. Each bill provides recourse for the public
e. Public members have positions on the Boards

Although the licensing program is young, and relatively few consumer complaints have been entered, state licensing boards have shown by prompt and vigorous action that this system of policing is as effective as that of any profession or business we know of.

The licensing bills of nearly all, if not all, occupations, provide for the peer group to be in the majority. The consumers would be poorly served if the majority of the members had little or no knowledge of the occupation which is being regulated.

The hearing aid industry welcomes carefully considered suggestions for improvement, and, in fact, continually reviews its own policies and practices to determine how consumers can receive maximum satisfaction. However, such irresponsible and inaccurate reports as Ms. Woodard's can hardly be regarded as constructive, and will only serve to deter the hearing impaired from obtaining proper care for a hearing loss.

We would appreciate your assistance in correcting the record.

Sincerely,

MARVIN PIGG,
President.

IS REVENUE SHARING DOING ITS JOB?

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 29, 1973

Mr. ZWACH. Mr. Speaker, revenue sharing, our effort to restore power to local governments, by returning to them a portion of Federal tax money, is now almost a year old.

What has been the effect of this action on our small communities in countryside America? To be sure, the people have known some measure of tax relief, but in general, revenue sharing has not returned enough money to the communities to enable them to initiate the major projects, such as waste treatment facilities, they so badly need.

Mr. Speaker, the Renville Star-Farmer, a weekly newspaper in our Minnesota Sixth Congressional District, recently printed an editorial on the subject of revenue sharing which I would like to make available to my colleagues by inserting it in the RECORD:

IS REVENUE SHARING DOING ITS JOB?

Although the federal Revenue Sharing program has been in operation for almost a year now, no one of any consequence has undertaken to speak out publicly yet on its effectiveness. And perhaps it is still too early to constructively assess the impact of such a far-flung program so new to the American scene.

From indications available, it would seem that most municipal governments, particularly in this area, are concentrating most in assigning revenue sharing funds toward tax reduction in the form of replacing existing equipment, whose replacement later would cost local taxpayers, and as a hedge against future emergencies, or for the performance of local housekeeping chores that never seemed in the past to get done because of a shortage of municipal dollars.

Unfortunately, revenue sharing receipts in smaller municipalities are woefully insufficient to tackle the major projects that need

doing. For example, Renville could use a modernized sewage collection system; and the city could make use of a government center building that would put many scattered operations under one roof. But revenue sharing receipts would be insufficient even to provide designs for either of the projects.

By the same token, Danube keenly feels the need for a sewage disposal and collection system. But the village must seek financing from other federal agencies before it can proceed with the needed work.

Nor do municipal governments feel assured of permanence in the revenue sharing program, for the old observation what government gives, government can take away holds true for lower governmental units just as it does for citizens and non-public groups.

Possibly these are factors that keep municipal governments from attacking problems with creativity, and this reluctance could be justified for those causes. But it is also justifiable to assume that a vital and continuing revenue sharing program will need innovativeness on behalf of municipal recipients if the program is to succeed in its main objective of restoring power to local governments.

LABOR DIGEST COMMENTS ON COX FIRING

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, although I feel that President Nixon was greatly ill-advised in choosing to fire Special Prosecutor Archibald Cox, Mr. Cox is nonetheless not free from an equal measure of blame in this matter. The following article from the Labor Digest gives a bit more balance to the overall picture, and I commend it to my colleagues:

(From the Labor Digest, October 29, 1973)

Did Special Prosecutor Archibald Cox Misjudge, Blow His Job by Attempting to be Judge as Well as Prosecutor? As dust settles over latest explosion in infamous Watergate and related scandals, second thoughts come to fore as minds, numbed by the almost incredible events of the past ten days, begin to reappraise events. There is a growing realization that Mr. Cox failed to sense that he, and he alone, held the key to the whole Watergate mess. President Nixon had designed a compromise agreement whereby the White House tapes would be released to Senator John Stennis with summaries and verbatim quotes in those areas where evidence was needed to assist in evaluating White House involvement in the sordid break-in and subsequent ugly cover-up. Attorney General Elliot Richardson and his deputy were parties to the discussions leading to the decision. The Attorney General was, in turn, keeping the Special Prosecutor informed. With the approval of the three senators to be involved (Stennis, Ervin and Baker) the White House and Mr. Richardson believed they had conformed to the memorandum (from an earlier paper of the late Felix Frankfurter) the Court of Appeals made public "asking Mr. Cox and the President's lawyers to agree on some compromise which would avoid a sharp constitutional encounter". Mr. Richardson has stated he was in agreement with the plan, and tried, unsuccessfully, to obtain the Special Prosecutor's approval to present the compromise to Judge Sirica for his decision whether it would satisfy the court and "prevent a constitutional encounter."

The self-willed Special Prosecutor, however, set his teeth. Knowing Mr. Richardson's unfortunate position and public promise he was willing, as we have seen, to have the Attorney General leave office, force a showdown with the White House. Mr. Cox and his senior staff must have concluded they had the President in a bind; in retreat. The Special Prosecutor had said he would resign at any time he felt his independence was lost. But Mr. Cox did not offer his resignation knowing in advance, through consultation, that neither the Attorney General nor the Deputy Attorney General would fire him. Mr. Cox for that moment felt himself above an embattled President. And he blew the one, great opportunity to continue in full charge of the investigation and continuing control. Mr. Cox could have reluctantly agreed to the compromise plan, predicating his acceptance on Judge Sirica's approval. Result: Mr. Cox would have continued as Special Prosecutor, and had Judge Sirica, under the new circumstances, accepted the compromise plan, as meeting the guidelines of the Appeals Court, the Senate Watergate Committee would have been given the same information as the court. (Now, Judge Sirica gets the tapes, but says the Watergate Committee can't have them.) Inexcusably, Mr. Cox called a press conference to haughtily denounce the Nixon-Ervin agreement and to "fling down the gauntlet of a citation of the President for contempt of court" before Mr. Richardson and his deputy resigned, and before Mr. Nixon took action against him. Archibald Cox, who like General of the Armies Douglas MacArthur, couldn't conceive that a gusty President would fire him, was fired.

FRANK SMALL, JR.

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. BAUMAN. Mr. Speaker, with the passing last week of former Representative Frank Small, Jr., Maryland loses a longtime public servant whose service in politics and in business spanned many decades.

A longtime Republican, Frank Small began his career in elective politics with service in the Maryland House of Delegates in 1927 and 1928. He served in this House during the 83d Congress some 25 years later, from 1953–55. He represented three southern Maryland counties which are now part of my own district, Charles, Calvert, and St. Marys. He was a member of the Republican State Central Committee of Maryland from 1934 to 1942, serving as chairman for 4 of those years. He was a delegate to three Republican National Conventions, in 1940, 1944, and 1956. In 1962 he was the Republican candidate for Governor of Maryland.

He served on the Maryland Commission of Motor Vehicles, 1955–57, and as a member of the Maryland Racing Commission, 1937–52. He was racing commission chairman during 1951 and 1952, and was president of the National Association of State Racing Commissioners at the same time.

Frank Small's dedication to the needs of his constituents dominated his term in the Congress. Long before it became the vogue, he expressed concern over water pollution and water supply. He fought for funds to control flooding at Peace Cross in Bladensburg and as a member of the Committee on Public Works, he often gave voice to public concerns relating to pollution and flood control.

Through his efforts, Congress voted to construct the Jones Point Bridge, now known as the Woodrow Wilson Bridge, between Prince Georges County and Alexandria.

The 83d Congress was one of only two instances in which Republicans have been in the majority in the House since 1931, and Frank Small expressed pride in the fall of 1955 that for the first time in many years, appropriations made by Congress had actually been cut by $7 billion. He was dedicated to economy in government, and served the citizens of Maryland's Fifth Congressional District with dedication and interest.

Frank Small's death at the age of 77 ended a long and productive career. Marylanders benefited by his efforts in their behalf, and we are grateful for his many years of public service. His family has my deepest sympathy.

CRIME CONTROL NO. 2

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LANDGREBE. Mr. Speaker, for the past several months a portion of the RECORD has been devoted to newspaper stories in which criminals have used guns in which to kill and/or rob their victims. Now aside from the fact that such stories are presented by those who deplore violence in the media, but who are quite willing to publish stories of criminal actions if such stories may be used to bolster their position on gun control, the logic behind such argumentation is quite eccentric. The argument is simply this: Since some guns are used by some people—criminals—to steal from and kill other people—victims—some guns should be registered and/or confiscated by the Federal Government. Now this labyrinthine logic rests on the equivocation in the word "some." The guns owned by private citizens are not the same guns used in crimes by criminals: The latter are a far smaller group of guns. Gun controls already exist which are aimed at guns used by criminals in the commission of a crime: They are confiscated. Furthermore, such persons are barred from possession of guns in the future. In some cases, use of a gun in the commission of a crime may bring harsher penalties for the criminal.

These laws are quite proper. Yet those who are first to weep for the vicious murderer or thief are first to demand that guns owned by victims of crime be registered and/or confiscated. Together with the illogic of their position goes its immorality: The force of the law—that is, the guns of the Government—is seen as the proper means to confiscate guns from private citizens, that is, from

the victims of crime. Those who advocate gun control legislation are quite conscious that the guns they mean to control are those owned by private citizens. These same people are most eager to use the "public" guns, the Government, to enforce "gun control." The result is that Government, which has grown far beyond its proper and constitutional limitations, will be unrestricted by such laws while private citizens woll be straitjacketed. There will then be no further and final opposition to a government which will have a legal monopoly on the use and possession of guns. No dictator, or aspirant for the position, could wish for more.

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, I am including in the RECORD, my Washington Report of October 31, 1973, as follows:

MESSRS. COX, FORD, NIXON, AND THE CONGRESS

In another week of astonishing events, the President dismissed Special Prosecutor Cox, accepted the resignation of his Attorney General, and, in a stunning reversal, capitulated to public outrage and turned over the Watergate tapes to Federal Judge Sirica. The President's concession—a concession he vowed he would never make—was made after he was confronted with the threat of impeachment in the Congress and the likelihood of a contempt citation in federal court.

After sifting through these events, it seems to me the Congress should take several steps:

1. The first order of business is for the Congress to re-establish the Office of the Special Prosecutor to investigate fully, fairly and relentlessly the whole Watergate affair. A number of criminal indictments and investigations of high federal officials are pending and should be carried forward.

The Congress does not have confidence in the President's investigation of Watergate: several investigations in his administration failed, he has impeded the investigation by Cox, and it is an unacceptable conflict of interest for the President or his office to be investigated by a prosecutor subject to the President's control.

When Cox began to probe deeply into every aspect of White House activity, the President decided Cox was not containable, and dismissed him. This action disturbed the Congress because the President had made a compact with the Congress to give a special Prosecutor "absolute authority" to investigate and prosecute offenses arising out of any aspect of the Watergate case. This compact was a condition of Richardson's confirmation as Attorney General, and violation of it brought about the present crisis. My impression is that the President's compromise to make available a verified summary of the tapes could not have been acceptable to the Special Prosecutor because it destroyed his independence, and Cox's inevitable refusal gave the President the pretext to fire Cox and abolish the Office of the Special Prosecutor.

The people of the country simply will not believe that justice has been done unless an independent prosecutor is permitted to investigate all aspects of Watergate without limitation, interference or control by the President. Only by the vigorous investigation and prosecution of the Watergate affair can justice be done and a real or apparent cover-up avoided.

2. The Congress should also proceed promptly and responsibly to perform its constitutional function to confirm Representative Gerald Ford as Vice President. Settling the issue of succession would remove a major source of uncertainty and help restore public confidence in the Congress.

In my view the Congress should not hold the nomination hostage as it considers impeachment proceedings, but should proceed to the prompt completion of investigation, hearings, reports, debates and votes. Arguments are being made by some Democrats to delay Ford's confirmation and engineer Speaker Albert, now second in line, into the Presidency. Those arguments are politically mischievous and ignore the need in the country for action without delay and free from political considerations. The Speaker properly rejects these arguments and points out that Mr. Ford should rise or fall on his own qualifications.

3. The Congress should also begin a responsible inquiry into whether the President has committed any offenses that could lead to impeachment. Both Democrats and Republicans have endorsed this inquiry in the House. Grave questions surround impeachment and precedents offer few guidelines. No member of Congress is pleased with the prospect of this investigation, but with the crisis of political leadership and the concern about the integrity of the government, Congress cannot ignore the impeachment resolutions before it. With the President turning over the tapes, the drive for impeachment may be blunted, but it has not been stopped.

NORMAN CHANDLER: A GIANT OF JOURNALISM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHARLES H. WILSON of California. Mr. Speaker, the loss of Norman Chandler, longtime publisher of the Los Angeles Times, leaves a void not easily filled.

Mr. Chandler's ambitions as a young man were matched only by his boundless enthusiasm. Under the practiced and wise hand of his father, Harry Chandler, he was to learn the ground rules of his publishing inheritance, and learn he did. No job was too menial, and he undertook each task with forthright eagerness. The thorough knowledge he thus gained of the newspaper industry served him well in the future when he was to know the awesome responsibilities of leading this fast-growing enterprise.

Mr. Chandler admitted that he was biased in his approach to the news when he first became publisher of the Times. Yet this provincialism was to vanish completely as he accepted the enormous challenge and great import of molding public knowledge and public opinion. The course was a wise one, and led to many accolades not given lightly, primarily eight Pulitzer Prize awards to his publication.

The Los Angeles Times has, in his time, grown as a respected newspaper throughout the world because of the scope and accuracy of its coverage of our times. This is no accident or unique twist of fate, but is due to the responsible reporting demanded of every writer on its staff.

The growth of the corporation's other interests also reflect Norman Chandler's expansive vision and unfailing vigor. A respected philanthropist, his countless contributions to the arts and culture of southern California have greatly enriched our State. He was also actively involved in establishing the Times charities which generously funded clubs for boys, summer camps for underprivileged children, swimming pools for the city's youth, and many other activities which would benefit the area's young people and future adult citizens.

Far from seeking personal honors, Norman Chandler shied from the public view. Nevertheless, he won many awards, including honorary degrees from two major universities. His interest in education was keen, and he willingly served as trustee of both the University of Southern California and California Institute of Technology.

On the 75th anniversary of the Times, President Eisenhower, Chief Justice Earl Warren, and other world leaders, joined in congratulating Norman Chandler for his journalistic achievements.

Certainly, the world in general and the populace of southern California in particular are a better place because Norman Chandler was here. The bereavement his wife Dorothy, his son Otis, and his daughter Camilla, as well as other members of his family and his corporation feel at this time will eventually be lessened as they take comfort in his heritage and in the knowledge that many lives have been enriched by his gentle wisdom, guidance, and generosity.

IN OPPOSITION TO THE CONFERENCE REPORT ON DOD AUTHORIZATION FOR FISCAL YEAR 1974

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, I wish to explain my vote in opposition to H.R. 9286, the military procurement authorization bill. The Nation's needs in health care, housing, welfare reform, education, mass transportation, drug education, energy research and development, and many areas remain unmet. The President has vetoed legislation to fund emergency medical services, vocational rehabilitation and minimum-wage improvements. Under such circumstances, it seems to me that it would be wholly inappropriate for the Congress to authorize the expenditure of $21 billion for the purposes of military procurement. I am unconvinced that the B–1 bomber, the Trident submarine, the 606,000 overseas troops, the ABM, or the A–10 aircraft are more essential to our national well-being than the quality of life at home.

For this reason, I will vote against H.R. 9286, and urge each of my colleagues to do the same.

INTERNATIONAL SECURITIES MARKETS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOSS. Mr. Speaker, earlier this month, the Federation Internationale des Bourses de Valeurs—the International Federation of Stock Exchanges—met in the United States in its first meeting outside Europe.

At this meeting, hosted by the New York Stock Exchange in New York, delegates from 30 stock exchanges in 19 countries discussed a series of important and common issues to the principal stock exchanges of the world. Many of these issues, as reported in the official news release following the meeting, are being addressed by the Subcommittee on Commerce and Finance, which I chair. While it is often said in the financial markets of Europe that "when the United States sneezes, Europe catches cold," the legislative solutions which our committee will be presenting to this House will be directed to improving and strengthening our securities markets and stock exchanges, and thereby may serve as guidelines for other stock exchanges of the free world as well.

The leadership provided by our stock exchanges in world finance was recognized at this meeting by the naming of Mr. James J. Needham, chairman of the New York Stock Exchange, as the vice president of the federation. In addition, Mr. Donald L. Calvin, vice president of the New York Stock Exchange, chaired the meetings of the federation's working committee.

The news release issued at the conclusion of the New York meeting follows:

FEDERATION INTERNATIONALE DES BOURSES DE VALEURS

The Federation Internationale des Bourses de Valeurs (International Federation of Stock Exchanges) concluded its 1973 General Assembly today after authorizing for the first time the creation of a Special Committee to address crucial issues affecting the stock exchanges of the world.

The Federation today elected as President Pedro Rodriguez Ponga y Ruiz de Salazar, Chairman of the Madrid Stock Exchange. Chairman James J. Needham of the New York Stock Exchange was elected Vice President of the Federation.

The Special Committee will be appointed by Mr. Ponga and Mr. Needham, and by Dr. Friedrich Priess, outgoing President of the Federation and Chairman of the Hamburg Stock Exchange.

The New York Stock Exchange was host for the three-day General Assembly, held in the United States this year for the first time. Delegates from exchanges in 19 countries throughout the world attended.

The creation of the Special Committee, the Federation said, was a move by the exchanges to adjust to new, rapidly emerging challenges posed by a growing internationalization in economic matters.

"Adjustment to these new conditions," the Federation said, "is an imperative step taking the highest priority."

The Federation's existing Working Committee, made up of representatives of 15 nations, will deal with a related broad range of matters, among them listing of foreign securities on national exchanges, exchange membership, international cooperation in the clearing and settlement of securities, and issues posed by the proliferation and growth of institutional investors active on a global level.

In another action, the Federation forwarded to its Working Committee for study the question of whether all trading in listed securities should take place on exchange markets. The question was first raised by the Madrid Stock Exchange in a report to the Working Committee of the Federation at its meeting in Brussels last March.

A paper distributed to the General Assembly stated that such an inquiry would provide the Federation with the "opportunity to express its opinion on the requirements for quotation, the protection of investors, the authenticity of prices and the liquidity of the security market."

The Working Committee was also asked to study the uses of automation among the world's stock exchanges. A paper distributed at the General Assembly stated:

"With significant internationalization of securities markets only two to three years in the future, there are some important questions which could well be considered now in order to avoid hasty action in the face of future stress."

Questions specifically cited in the discussion included whether a security should be traded in different places and at different times "or, to avoid market fragmentation and to insure fair execution and maximum liquidity, should all orders for any given security be placed in a designated exchange trading mechanism?" The paper also dealt with the providing of clearing facilities by exchanges for settlement of international transactions between exchange members.

The Federation also stated that it "supports the continued development of the stock exchange as a place where the public may invest with confidence."

The General Assembly also:

Placed on the agenda of its Working Committee the question of widening investor participation and securities ownership, based on a report of the Paris and Madrid stock exchanges. Questions asked in a paper distributed at the General Assembly included: "How far is it possible to go in that direction? What precautions must be taken by government agencies, by the exchange authorities, by intermediaries?"

Admitted the Osaka, Japan, Stock Exchange as an Associate Member.

Selected Madrid as the location for the 1974 General Assembly.

NEVADA DAY

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TOWELL of Nevada. Mr. Speaker, on behalf of Nevada's 520,000 citizens, I would like to welcome my colleagues here in Washington to celebrate Nevada Day as we do each October 31.

It was on October 31, 1864, that Nevada joined the Union. We are proud and individualistic citizens who cherish our State and, indeed, our country, highly. The State motto is "Battle Born"; and, with little exception, each Nevadan is ready to do battle for what he or she believes is right.

Nevada is a study in contrast from the 24-hour glitter of the Las Vegas "Strip" to the high mountain solitude of Wheeler Peak, some 13,000 feet in the clear desert sky. The old and the new West are both alive and well in Nevada.

As the State's lone Congressman, I extend to all of you from every Nevadan a happy Nevada Day and an invitation to visit us anytime.

THE MIDEAST ALERT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, there has been much speculation and debate over the recent action of the President in placing U.S. military forces on an alert status in regard to the situation in the Middle East. I would like to enter a copy of an excellent editorial evaluating this decision which appeared in the Washington Star-News on Friday, October 26, 1973, entitled "The Mideast Alert":

[From the Washington Star-News, Oct. 26, 1973]

THE MIDEAST ALERT

Based on the available evidence, President Nixon's placing of United States military forces on an alert status was fully justified.

The dramatic move was in response to an apparent threat by the Soviet Union to send troops into the Middle East, a situation that Secretary of State Kissinger rightly pointed out would have been intolerable and would have produced the gravest dangers to world peace.

Fortunately, the Soviet Union has drawn back from that course and has accepted the sending into the area of a peace-keeping unit under United Nations sponsorship, a force devoid of troops from the major world powers.

For a while yesterday, the situation looked grim but it appears now that the firm stand taken by the United States has put negotiations back on the track. As Kissinger said in his press conference, the first real opportunity for negotiating a permanent settlement of the Middle East crisis may be at hand and it is "an opportunity that the Great Powers have no right to be permitted to miss."

If the Soviet Union had been permitted to send troops unilaterally into the area to enforce a cease-fire, it might have led to a military confrontation among the Great Powers on the sands of the Sinai or on the heights of Golan. One thing the world doesn't need is for Russian and U.S. troops to be wandering around the Middle East with loaded rifles that might accidentally or deliberately be turned on one another.

Without full access to information, it is impossible to know exactly what led to the U.S. "alert" order. But there is hardly room for doubt that the Soviet Union's intention to move on its own was made clear to U.S. authorities. Senator Jackson, who has access to high sources, said that Soviet Ambassador Anatoly Dobrynin delivered a "brutal and threatening note" to Kissinger.

There ought to be a lesson for the country in the grim events involving the Middle East the past couple of days. It is that this country cannot continue to be torn apart by domestic political concerns and expect that foreign affairs can be conducted as if nothing is happening.

It is time to step back from the near hysteria that enveloped the nation the past several days over Watergate issues. We are not saying that the Watergate investigation should be called off. But we are saying that

the country is ill-served by emotional excesses and hourly calls for impeachment of the President.

It is beyond argument that the division within the United States influenced the Soviet Union to threaten use of its military muscle in the Middle East. Kissinger put it well yesterday, we thought, when he said: "One cannot have crises of authority in a society for a period of months without paying a price."

Soviet leaders appear to have misjudged the American situation and were led to believe that the United States was incapable of strong reaction. We hope that the conduct of the Watergate investigation and the reaction to developments in it during the coming weeks and months will be such that neither the Soviet Union nor any other world power will be led into another miscalculation as to this country's ability to function.

The suggestion in some quarters that President Nixon issued the military alert to distract national attention from Watergate is hardly worthy of comment, except to observe that Watergate has brought us to the point where some people are willing to believe anything. It is time to stop imputing devious motives to everything the President does.

In the words of Kissinger: "There has to be a minimum of confidence that the senior officials of the American government are not playing with the lives of the American people."

ROMANTICIZING WELFARE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BAUMAN. Mr. Speaker, one of the least acceptable programs presented by the current administration was the now hopefully dead "guaranteed annual income." The fact that the President would have suggested this program at all is distressing to me. This mistaken view of welfare was rightfully illuminated in an editorial entitled, "Romanticizing Welfare" written by Don Herring, editor of the Cecil Whig in Elkton, Md. I think it is worth reading, especially as it contrasts with the initiative shown by one of my young constituents, John Wrang, who is mentioned in the editorial:

ROMANTICIZING WELFARE

A few weeks ago, the producers of "Room 222" decided to say something socially important in the otherwise innocuous television show about a suburban public high school.

The lesson: it is better to go on welfare than to work, and it is better to be on welfare than accept the generosity of one's own family.

The program dealt with a Mexican-American youth, in his last year of school, who was working to support himself.

As an alternative to self-support which according to the show was adversely affecting his grades, his teachers suggested he go on welfare.

At first resisting, the youth relented when told the college scholarship he was seeking was equivalent to welfare because both are aimed at helping.

Come on now! A scholarship is earned; welfare is gained by sitting back while others earn for you.

Eventually, as it worked out, the boy was offered aid by an uncle, but before accepting what others would term a fulfillment of familial obligation and generosity, the youth, at the prodding of his teachers, belittled the uncle's offer because the uncle had opposed the welfare scheme.

How can morality and the American ethos survive the self-destructive trend toward slothfulness when script writers are romanticizing welfare and depredating family and self-reliance?

Maybe a real-life example can serve to offset such propaganda.

Elsewhere in this issue of the Cecil Whig, there appears a story about John Wrang and his family.

John is a 15-year-old from Chesapeake City who worked this past summer to earn—remember earn—part of his tuition to The Tome School at North East. The balance of the tuition was provided by a scholarship he earned—again, earned.

We salute John, for his efforts are the stuff that made America, and as long as American youths respect ideals such as his, no assaults from the boob tube can unmake it.

COMMUNITY SUPPORT FOR THE AIR NATIONAL GUARD IN MACOMB COUNTY, MICH.

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. NEDZI. Mr. Speaker, the recent precautionary alert set into motion by the roles of the big powers in the Arab-Israeli war reached into the neighborhoods of many American communities.

Whether the alert was justified by events is not relevant. However, the fact is that not only did the active forces step up their readiness, but Guard and Reserve units also prepared to meet possible assignments.

The consequences to a community of having an Air National Guard unit in its midst were set forth with understanding and appreciation in an editorial of the Macomb Daily, October 27, 1973.

Under leave to extend my remarks in the RECORD, the editorial follows:

NOISE, DISCOMFORT, SMALL PRICE TO PAY

For the second time since its activation as a unit at Selfridge, the 403rd Tactical Airlift Wing has been placed on alert as the result of an international crisis.

The 900 members of the 403rd, most of them from Macomb County, have been fulfilling military reserve obligations by performing weekend duty at the base.

These reservists who come from every walk of life—education, business, medical, student, sales and production workers—strive to maintain a combat-ready unit capable of moving at a moment's notice in support of ground operations anywhere in the world.

Necessary to peak efficiency of such military capability is constant training of the kind that may often annoy residents who live a wingtip or so from the base. Night operations, particularly, can be annoying when the roar of engines on the huge C–130 Hercules cargo planes drone overhead. In addition to the noise of the aircraft, radar equipment plays a game of beep with TV sets.

Yet, these inconveniences are necessary if units like the 403rd and Air National Guard are to maintain readiness status in case they are called upon during a crisis such as that now posed in the Middle East.

Eleven years ago, in the fall of 1962, the 403rd served with distinction on active duty status for 31 days during the Cuban Crisis. At that time, the reservists were uprooted from jobs and families to perform that task for which they had been trained—to meet the challenge of a threat to our national security.

These men are being called upon again today. While momentarily they are on stand-by readiness, events over which they have no control could at any moment dictate they be dispersed to bases throughout the country and the world in support of any action ordered by Washington.

An engine's roar or a TV beep seems a small price to pay for having such guardians of our nation's interest living next door to us.

RESTRUCTURING THE FINANCIAL INSTITUTION SYSTEM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TIERNAN. Mr. Speaker, on October 11, the administration proposed legislation designed to restructure the financial institution system in the United States. Through recent actions by the Federal banking agencies we have seen that the administration has already embarked on this plan of restructure, that is, the new "wildcard" savings instruments. My reason for immediate concern is the disastrous effect this legislation will have on the mortgage market.

There are several proposals in this piece of legislation that I believe will be detrimental to the availability and cost of mortgages. The proposals of great concern are:

First. Abolition of interest rate differentials for thrift institutions;

Second. Phasing out of interest rate ceilings;

Third. Expanding the investment powers of thrift institutions; and

Fourth. Institution of a tax credit based on the gross interest income from residential mortgages.

The main thrust of this new legislation is designed to put saving and loan associations on equal footing with commercial banks. By phasing out interest rate ceilings, financial institutions will be able to compete more favorably with other market forces for savings funds. But under the present system, saving and loan associations could not maintain financial stability while competing for savings at the inevitable high interest rates. These associations would be precluded from offering rates comparable to commercial banks because their investment portfolios are laden down with low-yield, long-term mortgage loans. To cure this, the new proposed legislation would expand the investment powers of the saving and loan's to allow them to make the higher yield "commercial bank" type loans, for example, consumer loans and commercial paper. They would then be able to compete for savings funds at higher interest rates.

Along with the general vein of this legislation, the favorable tax treatment granted to savings and loans for making mortgage loans will be abolished. In its place, a new tax credit will be offered to all financial institutions that extend funds to the residential mortgage market. Under this new system I believe

that the savings and loans associations will become the weak little sisters of the big commercial banks and funds available to the mortgage market will diminish significantly.

The phasing-out of interest rate ceilings and the abolition of the thrift institution differential will force the cost of savings funds up. Savings and loans will have to abandon the low yield mortgage loans and compete with the commercial banks for the higher yield investments. The start up cost of checking accounts and credit cards will prevent these avenues from adding financial stability to savings and loans. The thrift institutions will now be forced to compete on the home field of the established commercial banks. I fear they will suffer greatly in this confrontation.

The only incentive to continue investing in the mortgage market will be the newly proposed tax credit. But this proposal presents several problems. First, the tax credit is based on the residential mortgage interest income earned. This will constantly keep upward pressure on the interest rate charge on mortgages. An increase in the charge on a mortgage will increase the amount of tax credit the lender will receive. For example, if a banking institution has 70 percent of its assets invested in the residential mortgage market, an investment of $1,000,000 in residential mortgages at 8 percent will produce a tax credit of $2,800. But if the charge on this $1,000,000 investment in mortgages is raised to 10 percent, the tax credit will increase to $3,500, a 25-percent jump in the amount of tax credit.

With present State usury laws this tax credit will be of no avail if the increased cost of obtaining savings funds makes it impossible for mortgage loans to be profitable.

Another troublesome area of this tax credit is the sliding percentage scale that depends on the amount of assets invested in mortgages. This credit will be equal to 3.5 percent of the residential mortgage interest income if 70 percent or more of the taxpayer's assets are invested in residential mortgages. If less than 70 percent of the taxpayers assets are invested in residential mortgages the credit percentage will be reduced by one-thirtieth of 1 percentage point for each 1 percentage point below 70 percent. No credit will be available unless at least 10 percent of the taxpayer's assets are invested in residential mortgages. Since it is more profitable to invest in commercial bank type loans, this tax credit must supply the sole economic incentive to enter the mortgage market. If the tax credit makes it as profitable to offer a mortgage loan as a commercial bank type loan, money will still be available for mortgages. Since savings and loans invest most of their assets in residential mortgages they can avail themselves of the full tax credit. But the incentive for commercial banks is much lower. If only 10 percent of their assets are invested in residential mortgages the tax credit incentive will only be 1.5 percent compared to 3.5 percent for the saving and loans. Since this incentive is much smaller I doubt if many commercial banks will alter their high yield portfolios to include low yield mortgage loans.

The impact of this legislation will weaken the saving and loan institutions to such an extent they will be swallowed up by the strong commercial banks. We are destined for much higher mortgage rates and a scarcity of available funds to the homeowners if this legislation is enacted. If we are to provide adequate housing for our citizens it is important to have strong and viable saving and loan associations ready and willing to invest funds into the mortgage market.

ARCHIBALD COX INVESTIGATION

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHUSTER. Mr. Speaker, I, along with millions of Americans, have been betrayed by that supposed paragon of virtue, Archibald Cox.

When Archibald Cox confessed yesterday that he passed privileged information disclosed to him in the course of his investigation by former Attorney General Richard Kleindienst concerning the ITT case to Senator TEDDY KENNEDY—an avowed political opponent of the President—I found it just incredible. I supported an independent prosecutor, and still do. But what I, and millions of Americans, thought was independent—apparently was political from the start. In fact, this pompous, pious, self-righteous, supposedly independent special prosecutor, was far worse than just political. While cloaking himself in the cloth of justice, he was betraying his trust to the American people by feeding information to his political cronies. Cox has clearly violated the Federal Code title 28, chapter 1, part 50 which forbids the release of information pertaining to Federal investigations. How much more information has he unlawfully fed for political purpose? The President simply fired this cheat 1 week too soon. Today I am introducing a resolution on the floor of the House calling for an investigation of Archibald Cox and his task force. In a word Archibald Cox is a fraud.

The resolution follows:

RESOLUTION

Whereas, Archibald Cox, former Special Prosecutor for the Department of Justice, has broken faith and trust with the Congress, the Department of Justice, and the American people, by releasing information to unauthorized persons concerning a certain alleged discussion involving the President and then Deputy Attorney General Richard G. Kleindienst, on a matter of anti-trust action against International Telephone and Telegraph Company, such information having been entrusted to him as Special Prosecutor; and

Whereas, Archibald Cox, in releasing said confidential information, was in violation of 28 U. S. C. 509, 50.2 of Part 50 of Chapter 1 of Title 28 of the Code of Federal Regulations, prohibiting the making of an extrajudicial statement by the Department of Justice personnel; and

Whereas, Archibald Cox, as an Officer of the Court, had a responsibility to maintain the confidentiality of information obtained in the course of the investigation he headed; and

Whereas, Archibald Cox, as a former Special Prosecutor, had a responsibility to maintain the confidentiality of information gathered in the course of an investigation intended for presentation to a Grand Jury;

Therefore be it resolved that Archibald Cox and certain members of his Special Task Force be investigated by the House of Representatives to determine the extent of criminal violations, the findings of which shall be turned over to the Department of Justice for potential criminal prosecution.

"ERIK JONSSON—DALLAS' 20TH CENTURY HORATIO ALGER

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MILFORD. Mr. Speaker, I would like to introduce to you and to my colleagues the nature of a man who turned the tide of rivalry and resentment into a wave of cooperation—Erik Jonsson, former Dallas mayor. He is now chairman of the Dallas/Fort Worth Regional Airport which was dedicated this September. Mr. Jonsson has been chairman since the board became an airport authority in 1968.

He became mayor of Dallas in 1964 on the heels of an atmosphere of rivalry and noncooperation with Fort Worth in building a regional airport.

But with Erik Jonsson came his foresight. The foresight to know that the existing Dallas Love Field could not be enlarged. The city lapped up all around the airport. Super jets of the future would not be able to take off and to land at Love. Super jets of the present were cramped by surrounding office towers.

Mr. Jonsson moved into the airport controversy in 1965—forced to a head by the threat of a withdrawal of Federal funds for airports. He says of this venture:

I worked well with my city council and we all decided we needed a bigger and better airport than Love. When you make a decision like that, you have to move forward or you lose the opportunity.

So in 1965, the Dallas/Fort Worth Regional Airport Board had its unofficial beginnings with Mr. Jonsson at the helm.

Besides his attitude of cooperation, the former Dallas mayor had some ideas about the size of the then future airport. "Better too much than too little," he says of the amount of land—17,500 acres—occupied by the airport.

Then in 1967, 4 years after an earlier Dallas mayor had said, "Dallas is not in the least bit interested in any regional airport plans Fort Worth may have," ground breaking was held for the Dallas/Fort Worth Regional Airport.

At that time, the airport board, headed by Mr. Jonsson, hired airport director Tom Sullivan with these directions:

You will be in charge completely and not be subject to politics. We want the biggest and best airport in the world.

And to these directions, Mr. Sullivan replied,

What the hell more can you ask? It is the challenge of my career.

As Tom Sullivan selected his staff and saw to their expert production, the board saw to the money raising and the room to build in. A task which carried a $700 million price tag financed by revenue bonds backed by 13 city governments and a consortium of airlines.

Mr. Jonsson had taken the dream—born in 1927—of having a regional airport and replaced this vision with hard work and diligent negotiations. People at home call him, "the single dynamic force who began bringing warring factions in the two cities back together again, bringing peace to old, open hostilities. He was the man who maintained the belief that cooperation meant much more to north Texas than competition."

Certainly, Erik Jonsson was not alone in these strides toward cooperation. But he was able to guide the neophyte airport board down a course of good neighbor policy while enhancing the economic prospects of both Fort Worth and Dallas as well as the 11 other cities and three counties which share the world's largest airport.

Erik Jonsson was not afraid of working for the "good of the whole" because he knew that Dallas would benefit, too. He is a Dallas man, a member of the Dallas establishment which is so firm an establishment that its members refer to themselves by that name.

The former mayor bought the American work ethic as a way of life while a youngster in Brooklyn where he worked at odd jobs as the only child of Swedish immigrant parents who owned and ran a news and tobacco stand. The man who now has been awarded five honorary doctoral degrees earned his first degree in mechanical engineering from Rensselaer Polytechnic Institute.

He moved to Dallas in 1934 from New York to become secretary of a corporation in which he later became an owner—Texas Instruments. This Dallas-area electronics firm today is the 150th largest business in the U.S. with sales of $935 million.

But the tall, 72-year-old, 20th century "Horatio Alger," honorary chairman of the board of Texas Instruments, director of several banks and insurance companies, solid member of the Dallas establishment and chairman of the board of the world's largest airport, has not forgotten "the mother with three kids, baby bottles and diaper bags." He says:

If she can't use the airport easily, then everything else we've done would be useless.

That is the kind of thinking Mr. Jonsson seeped into the airport design which puts passengers within 120 feet of their plane when they park their car.

That is the kind of leadership Mr. Jonsson brought to Dallas and has encouraged in the last 39 years.

EXPEDITED COURT TEST OF SPECIAL PROSECUTOR LEGISLATION

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CAREY of New York. Mr. Speaker, the rule of law in this Nation, a rule upon which our form of government is founded and protected, has been challenged directly by that branch of our Government charged with faithful execution of the laws.

Clearly, the firing of Professor Cox as special prosecutor, and the attendant leaving of office by former Attorney General Richardson and Deputy Attorney General Ruckelshaus, have presented the American people and their Representatives in Congress with a clear responsibility.

That responsibility is to right the distortion of due process and legal equity and propriety caused by the removal of a prosecutor independent of his ultimate appointive officer, and possible defendant—or, certainly, close associate of several former executive branch officials facing possible indictment and prosecution.

The Congress has a clear and present duty, in light of an equally clear and present danger, to grant to the courts the power to appoint a special prosecutor—a prosecutor independent of the executive branch; indeed, independent of the legislative branch. Today, I introduce legislation to achieve the goal of establishment of a truly independent prosecutor—a prosecutor free from improper pressures, and a prosecutor free from fear of dismissal by an Executive which is the object of his investigations and the possible defendant in indictments to be signed and forwarded to the courts for action.

Mr. Speaker, while the factual situation in which we find ourselves is almost unprecedented, and the constitutional situation is certainly becoming disordered, there is clear constitutional authority and court precedent for the legislative establishment of the office of special prosecutor. This is not just wishful thinking on my part, it is based on the wording of the Constitution itself, article II, section 2, and the "necessary and proper" clause of article I, and on substantial court precedents.

The courts have consistently upheld the legal and practical necessity of providing for prosecution of alleged wrongdoing when the prosecuting authority itself may become a defendant. Clearly, the courts must possess the power to assure that justice is done, no matter who may be a party to investigative, grand jury, and court proceedings. *United States* v. *Cox* (5th Cir. 1965), certainly supports this necessity for prosecutorial power existent separate from regularly constituted prosecutorial offices and procedures. To hold otherwise would be to place a prosecuting authority itself above the law it is sworn to uphold and the justice it is sworn to pursue. Many State courts have upheld the authority and necessity for courts to appoint special prosecutors when a member of the State's executive branch is involved in possible wrongdong.

Certainly, Mr. Speaker, the Congress should and does remain content to have the President of the United States, through his Attorney General, prosecute cases. However, when the President himself is so clearly a party at interest, the Congress must create the mechanism for appointment of an independent prosecutor.

Myers v. *United States* (1926), makes clear the power of the Congress to create appointive offices and to define their powers and functions. Indeed, Justice Holmes, in a separate, but concurring opinion, stated that the Congress could even take the power of appointing postmasters from the President, and "transfer the power to other hands."

Mr. President, there has been discussions of other alternatives to the plan I propose of having the courts appoint the special prosecutor. Some have suggested the President appointing a special prosecutor from a list of nominees provided by the American Bar Association or by a panel of judges. This suggestion falls as did Professor Cox, through the President's assertion of unlimited authority to remove any official of the executive.

Another suggestion is to have the President appoint a special prosecutor for a fixed term, during which he could not be removed except for cause. This appointment would be with the advice and consent of the Senate. This suggestion falls again on the President's power of removal, plus the fact that the President remains an interested party, and is, in effect, investigating and prosecuting himself. To solve this problem, the prosecutor should exist apart from the executive branch. Only by having the courts appoint the special prosecutor, will we assure his independence from the executive and legislative, and where necessary, from the judicial branch of the Government.

Mr. Speaker, numerous bills and resolutions have been introduced providing for the creation of a special prosecutor by the Congress, with the position itself to be filled by the courts. While my bill does provide that the office be created by the Congress, and be filled through appointment by the U.S. District Court for the District of Columbia, it also includes, as did legislation creating the constitutional amendment on the 18-year-old vote, provisions for immediate court-testing.

Section 11 of my bill states:

The District Courts of the United States shall have jurisdiction of proceedings instituted under this joint resolution, which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited.

Mr. Speaker, passage of my bill and successful overturn of an expected veto, will swiftly be followed by court action on the part of several interested parties and on many different possible grounds. Challenges will be made on questions of jurisdiction, constitutionality, and others. In order to avoid any further and additional prolongation of this affair, expedition of court tests is a must. My bill provides that swift resolution of court challenges, so the putative special prosecutor can get on with his vital work.

Mr. Speaker, divisions have been created in the Nation on this and related issues. Watergate is something even the most partisan man could not wish upon this Nation and its people. However, to clear the air, wash the Nation's wounds, and to restore public confidence in Government officials, the Congress must live up to its responsibility and constitutional mandate. Congress must redress the imbalance created by the firing of the special prosecutor and create an independent officer of the court, who will see that justice is done completely and swiftly. That is our task. The power we have as the people's representatives shall not be abused by the Congress insisting that impartial justice be done. Our power is, after all, the people's, and our power is best at work for the people's interest, to see that their power, wherever vested is not abused. The people should never be the victim of their own power. The Congress must see to that.

DESPITE INFLATION AND SHORTAGES U.S. CITIZENS STILL ARE WELL OFF

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time when there is more than an average amount of griping about oil shortages, or rising food prices, or the erosion of the purchasing power of our dollars by steady inflation, it is well to compare our standard of living with that of most of the rest of the world.

As the following interesting Warner & Swasey message from U.S. News points out, we still have it "pretty good" but this cannot last unless all of us recommence producing an honest dollar's worth for a dollar's worth of pay. The article follows:

YOU THINK AMERICA HAS TROUBLES?

WHAT'S NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs $35 a pound; pollution is so bad in Tokyo that traffic policeman take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs $1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janiero as many as 6 companies have to share one telephone.

In Cuba per capita income is down to $357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34c a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with better medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

THE FDA AND REGULATIONS ON VITAMINS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ARCHER. Mr. Speaker, many of my constituents as well as people throughout the United States have been very upset and concerned with the regulations issued by the Food and Drug Administration concerning the sale of vitamins and mineral food supplements. I have cosponsored H.R. 6043 which would prevent arbitrary action by the FDA in this area. It is my fervent hope that we can get action on this legislation soon.

The Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee has held hearings on this proposed legislation on October 29, 30, and 31. I would like to enter a copy of the testimony I presented to the subcommittee:

STATEMENT ON THE VITAMIN BILL, H.R. 6043

The regulations issued by the Food and Drug Administration, which have sought to ban the sale of vitamins and mineral food supplements for reasons other than fraud and danger to health, have been an abritrary action of a federal agency which would unfairly destroy the food supplement industry and would be a serious infringement on individual rights.

My constituents by letters, phone calls, and visits have expressed their strong and total opposition to the order issued by the FDA and published in the federal register of January 19, 1973. I share that concern and opposition. I commend the public health and environment subcommittee of the interstate and foreign commerce committee for holding public hearings on H.R. 6043, which would amend the federal food, drug, and cosmetic act to prevent arbitrary action by the FDA in this area.

Some of the "proposed findings of fact" have seriously concerned me. Many of these "facts" are merely opinions of certain experts which can be balanced by the opposite opinion of other experts in the same field. The FDA reported that "mineral nutrients in foods are not significantly affected by storage, transportation, cooking and other processing" and that "while some vitamins are susceptible to partial destruction through the effects of heat, light, oxidation, and other physical and chemical reactions, loss of nutrients from the ordinary effects of cooking, processing, transportation, and storage have not significantly impaired the nutritional qualities of food in the United States."

We should pause and consider what "significantly affected" or "significantly impaired" mean. These two statements are not "facts" but merely conjecture and I strongly oppose the action of the FDA in leading us to believe they are "facts." Nutrition is not an exact science and that should have been the only "fact" the FDA should have reported as correct.

This FDA order, if enforced and allowed to stand unchallenged and unchanged, would interfere with the basic right of the consumer to have the freedom of choice to select those nutrients which the individual consumer decides will best aid him in achieving optimum health. It is my firm conviction that consumers should have the freedom to consult and follow the advice of their own physicians in the field of nonharmful vitamin supplements. This FDA "order" is an example of "Big brother" Govrenent at its worst—an agency arbitrarily telling the individual citizen what is "good" for him.

This order of the FDA would also unfairly destroy the food supplement industry by banning approximately eighty per cent of the preparations available.

This proposed legislation would not weaken consumer protection aspects of the FDA nor would it prohibit the FDA from having the authority to prohibit the sale of any product which is not intrinsically safe at a recommended dosage.

It is time we enact legislation which would restore the individual's freedom to supplement his diet with additional vitamins and nutrients. I urge speedy action on this legislation.

WE NEED A NEW MINIMUM WAGE BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ERLENBORN. Mr. Speaker, over the past several weeks, the general Subcommittee on Labor has been singularly occupied with bringing H.R. 2, our committee-approved pension bill, to the House floor. Unfortunately, we were told yesterday by the Rules Committee that our request for a rule would be deferred until December 4. I say "unfortunately" because, for the most part, H.R. 2 is a good bill; and I had hoped the House would have an opportunity within the next week or so to consider it.

The one saving grace occasioned by the delay is that our subcommittee could take advantage of the intervening weeks to tackle another important project: a new minimum wage bill.

When asked during the Rules Committee hearings on H.R. 2 about the timing of another minimum wage bill, our chairman (Mr. DENT) replied that we should be able to get one soon.

The postponement of pension legislation means that "soon" could be now, if our chairman would allow our subcommittee to meet for this purpose.

I would be surprised, but greatly pleased, if "soon" were to turn out to be "now."

NORTHEAST RAIL LEGISLATION, H.R. 9142, ADVANCES IN HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, I was pleased to learn this afternoon that today the House Interstate and Foreign Commerce Committee has reported out H.R. 9142, the Shoup-Adams bill to comprehensively restructure the endangered Northeast railroads. I commend the committee and its distinguished chairman, Congressman HARLEY O. STAGGERS, for their dedicated work on this most complex and difficult matter, and I especially congratulate Congressmen BROCK ADAMS and DICK SHOUP, who deserve great credit for this most important and worthwhile bill.

I hope now that the full House will act quickly to pass H.R. 9142. Many observers of the rail situation have warned that termination of service on the part of the six bankrupt railroads—which would bring about dire economic results throughout the Nation—is not very far distant. Recent events strengthen this contention and heighten the importance of rapid and favorable action upon H.R. 9142.

Last summer the trustees of Penn Central petitioned the bankruptcy court, conducting reorganization proceedings for the railroads, for liquidation of railroad assets and termination of rail services. On October 12 the bankruptcy judge, Judge John P. Fullam, delayed final action on this liquidation proposal, basing his delay at least in part on an ICC report that showed the cash position of the Penn Central to be good enough to allow for continued service at least through the first quarter of 1974.

Events since the October 12 hearing cast into doubt the ICC evaluation that Penn Central can continue to operate. The Amtrak authorization measure that recently passed the Congress forbids Amtrak from paying Penn Central an additional $40 million that had been ordered by the ICC in a separate action earlier this fall. A recent court of appeals decision has required Penn Central to make immediate payment of approximately $20 million to other railroads from whom it leases track, or with whom Penn Central lines connect. Increases in costs of fuel, due in large part to the nationwide energy crisis, have raised Penn Central's costs by about $30 million above what had been anticipated. And, the Federal Railroad Administration has ordered Penn Central to upgrade much of its track mileage to meet Federal track safety standards—a program that will cost millions of dollars.

The result of these unsettling developments is to further aggravate the already serious cash-flow problems encountered by Penn Central. The cash-flow situation of the other bankrupt lines, including the Boston & Maine, is not much better. Worse, cash flow is only the tip of the rail crisis iceberg. Just as serious if not more dangerous is the continuing erosion in the value of the bankrupt railroad creditors' estate. In March of this year Judge Fullam warned that the point of unconstitutional deprivation of property, through erosion of the estate, may have already have been passed. This erosion has continued virtually unabated, and Judge Fullam has implied that he may act on fifth amendment grounds—to protect creditors against further deprivation of property without adequate compensation or due process of law—to liquidate railroad assets and terminate rail service. Such a fateful decision could come within a matter of weeks—if not days. While an order of Judge Fullam to liquidate the railroads would doubtless be contested in the courts, such a course of action is hardly to be desired, and surely not a good way to begin the difficult task of restructuring the Northeast railroads into self-sustaining or profitable entities.

I have on previous occasions spoken in detail about the mechanics and principles of H.R. 9142. While I strongly support this bill, I do have some reservations resulting from actions taken by the Interstate and Foreign Commerce Committee. The decision of the committee to reduce the bond authority available to the FNRA—Federal National Railway Association—from $2 billion to $1 billion is particularly questionable. While I understand and appreciate the legitimate concern of many Members that the Federal Government not commit excessive funds, I am concerned that $1 billion in bond authority will not be enough to give the Regional Rail Corporation a fair chance at success.

FNRA bonds have four basic purposes. First, the bonds will provide the bulk of the financing necessary to rehabilitate, upgrade and modernize the physical plant of the bankrupt railroads. For Penn Central alone this cost has been estimated to be between $600 and $800 million, and other railroads, such as the Boston & Maine, have substantial needs as well. Second, FNRA bonds can be used to purchase new railroad equipment and other rail assets.

Third, if the bankruptcy court—or higher court— determines that the common stock of the Regional Rail Corp. does not constitute adequate compensation for the value of creditors' assets, then a portion of FNRA bonds, hopefully a minimum amount, may be used as a "sweetener" to compensation agreements. Also, some bond money can go to local communities for the purchase of branch lines, so as to continue local service. These four uses of FNRA bonds constitute a cumulative demand that will in all probability exceed the $1 billion limit.

A basic goal of legislation to restructure the Northeast railroads should be to get the new operating corporation—the RRC—off to a clean start. In most aspects H.R. 9142 meets this goal. The RRC should be free of the debt service obligations that have plagued the six bankrupt railroads. It should have the necessary capital to make improvements in plant and service that are absolutely essential if the declining trend in rail traffic is to be reversed so that railroads can once again operate in the black—$1 billion in FNRA bond authority may not be enough to meet these critical goals. If the railroad reorganization is successful there will be little direct cost to the Government for the FNRA bonds. A $2 billion bond authority, in my view, would increase the likelihood that the Government would never have to make good its guarantees. The $1 billion figure increases the risk that the reorganization may fail, and thus increases the risk that the Government will have to pay up the $1 billion guaranteed. It also increases the danger that, despite these large expenditures, in a few years Congress will be confronted with the most unfortunate specter of nationalization. I would urge my colleagues to consider whether an increase in bond authority to $2 billion would further the chances of success of railroad restructuring.

Mr. Speaker, the November 5, 1973, issue of the Nation magazine contains an article on the critical urgency of the Northeast rail crisis and the efforts of Congressmen ADAMS and SHOUP to save the railroads. I believe this article to possess valuable insights, and I would like to take this opportunity to share this article with my colleagues:

REMEMBER PENN CENTRAL?

The United States has become a country chronically beset by crises. Some are fictitious or partly so—a business crisis is often an opportunity for somebody to get something for nothing. Some, like the "energy crisis," make good copy, so the media are generous with time and space. In contrast, some crises, though just a bore, are real and serious. The threatened shutdown of the Penn Central Railroad, and the whole tottering Northeast rail network, is in this category. It lacks glamour, and the worst rail headache, that of Penn Central, has been around so long that the public assumes that, one way or another, the trains will limp along.

This optimism is unjustified. It is true that Penn Central has been in bankruptcy since 1970 and that most of its lines have continued in operation, after a fashion. One of its components, the New Haven, has been in bankruptcy off and on for the greater part of the century and, solvent or insolvent, its trains have run without interruption. In fact, it is now the Penn Central's biggest creditor, with a claim of $134 million.

This odd fact sheds some light on the situation as a whole. It is an intra- and inter-corporate struggle for money and, as Commodore Vanderbilt said, "the public be damned." One reason why the Penn Central is in the courts is that it was looted by certain of its officials, and until the very end kept on paying dividends every year, instead of maintaining its enormous plant at top efficiency and competing—as it might have—with trucks, barges and airlines. But even in its present decrepit state, with about one-fifth of its 38,000 miles of track considered unsafe at any speed, and freight moving on a substantial part of the rest only at reduced speeds (which is no way to make money), it manages to keep 2,600 trains in operation. It carries one-fifth of the nation's freight. This proves that the railroad is *needed*. The crisis is financial: the business

is there, but the incubus of past mismanagement, among other factors, makes it unprofitable.

Since financial considerations govern, in theory, John P. Fullam, the federal district judge in charge, can order the road shut down. He is free, that is to say, to order a national catastrophe. It is unlikely that he will do so, but he is using the threat of shutdown in an effort to get the contending parties together on a viable plan. The railroad itself is not above a piece of blackmail for real or supposed advantage. It stopped freight service on 2,790 miles of substandard track on October 16 in a dispute with the Federal Railroad Administration, contending that it could not finance a $49 million rehabilitation program (over eight years). Two hundred route miles of this trackage are in Connecticut. Before the matter was hastily adjusted, business was disrupted in the affected area, with workers laid off in industry, warehousing and food distribution, etc. The action was taken on eight hours' notice. "It was straight, out-and-out blackmail," a state transportation official commented.

But this is a nondeferrable crisis; Judge Fulham will not stay his hand forever, and perhaps a little blackmail was in order. The Nixon Administration has taken a relaxed attitude, but the House Commerce Committee has before it a bipartisan bill drafted by Rep. Richard Shoup (R., Mont.) and Rep. Brock Adams (D., Wash.) which would create a new agency to decide which Northeast lines to keep running, and provide $2 billion in federally guaranteed loans to modernize them. Both men have good reason to be interested: 40 per cent of the lumber of the Northwest moves to markets in the eighteen states served by the Northeast railroads. Besides the Penn Central, the bill would salvage the Boston & Maine, the Central of New Jersey, the Erie-Lackawanna, and the Lehigh Valley and Reading. This bill should be reported out of committee at the earliest possible date, so that the entire situation can be thoroughly discussed on the floor of the House. There is no sense in letting a slow-moving crisis turn into an overnight catastrophe.

ENDORSEMENT OF EQUAL RIGHTS AMENDMENT BY AFL–CIO

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FRASER. Mr. Speaker, I wish to recognize and congratulate the AFL–CIO for the endorsement it gave the equal rights amendment at its 10th biennial convention in Miami, Fla., on October 22, 1973.

It is particularly gratifying that this endorsement comes from a federation which—besides representing so many women workers—has fought hard for equal rights and dignity for all, regardless of race or religion, and now, regardless of sex.

I congratulate the AFL–CIO again, and include its entire thoughtful statement below:

EQUAL RIGHTS AMENDMENT

Whereas, There are an estimated 33 million women working or seeking work outside the home in the United States, and

Whereas, Their number has been steadily increasing to the point where they now make up more than 38 percent of the nation's labor force, and

Whereas, It is self-evident that the U.S. economy vitally needs their abilities, talents and skills, and

Whereas, Most women work outside the home because they and/or their families need their earnings to raise their living standards above low-income or poverty levels and to help meet the spiraling cost of living and of education for their children, and

Whereas, More than 22 percent of heads of households in the United States today are women, and

Whereas, Women continue to be one of the most discriminated against and exploited groups of workers in the nation, one manifestation of which is the fact that they earn an average of only three-fifths of what men earn, and

Whereas, It is now more urgent than ever to remove employment opportunity barriers against women wherever they exist, and

Whereas, State protective labor laws applying only to women are being invalidated in nearly every instance by the courts under the equal employment opportunity provisions of the 1964 Civil Rights Act, and

Whereas, Recent Supreme Court decisions have thrown strong doubt on the constitutionality of most laws that differentiate on the basis of sex, and

Whereas, More and more women are recognizing that the trade union movement is concerned with and seeking to be responsive to the needs of all workers, women and men alike, and

Whereas, Women are turning to the trade union movement in ever increasing numbers as the only effective means of gaining and maintaining justice and equality that is being denied them in the workplace because of their sex, and

Whereas, The proposed Equal Rights Amendment to the Constitution has become a symbol of commitment to equal opportunities for women and equal status for women.

Resolved: That this 10th Biennial Convention of the AFL–CIO endorses the Equal Rights Amendment to the U.S. Constitution as precisely the kind of clear statement of national commitment to the principle of equality of the sexes under the law that working women and their unions can use to advantage in their efforts to eliminate employment discrimination against women, and, be it further

Resolved: That state labor federations, in states which have not yet ratified the Equal Rights Amendment, urge their legislatures to act favorably upon the measure.

RESOLUTIONS OF EXECUTIVE COMMITTEE OF B'NAI B'RITH DISTRICT I

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the two following resolutions of the executive committee of B'nai B'rith District I in Queens:

RESOLUTION ON THE OIL CRISIS

Whereas, the Arab states are seeking to exploit their position as a major source of crude oil and have launched a campaign of propaganda and political pressure aimed at changing United States policy in the Middle East;

Whereas, it is now apparent that various oil companies have joined with these Arab nations and their friends in this effort to persuade the American people that the oil problem can only be solved if the United States alters its policy in the Middle East;

Whereas, there is no relationship between the oil problem and Israel, and the current oil supply shortage would have confronted the United States even if Israel did not exist;

Be it resolved: that: B'nai B'rith Women District One through its leaders and Anti-Defamation League Chairmen undertake an educational campaign, bringing the facts to the American people that Israel's existence as an independent democratic state in the Middle East is wholly irrelevant to the oil problem; and urge the United States government to adopt a national policy with the goal of energy self-dependency as soon as possible.

RESOLUTION ON THE 1980 OLYMPICS

Whereas, members of the Israeli team participating in the World University Games held in Moscow during the summer of 1973 were subjected to racist discrimination and Anti-Semitism by the Russians;

Whereas, a group of Russian fans led by uniformed soldiers rushed at some Moscow Jews who had been waiving an Israeli flag and banner during a basketball game between Israel and Puerto Rico, and they tore down the Israeli banner and flag;

Whereas, Anti-Semitism appears to be official Russian policy and that the behavior of the Russians this summer proves that they cannot live up to the ideals of the Olympics of fair play and good sportsmanship;

Be it resolved: that: B'nai B'rith Women District One through its leaders go on record as being unalterably opposed to Moscow being selected as the host city for the 1980 Olympic Games.

INNER-CITY BROADCASTING EXPANDS BLACK INVOLVEMENT IN THE MASS MEDIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, there is currently a tragic underrepresentation of blacks and other minority groups in ownership and policymaking positions in the mass media. As a result, many affairs of interest to minority communities are ignored on television and radio and in newspapers and magazines.

We in the Congressional Black Caucus have been heartened by the increased activity of minorities in mass communications. The Reverend Everett C. Parker, director of the Office of Communications of the United Church of Christ, has just filed a study with the Federal Communications Commission on minority employment in television. The United Church of Christ study reported a gain in employment of minorities as TV personnel. At the same time, however, no parallel improvement was found in the status of women in television. There is still a long way to go.

One major problem faced by minority businessmen, journalists, broadcasters, and community groups seeking to purchase media outlets is financing. The difficulty in getting adequate credit for acquisition of large radio or television stations is an obstacle which can be overcome only by a combination of hard work, persistence, and luck. Unfortunately, leading financial institutions have been too reluctant to assist minority groups in these important endeavors.

I am especially pleased by the positive step taken by Inner-City Broadcasting in acquiring WBLS radio in New York. This company was able to overcome the financial roadblocks in its path.

Inner-City Broadcasting has a proven record of service to the people of Central Harlem in my congressional district. As owners of WLIB radio, and as the new owners of WBLS, Inner-City Broadcasting's programing will continue to cover events of concern to black New Yorkers while providing quality entertainment.

I am proud of this latest achievement and hope it will encourage further minority involvement in the mass media.

THE ADMINISTRATION'S HOUSING MESSAGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, although the Government has committed itself to insuring every citizen with decent housing, it seems evident to me that it is reneging on its promise. People are faced with escalating building costs and mortgage interest rates, and many are therefore unable to afford their own homes or are forced to pay for them at inflationary costs which leave them many years in debt.

The President recently released his Federal housing message. Yet his proposals only exemplify the Government's lack of concern for families with low and moderate incomes. Whereas there is an immediate need for adequate housing, the President is willing to wait until 1977 to fulfill such housing needs.

Mr. James Fiorentini, board chairman of the Greater Haverhill Community Action Commission, has prepared an informative analysis of the message and has pointed out its major shortcomings. His analysis seems to me to be well reasoned and wholly grounded in fact. Therefore, I wish to insert his analysis in the RECORD for the consideration of my colleagues:

SUMMARY AND ANALYSIS OF THE ADMINISTRATION'S HOUSING MESSAGE

The United States has long had a commitment to provide "decent and adequate housing for all Americans". This commitment was expressed as early as in the Housing Act of 1937 and in President Franklin Roosevelt's announced goal of 100,000 units of public housing a year for low- and middle-income Americans.

The Housing Act of 1968 again renewed that commitment. That act expressed a congressional policy of building one million subsidized housing units every year as a means of insuring decent and adequate housing for those least able to pay.

The Nixon administration's long awaited Federal housing message, finally released last week, represents a dramatic retreat from our commitment to decent and adequate housing.

The underlying philosophy of the message is that the basic regulator of the supply and condition of low and moderate income housing should be the free market economy. For the middle-class, the housing message proposes priming the amount of mortgage money available with a government influx to the VA, FHA, and private mortgage industry. This proposal is supposed to be accompanied by the lifting of state bans on the maximum allowable mortgage interest rates. But, one state, New York, has already rejected this suggestion as inflationary and not in the public interest. The net effect for the middle-class, already burdened by the highest mortgage rates in the history of the nation, will be more mortgage money at even higher interest rates.

The Administration's housing message as the Globe said, "offers the poor nothing but promises". The housing subsidy programs, already frozen until next July, when many of them expire. Despite the admonition of Senator Edward Brooke (R., Mass.) that "present subsidy programs should not be allowed to expire without a replacement", there will be no immediate replacement when the programs expire next July.

What the Administration has proposed for the poor is the promise of a study of direct cash assistance programs replacing Federal Housing Programs. That study would be released in late 1974 or early 1975, and if favorable, would call for the payment of cash grants to the *elderly poor*.

Senator John Sparkman (D. Ala.) estimates it will be a minimum of two years later that housing grants would be available to the poor generally. Thus for the poor, for the elderly, and for those priced out of the housing market by the administration's economic policies, the housing message promises no assistance from the Federal Government until as late as 1977.

Congressman Henry Reuss (D. Wisc.) accurately summed up the Administration's housing message as follows:

"The Administration has labored and brought forth not a mouse but the promise of a mouse by 1975. . . . For low and moderate income Americans already hopelessly priced out of this housing market, this is cruel news."

What can be done:

1. The Administration's policies must gain the consent of Congress. We should use every effort to rally public support against the proposals, and insure the poor are not left without housing assistance.

2. The message does offer the proposed expansion of the leased housing program, Section 23, of the 1937 Housing Act. We should make every effort to assist local housing authorities in obtaining leased housing funds.

3. The message also offers the hope of mortgage subsidies for young families. This possibility for the Merrimack Valley area should be explored.

JAMES FIORENTINI,
Board Chairman.

THE EMERGENCY MEDICAL SERVICES ACT OF 1973

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, on Thursday, October 25, the House voted on the Emergency Medical Services Act of 1973.

Unfortunately, I was detained downtown because of an important speaking engagement. Had I been present, I would have voted both for the rule and for final passage.

REPRESENTATIVE LAWRENCE HOGAN'S SPEECH BEFORE MARYLAND BANKERS ASSOCIATION

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, recently our distinguished colleague from Maryland, Mr. HOGAN, presented a speech before Maryland Bankers Association regarding various pieces of banking legislation that is pending before my committee.

One matter pending before the Banking and Currency Committee is the Hunt Commission Report. This report recommends the most revolutionary changes ever proposed in the American banking structure.

At this time, I would like to bring Mr. HOGAN's speech to the attention of all my colleagues:

ADDRESS BY CONGRESSMAN LARRY HOGAN, OCTOBER 18, 1973

Walter Clements asked me to speak on pending legislation of interest to bankers. The whole subject of banking legislation is so volatile right now that the word I got at noon today may be all wrong by tomorrow morning. Moreover, this is an exceedingly complex area that I don't pretend to be an expert in.

Some of what is being proposed, both by the Treasury Department and by the Banking and Currency Committee of the House, meets the acid test for good legislation, but it is not going to make anybody very happy—not you and not the savings and loan institutions.

The Treasury's proposals were sent forward less than a week ago, and the House Banking and Currency Committee is now holding hearings on it's own proposals, so there is no way to know, at this moment, what is finally going to be presented for our consideration and action.

However, I would like to share some thoughts with you tonight on some of the high points of the various proposals, as I understand them.

We're still trying to live in an inflexible financial system designed to meet the depressed economic conditions of the 1930's—not the expansionary and inflationary conditions of the 1970's.

Today we find these same regulations, which were intended to keep money flowing in the Depression, have dried the flow to a slow trickle and penalized both borrower and saver. People who want money either can't get it at all or must pay high interest rates. And those people who have surplus money to make available are shunning the lending market for other sources of higher returns on their investments.

The nation is in serious economic trouble, and our financial structure is a key to much that is wrong. We're all going to have to try to work together—the Administration, Congress, commercial banks, thrift institutions, the entire financial community—and the consumer—in a concerted effort to solve some of these problems before they destroy our financial system altogether.

The administration is committed to the basic assumption that the public interest is generally better served by the free play of competitive forces than by the imposition of rigid and unnecessary regulation.

However, after 40 years of tightly restrictive control, it is obviously not impossible to lift all regulation overnight.

As far as I can see, the Treasury's proposals are designed to make the transition from maximum control to minimum control with as little serious trauma as possible.

For example, the Administration proposes to phase out Regulation Q over a period of five and one-half years. This would be accomplished by raising the interest rates payable by banks in four steps, beginning 18 months after the legislation is enacted.

The result would be a parity in the rates which could be paid by banks and thrift institutions on savings deposits and certificates of deposit.

The Administration also recommends that negotiable orders of withdrawal, or "NOW accounts," be offered by both banks and thrift institutions. In recommending the use of NOW accounts for both banks and thrift institutions, the Administration points out that, as the electronic funds transfer system becomes more widely used, the present differences between savings and demand accounts will disappear. The rapid transfer system could result in the situation where a person could deposit money in his demand account only when it is necessary for him to effect a transaction.

In the President's message covering the initial recommendations of the Hunt Commission—on which the Treasury Department based its proposed legislation—he made clear that the interests of the consumer were paramount and that the recommendations were also aimed at reducing or eliminating the need for subsidizing the thrift institutions.

To offset any competitive disadvantages which might befall the thrift institutions and to increase the competition among all financial institutions, the Administration recommended expanded deposit liabilities and assets for savings and loans. Among these services, in addition to NOW accounts, would be checking accounts, third party payments powers, and credit cards. There would also be the opportunity for national banks to offer savings accounts for corporate customers.

It is the feeling of the Administration that such innovations will result in the opportunity for consumers and business interests to choose from a wide variety of institutions at less cost. And the increased competition will result in a higher quality of service and greater efficiency for all financial institutions.

While enabling the savings and loans associations to expand their activities, the proposed legislation would also subject them to reserve regulations comparable to those required by commercial banks.

The Administration is recommending some modifications in the tax structure of both banks and thrift institutions, again designed to further equalize the tax burdens of both. Since the details of the tax proposals are not yet available, it would be premature to discuss them, except to emphasize the Administration's intent to make broad and coordinated changes in the total structure simultaneously, so that no part of the system becomes badly out of kilter.

I might point out that three of the most controversial proposals in the Hunt Commission are not contained in the Treasury's proposed legislation submitted last week. These are the Hunt Commission's recommendations for statewide branching in all 50 states, a restructuring at the Washington level of the banking regulatory agencies, and mandatory membership in the Federal Reserve System for all lending institutions.

The last proposal also involved the question of uniform reserve requirements, and its absence from the proposed legislation would indicate that Treasury has moved to at least a neutral position from its previous position of opposition to uniform reserve requirements.

It would seem that uniform reserves could be achieved without mandatory membership in the Federal Reserve System. The Administration emphasizes in its revised recommendations that even if non-Federal Reserve System member banks were to be made subject to the Fed's reserve requirements, such mandatory membership could severely weaken the present dual banking system.

Let me spend just a moment on a few of the major recommendations arising from the study done by the House Banking and Currency Committee, on which hearings are being held right now.

Among the proposals which call for far-reaching changes is the recommendation that commercial banks be required to divest trust departments which hold assets in excess of $200 million. These trust departments would be established as independent trust companies, to be regulated by a new agency, the Federal Trust Management Commission.

The report accompanying the proposal states that the massive flow of investment funds into the commercial bank trust departments has circumvented the Glass-Steagall Act of 1933, which separated commercial banking from investment banking, and that because of this situation, the separation of trust activities is necessary.

The proposals call for allocating credit for priority areas of the economy. In order to insure an adequate flow of funds into the mortgage market, there would be mandatory minimum housing investment requirements for all commercial banks, life insurance companies, private pension funds, foundations and thrift institutions.

The report also suggested expanded powers for thrift institutions, including the right to convert to commercial banks.

In an effort to provide greater consumer services, the payment of interest on all demand deposits, regardless of whether they are held by banks or depository thrift institutions, would be allowed. At the same time, bank giveaway programs as a means to attract deposits would be eliminated.

The report proposes establishing a new regulatory agency, to be known as the Federal Banking Commission, which would encompass the present Federal Deposit Insurance Corporation and all of the regulatory authority of the Federal Reserve Board and the Comptroller of the Currency. The duties of the Federal Reserve Board would be limited to monetary policy.

Because all of these issues are so complex, so far-reaching in their effects and so interwoven as to require coordinated—rather than piecemeal—action, there is no indication that definitive legislation will come before either House of Congress in this session.

In addition to the House Banking and Currency Committee hearings now going on, hearings are scheduled in early November before the Subcommittee on Financial Institutions of the Senate Banking, Housing and Urban Affairs Committee.

Let me conclude by urging you to keep up to date on the progress of this legislation, to keep in close touch with the legislative people in your association, to become as well informed on these issues and proposals as you possibly can, to offer to testify, and—most of all—let your representatives in Congress know how you feel.

As members of Congress, there are a multiplicity of forces and counterforces pulling and pushing us from every conceivable angle. But we expect this, and we welcome it, because it helps us to reach what we believe to be the consensus decision that best serve our country and our constituencies.

If a significant force is missing in the counterbalancing process, then that constituency may not be getting a fair shake. It is not only in *your* best interest to see that we thoroughly understand you and your points of view, but we in Congress need you to help us do our jobs effectively.

Whatever legislation arises out of these many approaches, recommendations, proposals, suggestions—modified and tempered by your input at the hearings—you are being given your opportunity to have a hand in it. This is part of what representative government is all about.

Make the very best use you possibly can of your opportunity to influence this legislation. It's an opportunity you can't afford to pass up! My staff and I stand ready to work with you in every way we can.

WHITHER ALLENDE?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SCHERLE. Mr. Speaker, I would like to share with my colleagues the following article by Dr. Joseph F. Thorning entitled "Whither Allende" which appeared in the May 21, 1973 publication of the Rising Tide. Dr. Thorning, widely known in educational circles in this country and throughout Latin America, shows excellent foresight in this article into the current situation we find in Chile today.

The article follows:

WHITHER ALLENDE?

(By Dr. Joseph F. Thorning)

How many observers in the USA remember that when President Salvador Allende took office in 1970, he did so thanks to the votes of the majority of Senators and Deputies, many of whom are now disenchanted with his recent policies?

Allende's adherents in Chile, mainly Marxists and Marxist-Leninsts, maintain their enthusiasm, despite a sadly deteriorating economy. They point with pride to an increase from 36.3 to 43.4 percent in the popular vote on March 4, 1973 for the members of Allende's Congressional coalition. They note, quite correctly, that they added two Senators and six Deputies to their ranks in the Chilean Parliament. Consequently, Allende and his cohorts continue their loud proclamations of popular "victory."

REJECTION

The Allendistas, however, overlook an undeniable fact. On March 4, 1973, a majority of the voters of Chile—56 percent—although subjected to subtle and not-so-subtle forms of political blackmail, called for new directions in public administration. The people, by their majority vote, rejected totalitarian tactics, demanding a return to democratic procedures. They made clear their preference for a system of social justice respectful of their homes, their modest-sized farms and other family-owned centers of production. In a profoundly true sense, the majority voted in the light of religious convictions and with a determination to safeguard the rights of their children. Women were outstanding in their emphasis on such principles.

REACTIONS

Nevertheless, Dr. Allende talked and acted as if he had won a new mandate. Fresh measures toward the nationalization of Chilean properties were enacted. In reorganizing his Cabinet, the chief executive dropped the three military men who, in the eyes of the people, represented good order and fair play. This move strengthened the hands of partisans who made more strident

their demands for a speedier route to total domination of the body politic and the seizure of the private property of Chile's citizens.

Equally significant was Allende's next step. He proposed a "unified school system" on a national scale. This would mean the suppression of a noble Chilean tradition: a flourishing system of public and private schools, colleges and universities administered in an atmosphere of mutual respect for the benefit of all concerned. Religious education, of course, was the principal target.

Allende's drive may have been premature. In 1970 religious people were prepared to give the Marxists the benefits of every doubt. They realized the need for radical change. They were aware of conditions of work in mines, factories, offices and on farms. They were ready to cooperate.

But they were sickened by a bid for power over the minds of their children. The result might have been foreseen. In response to the petitions of parents, the Chilean Bishops, after deliberation and prayer during the 1973 Holy Week, issued a reasonable, well-balanced statement. Although maintaining their principle of warm approval for genuine efforts toward social reconstruction, they reiterated their devotion to the right of all citizens for freedom of choice, not only in the field of education, but also throughout the broad domain of human rights.

". . . ANOTHER MODEL OF INJUSTICE"

A key passage of the Easter Sunday declaration is worthy of study. It reads as follows:

"Why should not our Fatherland become more human, more just, more open to structures that may provide equality of opportunity to all her sons and daughters? And why cannot this desire in the hearts of the majority of Chileans be realized without grave personal and collective sins; and without giving birth to another model of injustice and tyranny, which offers no solutions and merely hands power over to one or another minority group?"

Most Christian Democrats, Liberals and Nationalists in the Republic of Chile and elsewhere interpreted this strong message as a reference to the voice and determination of the 56 per cent of citizens who voted for liberty on March 4, 1973.

Popular sovereignty is sound religious doctrine. When people go to the polls, they show that they want their elected officials to respect their homes, their land, their schools and their right to earn a living, irrespective of the political administration of their country, provided their activities conform to the Constitution and laws.

In other words, a majority of Chileans recall that another Marxist-Leninist regime, that of Fidel and Raul Castro in Cuba, constantly promised "free elections," respect for religious education and democratic procedures—until securely ensconced in total power.

The Chileans will do their part not to be tossed "from the frying-pan into the fire." They have not the slightest inclination to see their beloved country become another colony of the Soviet Empire. For many reasons, the majority in Chile deserve the admiration and support of free peoples and independent nations.

HUEYTOWN HIGH SCHOOL

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. FLOWERS. Mr. Speaker, on October 22 we celebrated Veterans Day with many communities staging parades or other ceremonies to honor those men and women whose dedication and service have helped our Nation remain free. I was privileged to participate in several observations in my home State including the great annual celebration in Birmingham, Ala.

My pleasure in attending the day's activities was heightened by the selection of Hueytown High School, located in my district in West Jefferson County, for five awards for its involvement in community affairs. Among the awards won by this outstanding school was the Governor's Trophy, making the third consecutive year the school has received this esteemed award.

For the second consecutive year, Hueytown High received the Raymond Weeks Americanism Cup. This award was based on sponsorship and involvement in many different school and community projects.

In some places and among some groups, patriotism or Americanism are not popular subjects. So it is heartwarming indeed to see the young men and women of Hueytown High School continue to respect and honor those principles upon which our country was founded. I am pleased to commend the actions of the students and faculty of Hueytown High School for their efforts, and am equally pleased to see their efforts so deservingly rewarded.

VALUE OF MEN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the time between the understanding of the fundamental laws of science and the application to the benefit of man has grown shorter and shorter over the years. It is fortunate that this has been the circumstance. Prevention of disease and improved living standards all depend on new technology derived from scientific investigation. A recent article in the Evening Times of Melbourne, Fla., September 27, 1973, points to the value of men and their contributions in Skylab 2 and 3. We are fortunate in having automated satellites which greatly contribute to our ability to predict weather and to communicate on a worldwide basis. Along with this capability, it is important to recognize that man has a strong and direct role to play in space. This continues to be exemplified by the achievements of Skylab. I include this significant article in the RECORD for the benefit of my colleagues and the general public:

VALUE OF MEN IN SPACE PROVED AGAIN

Those dauntless Skylab 2 astronauts have again proven the value of having men in space.

This time they overcame a crippled spacecraft to perform an unprecedented and tricky reentry maneuver Tuesday for a successful splashdown in the Pacific off the California coast.

Two leaking steering jets on the Apollo ferry ship early in the 59½-day mission threatened a possible rescue attempt and curtailment of the voyage.

Instead, the astronauts surmounted the obstacles. With ground support they flew the entire mission to rack up more gains for this country's space achievements.

The actual results of the benefits of this latest manned space mission may be years away.

The thousands of photos and miles of tape could lead to an endless source of pollution-free energy, a catalog of the world's resources and new metals and materials.

Years may be required to evaluate completely the data obtained from the Skylab 1 and 2 crews and that still to come from Skylab 3.

"Space is a place, a very unique place and a new important resource that can be used for the benefit of people everywhere on earth," said NASA Administrator James B. Fletcher in summing up the importance of Skylab.

Skylab 2 brought home this week 77,600 pictures of the sun snapped through six solar telescopes. There are more than 12,000 pictures and 18 miles of computer tape gathered during earth resources surveys.

Add to that 30,000 sun photos and 3,000 earth photos collected by the Skylab 1 crew, and scientists declared it a bonanza.

Perhaps most importantly, the astronauts have proven that man can adapt to the weightless environment of space for long periods of time.

Photos and sensor data may determine through study hidden oil and mineral reserves needed by our nation.

Also important will be assessing land for its agricultural potential, timber volume and water runoff, as well as air and water pollution sources.

Of particular interest to Florida and Brevard County would be improved weather forecasting and determining fishing grounds.

Of the solar flares and activity recorded, Dr. Neil R. Sheeley of the Navy Research Laboratory, said, "Now we've got the possibility of answering questions that we've only had clues to for years."

Flares spew large doses of radiation into space, influencing weather and disrupting communications on earth by creating magnetic storms.

Experts hope the solar data will help unlock the secret of controlled thermonuclear fusion, which is the source of the sun's energy.

This would aid in searching for an unlimited and pollution-free power source on earth.

That alone would more than repay the cost of the entire space program borne by United States citizens.

NO CONFIDENCE IN PRESIDENT NIXON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BINGHAM. Mr. Speaker, one of the tragic aspects of our Nation's present political crisis is that President Nixon has almost totally lost the ability to convince people that he is telling the truth at any given moment.

Of course, he has no one but himself to blame for this situation. Sometimes, it seems as if he has a compulsion to make statements that can later be demonstrated to be untrue.

An example was the following statement from his October 26 press conference:

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. . . .

At the time I had no special reason to doubt the accuracy of Mr. Nixon's account, and I imagine others who heard his press conference were in the same position. But as Anthony Lewis, of the New York Times, has pointed out, this account was actually "a farrago of untruths." Mr. Lewis states "the historical facts" thusly:

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."

To seek to deceive the American people in such a readily detectable manner is almost a self-destructive way to behave. Its consequences are adverse to Mr. Nixon himself. More importantly, they are adverse to the Nation's confidence in its own political institutions.

The text of Mr. Lewis' column, from the New York Times of October 29, 1973, 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 institutions—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. Americans' 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.

HOW TO LOSE AMERICAN JOBS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, the amount of production of domestic consumable products in the United States that has moved abroad in recent years is alarming. It involves a substantial loss of U.S. jobs. It also illustrates the principle that dollars are not patriotic and will flow to whatever part of the world they will buy the most for the least.

Labor costs are a substantial component of many of these products. The significance of the disparity between this element of cost in the United States compared with that in most foreign countries is startling. It is emphasized by the fact that such goods can be manufactured half way around the world, shipped thousands of miles to the United States and still sell for less than the same product produced here at home.

In this connection another excellent commentary from the Warner and Swasey Co. appearing in this weeks U.S. News & World Report merits thoughtful consideration:

NOBODY LIKES TO BE SECOND-BEST, BUT WE'RE GETTING THERE ALL TOO FAST

The United States used to make 76% of the world's automobiles. Now it's 33%.

We produced 47% of the world's steel; now 19%.

Following World War II we built most of the world's merchant ships. Now only 2%.

First—first to third as builder of machine tools.

The American sewing machine used to be the trademark of the American home. Now only one company makes *any* here.

40% of Americans walk in imported shoes.

Whose fault? It's *everyone's* fault who wants something for nothing or takes something he doesn't earn. That is what is causing exorbitant prices, shoddy quality, disgusted customers. America was built by hard work, with everyone carrying his share. We'd better get back to it *fast*, while there's still time.

THE HANCOCK NEWS STANDS UP FOR AMERICA

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BYRON. Mr. Speaker, preparations for our Nation's Bicentennial celebrations are now underway at a time "when the very fiber of American life is being tested and challenged." In this regard, I would like to take a few moments to share with you a recent editorial published in the Hancock News which captures the essence and meaning of America's 200th birthday.

The Hancock News is an informative weekly newspaper published by James S. Buzzerd and J. Warren Buzzerd and I think this editorial reflects the continuing strong patriotism and hope in the future that is in the hearts of most Americans today:

AMERICA'S BICENTENNIAL

"Old Glory" has seen many changes in her lifetime. As she rippled majestically above the American landscape, she watched Thirteen Colonies grow to mature adulthood; she suffered the hell of war and the joy of a surging economy; she has heard cries of doubt and despair turn to a voice of confidence as her people made their way into the uncertain arena of global affairs. Now the U.S. prepares for its Bicentennial celebration in 1976, and there are thousands of ways for

each of us to show pride in our heritage and hope for the future.

Robert O'Brien, in his article entitled "A Chance for Rediscovery," appearing in the September issue of The Reader's Digest, calls for a rededication to the principles of America and a new appreciation of all she has stood for in the world. All 50 states have plunged into preparations for the event, with efforts ranging from reconstruction of historic forts and trails and the building of exhibits costing millions—to clean-up campaigns in every city, town and village. The executive director of the Arkansas Bicentennial Commission, Mrs. Glennis J. Parker, captured the essence of the nation's 200th birthday celebration when she said, "We're not a wealthy state, and we can't do big things. But that's not what it's all about. The Bicentennial is a spirit, a demonstration of love for our country. . . ."

These are troubled times, when the very fiber of American life is being tested and challenged. Yet, as we survived the turmoil of the past, so shall we conquer the unknown that which lies ahead. Everyone who is proud to be an American should dedicate themselves to making our 200th birthday one never to be forgotten, while at the same time seeing to it that our sacred Constitutional rights and freedoms remain inviolate.

DÉTENTE PATTERN HOLDING DANGER

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. TREEN. Mr. Speaker, in a recent article in the New York Times, Mr. Anthony Harrigan provides a summary of the more important points raised at the National Committee To Unite America Conference. While I do not necessarily agree with all of the points mentioned, I think this article will serve to illustrate the potential perils of détente. Consequently, I am inserting it in the RECORD for consideration by my colleagues:

[From the Baton Rouge (La.) State-Times, Oct. 6, 1973]

DÉTENTE PATTERN TERMED EUPHORIA HOLDING DANGER

(By Anthony Harrigan)

NEW YORK, N.Y.—The peril in an unrealistic foreign policy of détente with the Soviet Union was the principal theme of a meeting here of the National Committee to Unite America.

Representatives of research centers, voluntary associations, and other groups gathered to discuss national issues in a forum moderated by C. Dickerman Williams, a leading member of the New York bar.

Eugene Lyons, former senior editor of Reader's Digest, set the theme of the meeting with his statement that détente is a "disaster." He warned that the United States is "accepting the fairy tale that the worst is over." Under the banner of détente, said Lyons, who has published authoritative books on the Soviet Union, "we are opening our technology to the communists who need it. Why should we act to salvage the Soviets from the errors and fallacies of their system?"

Lyons pointed out that it is a myth of our decade that the cold war is over, noting that the "Communists are carrying on their offensive against our world as though nothing had happened. The cold war will be over when they pull down the Berlin Wall and when the Brezhnev doctrine is repudiated." He added that "detente is another cover word for our will to die, our almost hysterical desire to throw off responsibilities."

Henry Taylor, former U.S. Ambassador to Switzerland and a nationally syndicated columnist, pointed out that he had participated in 108 negotiations with Soviet officials. Referring to hope for détente with the U.S.S.R., Taylor said: "It is absurd to believe this leopard has in any way changed its spots. The Soviet maneuvers are strictly tactical."

Dr. Stefan Possony of Stanford University discussed growing concern among Americans and Europeans about the repression and "psychiatric torture practiced by the U.S.S.R." He said that Secretary of State Henry Kissinger doesn't understand that the Soviet leadership hopes to "revalidate the Stalinist system" in its campaigns against Soviet dissidents.

Robert Morris, president of Plano University warned that Secretary of State Kissinger is "disarming us psychologically as Robert McNamara disarmed us militarily." He charged that the nation is experiencing "euphoria and self-deception comparable to what prevailed at the height of the U.S.-Soviet wartime alliance."

The various speakers at the New York conference noted that Americans are being alerted to the real nature of Soviet intentions by Soviet dissidents such as Andrei Sakharov and Alexander Solzhenitsyn, while Secretary of State Kissinger plays down grim Soviet realities. Several speakers said the Soviets are talking detente because they want to gain access to American technology—especially computer technology—and foodstuffs. They made the point that recent statements by Soviet officials indicate that the U.S.S.R. intends to utilize the detente gambit for a period of about 10 years until it has solved its economic problems, energized its industries through American know-how, and gained complete military superiority.

Charles W. Wiley, executive director of the National Committee for Responsible Patriotism, made the point that sometimes a terrible mistake of failure alerts the American people to a disastrous policy. He cited the grain sale to the Soviet Union as a case in point. Now, he said, the American people realize that the detente policy of providing grain to the Soviets at low cost has resulted in a poorer American diet and higher food costs.

The New York conference served an important purpose in bringing together thought leaders from different backgrounds and different parts of the country. While each individual had a special assessment of the situation facing the United States, there was a general air of optimism as to alerting the American people about the true nature of detente. It was noted, for example, that a consensus is in the making among many conservatives and liberals that the U.S. should not confer trade advantages of the Soviets while the Communist leadership increases neo-Stalinist repression throughout the Soviet empire. This consensus seems to be evidenced by the strong support the Congress is giving the Jackson amendment to the foreign trade bill.

HEW STRIKES AGAIN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. SCHROEDER. Mr. Speaker, yesterday 102 Members representing both parties cosponsored the Social Services Amendments of 1973. This legislation was designed to save the social services program from the regressive, restrictive regulations that the administration has been trying to implement since February.

It is hard to focus on too many things these days. Probably there have never been so many pressures upon this branch of Government as there are today. No one could have foreseen or prepared for the extraordinary circumstances in which we now find ourselves. We have been called upon to consider the impeachment of a Vice President, who subsequently resigned. We are now asked to act on the confirmation of a new Vice President. It next becomes necessary to write and pass legislation to create an Office of the Special Prosecutor, although we believed that had been accomplished a few short months ago. Finally, the American people have demanded that we consider the impeachment of President Richard M. Nixon. It is terribly difficult, amidst these very pressing demands. for us to focus on much else.

Yet 102 Members of this body were able to turn their attention to the need for the Social Services Amendments of 1973. They realized that the regulations proposed by HEW since February would cut the heart out of the social services program. The bill introduced yesterday is companion legislation to Senator MONDALE'S bill, which has 31 bipartisan cosponsors in the other body.

That the issue of the social services regulations has been of great interest to the Congress and to the people we represent cannot be debated. The large number of cosponsors of the legislation introduced yesterday is adequate testimony to that. This legislative action was the culmination of 9 months of trying to persuade the administration that the regulations they were proposing were not acceptable to Congress. There have been meetings with Secretary Weinberger and Members of Congress. There have been innumerable letters and telegrams protesting the regulations, both from Members and from citizens to the agency. The Democratic caucus earlier this year passed a resolution calling for an early settlement of this issue. The Senate Finance Committee held hearings on the matter, and determined that HEW had in fact gone beyond congressional intent in setting such restrictive regulations. Congress has repeatedly expressed its concerns and tried to impress upon the administration that the implementation of the regulations would have a devastating effect on the whole social services program, an effect not compatible with congressional intent.

It is outrageous that the administration has chosen to ignore Congress and is going ahead with the implementation of a set of regulations which are still disastrous to the social services program.

The manner in which we were informed of their intentions is equally outrageous.

Yesterday morning HEW held a press conference to announce the new, "revised and final" regulations. As best we can determine, not one Member of Congress was notified of, or invited to,

the the press conference, nor were any representatives of any interested citizens' groups.

When I learned about the press conference and HEW's decision to implement the regulations on November 1, I called HEW congressional liaison. My incredulity at the manner in which Congress was being treated increased when I learned that HEW had not even bothered to inform its liaison office of the press conference, or of the issuance of the final regulations. A call was placed to Secretary Weinberger's office to protest the manner in which this had been handled, and to get a copy of the regulations. The result was a return call from the Office of Social and Rehabilitative Services, which informed us that they could not make a copy of the regulations available to us. We were told that the regulations would be published in today's Federal Register, and we could wait until this morning to read them.

That this type of treatment on the part of an agency created by Congress is outrageous and insulting is putting it mildly.

The regulations that will be implemented on Thursday are not very much different from the other regulations HEW has been issuing since February. They have decided to use the State's standard of need as the basis of determining income eligibility instead of the State's payment standard. In my State of Colorado, there is no difference between the two figures. These regulations will have the same disastrous effect on the social services in Colorado as every other set of regulations HEW has issued this year.

It seems evident to me that HEW has gone beyond congressional intent once again, and that there are many people who will suffer irreparable harm due to the administration's action.

We create and fund agencies to carry out programs we in Congress determine are national priorities. It is incredibly frustrating to have those agencies set out to sabotage the programs they were created to implement and to shortchange the people they were created to serve.

OUR NEGLECTED CITIZENS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STOKES. Mr. Speaker, the crimes and scandals of the Nixon administration are digging critical wounds in this Nation. But even without them, the administration has dealt mortal wounds to the chances of millions of disadvantaged Americans for the decent living which is their birthright.

Mr. Colman McCarthy, in the Washington Post of October 30, 1973, has eloquently described the slow death this administration has decreed in the name of "benign neglect." But the article, strangely, gives me heart. The public is now demanding President Nixon's impeachment for all sorts of reasons not touched on by Mr. McCarthy's article. If we, the elected representatives of the American people, act swiftly to impeach the President, and replace him with a man who will commit the Federal Government to truly helping the disadvantaged to help themselves, then I am tempted to call the criminal overreachings of this administration, blessings in disguise. If the administration has given us solid legal grounds for getting rid of its mastermind, then we have a golden opportunity to halt the slow death to which it has sentenced the powerless.

To begin to turn around the Government once again, though, the first and necessary order of business is to impeach President Nixon.

I urge my colleagues to give Mr. McCarthy's article their very serious attention:

OUR NEGLECTED CITIZENS

(By Colman McCarthy)

The crimes and shames of the Nixon administration continue. It is a museum of scandals, with its own building program ever constructing new wings and corridors for added specimens of disgrace; Richard Nixon has changed from a politician to a curator. Watergate, Agnew, the forbidden tapes, the firings, the wiretaps and now even Bebe Rebozo's reported deals with Howard Hughes: the ooziness of all this, it is being said, has spread to the point that severe damage is being done to the American tradition and the national stability.

Perhaps. But damage to tradition and stability are abstractions that tend to hover above the lives of the citizens with no proof that they touch those lives. The case—a provable one—that needs to be made more forcefully is that even without the current corruption, the attitude of the Nixon government is doing another kind of damage to the country, not measurable in terms of tradition and stability but measured in the daily-world sufferings of common citizens. We seldom see the human damage; first, because the victims are usually powerless and scattered and, second, because the pain is inflicted in a darkness caused by the light of attention being shined on the great tragedies of state now current, not the lone tragedies of citizens.

Counted first among the victims of this administration's attitude are the poor. A naked display of this attitude—it also deserves space in the museum—is revealed in the October issue of Harper's. Jeb Magruder, recalling his White House days, states: "We didn't spend time on the disadvantaged for the simple reason that there were no votes there." Such a candid statement is backed not only by the administration's efforts to destroy OEO—even a symbol of the poor is considered a threat by the White House—but also by hard figures. The current issue of the Community Nutrition Institute weekly report cites a study of federal aid to the poor. "Considering only program expenditures that can be controlled by the executive branch, the Nixon administration has cut back poverty assistance from $7.2 billion in fiscal 1973 to $6.6 billion in fiscal 1974, the first such decrease in the 10-year period since 1964. Most of the cutbacks proposed for fiscal 1974 are in so-called 'human investment' programs designed to assist the poor in breaking out of poverty through their own efforts."

Other examples of ignoring the poor are easily found: from the administration's opposition to raising school reimbursement lunch money from 8 cents to 10 cents, even though school officials stated that 12 cents was a basic minimum and had so persuaded the Senate, to inaction on proposing controls on the lead content of gasoline that may be contributing to retardation among ghetto children who consume dirt poisoned by lead fumes. The citizens suffering from this neglect do not have Sam Ervin to hold hearings for them, but they exist nevertheless. At best, they get an occasional TV camera crew or print journalist to come examine their case, and report it on the theory that if the powerful in the White House know people are suffering they'll do something—won't they?

Magruder is precise in saying the poor have no votes; what they truly lack is money for campaign contributions, and that is their uselessness. This may also explain the administration's aloofness from the needs of many other citizens who did not have the spare cash to join American Airlines, W. Clement Stone and others who contributed $60 million to the 1972 Nixon campaign. Many in this group are having their rights and needs ignored also.

Some are disaster victims who can't get loans because the President vetoed the necessary legislation. Some lay dying in hospitals because funds for medical research have been severely cut. Some are workers in the 40–64 age group who cannot get jobs because of age discrimination. A law forbids such prejudice but the Nixon administration is not bothering much to enforce it; less than half the $3 million authorized by Congress has been asked for the 1974 budget. Some are the handicapped who will continue in lameness because their legislation was vetoed. Some are the parents of 10,000 infants who die annually from crib death; the current federal primary money for research grants into this disease is $262,000, less than the cost of redecorating the President's jet. Even when public attention is given to a neglected group, the administration's attitude is sufficiently firm that it still resists. A nongovernment study on educational benefits for veterans concluded that the present benefits do not match those provided after World War II. But the administration told Congress that it is content with veterans' education benefits the way they stand now, regardless of what a study says.

In Washington, the attitudes of the Nixon government are mostly seen in the context of issues and politics, not human suffering. The President—remote and secretive—acts and most observers look for new waves in the political ocean, not for how many citizens are drowning. An ex-worker like Magruder can speak frankly about White House justifications for neglecting a large part of the public, but the current official line is the same that Magruder, in his team-loyalty days, defended; spending must be kept down to prevent inflation.

This means the President can have it both ways. When money for weapons of war are involved, he says that "further cuts would be dangerously irresponsible and I will veto any bill that includes cuts which would imperil our national security." Later, he states: "Let there be no misunderstanding, if bills come to my desk calling for excessive spending which threatens the federal budget, I will veto them."

Unlike the Agnew case and parts of Watergate, in which the courts made swift judgments, no similar speed exists in judgments upon the less noticed acts of the administration. Many of the handicapped, for example, have their needs ignored—a bill was signed but only after two earlier ones were vetoed as too expensive—but who keeps tally on the days of pain some anonymous disabled person must spend because his President says submarines and missiles are more important than wheelchairs? Who counts the years of misery an aging worker must spend because the government does not enforce an age discrimination law? It is not as though the administration's talk about the federal budget and curbing spending were actually low-

ering prices for the common citizen. Hard days might be endured for that reason. But exactly the opposite is happening: prices soar and no monthly stammerings from the White House economists can bring them down. As for national security—another idolatry to which the President kneels—it is ironic that evidence grows that the emotions of the nation have never been more insecure. Gallup reports new highs in public pessimism. "The public's sense of frustration is likely further compounded by a feeling of impotence, caused by their inability to influence legislation."

It is doing the easy thing, as President Nixon might say, to see the great scandals of state as the only current threat. It is true, the crimes and abuses may be larger. But in terms of the quality of the lives of the citizens—no other measure is important for a democracy—the damage caused by social neglect goes just as deep.

FRANK SMALL, JR.

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 1973

Mr. GUDE. Mr. Speaker, Frank Small, Jr., who died Saturday, combined a respected career in business with vigorous and dedicated public service.

At his death, he was vice president of the Equitable Trust Co., of Baltimore, president of the Clinton Realty Co., and a director of several other financial institutions.

But most of us know him as a State legislator, a member of the Board of Commissioners of Prince Georges County, a member of the Republican State Central Committee, a member of the State Racing Commission, State commissioner of motor vehicles, and a Member of the U.S. House of Representatives.

His long career had simple beginnings. He attended public schools in Prince Georges County and studied at the National Automobile College before opening an automobile dealership in 1923. In 1928, he was elected president of the Clinton Bank, a post he continued in until last year.

We can all be thankful for Frank Small's work for Maryland and Prince Georges County, and can join in sympathy for his family, who include a daughter, Grace, of Clinton; a son, Dr. Frank Small III, of Olney; a brother, Keith, of Suitland; 11 grandchildren and 5 great-grandchildren.

"MURDER BY HANDGUN: THE CASE FOR GUN CONTROL" NO. 40

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the need for handgun control was dramatically portrayed last week in the multiple shooting of Mrs. Nancy Lee Hall's family.

The tragedy of a family destroyed by a handgun can only strengthen the argument for gun legislation. There are many who will argue, "It was the person who killed the victims, not the gun." But with a weapon other than a gun, would Mrs. Hall have been able to kill her children and husband? The outcome of her attempts would not have been so well assured.

Therefore, I am asking for immediate gun control legislation. And it is the responsibility of the Congress to act.

At this time, I would like to include the October 22 article by Adam Shaw of the Washington Post:

SON DIES, FIFTH VICTIM OF SHOOTING

(By Adam Shaw)

Twelve-year-old George Marshall died yesterday of a bullet wound in the head, two days after his mother had arisen at dawn to shoot him and kill her husband, her infant daughter, her eldest son and, finally, herself with a .22-caliber revolver.

The boy died without regaining consciousness just hours before his two surviving sisters, Pattie, 13, and Judy, 21 sat in their somber Wheaton apartment trying to explain what had driven their mother, Nancy Lee Hall, 36, to commit mutiple murder and then suicide.

"I want everyone to know that my Ma loved us," Pattie said, "But the problems just kept building up. She didn't want us to suffer. . . .

"The only reason she did this was because she loved us," said Pattie, who narrowly escaped being shot herself.

"I heard some shots," Pattie recalled, "and then my Ma came into my room and told me to move over in bed. She did not say she would kill me . . . I saw the gun at my head, though, and I said, "Mom, no."

"She said, 'O.K., get the hell out,' and I did."

Pattie said she ran to her sister Judy's apartment, and Judy's husband, Craig Baxter, called the police.

When the police arrived at the Hall's second-floor apartment at 12610 Viers Mill Rd., Wheaton, they knocked down the door to find Jack Hall, 47, and Mrs. Hall lying side-by-side in a blood-soaked bed.

Two-year-old Nancy Lee lay mortally wounded beneath her mother, barely breathing. A gun was beside them, police said.

In an adjoining room, George Marshall lay alive, but unconscious, police said; his brother Walter, 16, lay dead on the lower of two bunk beds.

The problems that kept building up for Mrs. Hall were, according to Judy Baxter, Pattie's married sister, a difficult marriage and a fear that Walter and George Marshall—Mrs. Hall's sons from a previous marriage—"would be put behind bars" in connection with several law violations over the past year. Both boys are now dead.

Two of Mrs. Hall's neighbors said she was also upset by an eviction notice giving her until Dec. 1 to move out of the $170-a-month three-bedroom apartment.

Baxter, who took Pattie in to live with his family after the shooting, said his mother-in-law "couldn't stand to see her boys behind bars."

As the two boys were juveniles, police said they could not release details of their records, if any.

"I didn't think she was capable of this," Baxter, an auto mechanic, said. "She was such a kind, nice woman."

His own three young children played in the hall of the Rock Creek Terrace high-rise where he lives, near the Hall's garden apartment.

The Baxters and Pattie Marshall spoke of Mrs. Hall as a generous, loving woman who had had two difficult marriages and who did not know how to deal with her boisterous teen-age sons.

"But she was not crazy," Pattie said. "She just was trying to keep us happy."

Mrs. Baxter said her mother had briefly worked as a nurse's aide at the University nursing home in Wheaton, where she met her second husband, Jack Hall.

Her first husband, Richard Marshall, with whom she had four children, two of them now dead, lives in suburban Maryland, according to the Baxters.

They said Joseph Marshall, 11, whom Mrs. Hall sent out of the apartment to carry letters addressed to various members of the family, was staying with Marshall.

"She was such a nice woman," said Jean Williams, a neighbor of the Halls. "How could she do such a thing?"

"It was because she loved us," said Pattie, holding back tears. "She really did."

HIGHWAY TRUST FUND CRITICISM: FACTS PREVAIL

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, I have repeatedly contended that much of the public support for raiding the highway trust fund for urban mass transit has been based on fundamental misunderstanding of the issues at stake.

This is understandable, in view of pervasive bias in the press which is, in turn, reflected in votes in this body. This is why earlier this year I protested CBS news treatment of the issue under the fairness doctrine until provided an opportunity to offset its misleading coverage.

Given this concern, I was particularly struck by a letter, published in a New Hampshire newspaper, from a member of the American Automobile Association who resigned in protest against the AAA "highway lobby" position on the trust, denouncing it as unrepresentative of the interests of the New Hampshire motorist.

A response from the AAA sought to counter the views held by the member, whereupon she graciously and publicly apologized and renewed her membership.

Those of my colleagues who maintain a continuing interest in the subject may be interest in the exchange, which reflects credit both on the AAA trust fund position and on the member's receptivity to reasoned argument and willingness publicly to withdraw her earlier criticism.

The letters, from the Laconia, N.H., Evening Citizen of September 15, September 20, and October 1 follow:

UNDEMOCRATIC LOBBY

(EDITOR'S NOTE.—The following letter addressed to American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

DEAR SIRS: Our membership in your organization will soon be due for renewal. You offer many benefits, indeed security, to car owners like Mr. Allen and myself, who are approaching the senior citizen category, who live in the country, who like to travel, and who feel relatively safe with your membership card in our pocket.

In the spring, the American Automobile Club magazine spoke with pride about the role of the organization in lobbying to pre-

serve the $6-billion-a-year Federal Highway Trust Fund for Highways Only. We do not agree with that position and feel that here in New Hampshire the answer to ever-more-noticeable air pollution, fast-diminishing green spaces, lack of choice in other means of transportation (awkward bus schedules that do not fit a commuter's needs, too costly air travel and no more trains), and ever-increasing congestion on the highways lies not in more and bigger highways, but rather in combining highways with good mass transit system. We rejoice the Congress was able to negotiate a compromise so the Federal Highway Trust Fund has at least been cracked open. Since a good New Hampshire mass transit system would necessarily be tied in with Massachusetts, we would urge our legislative leaders to cooperate with those in adjoining states on a long range plan, and to convert our highway funds into transportation funds.

We deplore the thought our membership in the AAA added to your voice as part of the highway lobby. How did you arrive at your position? Mr. Allen and I were never given an opportunity to voice an opinion or to vote on a position in AAA. Lobbying is part of the democratic procedure, but only if the position taken is arrived at in a democratic fashion.

Mr. Allen and I will miss the many benefits you offer, but under these circumstances we do not wish to be members of the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

HIGHWAY BUILDING

(EDITOR'S NOTE.—The following letter addressed to Mr. and Mrs. T. Gary Allen, was sent to the Evening Citizen in response to an earlier letter in this column.)

DEAR MR. AND MRS. ALLEN: Thank you for taking the time to write us a note explaining your reason for cancelling your AAA membership.

We are, of course, pleased that you have enjoyed the many benefits of being an AAA member, but we are equally concerned that you would fail to renew your membership due to what appears to you to be a difference of opinion between your views as a member and a policy held by the club.

We respect your difference of opinion regarding funding for mass transit, but we hope you understand that prior to taking these kinds of policy positions we make careful evaluations of all the facts and then represent the interests of the majority of our members.

To further explain our position on mass transit, I refer you to page 9 of the enclosed booklet, "1973 Policies and Legislative Proposals". Under a heading Integrated Transportation Systems, we state the New Hampshire Division of AAA recognizes the need for an integrated transportation system in the state, including rails, buses, and accessible airports offering convenient service to travelers. It is at that point that we apparently disagree, however, since we finish that paragraph by saying the club opposes efforts to subsidize additional forms of transportation by diverting funds from the State Highway Trust Fund.

That position was arrived at by the most democratic process possible. Currently, our New Hampshire Division of AAA has 64,000 members, 46,700 of which hold AAA master memberships, the remainder being associate members. Last November prior to the New Hampshire Legislative Session, we mailed a legislative questionnaire to all of the then 42,500 master members. That questionnaire polled members on 18 issues which we expected to be discussed during the 1973 session. Among those issues, we asked members if they continued to support the AAA position that all state highway user taxes should be expended exclusively for highway purposes. Of 6,555 respondents, 87 per cent or 5,701 members requested the club continue to preserve that fund. I am enclosing a copy of that questionnaire and its results.

Unfortunately, rumors have it both State and Federal Highway Trust Funds have existing surpluses which grow larger each year and threaten our natural environment by providing the means to pave over the countryside. The facts are, however, these surpluses are mythical and nonexistent. At the national level, the Highway Trust Fund currently represents a $3.5 billion dollar debt, and at the local level, our own New Hampshire Department of Public Works and Highways has only funds enough to meet 55 per cent of its annual needs—and that includes state and federal Highway Trust Fund sources. The backlog in New Hampshire created by this level of funding won't be met during this century.

To advocate diversion for any reason—regardless of how worthy the cause—can only further jeopardize planned projects to improve highways, replace outmoded and dangerous bridges, correct narrow curving roadways, improve shoulders, improve intersections, reduce traffic casualties, and on and on. A graphic example of the needs that exist is our critical shortage of funds for bridge repair and improvement. Nationally, 89,000 bridges along state highways, country roads, and city streets are classified as being critically deficient. They may be obsolete, badly deteriorated, structurally unsafe, have insufficient load capacity, present other hazards, and even be in imminent danger of collapse. At the present time, only two bridges from each state have been funded for improvement and the average cost was $2 million for each bridge.

Should you have fears that highways run uncontrolled and would blacktop New Hampshire if given a chance, let me assure you this is not the case. In the last 35 years since the beginning of our State Highway Trust Fund in 1938, the miles of roads in New Hampshire have increased by only 9.5 per cent from 13,506 miles to 14,795 miles. New residential streets represent a large part of that increase. During that same period of time, the population increased 50 per cent. In comparison to our total land area, New Hampshire highways occupy less than one per cent.

Regarding your observations of more noticeable air pollution in New Hampshire, you should know your club is the only source of information in the state regarding the extent of automotive air pollution. We have conducted a program in which we have offered free auto emission testing to the general public and have maintained records of our findings. The program has been conducted on a limited basis, but to my knowledge, we are the only agency, public or private, that has begun compiling information. In addition, early this year the club launched an extensive program of seminars throughout the state geared to certify automotive technicians in the service and maintenance of emission control devices on new and late model cars. As a result, over 2,000 New Hampshire mechanics have been certified by the Manpower Development and Training Program of the New Hampshire Department of Education.

In reading the enclosed 1973 Policies and Legislative Proposals, we hope you find far more positions which you can support than ones which you oppose. In fact, it would come as a surprise to me if you couldn't support 95 per cent of what AAA represents. Your membership supports many good programs that shouldn't be forgotten because you differ in opinion with one position.

You have my respect for your opinion on mass transit funding and regardless of your decision on your membership renewal, we have been happy to serve you, Mr. Allen, since 1966 and you, Mrs. Allen, since 1971. We extend to you our wishes for your driving convenience and safety on the road ahead.

DWIGHT L. CONANT, III,
Director of Safety and Legislative Services.

MANCHESTER.

RENEW MEMBERSHIP

(EDITOR'S NOTE.—The following letter addressed to Dwight Conant of the American Automobile Association was sent to the Evening Citizen for inclusion in the Letter Box.)

DEAR MR. CONANT: Since my previous angry letter to you and your courteous, lengthy reply were published in the Letter Box, I feel a public apology is in order.

Thank you for your letter with its enclosures: The New Hampshire Automobile Association of America 1973 policies and legislative proposals and the club news special edition membership questionnaire on legislative issues. Your record for initiating and carrying out safety measures is to be commended; and even though only 15 per cent of the membership responded, your polling of the mebership before taking a position is democratic.

If you will direct your membership secretary to send us another set of cards and the bill, Mr. Allen and I would like to renew our membership in the American Automobile Association.

LUCILE V. ALLEN.

GILFORD.

IMPORTANCE OF UPCOMING ELECTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CONYERS. Mr. Speaker, in the never-ending effort to increase citizen participation in elections, I am communicating to all of the voters in the First District of Michigan the importance of the upcoming election in the statement that follows:

STATEMENT

The importance of your participation in elections has been highlighted by the dramatic events of the last few months. I certainly agree and hope that all Americans, regardless of whom or what they support, will exercise their fundamental right and important responsibility to vote in each and every election.

This November 6th, you have an opportunity to choose the leaders who will direct many extremely important functions of the government of our city and school system during the next few years. In addition you will be able to make your decision on the new city Charter proposed as the basic document for your city's structure and management.

It is important for you to study the new Charter, to understand what it is, what changes it might bring and whether you approve or disapprove, In either case, it is critical that you use your FULL voter power to vote on Proposal A at the top of your ballot.

Vote Tuesday, November 6th! And vote the entire ballot!"

SAVE THE ANCIENT AND BEAUTIFUL NEW RIVER FROM SENSELESS AND NEEDLESS DESTRUCTION

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MIZELL. Mr. Speaker, as many of my colleagues know, I have been trying for almost 5 years to save the ancient and beautiful New River from senseless and needless destruction.

The Appalachian Power Co. wants to build a massive twin-dam pumped-storage hydroelectric power project, called the Blue Ridge project, on the New River at the North Carolina-Virginia border.

The project would back up 44 miles of the river, destroying the free-flowing stream that has flowed for 100 million years, and polluting the only major unpolluted river in the eastern half of the United States.

In addition, the project would flood almost 40,000 acres of extremely fertile and scenic land along the river and destroy a way of life that has been cherished and enjoyed by generations of people.

The benefits claimed for this project come down essentially to the generation of 1.8 million kilowatts of electric power. But because the project is a pumped-storage type, it consumes three units of power for every two units it generates. As a result, construction of this project would produce a net burden on the Nation's limited energy capacity of an additional 900 million kilowatts a year.

That kind of deficit would be hard to justify under the best of circumstances, but it is especially difficult in light of the fact that the New River is such a great national treasure, the fact that we do have a serious energy problem, and the fact that Appalachian Power Co. and its parent, the American Electric Power Corp. rank dead last in research and development of new methods of energy production.

Pumped-storage facilities today are in marked decline, and but for the intransigence of some companies, those facilities might soon fall into well-deserved extinction altogether at least as far as new projects are concerned.

I have commented at greater length on this entire matter in a brief filed recently with the Federal Power Commission. The text of that brief is as follows:

[United States of America before the Federal Power Commission]

APPALACHIAN POWER CO.—PROJECT NO. 2317

I. INTRODUCTION

This Reply Brief on Remand represents the final summation of my points of opposition to the Modified Blue Ridge Power Project (Project No. 2317) and my assessment of the conduct of the cross-examination hearings on the Federal Power Commission Staff's Environmental Impact Statement on the Project.

II. POINTS OF OPPOSITION

The New River would be destroyed by this project. As noted in the Staff EIS, "present uses of the free-flowing stream . . . would be lost" as a consequence of the project. The surpassing importance of that loss, however, lies not in the fact that the New River is simply a "free-flowing stream," but rather in the fact that the New, according to the U.S. House of Representatives' Committee on Public Works' report on the Water Resources Development Act of 1973, ". . . is believed to be the second oldest river (one hundred million years) in the world, second to Egypt's Nile."

The Committee report further states that the segment of the river on which the Blue Ridge Project would be built is "known to be one of the few remaining relatively pollution-free rivers in the eastern half of the United States. It is recognized, as well, as one of the finest rivers for recreational small-mouth bass fishing in the Nation."

Hence, the New is no mere "free-flowing stream." It is an historic, environmental and recreational treasure, and to plunder that treasure for any reason is to leave the poorer not only the river and its environs, but the Nation as well.

And the congressional report affirms that "construction of the (Blue Ridge) project would drastically alter the character of the river," as suggested in the FPC staff appraisal.

Furthermore, "the (Public Works) Committee, while refraining from involving itself in the relative merits and demerits of the project, has noted considerable opposition to the project on the grounds it would destroy the New River and its environs."

The Committee went on to state that "in view of this long-standing and continuing controversy as to the best use of the river, . . . a detailed study by the (U.S. Army) Corps of Engineers is desirable."

The Committee thus authorized a study by the Corps of Engineers of possible recreational, conservation and preservation uses of the New River between its South and North Forks and the town of Fries, Virginia. This section further provides that "no project shall be licensed within the aforementioned boundaries until two years after the study has been submitted to Congress."

On October 12, 1973, the U.S. House of Representatives adopted the Water Resources Development Act, including Section 67, which states in full:

"The Secretary of the Army, acting through the Chief of Engineers, is authorized to make a detailed study and report of such plans as he may deem feasible and appropriate for the use of the New River from the headwaters of its South and North Forks to the town of Fries, Virginia. Such study and report shall include the recreational, conservation and preservation uses of such area. The Secretary, acting through the Chief of Engineers, shall consult with the Bureau of Outdoor Recreation, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency. Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North Forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress."

The vote of the House was 337–14 in favor of the measure. The legislation is now pending in the United States Senate, where Senator Sam J. Ervin, Jr. (D.-N.C.) has pledged his support for the Blue Ridge section and recommended that his colleagues support it as well.

In addition, Senators Ervin and Jesse Helms (R.-N.C.) are sponsoring legislation in the U.S. Senate to have the New River included in the Wild and Scenic River System. I am presently considering introducing a companion measure in the House.

The scenic and fertile land in the project area would be destroyed. Staff's EIS acknowledges that the affected 38,000 acres "constitute, for the most part, a rural area with a natural stream and tributaries surrounded by handsome, rolling, forested and sometimes mountainous countryside."

All of this land would be inundated for the creation of water storage pools if the Blue Ridge project is licensed for construction.

Mr. W. R. Cassell, County Agent for Grayson County, Virginia, was recently quoted as saying the project would cut farming by one-third in Grayson County alone. In the July 19, 1973, edition of the Galax (Va.) Gazette, which serves Grayson County, Mr. Cassell is quoted as saying that of the 27,900 acres affected, eight percent are cultivated, 32 percent are wooded, and 60 percent are in pasture and hay.

Mr. Cassell went on to assert that with the construction of the Blue Ridge project, farm trade in the area will be reduced by $6,000,000. Grayson County agriculture will suffer a loss of $3,000,000 in farm trade, and Ashe and Alleghany Counties, North Carolina, will sustain the remaining $3,000,000 loss.

In addition, the drawdown levels proposed for operation of the project would produce numerous and sizable mudflats, blighting the land that now provides a classic definition of nature's beauty.

A way of life for thousands of people would be destroyed by this project. The Staff EIS acknowledges that "residents of the area . . . would be forced to move, in some cases from property occupied by their families for generations.

"An area of sparse population would sustain an increase of some magnitude," the EIS continues. "The influx of people and the increased activity precipitated by the project would modify the character of nearby communities, both upstream and downstream from the project, and would affect the relatively simple and independent living styles of many of their inhabitants. More of the complexities, sophistications, and adversities of an urbanized society would doubtless intrude in this predominantly rural area."

And in one of the most memorable phrases ever concocted within the Federal bureaucracy, the Staff concludes that "what is now bucolic would become busy."

I represent in Congress the people of Ashe and Alleghany Counties, North Carolina, and I can testify that the "complexities, sophistications and adversities of an urbanized society" could be well done without by most of the residents in the area. If these "complexities, sophistications and adversities" are the "benefits" to be derived by the people from this project as the Applicant and the Staff have stated, many of the "adverse effects" pale in comparison.

The benefits to North Carolina from this project are negligible. Applicant acknowledges, and staff notes in the FEIS that almost all of the power from this project will be consumed in the midwestern United States. Despite Applicant's last-minute insertion in the hearing record of figures intended to show how North Carolina would benefit from the power generation of the project, the FPC Staff expert on power, Dr. Jessel, failed under cross-examination to substantiate that claim. The facts entered in evidence by the Applicant show that Applicant has had no firm power transaction with Duke Power Company in North Carolina for at least the last five years. The figures also show a balance of interchange power transactions between Applicant and Carolina Power and Light Company that is unfavorable to the Applicant.

These figures tend to support the Inter-

venor's contention that North Carolina's power utilities do not need the Blue Ridge project, rather than Applicant's contention that they do. In any event, the figures provided for North Carolina consumption are miniscule in comparison with the total generation capacity of the project.

In addition, as far as "recreational benefits" to the State are concerned, it is clear from the record that the Governor of North Carolina and the General Assembly of North Carolina do not share the Applicant's conviction that the recreational benefits accruing from this project are superior to those already available on the New River and its environs in their present state.

The need for the additional power capacity of the Modified Project has never been substantiated or justified. In my comments on the Draft Environmental Impact Statement, I stated:

"Staff's recitation of the need for power and power sources is not contested, but it is hardly relevant to this proceeding, certainly not to the extent that it would require a doubling of the size and expense of the Blue Ridge project from what was originally envisioned and proposed.

"Staff contends that the ten-year delay that has thus far been accumulated in anticipation of a ruling on this project license has resulted in the need for a much-increased power generation capacity for the Blue Ridge Project, requiring the project to be built in the dimensions called for in the Modified Project Proposal (No. 2317). This is an unsubstantiated claim that seems to have been contrived either in haste to avoid further delay or in blatant disregard for the true facts of this case.

"Appalachian Power Company certainly did not anticipate or foresee a ten-year delay in obtaining a license to construct the Blue Ridge project when it first petitioned the Commission in 1963. Nor did Appalachian anticipate the U.S. Department of the Interior's subsequent demand that the project be doubled in size and expense for the primary purpose of providing low-flow augmentation for regulation of streamflow for water quality control (pollution-dilution).

"But the Company did in fact, in the formulation of its original project proposal, anticipate and project to the most accurate degree possible the power needs of the nation and the company's role in helping to meet those needs over a period of the next fifty years and more. The ten-year delay bears no significance on those projections, and Staff's contention that the delay affects those projections so profoundly as to double the size of this project is ludicrous in the extreme."

My representative at the cross-examination hearings, Mr. Patrick Butler, sought to ascertain Staff's method of computation and justification for near-doubling the power generating capacity of the project, from 980,000 kilowatts in 1965 to 1,800,000 kilowatts in 1968. The purported justification for this increase was provided by the Staff expert on power, Dr. Jessel, in a series of non-responsive, confused and confusing replies to specific questions.

The need for this additional power capacity, then, has not been justified and is not justifiable.

Section 102(b)(6) of the Federal Water Pollution Control Act Amendments of 1972 was circumvented by the Staff in recommending the Modified Project rather than the original. Again quoting from my comments on the Draft EIS, I stated:

"As the author of Sec. 102(b)(6), I filed on March 19, 1973, a statement of legislative intent with the Environmental Protection Agency to assist in its preparation for determining whether or not to recommend "pollution-dilution" in conjunction with the Blue Ridge project. In that statement I said in part: "It was my intent as the author of this amendment to see the Blue Ridge project reduced to its original, pre-pollution-dilution specifications."

It is apparent from the Draft and Final environmental impact statements, and from testimony by Staff witnesses in the cross-examination hearings, that the original project was never seriously considered as an alternative to the Modified Project, Sec. 102(b)(6) notwithstanding.

Popular participation in the project application process was discouraged, rather than encouraged. Section 101 of the Federal Water Pollution Control Act Amendments of 1972 encourages consideration of the opinions of the people who live in the project area as part of the license proceeding. No public hearing was ever held at or near the project site. A hearing was held in Beckley, West Virginia, in 1970. But Beckley, West Virginia, is more than a 200-mile round trip over treacherous roads from the actual project site. The selection of Beckley for public hearings does not in any way satisfy the intent of Section 101 of the FWPCA Amendments of 1972.

Alternative sites and projects were not adequately explored. As noted above, the Staff was demonstrably disinclined to consider on a comprehensive basis the possibility of reverting to the original project proposal, as Sec. 102(b)(6) of the FWPCA Amendments of 1972 intended. A similar attitude toward other alternatives was demonstrated during the cross-examination hearings by Mr. Corso.

Officials of the Appalachian Power Company have acknowledged that the Blue Ridge project has been taken off the company's construction schedule, and that alternative projects are already being planned or implemented. On July 27, 1973, Mr. William McClung, a public relations official for APCo, came to my office and so informed Mr. Butler of my staff. The implication of this admission is clear: Appalachian Power Company can obviously get along without the Blue Ridge project, and the New River and the people who live on the river can get along without it as well.

Official opposition to the project is mounting. I have worked in opposition to this project ever since coming to Congress in January, 1969. I have since been joined in this opposition by the Governor of North Carolina, the General Assembly of North Carolina, Senators Sam J. Ervin, Jr. and Jesse Helms of North Carolina, and Virginia Lieutenant Governor Henry Howell, who in his campaign for Governor of that State has pledged to oppose the project if elected. U.S. Representative Ken Hechler of West Virginia has also declared himself as a staunch opponent of the project.

As noted earlier, there is considerable legislative activity in the Congress of the United States toward stopping the project.

Last year, the Congress enacted my Blue Ridge amendment prohibiting pollution-dilution unless the Administrator of the Environmental Protection Agency specifically recommends its inclusion in hydroelectric power projects like Blue Ridge.

This year, the House passed legislation requiring a Corps of Engineers study of alternative uses—recreational, conservation and preservation—of the New River before any license can be granted for the Blue Ridge project. Implicit in this action by the House is the approval of a delay in the project from representatives of districts and states to which Blue Ridge power would eventually go. Senator Ervin has pledged to work for the retention of this measure when it is considered in the Senate.

In addition, I have sponsored legislation, with an identical measure having been introduced by Congressman Hechler, completely prohibiting the licensing of the Blue Ridge project. The chairman of the House Committee on Interstate and Foreign Commerce, Representative Harley Staggers of West Virginia, has pledged to hold hearings on these bills.

Finally, Senator Helms has introduced a bill in the Senate, with Senator Ervin as a cosponsor, to have the New River included in the Wild and Scenic Rivers System, and I am considering introducing a companion measure in the House. The House Interior Committee will hold hearings on proposed amendments to the Wild and Scenic Rivers Act of 1968 later this month.

Beyond this opposition to Blue Ridge at the congressional level, the Environmental Protection Agency has ruled against pollution-dilution in the project, and is now in the process of making a determination, in the words of Mr. Robert Blanco, chief of the Environmental Impact Branch of EPA's Region III office, "whether the project is 'unsatisfactory from the standpoint of public health or welfare or environmental quality,' as required by Section 309 of the Clean Air Act of 1970."

In a letter sent by Mr. Blanco to Mr. Allen F. Crabtree of the FPC environmental quality staff, Mr. Blanco stated:

"We found the draft impact statement for this project to be inadequate in that it did not provide specific references to document the staff conclusions as to project impacts and alternatives. A number of topics of specific interest were cited in our comments as requiring further discussion. The final impact statement does not provide the requested documentation, nor does the extent of the descriptive material provided in it fill our need."

Clearly, the Environmental Protection Agency cannot be said to favor the project at this point.

Nor can the people of Ashe and Alleghany Counties, North Carolina, speaking through their counsel, Mr. Edmund Adams, nor the people of Grayson County, Virginia, speaking through their counsel, Mr. Lorne Campbell (reinforced by County Agent W. A. Cassell) be said to favor the project. They are almost unanimously opposed to it, as are a significant number of environmental groups, including the Izaak Walton League.

Opposition to this project has not waned or evaporated, despite long years of tedious and complex proceedings. The opposition is real, substantial and quite determined, and it is growing.

III. CONDUCT OF THE HEARINGS

Repeated citing of "the record" by the Administrative Law Judge is misleading, and frustrates the intent of Greene County v. Federal Power Commission. The transcript of the cross-examination hearings on the staff final environmental impact statement is replete and heavy-laden with Judge Levy's interruption of questions with the phrase, "That's all in the record." The fact is that much of the record consists of Appalachian Power Company's claims for this project, rather than facts determined through independent research by the FPC Staff.

It was the intent of *Greene Co. v. FPC* that the assertions of a project applicant not be taken as the indisputable facts of a given project proposal. To the extent that the FPC staff did not thoroughly corroborate, through independent research, the findings and assertions set forth by the Applicant, the *Greene County* decision was frustrated. The frustration was further compounded by the Administrative Law Judge's repeated interruption on behalf of the Staff at several potentially crucial and informative junctures.

In addition, the cross-examination hearings were held in great haste, taking only two days. The brevity of the hearings seems, *prima facie*, to prove that the complexities and controversies of this case were not thoroughly resolved to anyone's satisfaction. The fact that this case has a long history already supports the contention that the hear-

ings were too brief, rather than too long or superfluous, because it was *Greene County's* intent that the FPC staff come to its own conclusions, rather than accept conclusions arrived at by the Applicant at some point in the past. These independent conclusions were then to be subjected to cross-examination. The cross-examination hearings revealed not only that Staff had in fact accepted Applicants' conclusions in numerous instances, but also that several relevant questions from Intervenors on the Staff conclusions went unanswered.

IV. CONCLUSION

The Blue Ridge power project, by any account, would effectively destroy the New River, a national treasure. Beyond the destruction of the river, the project would also destroy a way of life for hundreds of people, and what is now a fertile land of beauty would be blighted and ravaged beyond redemption.

As a member of the House of Representatives Subcommittee on Energy, I realize that there exist great and legitimate concerns about the adequacy of the nation's power sources.

But to blindly and meekly sacrifice irretrievable, invaluable and incomparable natural resources on the altar of "power crisis" emotionalism is to sacrifice our own power of will and reason and perspective.

I am not ready to sacrifice all those powers and all those treasures for a project conceived and promoted in callous disregard for their worth.

This country is blessed with resources of both energy and environment, and we must make hard choices of what we should protect and what we should develop. And I believe the New River should be protected. There are many others who share that opinion—people of national renown and people known only to their neighbors. The Applicant's own officials concede that Blue Ridge is no longer being counted on by the company. It is not required for the nation, nor desired by the people. There is, then, no good reason to license this project at all.

CREDIT DUE PRESIDENT NIXON AND SECRETARY KISSINGER

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WYMAN. Mr. Speaker, in a time of reckless and sometimes hysterical calls for impeachement of our American President, it is fitting that credit be recognized as due President Nixon and his able Secretary of State Henry Kissinger for their successful efforts to obtain a cease-fire in the Middle East conflict. How touch and go this was last week is well illustrated by the following comments of Joseph Alsop appearing in today's Washington Post.

This country is fortunate, indeed, to have a President during such critical times whose acknowledged expertise in the conduct of foreign affairs has withdrawn us from one war and is successfully keeping us and the world from becoming involved in another. Impeachment of such a President for the misconduct of a small minority of employees within the executive branch would be a domestic and international disaster. The Nation will be better off when it is recognized that the courts should handle criminal misconduct and the Congress proceed with the many national problems demanding legislative solutions instead of partisan political attacks.

The article follows:

THE CUBAN COMPARISON

(By Joseph Alsop)

The House majority leader, Rep. T. P. O'Neill has Cambridge, Mass., as the district he must please, and he has always catered to his violently anti-Nixon academic voters. He is also an extremely partisan Democrat.

It is striking, therefore, that Rep. O'Neill has directly compared President Nixon's recent Middle Eastern problem to President Kennedy's breathtaking problem of the Soviet missiles in Cuba. O'Neill, of course, had the advantage of *knowing* the facts, probably including the contents of Leonid Brezhnev's grim message to President Nixon on the night of Oct. 24.

Rep. O'Neill's comparison, therefore, deserves to be pursued in much greater detail. Admittedly this comparison of the Cuban missile crisis was discouraged at the Oct. 25 press conference of Secretary of State Henry A. Kissinger, who then had to keep one eye on the Kremlin's still unknown reaction to the President's answer to Brezhnev.

There is one cardinal fault in the comparison, too. In Cuba, President Kennedy had to force a public climbdown by Nikita Khrushchev. In the present instance, President Nixon only had to persuade Leonid Brezhnev not to carry out a private threat.

Yet the threat was to send Soviet troops to intervene in the Mideast war; and three Soviet airborne divisions were ready on their airfields for an intervention that might have occurred within hours. Here the true comparison begins. President Kennedy had days to work out the Cuban missile crisis. President Nixon had the late evening of Oct. 24, when the Brezhnev note was in his hands, until 3 a.m. Oct. 25, when he ordered the U.S. military alert and sent his answer to Moscow.

Secretary Kissinger further stated that the National Security Council's recommendations to the President were unanimous. This was literally true, but only barely true. It can be stated confidently that a good deal of the unanimity had the approximate consistency of jello. This was a problem President Kennedy also had to face. Yet there was another, far more profound problem that President Kennedy most emphatically did *not* have to face. At the time of the Cuban missile crisis, the United States had a nuclear-strategic lead over the Soviet Union of at least five to one. Some experts say ten to one. In the Caribbean crisis area, moreover, the United States further enjoyed total supremacy in conventional arms.

President Nixon, in sharp contrast, well knew that the reinforced Soviet fleet in the Mediterranean was certainly much more modern, was also rather more numerous and was probably more powerful than the U.S. Sixth Fleet. In addition, he well knew that the former vast American nuclear-strategic lead had been frittered away to what is politely called "parity"—and is actually nuclear-strategic inferiority. This was not the President's wish. It was by inheritance from the previous administration and by the obstinate will of a continuously hostile Congress.

Finally, it is worth remembering the paeans of praise for the solution of the Cuban missile problem deservedly earned for President Kennedy. Consider, too, the far more difficult time factors and, above all, the fearfully more unfavorable power factors last Oct. 25. It would seem, then, that President Nixon has deserved a lot more praise than he has got.

Instead, as one sample, we have Mrs. Barbara Tuchman. She first signed an impassioned public print plea for all-risk aid to Israel. Next, the President's shrewd courage all but certainly saved Israel (as all informed Israeli leaders freely admit) from reduction to defenseless impotence, or even from actual destruction by the threatened Soviet armed intervention. Whereupon, Mrs. Tuchman promptly published an equally impassioned plea for the President's impeachment.

This kind of thing seems a bit odd. But then liberal-intellectual partisanship always makes the party-feeling of a man like Rep. O'Neill seem milder than mother's milk.

Meanwhile, the really important thing to note is the grim deterioration of the national situation that is revealed by the foregoing comparison. We cannot count on being so lucky next time as we were on Oct. 25. Hence the real question is whether the President, in his present bitter trouble, is able to cope with this deterioration.

CONSTITUTIONAL CRISIS

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ESCH. Mr. Speaker, events surrounding the office of the President and Vice President in past months have moved with unprecedented speed. It has not been possible for the public, the press or public officials to put these matters into perspective, let alone develop analytical and objective approaches to the constitutional crisis facing the country. The following represents my views on these developments.

First. There must be a completely independent prosecutor to carry out the functions of the investigation surrounding the Watergate incident as well as related matters. Another Presidential appointment will no longer suffice for the American people. Only an independent prosecutor can conduct the investigation apart from any cloud of suspicion. There are several approaches before the House and Senate to accomplish this goal. It is important we have a special prosecutor, but I want one whose convictions will not be overturned by an appeals court on the basis of a conflict of interest; and I do not want one that is eventually dismissed by the Supreme Court on constitutional grounds. Some legislative approaches present these problems. As one who first introduced legislation to establish an independent prosecutor, I am sponsoring new legislation to establish an independent prosecutor in cooperation with the courts. My bill follows the American Bar Association recommendation that Congress pass legislation requiring appointment of an independent prosecutor by all sitting judges of the U.S. District Court in Washington.

Second. Regarding the question of impeachment, the House Judiciary Committee has begun hearings to determine if there are sufficient grounds on which to initiate impeachment proceedings. It is important that this determination is expedited and that the review is thorough and objective. Neither the country nor the office of the President

can afford any delay. The entire House will act—and individual congressmen will vote—only after an impartial and thorough analysis by the Judiciary Committee. I have already called for an orderly process through which a committee can make a determination if grounds for impeachment are present. Eventually, when the House Judiciary Committee reports, I may be called upon to perform my constitutional responsibility to pass judgment in the House of Representatives by voting on the articles of impeachment as presented by the House Judiciary Committee. To prejudge this investigation and this vote is irresponsible and without precedent.

Third. There are always those who would use a time of national crisis for other ends. It is totally reprehensible for any Senator of the United States to prejudge the question of the President's guilt. Whether or not the President is eventually found guilty, under the Constitution, Members of the Senate must sit as a jury under an impeachment resolution sent from the House. Thus several Senators should consider disqualifying themselves in any future action. I, for one, want no part of such irresponsible statements.

Fourth. The President of the United States should give evidence to the American people of his willingness to cooperate with all investigations including those in the courts, the House, and the Senate to assure that all those guilty of crimes are brought to justice.

Recent exchanges between the President and the press have created even more distance between the President and the people and serve little purpose. What is needed on both sides is a willingness to deal with facts and not accusations and hearsay. The President must recognize the basis for the American people's attitude. It is not only because of media action. The Vice President selected by the President has resigned and pleaded no contest to a felony. Two of the President's former cabinet members are under indictment. His highest and direct advisers have resigned and face possible indictment. Others who either served under the President in the White House or on the Committee for the Re-Election of the President have already been found guilty. The news media did not invent these acts.

The President must recognize these facts and must realize that to have an effective and credible Government he must show through his actions a willingness to cooperate. The surrendering of the tapes, while late in coming, was commendable. This act alone waived the issue of Executive privilege where possible crimes are involved and thus the President should demonstrate now that he has nothing to hide. Correspondingly, the media has a unique contribution to make at this time. It has the inherent responsibility to verify the sources and authenticity of charges in the process of reporting. The media plays a vital role in a free society, searching out and reporting the truth—indeed it is a major contribution to the self-correcting process of our system—and that role must not be sacrificed in expediency or emotionalism.

Fifth. The Congress should move expeditiously on the nomination of GERALD R. FORD to fill the office of Vice President. A thorough review of Mr. FORD's background is only right and proper. Further, it might be well to have such a thorough investigation of the man who now stands in line for the presidency—Speaker of the House, CARL ALBERT. Indeed, we may be entering a new era in which all Members of the House and Senate are more fully scrutinized in the election process.

It is essential, however, that the review process be expedited by the House and Senate. To suggest as some have done, that Mr. FORD's nomination be "held hostage," raises questions of partisanship and is directly contrary of the intent of the 25th amendment to the Constitution.

Sixth. The Congress must share a major portion of the responsibility for not acting on the problems facing the country and move ahead aggressively on needed legislation. As of November 1, the 93d Congress—after 11 months of existence—has not passed such vital legislation as tax reform, comprehensive medical care, war powers limits, pension reform, executive privilege, trade legislation, housing programs, and environmental protection, to name only a few.

Congress must exert more leadership in these critical areas.

WAR POWERS RESOLUTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. KASTENMEIER. Mr. Speaker, next week the House will be voting to override the President's veto of House Joint Resolution 542, the War Powers Resolution.

This legislation, authored by our distinguished colleague from Wisconsin, CLEM ZABLOCKI, is essential if the Congress is to enforce its constitutional responsibility that war cannot be conducted in the absence of a formal declaration by the Congress.

Mr. Speaker, another colleague from Wisconsin, LES ASPIN, who has emerged as a leader in the effort to curb the unbridled power of the military, has written an article in the October 31, 1973, Washington Post, citing the need to override the President's veto of the war powers measure. Congressman ASPIN'S statement deserves the attention of all House Members.

The article follows:

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be heard:

"Congress must be consulted before any major action perhaps only by notification . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the same withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the warmaking process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubberstamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc.) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to

strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrates how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

THE A–10A AIRCRAFT: AN ASSET FOR ISRAEL

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RONCALLO of New York. Mr. Speaker, I wish to submit in the RECORD for the attention of my colleagues the October 22, 1973, issue of Aviation Week and Space Technology magazine, which delineates the invaluable equalizing capabilities of the A–10A close-support aircraft in combating the Soviet-built 23-mm ZSU–23–4–SP antiaircraft vehicle, in such a critically strategic area as Israel.

The article follows:

SOVIET ANTI-AIRCRAFT GUN TAKES TOLL

Soviet-built 23-mm. anti-aircraft systems introduced against U.S. forces flying over North Vietnam in the late stages of action there are being used with frequency against Israeli aircraft in the Syrian and Egyptian sectors and are taking a heavy toll.

The 23-mm. ZSU–23–4 SP anti-aircraft vehicle consists of four mounted on a single fixture and fired together. A Dish-type radar in the 15.56–gc. frequency called Gun Dish is mounted with the guns. The radar has a very narrow beam providing excellent tracking of aircraft and is difficult to detect or evade, according to U.S. officials.

Since the radar operates at a high frequency, a band equivalent to U.S. airborne radar, it offers disadvantages in limiting the range. To enhance the weapons tracking range, the system is connected to other acquisition radar in the area of operations and the gun radar is slaved to the acquisition radar until lock-on.

The fire control radar trains the guns and computes target speed and range.

The entire system is mounted on a tracked vehicle of which the hull and automotive components are the same as the Soviet PT–76 tank. The 23 mm. guns have an anti-aircraft range of about 4,000 feet with an elevation from 0–85 degrees. The guns can fire at 1,000 rounds/min. each.

While most American-built aircraft flown by Israel at low altitude are vulnerable to the quad 23-mm., one U.S. aircraft in development now has been tested against a 23-mm. shell and found extremely survivable, according to the Air Force officials.

The Fairchild Industries A–10A close-support aircraft was subjected to direct fire from a Soviet-made 23-mm. gun during testing at Wright-Patterson AFB, Ohio.

More than 58 23-mm. rounds were fired into components of the A–10A mounted on a test stand. The gun was placed directly beneath the components. Thirty-five rounds were fired into the fuselage because reserve fuel tanks are located there. All tanks on the A–10A are surrounded by foam for protection against anti-aircraft fire.

Survivability of the A–10A is enhanced by titanium armor throughout the aircraft, including aircrew armor, redundant hydraulic flight controls with a manual backup system and critical subsystem armor. The aircraft is built around the General Electric GAU–8A 30-mm. gun system that can destroy hard mobile targets such as tanks, armored personnel carriers, and tracked antiaircraft systems like the Soviet-made 23-mm.

TOWARD A PROFESSIONAL ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, people are the prime ingredient in the all-volunteer Army. For the volunteer Army to succeed, it must appeal to young men and women as a career alternative, and it must make military life meaningful and attractive for them after they enlist.

If the volunteer military is to be people-oriented—and if it is to work—we will need concerned, aware and dedicated individuals who want to make sure it succeeds. One such individual whose efforts will be most important in this regard is Lt. Gen. Bernard W. Rogers, Deputy Chief of Staff for Personnel, Department of the Army.

In an interview in the August edition of Soldiers magazine, General Rogers spoke about what kind of army he wants the volunteer Army to be:

I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

The interview follows in its entirety:

TOWARD A PROFESSIONAL ARMY

SOLDIERS. How is the All Volunteer Army shaping up in terms of enlistments?

Lieutenant General ROGERS. Between July 1972 and this past May our goal was 165,100 non-prior service male enlistees. We have fallen short of this goal by 9,800—enlisting 155,300 non-prior service males. However, the months of February-May are historically poor recruiting months, and we hope to reverse this trend in the good recruiting months June through September.

SOLDIERS. Were the volunteers of the quality desired?

Lieutenant General ROGERS. Of course, that answer depends upon one's definition of quality. In the final analysis, one should judge quality by a man's overall performance on the job. One measure of quality for an enlistee we have been using—and it may not be the best measure—is whether he is a high school graduate. Since February 1 we have limited our recruitment of non-high school graduates to 30 percent of our total enlistment objectives and are receiving encouraging reports concerning quality from training center commanders. Another measure we have been using is the mental category of the enlistee as determined by his results on the Armed Forces Qualification Test (AFQT). Here again we have been meeting or exceeding our objectives for the percentages by various mental categories.

Incidentally, I don't wish to give the impression that we have anything against non-high school graduates; far from it. The great majority of them are fine young men and will serve well. But the fact remains, our experience has shown that from the standpoint only of disciplinary problems being created by graduates versus non-graduates, a disproportionate share is created by the non-graduates.

SOLDIERS. Industry is also recruiting high school graduates. Will we be able to recruit them in sufficient numbers to maintain an All-Volunteer Army?

Lieutenant General ROGERS. I think we will get our share and probably continue to get them in the numbers we have in the past. I would like to point out, however, that we are taking a close look at finding a better means of measuring quality than solely by the standards of being a graduate or being in a certain mental category as related to AFQT results.

Frankly, it is still too early to state positively that we will be able to enlist soldiers of the quality we need in the quantity required to man our structure. However, we are moving along a relatively uncharted course. As you know, since World War II we have only had one 15-month period—1947–1948—when we didn't rely on the draft. The conditions and circumstances which existed within our society then, as well as among the youth of that society, were different from those today. Thus we have no previous experience upon which to base a prediction.

SOLDIERS. Some Army officials have suggested that 4-year enlistments—especially where some skills require lengthy training periods—would result in better manpower utilization and reduced recruiting costs. Are 4-year enlistments going to become the standard?

Lieutenant General ROGERS. I don't see that happening soon except in the skills for which an enlistment bonus is paid. If we looked at it purely from a cost effectiveness standpoint, 4 years is the way we would go with all enlistments. However, you also have a psychological factor working here. Looking at it from the perspective of an 18- or 19-year old, 4 years represents a big chunk of his life. It seems like a whole lifetime to some of them. I think it's best that we have less than 4 years to offer so the man can enlist for a shorter period and see how he likes the Army.

SOLDIERS. You began paying a $1,500 bonus for combat enlistments in June 1972. The bonus was increased to $2,500 during this past May and June. Did the $1,500 fail to attract enough qualified volunteers for the combat arms?

Lieutenant General ROGERS. We did fail to

meet our combat arms enlistment objectives by 30 percent during that 1-year period.

Let's look at the entire bonus picture. Congress authorized payment of $3,000 for enlistment in the combat elements. Department of Defense then authorized us to run a 1-year test, paying $1,500. Combat arms enlistments averaged only 300 per month before we began offering certain enlistment options and then later paying the bonus. With the bonus, 4-year enlistments increased from 5 percent to 15 percent. In addition, the number going into combat arms as a result of the bonus and some enlistment options increased to about 3,000 per month. But we still came up 30 percent short overall.

We also had shortfalls in some of our hard skill MOSs, so with OSD's approval we increased the bonus to $2,500 and included volunteers in those combat-related hard skills, particularly in the missile and electronics fields. This increased bonus package is being conducted as a 2-month test ending in June.

SOLDIERS. Did the bigger one attract more volunteers?

Lieutenant General ROGERS. It is not attracting more overall enlistments, but it is proving that such a bonus can change the distribution pattern of enlistees by increasing enlistments in the hard skills I mentioned and causing them to enlist for 4 years. We are happy about that.

SOLDIERS. Critics of the All-Volunteer Army concept suggest that blacks, other minority groups and the poor will be attracted to the Army in large numbers, resulting in an Army largely composed of minorities and the poor.

Lieutenant General ROGERS. Present trends suggest that their fears are unfounded. Let's take that one apart, however.

We don't ask what an enlistee's father earns. We don't care. It makes no difference whether a man's father earns $25,000 a year or whether his folks are on welfare. If a man is qualified, willing to enlist in the Army and perform to the best of his ability, why shouldn't he be able to serve?

As for minority groups, there has been some increase in the number of non-Caucasian enlistments. Minority groups comprise about 18 percent of the overall Army strength. I see no indication of a substantial increase.

SOLDIERS. Suppose you did have a substantial increase?

Lieutenant General ROGERS. I would answer your question with another question. So what if there were?

I know in the eyes of many it would be most tidy if we had, say, 11 percent blacks—that is their approximate percentage of the total population—and, say, 2 percent other non-Caucasians. That would represent a fairly good cross-section of the American population.

Life just isn't that tidy or precise. Furthermore, if non-Caucasian enlistments did increase significantly and you asked when should we cut them off, I certainly couldn't give you an answer as to when or if, and I know of no one in a position of responsibility who could.

SOLDIERS. Today's young soldiers are getting married earlier than they did a decade ago. Are we going to expand health care services and build more family housing?

Lieutenant General ROGERS. More of our young soldiers do get married earlier. If that trend continues we will have to think about building fewer barracks and more family housing. We must take a very hard and long look at this because here we are talking about projects involving millions of dollars.

Greater health care services may be needed; however, we're thinking in terms of the total environment for the soldier and his family. We would hope to improve all post services: Post Exchanges, in- and out-processing, recreational facilities, commissaries, educational opportunities and the like.

SOLDIERS. The Qualitative Management Program for enlisted personnel is causing some concern among NCOs. Some question the wisdom of denying reenlistment to NCOs, while increased emphasis is being placed on enlisting greater numbers of younger soldiers.

Lieutenant General ROGERS. We don't intend to change the Qualitative Management Program, although we may make some fine-tuning carburetor adjustments as we go along. The Army is going to be smaller but we're still going to do a professional job with fewer people. The NCOs have all got to be professionals.

We have established standards of performance, behavior and attitude. As long as an NCO measures up he need not be concerned. An NCO should know what those standards are and if he is not measuring up he had better be concerned because he may be on the way out. There is no place in the Army for those who believe they have the right to serve for 20 or 30 years irrespective of performance, conduct and attitude. That day has passed, if indeed it ever existed.

We are denying reenlistment to only those persons at the lower end of the performance, conduct and attitude scale. The officer corps has had such a program for many years. In fact, I think you will find that most NCOs are pleased that there exists a system to police their ranks. They want their corps to consist of motivated, well-behaved professionals in every sense of the word.

SOLDIERS. Some NCOs believe that the up-or-out program is unfair because it forces them to retire irrespective of the fact that they have done good jobs during their many years of service.

Lieutenant General ROGERS. The strength of senior NCOs in grades E–8 and E–9 cannot exceed 3 percent of the total enlisted strength. We have to have cut-off points so the young soldiers coming along can have a fair career progression.

Let's take the case of a master sergeant: The "window" through which he has to pass to be promoted to E–9 is so small that promotion becomes increasingly difficult at that level. It's the same way with a colonel who hasn't been promoted to brigadier general and has to retire after 30 years. There should be no stigma attached to the master sergeant or the colonel. Those grades carry great responsibilities and a person exercises a high degree of authority in those grades. Remember, the window is small.

I'll tell you one thing, though. Going through that window is a humbling experience—especially when you know so many fine persons whom you thought deserved to go through and didn't make it.

SOLDIERS. What about a person in the middle NCO grades who is doing a fine job but is happy with his present status. Will you retain him?

Lieutenant General ROGERS. No, not indefinitely. You see, that person might be happy with his present status, but there is a younger man below him who eventually wants to move up. We won't retain this man by blocking a more aggressive soldier's chances for advancing.

SOLDIERS. Was the current officer reduction-in-force (RIF) designed to improve leadership?

Lieutenant General ROGERS. No. To do that we have a continuing program of identifying and separating those officers who fail to measure up. This RIF is a quantitative one caused by our having more officers than required and permitted.

This RIF is very painful because, among other things, it involves many good officers. We're separating 4,900 officers for two reasons. First, our authorized officer strength is based on a percentage of the overall Army strength. As an example, prior to the Vietnam build-up our officer strength comprised about 11.6 percent of the total Army population. It had reached 14.9 percent by the end of FY 1972. We must get down to 13.7 percent by the end of this fiscal year and this requires that we separate a number of officers. That percentage will continue to decline in the future.

Second, our officer structure has a sizable hump in it resulting from the requirements for Vietnam. That hump—an overstrength—is generally in Year Groups 1967 to 1970. If we left that hump in place when it reached the promotion window to major, many in the excess year groups could not be promoted and they would then have to be separated under the law. We thought it would be fairer to separate them now while they are young enough to start a second career.

We are also taking other actions to reduce officer strength: During the past 10 years we have brought an average of approximately 28,000 officers to active duty each year. We are only bringing in 8,900 during FY 74. Of that figure, 3,800 are ROTC officers, and of those, we are obligated to bring in 2,550 who are Distinguished ROTC Graduates or scholarship students. We will also only bring in 350 OCS graduates in FY 74.

SOLDIERS. What officers will be most affected by the RIF?

Lieutenant General ROGERS. The great majority will be from Year Groups 1967–1970.

SOLDIERS. One of the stated goals of the All-Volunteer Army is to provide the soldier with a satisfying job. Hundreds are being involuntarily reclassified into new MOSs. Won't that have an adverse effect on the overall program?

Lieutenant General ROGERS. Yes, for a while. But surplus MOSs are also having an adverse effect. We wound up with large excesses of Vietnam-related MOSs, one example being in the aviation field. It's obvious that we don't need as many aviation personnel as we did during the Vietnam War. On the other hand we can't have people sitting around with nothing to do, nor do they like not being meaningfully employed. We have personnel teams going to CONUS posts and taking a look at surplus MOSs and trying to get the soldiers reclassified and retrained into shortage MOSs. CONUS commanders and CINCUSAREUR have the authority to reclassify soldiers out of overage skills. I think it likely that many reclassified men will find new interest and new challenge in their new MOS. But let there be no doubt about it, MOS imbalance and MOS mismatch comprise one of our big problems at this time.

SOLDIERS. There are complaints that involuntary reclassification hurts NCOs when they're considered for promotion or QMP board action.

Lieutenant General ROGERS. I can understand how they might have that feeling. All I can say is that members of boards do take involuntary and voluntary reclassifications into account. I've observed enough of those boards to know that their members exercise a great degree of judgment in their deliberations.

While we're still on the subject of MOS, let's take a closer look at this MOS mismatch situation. As is often done, if we only compare a man's duty MOS with his primary MOS, one may well find a mismatch. But if one compares the duty MOS with his secondary or alternate MOS, he might also find a match. So one must look closely at the method used in determining MOS mismatch.

SOLDIERS. Senior NCOs are required to be qualified in at least two skills. Will soldiers of all grades eventually be required to do so?

Lieutenant General ROGERS. We certainly encourage all soldiers to learn as many skills as possible, and we have recently implemented a program to require qualification in two skills. However, in the case of a young soldier, it normally takes a few years for him to master his primary skill. We don't believe

we can require him to learn another one before he masters the first one.

SOLDIERS. Will the Army ever reach MOS equilibrium?

Lieutenant General ROGERS. By equilibrium I take it that you mean one soldier—no more and no less—for every MOS in every unit. We will never reach that day, because too many things happen that are beyond our control.

First, there is the inability to predict with absolute precision which men with what skills will become future lossess and then have new men in training to replace them at just the right time. Then there are continual changes in our structure, in TAs and TOEs, some related to activation/deactivation, of units, to the introduction of new weapons systems, to base closures and the like. So you see, there are several variables in the equation which have their impact. But we can improve our MOS imbalance and mismatch and we are working hard towards that end.

We are also looking at a concept which would reduce the number of MOSs by training the soldier in, say, basic infantry and having his unit train him in such skills as mortar crewman or other specialized training. We are taking a hard look at that one.

SOLDIERS. Rumors have it that the Women's Army Corps will vanish as a separate corps within another year. Are the rumors true?

Lieutenant General ROGERS. The WAC was established as a separate corps by the Congress and only Congress can change the law. I can't say when that will happen, but in my judgment somewhere down the road the WAC will no longer exist as a separate corps.

There are 17,000 members of the Women's Army Corps serving in the Army and that figure will increase to at least 24,000 by 1978. Of the 480-plus enlisted skills, we've opened all but 48 of them to women. WAC officers may now be assigned to approximately 65 percent of the officer skills and we're taking another look because we think we can open up more.

In recent action we've eliminated the word male from our aviation regulations and qualified women may now become pilots.

We've also opened all ROTC programs to women beginning with school year 1973. A young lady can now join the Army ROTC on any college campus that has a unit, providing the host college or university agrees. Now, there are two things that I don't see happening. We won't see women serving in foxholes in a combat situation, and they won't be assigned to positions in which they cannot maintain their privacy.

We are not going to be rushed into changes just for the sake of change or for cosmetic purposes. We will continue to make changes with respect to the utilization of women when the changes are right for the Army and right for the women, and we'll make them without fanfare.

SOLDIERS. Many NCOs have expressed concern over the retention of Article 15 records in the soldier's permanent file.

Lieutenant General ROGERS. A lot of officers also have the same concern for the soldiers in this regard. However, we're not going to change the policy at this time. It will be reviewed at the end of a year to determine if it should be changed.

I'm sure you understand the reason for the policy. For example, when a man is considered for board action—promotion, retention, schooling, special assignment and the like—all that is generally available is his record to be considered by the board. Let's suppose he's an officer or NCO being considered for promotion. The board looks at his record and those of his contemporaries. If that person has received an Article 15 for misconduct or failure to perform his duties satisfactorily and none of the other individuals being considered has received an Article 15, it just seems unfair to the rest that the one be viewed as having performed equally as well as all the others. And yet that would have to be the board's judgment if the Article 15 is not in the man's file.

I'm not talking about an Article 15 for, say, a single minor traffic ticket. I'm talking about serious misconduct, of a pattern of habitual misconduct, or non-performance of duty. I would hope that persons expressing concern over retention of the Article 15 in permanent records would keep in mind the fact that board members exercise pretty good judgment and take into account the seriousness of the offense or offenses which resulted in Article 15.

SOLDIERS. A few commanders have expressed a reluctance to give Article 15s, knowing they become a permanent part of the soldier's record.

Lieutenant General ROGERS. I am unaware of any decline in the number of Article 15s since the policy was initiated.

SOLDIERS. What do you see in the future for the all-volunteer Army?

Lieutenant General ROGERS. As to size and composition, I can give you a better picture down the road a ways. However, I would expect the volunteer Army to be a professional Army. I would expect it to be professional in terms of the skills and motivation of its members; professional in training, equipment and combat readiness; and comprised of disciplined and dedicated men and women who want to be in the Army, and who find it a proud, challenging and satisfying career. That is the kind of Army we must have—the kind our Nation expects and should require that we have.

ARTICLE BY CONGRESSWOMAN SCHROEDER ON DEFENSE BUDGET

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, my colleague, Congresswoman PAT SCHROEDER recently authored a most persuasive article on the defense budget and the House Armed Services Committee, of which Congresswoman SCHROEDER is a member. This compelling article appeared in the November 5 issue of Nation magazine.

This insightful article details example upon example of the many weaknesses in the way in which Congress yearly considers the multibillion-dollar defense budget. For example, Congresswoman SCHROEDER's article notes that this year the 43-member Armed Services Committee has been asked to grant $22 billion to the Pentagon for weapons projects. The $22 billion request was prepared by some 30,000 people—yet each member of the Armed Services Committee has 5 minutes per witness to scrutinize the incredibly complex and unbelievably expensive weapons projects proposed.

Congresswoman SCHROEDER's article is more than a perceptive commentary upon the Armed Services Committee. It also serves to highlight the need for vast changes in the philosophy of the Department of Defense and its approach to winning congressional approval for outrageous budget requests. I hope my colleagues will take this opportunity to share the observations of Congresswoman SCHROEDER:

ON THE ARMED SERVICES COMMITTEE—A FRESHMAN IN THE WEAPONS CLUB

(By Representative PATRICIA SCHROEDER)

WASHINGTON.—No member of Congress going through the military budget process for the first time can fail to be overwhelmed by the experience. The forty-three of us who are members of the House Armed Services Committee sit in tidy rows in the Rayburn Building's cavernous Room 2118 like the cadet and midshipman sections at an Army-Navy game. On the walls hang portraits of past committee chairmen—Rivers, Vinson and the others—along with pictures of the guns, ships, planes and battles their authorizations made possible.

On hearing days the room fills up with hats and brass and charts and squeaky leather shoes. This year the Pentagon asked us for $22 billion for things like the UTTA, the Tomcat, the Condor, the Orion, the P.F., the Trident, the TOW, the B–1, the Shrike, the SCAD, the CVN–70 and Site Defense. Thirty thousand people played some role in putting the request together. Each committee member was given five minutes per witness to find out why they needed it all.

Such interrogation tends to center on the qualities of the weapon itself. Is it bigger? Is it faster? Is it more maneuverable? Does it give closer, more comfortable shaves? Seldom are the whys or what-fors asked. Even less frequently are the requests tied to coherent notions of foreign policy. What comes into play is the military equivalent of the Peter Principle: the capacity of American technology to produce a particular system governs the nature of the Pentagon's request.

Weapons that were presented as the ultimate answer to strategic and tactical problems only a year or two back suddenly fall into place alongside the catapult and the blunderbuss. The Pentagon seems to feel that, unless it is convinced that nothing and no one is safe, the Congress will put the military out of business.

This year's acceleration of funding for the Trident submarine offers some insight into how these systems come about. Infighting between Admiral Smith, who supervises the missile end of the program, and Admiral Rickover, who seems never to have met a reactor he didn't like, led to placing the 4,000-mile-range Trident I missile on a spanking new ship, although most of the existing fleet of Polaris submarines could have been fitted with Trident I missiles to achieve the same strategic capabilities at a fraction of the cost.

In a recent report on the cost growth of major weapons systems, the General Accounting Office (Congress' governmental watchdog) warned that "Study after study has demonstrated that the telescoping of development and production has often resulted in slippages and overruns rather than shorter time spans between concept and inventory." To avoid such problems, GAO urged those framing the defense budget to "avoid concurrent development and production and adhere to order and sequential design, test and evaluation."

But the White House had no such plans for Trident. A year ago, the word was passed that the President desired some highly "'visible" expenditure in the field of nuclear weaponry in order to keep conservatives in tow during an election year and in the wake of the SALT accords. As a result, the Trident submarine was accelerated, with the research and development and the production phases crunched together.

The ship was then sold to Congress as an urgent follow-on to our "aging" Polaris-Poseidon fleet, despite the fact that most of these submarines will be perfectly capable of fulfilling their missions well into the 1980s. We were told that Trident would be bigger, faster and quieter.

Size and speed, though, while admirable

qualities for a yacht, tend to make submarines more detectable. (So, incidentally, does basing them in Bangor, Wash., where they must glide through the narrow mouth of the Juan de Fuca Straits in order to reach the Pacific. But basing them in Bangor can open some influential eyes to the strategic necessity of the accelerated program.) And since not even the Navy's top anti-submarine warfare experts are able to predict the nature of the technological breakthrough that will enable our enemies to track our nuclear submarines, producing a quieter ship may or may not be vital to insuring its survivability. In effect, then, the Congress was asked and agreed to authorize the accelerated replacement of ships invulnerable to present methods of coordinated attack with new ships not necessarily designed to meet future challenges.

I supported an amendment offered by Bob Leggett, an Armed Services Committee colleague from California, which would have cut $885 million from the Trident authorization, leaving funds for the improved missile but returning the new submarine to its original schedule. It was one of a number of measures advanced by a small minority of committee members who hoped to restore a semblance of proportion—sanity if you will—to the legislation.

This minority initiative was, at the very least, regarded as bad form and seemed to be taken as a personal affront by a number of veterans on the committee, where membership seems at times to resemble membership in a sacred fraternal order. Differences must be resolved behind closed doors, just as the leadership apparently desires that the three services resolve their bureaucratic differences off stage and present a united front to the committee. Thus any enlightening dialogue is stifled on most defense issues. Options, alternative means of achieving the same defense ends, are rarely if ever presented to the membership. By the time an issue comes before us our choice is thumbs up or thumbs down, and the implications of a thumbs-down verdict are presented in the most frightening manner possible. If we err on the side of too much defense, we are told the result is a little waste. If our error is on the side of too little, it's Armageddon. That we might be manufacturing our own Armageddon by taking every suggested measure to avoid one escapes mention altogether.

The clubbiness extends, of course, to the Pentagon, whose witnesses are treated with a deference bordering on adulation. Those who oppose official views receive an altogether different welcome. Lt. Col. Edward F. King (Ret.), for example, rose from the rank of buck private during a distinguished military career that spanned more than twenty years. Now an outspoken critic of the misallocation of military manpower, he has appeared before the Armed Services Committee the past two sessions and has been as articulate, courteous and well informed as any witness to come before us. Still, committee members find it pertinent to inquire whether he graduated from West Point, whether he accepts his monthly pension, and how he was able to remain in the Army amid such waste for as long as he did.

Another witness, Rear Adm. Gene La Rocque (Ret.), brought with him similarly distinguished credentials as a former commander of a destroyer squadron and director of the Navy's War College. Today he is director of the Center for Defense Information, an important independent source of enlightenment for members of Congress who are buried under a sea of Department of Defense statistics. Nonetheless, La Rocque was denigrated during floor debate by one senior committee member as ". . . this admiral, who only scoffed after he retired." The words recall those uttered in Richard Nixon's White House when the name of Pentagon cost analyst Ernest Fitzgerald came up. That he had unearthed bungling on the C–5A program that had cost taxpayers some $2.5 billion was secondary to his having betrayed "the team." One is always tempted to wonder on such occasions who "the team" is playing against.

Committee acquiescence to each Pentagon proposal can reveal itself in amusing ways. Like a folk epic appearing in different cultures, the wisdom of the Pentagon often finds expression by committee members of different political stripes. During floor debate on the 1972 Trident acceleration one Midwestern Republican told the House, "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Moments later his colleague, an Eastern Democrat, began: "The Trident program is not a crash program. It is an urgent but orderly program for replacing our aging Polaris submarines with new submarines having greatly improved capabilities." Altogether, the two ran on for seventeen identical paragraphs, right down to the last, "We must start building at once." The Pentagon builds redundancy into many of its strategic delivery systems, not the least of which is the House Armed Services Committee.

Given this atmosphere, the new member soon learns that mere logic is an inadequate tool. However useless a defense concept, however premature its implementation, however extravagant its cost, an argument to proceed is deemed conclusive on one of two grounds. Either the Russians are doing it and so must we do it to avoid falling behind, or the Russians are not doing it and therefore we must in order to stay ahead. In the former category one can include Safeguard and Site Defense; in the latter, the B–1 and the CVN–70 aircraft carrier. For those weapons systems that fall easily into neither category—the Trident, for example—there is always the bargaining chip catch-all. If we don't have it, how can we bargain it away?

What then are the feelings I was left with, the lessons I learned as a freshman on the Armed Services Committee, during a year when an Administration, badly weakened by Watergate and confronting a Congress allegedly eager to reassert its prerogatives, still got everything it wanted in weapons?

Lesson number one is that we are talking about strategies for cutting programs that are grossly excessive in terms of both cost and overkill potential. No longer is it necessary to discuss threshold policy questions while military costs stampede over us. We need no longer be apologetic about seeking to bring such costs under control. It is not reasonable strength that we oppose but unreasonable redundancy. Substantial cuts in this year's program were, for example, supported by such unlikely combinations as Bella Abzug and John Rousselot, Ron Dellums and Hamilton Fish, Herman Badillo and Mario Biaggi. The movement, alas, was not all-encompassing, but it was ecumenical.

Lesson number two is that first and second termers, particularly those on the Armed Services Committee, need not and ought not defer to their more senior peers. There is nothing personal in this at all. It is simply that my constituents elected me to work for sensible changes now, not twenty years from now. I did not keep my views on runaway military budgets secret in Denver. There is no reason why I should keep them secret in Washington.

I am reinforced in this conclusion by the sad national experiences of recent years. If we have learned nothing else from our foreign policy and political misadventures we should at least have learned the value of debate and dissent. Muting dissonant voices is a mark of insecurity rather than strength. We need the confidence to discuss military issues without bitterness. The wisdom allegedly acquired by mere political longevity can, moreover, easily be overestimated. I doubt that experience will persuade me that it is wise to spend $350.3 million on a Safeguard ABM system that is useless in the first instance and severely limited by the SALT agreement in the second. Or $100 million on "Site Defense" which is a euphemism for the ABM system to encircle Washington, D.C., that most members thought had been scuttled a year ago. Neither is experience likely to alter my belief that the $473.5 million authorized for continued development of the B–1 manned bomber is $473.5 million wasted. One Pentagon planner said all there was to say about this weapon when he compared it to the old horse cavalry in an *Aviation Week* interview: "Once the horse was replaced by something else, they didn't go on improving horses."

If anything, experience should have taught those urging acceleration of the Trident program that it is wasteful to press forward with production of a weapon before the research and development stage has been completed. Just as wasteful as keeping four and one-third divisions in Europe in 1973 when five full divisions were thought little more than a "tripwire" a decade ago.

It is also possible for the new member to become conversant with the dominant defense issues in fairly short order due to the superb work of groups like Members of Congress for Peace Through Law, the Center for Defense Information, the Brookings Institution and SANE along with an occasional *ad hoc* committee consisting of former members of the defense community.

While it may, then, take me years to become familiar with all the acronyms and jargon in the defense lexicon—some refer to the Pentagon's vocabulary as its first real line of defense against Congressional oversight—I do believe the conclusions I reached regarding a number of pet military projects were based on solid evidence. It takes only a knowledge of recent history, for example, rather than twenty years' experience on the Hill to decide that the new super carrier, CVN–70, will become a floating war looking for a place to happen. Similarly, one can reach conclusions regarding the wasteful concurrency we have now legislated in our Trident program, the anachronistic deployment of our forces in Europe, the bloated grade structure of our three services, and the implausible "teeth to tail" ratio of our support and combat forces, without having spent a professional lifetime in the military business.

Lesson number three is that there are no panaceas when it comes to trimming procurement bills. This year, after our noses had been bloodied in every roll-call battle challenging specific weapons systems, Rep. Les Aspin, the brilliant second termer from Wisconsin and a colleague on the Armed Services Committee, introduced what somewhat uncharitably came to be called the "meatax" amendment. Notwithstanding any other provision in the legislation, the Aspin measure would have trimmed $950 million from the final authorization and required the Pentagon to return to Congress with its plan for apportioning the reduction. If Congress failed to act within thirty days, the Pentagon plan would have been deemed approved.

As a tactical maneuver the amendment had a world of appeal. By the time most weapons systems come before the Congress for major authorization, the bureaucratic trade-offs that led to their birth have long since been consummated, industrial and political constituencies have grown up behind them, and their discontinuation means a loss of jobs in cities where they are produced. The Aspin amendment skirted all these problems. It also attracted many conservative budget cutters, who would do just about anything to save money except reduce the number of times we can wipe out the world's population.

On July 31, the amendment passed the House, 242 to 163, much to the consternation of senior Armed Services Committee members who quite realistically regarded it as a vote of no confidence in their handling of this year's bill. Two months and one day later a similar effort narrowly lost in the Senate. As of this writing the Aspin amendment has died in conference. I supported the amendment as a last resort. I shall support it again, if necessary, but again as a last resort. While attractive for the reasons already discussed, the amendment is in my judgment flawed as a long-range device for reducing military costs.

First, it holds out the false promise that we will forever be able to develop new, costlier and unnecessary weapons hardware while still keeping reins on the overall size of the defense budget. This is, at best, a dubious prospect and, at worst, a signal to Pentagon planners that Congress is neither willing nor able to apply even minimal constraint to the galloping arms race.

Second, putative savings from such an approach are likely to prove illusory, even during the very session in which the measure is enacted. We are dealing, after all, with an authorization bill. The appropriation process still must follow. And each year the House Appropriations Committee can be expected to cut somewhere in the neighborhood of $1.5 billion from the amount authorized by the earlier procurement legislation. An amendment trimming any lesser amount from the authorization bill is simply an open invitation to the Appropriations Committee to conduct business as usual, appropriating such funds as it sees fit and cutting where it chooses up to its normal amount—minus, of course, what has already been cut by the amendment.

Third, the Pentagon is one of the most sophisticated, adaptable agencies in the history of American government, an agency which manages to spend more in peacetime than it does in war, which routinely converts arms limitation agreements into excuses for "emergency" weapons funding. That sort of agency is unlikely to be restrained in the long run by annual ceiling amendments. Indeed, they are likely to inspire it to build even greater quantities of lard into its annual budgetary requests.

The last lesson of my freshman year, number four, is that the annual battle in committee against excessive spending on weapons, while frustrating in the short run, should not be abandoned. Again I return to the fatalistic argument that, by the time a weapons system is presented to the Congress for meaningful consideration, the battle against it has already been lost. That is perhaps true when the incumbent Administration lines up forcefully behind the program and has as its ally an Armed Services Committee dominated by pro-military hard liners. Except when rare circumstances converge, as happened with the ABM system, building a national consensus against a particular weapons system is a difficult undertaking. Better than 60 per cent of the people nationwide are telling Mr. Gallup that we are spending too much on defense, yet only a relative handful has even formulated opinions on Trident, the B–1 or the CVN 70.

But consider what that figure may some day mean to a national administration committed to the reality as well as the rhetoric of arms control. Quietly, unspectacularly, losing a dozen battles for every victory, those who have been fighting each year's outrageous Pentagon requests have been creating a political climate conducive to meaningful reform.

While it harbors only the vaguest feelings regarding individual items in the military procurement bill, the public clearly regards the whole package as far too big. That sort of feeling will make it increasingly difficult for future national candidates to campaign on cold-war issues and increasingly easy for rational discussion of conversion and the economics of disarmament.

So I shall continue to vote against programs I consider reckless, wasteful and provocative, and to work against such programs as a junior member of the House Armed Services Committee. So, too, I shall continue to ask what the military should do, rather than what it can do. I anticipate that we'll continue to lose more arguments than we win. But should a candidate with national aspirations decide to advocate common sense in military expenditures, he is likely to find that some of the educational spadework has already been done.

FDA SHOULD ALLOW INDIVIDUAL CHOICE ON VITAMINS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. SHRIVER. Mr. Speaker, on March 22, 1973, I joined in sponsoring legislation to prohibit the Food and Drug Administration from attempts to ban sales of truthfully labeled vitamin and mineral supplements for reasons other than safety or fraud. The popular response to this bill has been tremendous, giving further evidence that the American people consider personal health actions to be a personal matter. The rightful role of the FDA is to insure the safety and truthful labeling of food supplements, not to make individual prescription decisions.

Under leave to extend my remarks, I am including in the RECORD my statement before the Public Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee regarding this legislation:

Mr. Chairman and distinguished members of the subcommittee: I appreciate having this opportunity to appear before your subcommittee today to convey the strong feelings of my constituents regarding the Food and Drug Administration's regulations on vitamin and mineral supplements.

No legislation introduced thus far in the 93rd Congress has generated such overwhelming support among my constituents in the Kansas 4th District as the bill before your subcommittee. I began receiving letters protesting the proposed FDA regulations soon after Congress convened this session, both from constituents concerned about the effect such regulations will have on their health and well-being and, just as importantly, from those who view this as just another attempt by "those bureaucrats in Washington" to rule their lives.

Here are portions from one such letter I received from a senior citizen in Wichita, Kansas. "I understand that the FDA has decided just how potent my vitamins should be, but their decision does not happen to coincide with mine. I am almost 83 years old—live alone, do all my cooking, baking, laundry and other related tasks as well as make my own decisions, and I greatly resent any bunch of nincompoops telling me what and how much I shall eat . . . For over twenty-five years I have been taking about ten times as many vitamins as the FDA thinks I should be allowed, and I am still here—going strong . . . And even if they (vitamins) were to kill why should they be prohibited when I could buy a barrel of whiskey, smoke ten packs of cigarettes a day or eat a bottle of aspirin were I so inclined—and had the money."

Another constituent has written: "I am outraged to find that the FDA has taken away my rights to decide how many and how I am to take vitamins and food supplements! Actually, I can get around this regulation by taking more individual supplements. But why, when inflation is already eating us up do I have to go to this added expense. . . . Why are they allowed this power to take away the citizen's rights and freedom of choice?"

Several important points about the impact of the proposed FDA regulations are brought out in these and other letters I have received. There is a serious question that the Recommended Daily Allowances for vitamins and minerals set by the FDA may not be based on fact. Certainly, there is a wide variation among nutrition experts regarding suggested dosages of Vitamin C. For example, Dr. Linus Pauling, winner of a Nobel prize for chemistry research, recommends a daily dosage of this vitamin at 50 times the amount prescribed by the FDA.

The regulations will have a serious effect on the health food and vitamin supplement industries and they will increase the cost and inconvenience suffered by those wishing to supplement their diets with vitamins and minerals. But, I believe the most important issue which must be settled, is whether or not we can continue to allow bureaucrats to involve themselves in every single aspect of the daily personal lives of our citizens. No one, myself included, has questioned the right, indeed, the responsibility, of the Food and Drug Administration to protest the American consumer against fraud and/or contamination. At the same time, no one, least of all the Federal Government, should question the right of the consumer to decide how much, if any, diet supplementation he wants. I do not share the view of the Food and Drug Administration to protect the is incapable of deciding what vitamin and mineral supplements he wants as long as these supplements are truthfully labeled. It is difficult to understand the alarm over vitamins and food supplements when one considers the amount of amphetamines and other across-the-counter drugs which are consumed daily by a large segment of our population.

We are fast approaching the deadline when the vitamin and mineral regulations will take effect. This is but another example of the government's attempts to overprotect American citizens and Congress must act promptly to force the Food and Drug Administration to let people decide for themselves what is best for them as individuals.

I am hoping that the Committee will give careful and complete consideration to H.R. 643 and recommend this proposed legislation for passage.

UNIVERSITIES—WHERE DO WE GO FROM HERE?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. ROBISON of New York. Mr. Speaker, earlier this year I brought to the attention of the House remarks made by Dr. Hale Corson, president of Cornell University, because of the relevance they had to contemporary higher education issues. In his usual forthright and thoughtful manner, Dr. Corson spoke to the annual fall gathering of Cornell trustees and its alumni council, again

raising the difficult questions which must be answered in the field of higher education.

The issues raised in Dr. Corson's speech are ones which this Congress and the Nation must confront. Because they are so well stated in Dr. Corson's remarks, I want to commend them to my colleagues for their consideration, and with the hope that they will stimulate a more aggressive search for the answers:

UNIVERSITIES—WHERE DO WE GO FROM HERE?

(By Dale R. Corson)

The topic for this session is "Universities—Where Do We Go From Here?" Let me assure you we are going to go onward and upward. You expect no less from us, and the universities are too important to do otherwise.

In the future, however things will be different for the universities of this country, including Cornell. There is no such thing as standing pat. Even if we wanted to stand pat, external forces over which we have no control would guarantee that we could not.

Right here at Cornell, we are going to see changes in our student body, in our educational offerings, in the role we play in public service and social problem-solving, and possibly most of all, in the way we are financed.

The students themselves are changing. There is medical evidence that, biologically-speaking, young people are maturing earlier. Furthermore, they have travelled—sometimes to far parts of the world. They have watched television for thousands of hours and bring with them all the information and all the value systems TV provides. Finally, their secondary school education has been at a high level. Today's typical high school graduate is more mature and more able than we have ever seen before.

Another important factor is the growing tendency to break away from the traditional pattern of direct progress from high school to four consecutive years of college and possibly straight on to graduate or professional school. More flexible arrangements are being tried. Students increasingly "stop out" of school for a time—to work, to experience a change of pace, to travel, to restore or enhance their motivation, or to sort out their educational and career objectives. We will also be placing more emphasis on adult, continuing, and mid-career education. We will reach a different audience, and we will have to stop thinking of college students exclusively in terms of an 18-to-21 year-old stereotype.

New points of emphasis are developing in what we teach and how. Ever since World War II we have seen an increasing tendency to specialize at the undergraduate level and there may now be reaction growing against such specialization. We are seeing increased effort to reduce time required for a bachelor's degree, and also to reduce the extraordinary time now required for some kinds of professional education, such as medicine.

There is new emphasis on vocational, technical and non-traditional education. The term "postsecondary education" has acquired a new vogue because of a conscious desire—in Washington and elsewhere—to place these kinds of education on an equal footing with what we think of as traditional higher education. After all, there are about 7,000 occupational institutions in the country, most of them proprietary, compared with 2,700 collegiate institutions. There is a rising belief that traditional higher education is not needed or is not wanted or is not appropriate for all the nation's young people.

We must think through the role the academy should play in dealing with social problems. As I indicated in the report, "Cornell in the Seventies," I believe universities must undertake new approaches to deal more effectively with the problems of a massive and ailing society, and we must do so without destroying the basic discipline-oriented departmental university structure which has proved productive and appropriate. Relevance to the "real" world is good for motivation. It can be good for learning, for teaching, and for research. It is more than simply a response to a perceived public need, important though this is. We need to bring to bear all the disciplines relevant to social problem-solving, whether law, history, engineering, economics, sociology or biology.

The importance of developing these new approaches, at the same time we retain and strengthen our old approaches, is especially acute at a Land-Grant institution such as Cornell. The land-grant mission requires us to employ the methods and findings of scholarship and research to meet the problems of people at large, outside the university. It is not enough to rely on our statutory colleges and our excellent programs of cooperative extension to carry out this mission: it is a mission of the entire university. We must ask ourselves what the land-grant responsibility means or should mean in this last third of the 20th century. I have appointed a faculty committee to advise me on these questions, a committee under the able chairmanship of Professor and former Provost Robert A. Plane. You will hear from him this afternoon about some of the problems and issues his committee will be studying.

Let me come now to a series of higher educational issues, all with serious financial implications. Some of them threaten the survival of much of what we value most in higher education.

ISSUE NO. 1

Can we continue to raise tuition indefinitely at a rate higher than the general inflationary rate in the economy? Do we keep doing what we do now, or something like it, keep our present quality and live with the financial consequences, or do we cut back expenses to the general inflationary rate and lose what we have come to regard as Cornell quality?

If we add 6% per year in accord with the current trend, the combined annual tuition and fees in Cornell's endowed colleges will reach $5,000 by 1981, $10,000 by 1993, and $15,000 by 2000.

Consider, however, the squeeze this puts on the university. Inflation has eroded everybody's dollar, but in higher education the rate historically is twice as great as the national inflationary trend. Princeton's President William Bowen, an economist, has developed figures showing that the average increase in cost per student per year has been more than 5% since 1905 at some typical private universities. The economy-wide cost index was rising at an average of slightly over 2% per year in this period. During the relatively normal peacetime years of 1949–66, per student costs rose 7.5% per year.

In the last half dozen years this long-term trend has overtaken the system and swamped it in crisis, even though disposable family income has increased about as fast as our tuitions have increased. Unlike industry, a university cannot hope to achieve significant offsetting increases in productivity, so where are the funds to come from to make up for the gap? Gift support has been magnificent and heartening here at Cornell, but there seems to be no prospect that it can bridge this wide a gulf.

Let me give you an example. We have a marvelous library system—one of the best in the country. It took us 70 years to reach the first million volumes, 20 years the second, 9 years the third and 6 years the fourth million. Our shelves will be filled by 1976. At the present rate we must duplicate our total capacity: Uris, Olin, Mann, Carpenter, Clark and all the others every 14 years. Right now we are filling the equivalent of one Olin Library every 8½ years. If our acquisitions continue to increase at the present rate we will be filling the equivalent of one Olin every five years by 1985, and one every two years by 1995. This requirement for facilities is on top of an increase of at least 10% per year in the cost per book. What shall we do?

ISSUE NO. 2

Should everyone in our diverse population attend a college or university? Having made the national commitment to universal access to postsecondary education, which institutions are the students going to attend and, above all, who is going to pay the bill?

Undoubtedly some can benefit more from non-collegiate forms of postsecondary education, and some simply don't wish to pursue higher education even though they may be qualified to do so.

We have, according to Kingman Brewster, too many "unwilling students" in the system now, students who are there for social or family or prestige reasons rather than from serious internal motivation. Perhaps we have overemphasized the idea that increasingly higher percentages of young people should go the collegiate route.

We have clearly established the concept of access for all as a national goal. This means that everyone should have the opportunity to participate in that type of postsecondary education which he or she is qualified for and wishes to pursue, regardless of social or economic status. The goal is socially and morally right. I believe in it. The country has taken a number of important steps toward it.

The fact is, however, that to attain this goal fully—especially with regard to providing the student with choice as to the institution he attends—will require resources far greater than the society has thus far shown itself willing to commit. It would require perhaps $2.5 billion per year, for example, to fund completely all the student financial aid programs Congress approved in principle last year. The current outlook is about a billion dollars short of that goal and even if the goal were reached, there would still be no relief in sight for the middle income family struggling with massive charges for one or more college-going children. How shall we deal with the problem?

ISSUE NO. 3

Collegiate enrollments are going to decline. This trend, which will begin toward the end of this decade, following some further growth in the interim, will result from two factors: a decline in the birthrate, and saturation of the market. The percentage of high school graduates who elect to pursue the collegiate route will have reached its practical maximum.

This is going to be hard on the institutions, both public and private, and the phrase "orderly retrenchment" is beginning to appear in discussions about long-range planning. Where there is no growth, there is sharply limited room for innovation and flexibility. All the overhead keeps on going while the income declines. Competition for students, already a serious problem of many of our smaller private colleges, will result in the demise of some—perhaps many—and could result in acrimonious confrontations between the public and private sectors.

I have heard the problem of how to stay healthy when no growth is possible described as a problem in the dynamics of the potted plant.

The situation is made more awkward by the enormous growth in the number of students pursuing higher education in the last decade. Degree-credit undergraduate enrollment in the nation's colleges and universities was about 3.5 million when I first became a dean in this institution in 1959, and is about 8.4 million now. Graduate enrollment has gone from perhaps 350,000 to about a million. Never before have we had such massive

additions to our higher educational system. The State University of New York, for example, has grown from a modest array of teachers' colleges two decades ago to the largest state system in the country, enrolling 280,000 full-time equivalent students and spending from all sources, some $800 million a year for operating expenses alone. Shifting gears from this growth rate to a "steady state" situation with some decline is a major challenge for the coming decade.

How are we, and every other university, going to learn how to settle down in a "steady state" operation after a quarter century of unprecedented growth and expansion?

ISSUE NO. 4

How do we achieve a balanced and compatible dual system of public and private institutions which has proved so effective in the past?

If all the private institutions in the country were to fail because of the tax-subsidized competition of the public colleges and universities, then the taxpayers would have to pick up the added burden at a staggering cost. A reasonable ballpark estimate of the additional annual cost to public treasuries is $4 billion.

A key problem at the moment is the great and widening difference between tuition charged at the two kinds of institutions. Middle income families are strongly motivated to send their children to the public institutions; if they elect private colleges they pay twice—once through tuition charges at the private institution, and again through taxes to support the public institutions. The combination of this tuition gap and declining enrollments is potentially ruinous for the private sector. How shall we avoid such a calamity?

ISSUE NO. 5

(Followng directly from issue No. 4.) Will adequate help for private institutions be forthcoming from public sources, and if so, on what terms?

Caught as we seem to be in an inexorable squeeze between inflation and tuition charges, with looming enrollment declines and heightened competitive forces, the higher educational system has been forced to look more and more toward the possibility of increasing support from tax resources.

The outlook for adequate funding is not encouraging, despite recent increases by the State of New York in its program of aid to private institutions, and despite the elaborate array of new and expanded aid programs approved in principle last year by the U.S. Congress. The share of total State expenditures going to higher education has leveled off. The Administration in Washington has shown itself unwilling to put into effect more than a modest fraction of the programs authorized last year.

If we must accept and seek subsidy of private higher education by the public treasury, whether Federal or State, we must develop and articulate a rationale and come to some understandings about the terms. Public support can be justified—to some extent—on the social utility of the service the private sector performs. Both the individual and society-at-large benefit, if we are doing our job properly. Beyond that is the fact that a relatively small cost will keep private institutions in business, saving the far greater cost of public takeover.

We know, however, that public subvention is never without its own costs. What is it reasonable for governments to ask, in the name of the people, in return for public money? The institutions should be "accountable," we all agree, for any public money they spend, but what does that mean in practical terms? Fiscal responsibility, of course. But can our outputs be measured and compared, with rewards being allocated accordingly? Are there meaningful measures of efficiency to which we can be held? Is Cornell a less cost-effective place than the University of Buffalo? By what standards of value?

Is there an acceptable mechanism by which public funds can provide the marginal dollars to maintain the present high quality private sector and if so, will the "accountability," which the public rightfully deserves, tend to reduce private higher education to the lowest common denominator?

These are troublesome questions; we are already running into them; and there may be some head-on collisions in the future.

ISSUE NO. 6

The Federal Government has pulled the rug out from under graduate education and has slowed the pace of university-based research. Will public policy and public pressure seriously weaken the system of university research and graduate education which has been so successful?

Drastic changes in Federal policy have compounded the financial problems of the major universities such as Cornell with strong graduate and research programs. We built these programs during the 1950's and 60's to meet the Federal Government's direct requests or indirect financial stimulation. Now we are stuck with much of the machinery we created. The fluctuations in national policy have been far more rapid than the response times of a system which cherishes and depends upon long-term stability.

Federal support for graduate students has been declining steadily since 1967 as a result of a deliberate policy to cut back sharply on all Federal grant support for graduate students, and to eliminate the NSF and NIH Training Grants.

According to the Federal Interagency Committee on Education, there were 51,000 Federal Fellowships and Traineeships in 1967—the peak year. In 1973, there were about 17,000 of these awards. The NASA Fellowships have disappeared. The NSF Traineeships have disappeared. The NDEA Fellowships are disappearing. The NIH grant and fellowship support is being severely cut back. Support for graduate students under the G.I. Bill is now the largest source of Federal aid to graduate students, but this will decline soon.

There is no way the universities can make up for this lost support from their own resources. The students themselves will have to shoulder the major burden for their graduate education, implying loss of access for students fully qualified except for the money. There is a possibility that there will be a decline in the student population in those areas which the Government has in the past identified as meriting special support to serve future public needs. This situation is especially difficult for minority students, who are badly needed in the professions, and who are now receiving bachelor's degrees in ever larger numbers and are ready to take up graduate study.

As for Federal sponsorship of research and development, a report recently issued by the National Science Board shows that, when expressed in non-inflated dollars, there was a 12% decline in the period from 1968 through 1971, with a slight pickup thereafter. In basic research alone, again using constant dollar equivalents, there was a 10% decline from the 1968 peak year to 1972.

This same report also points out that U.S. expenditures on research and development are declining as a percentage of Gross National Product, going from 3.0% to 2.6% in four years. This was occurring at a time when U.S.S.R. expenditures were rising sharply (from 2.3% to 3.0% of GNP), and R. & D. expenditures in Japan and West Germany were also rising as a percentage of GNP.

Research, I need hardly remind this audience, is a vital component of the university mission, essential to the education of students in addition to its own intrinsic worth.

Not only are the deflated dollars declining, but there is a fundamental change in emphasis and attitude in the Federal Government brought about by the pressure for quick results. Mission-oriented research, seeking solutions to clearly defined problems, is dominant, while fundamental research is being cut back.

I have already pointed out the need for problem-solving interdisciplinary research, and I think we can understand the public's disenchantment with expensive research when there are no clearly evident results. What tends to be forgotten, however, is that the visible results of the future depend on the laborious and unheralded fundamental research of yesterday and today.

This point was vividly illustrated in a report commissioned by the National Science Foundation a few years ago, a report which traced such important developments as computers and the electron microscope back to the discoveries, often occurring many years earlier, which made them possible.

One of the developments used as an example is the oral contraceptive pill. The underlying discovery of hormones and the evolution of steroid chemistry trace back to the turn of the century. A series of critical discoveries in the physiology of reproduction occurred in the 1920's and 1930's, notably including some which relate directly to the inhibition of ovulation. The first manufacture of sex steroids occurred in the early 1940's. In 1952, based on all of these streams of prior effort, the direct development of "the pill" began in earnest. In 1960, the progestin-estrogen combination known as Enovid was approved by the Federal Food and Drug Administration as an oral contraceptive.

"The pill" has had a major social impact in the short dozen years it has been on the market. But I would like to draw special attention to the location of some of the laboratories where individual investigators decades ago did the fundamental research which made it all possible—the Universities of Göttingen, Wisconsin, Rochester, California at Berkeley, Penn State, Pennsylvania, Columbia, and Harvard, to name just a few.

To take another example, when I speak to groups of agriculturalists I like to point out that hybrid corn, on which so much of the Mid-West economy rests, came from those two great agricultural colleges, Harvard and Princeton.

I hope our national policy-makers will keep this sort of perspective in mind when they discuss what is "relevant" and worthy of budgetary support.

This has been an effort to frame some of the issues with which we must cope. Change on the campuses has occurred so rapidly in the recent past that we have all had difficulty in assimilating it, or in seeing it in perspective. But it is still going on, and will continue to go on, and we will continue to have trouble getting our bearings until some of the fog surrounding higher education is dispelled.

Our distinguished panelists will now start dispelling the fog.

MINORITY ADVANCEMENT AT CUMMINS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HAMILTON. Mr. Speaker, the Sunday, October 21, 1973, edition of the New York Times contained an excellent article by Marilyn Bender which reports the noteworthy progress the Cummins

Engine Co. of Columbus, Ind., has made in hiring minority executives.

Cummins is to be commended for the advances it has made in equal opportunity executive employment which are described in the following article:

BLACK EXECUTIVES IN NEW ROLE

(By Marilyn Bender)

COLUMBUS, IND.—A nearly all-white town of 27,000, famed mostly for its modern architecture and the Ku Klux Klan tradition of its environs seems an unlikely mecca for black executives hoping to rise in the corporate world.

Yet, during the last eight years, some 100 black managers and executive trainees have moved here precisely for such professional achievement, and they have come despite their apprehensions about the setting.

A black corporate middle class thus has been grafted onto a community whose nonwhite population previously consisted of about 400 unskilled, low-income people.

The newcomers were imported mostly by the town's dominant industrial employer, the Cummins Engine Company. The results have been mixed, though not always as expected.

"It's been really smooth, and the main reason is that they brought in a large number of Harvard variety," observed a newspaper editor here.

During the last year, blacks with highly regarded credentials were named to three of Cummin's corporate-officer slots—a minority representation thought to be one of the highest in American industry. These officers are:

Delmar Barnes, 45 years old, an accountant with tax expertise, who was promoted to corporate controller.

Ulric Haynes Jr., 42, a New York management consultant, bank director and member of various corporate and cultural boards, who was appointed vice president—management development.

James A. Joseph, 38, a Yale-educated clergyman and foundation director, who was named vice president—corporate action.

Also, in recent months a popular black candidate for corporation directorships, Franklin A. Thomas, president of the Bedford-Stuyvesant Corporation, New York, was elected to the Cummins board.

Cummins hired William Norman, 35, a retired Navy commander, as director of corporate responsibility and William Mays, 28, as assistant to the president.

Irma Seiferth, 32, became college relations manager and the highest ranking black female in the company. She started at Cummins eight years ago as a clerk and has no college degree.

Cummins made these appointments in a disappointing year for earnings. In 1972 the diversified engine manufacturer had a scant profit of $8.2-million on sales of $521-million. Cummins blamed a two-month strike, price controls and start-up expenses for its international expansion program. The company's sales and earnings in the first half of this year made new highs.

Cummins has avoided broadcasting its social performance for some of the same reasons as those expressed by other corporations in similar situations.

Employe relations at Cummins are already strained by rumors that the new minority members were lured by inflated salaries. Though few salaries are disclosed at Cummins, their pattern seems in line with current levels for sought-after candidates. For example, a state university M.B.A. with business experience is paid $17,000 a year. Mr. Haynes termed the rumors of bonanza pay "a national myth."

Furthermore, many companies believe publicity tends to generate lawsuits; most of the Government's equal employment opportunity cases have been instituted against companies of some size and visibility.

Then, too, J. Irwin Miller, Cummins' chairman, major stockholder (40 per cent of the common stock is owned by his family) and the town's most influential citizen, is one of the nation's more unassuming multimillionaires.

A Republican, Protestant lay leader, civil rights activist and architecture buff, Mr. Miller has consistently channeled his family's philanthropies into support for racial equality and minority development. The Cummins Engine Foundation, a corporate trust, guarantees the architectural fees for any public building in town. Among the landmarks are a library designed by I. M. Pei and a bank building by the late Eero Saarinen.

"The chairman of the board is very much a humanitarian," said Mr. Norman by way of explaining why he had left the stimulating crucible of Washington (where he was a special assistant to Adm. Elmo R. Zumwalt Jr., chief of naval operations) for this placid Indiana community. At most parties in Columbus, a guest isn't asked where he works but rather in which department.

Mr. Miller's credibility "and the very bright people at the top caused me to believe the location was a secondary factor," Mr. Norman said.

The top management of Cummins is believed to share Mr. Miller's convictions about racial equality and social justice. The company's commitment to achieving "population parity in the work force" is spelled out in the annual report. But no one pretends that the message has thoroughly seeped down to middle management.

"I'm disturbed about the placing of minorities," one white manager said. "They may not all be qualified."

Everyone at Cummins knows that Mr. Barnes' sole rival for controller was Adrienne Savage, a white woman. Mrs. Savage was openly disappointed at losing out, and she discussed the decision with top management.

"Part of the group felt it was more important to have a black at this time," she reported, "although in some other areas it was felt his strengths may have outweighed mine."

She added, "I appreciate the fact that Del called me before he accepted to ask how I would feel about it."

Acceptance of the blacks was encouraged somewhat by the corporate policy of at least surface egalitarianism. Cummins has done away with reserved parking for executives. There are no executive washrooms. And executive offices are simply open recesses along distant walls. A former warehouse contains the corporate headquarters.

For most of the black professionals their apprehensions about living in a small, Southern-minded community (the nearest cosmopolitan center, an hour's drive away, is Louisville) proved unfounded. In Columbus, they discovered, monotony is a more serious problem than racial adjustments.

One of the top black executives noted with some irony that he was unable to hire a black for domestic work. He believes the low-income resident blacks of Columbus resent the presence of the newcomers. He was able to engage a white cleaning woman easily.

The activism of some of the earlier black arrivals at Cummins erased some of the expected problems, such as finding housing.

Columbus now has an open-housing ordinance, and almost all of the new black families live tranquilly in prosperous, mostly white sections of town and countryside. The excellence of the company-donated 350-acre recreation site, Ceraland, and other public facilities has made the question of membership in this area's two country clubs not worth bothering about.

DELMAR BARNES

Delmar Barnes, the controller, came to Cummins in 1967 as manager of tax planning. When he was an Internal Revenue Service agent in Cleveland, he had happened to sit next to two of Cummins's senior officers on an airplane and discussed a football game they had all attended. Shop talk followed, and a year later an offer to join the company was made.

"I've had great rapport from the top down, and— knock wood—I've never had a people problem here," he said. Nor does he think he has reached a dead end as controller. "I harbor hope that something will open up," he said. "This company is very dynamic."

He still has reservations about Columbus though. "It's a difficult place to create a unified black experience because the numbers are so small," he said. He is a past president of the William R. Laws Foundation, through which many of the black executives have tried to upgrade the education and motivation of Columbus blacks.

But he is concerned about the loss of black identity for his two teen-age children.

"They don't identify with things black, such as music style," Mr. Barnes said. He recalled wistfully that, in his formative years in the nation's capital, he attended black as well as white theaters and music halls.

ULRIC HAYNES, JR.

"Yolande, you're too pretty for Columbus," a neighbor told the Haitian wife of Ulric Haynes Jr. In New York Yolande Haynes had been a fashion model and actress. In Columbus she blooms like an exotic flower.

The Haynes house is furnished with Museum of Modern Art furniture and African sculpture of collector's caliber. Mrs. Haynes, whose cooking is of international quality, wonders if Columbus would support a first-class restaurant if she opened one "to keep busy."

Mr. Haynes is often accompanied by his wife and their 2-year-old daughter, Alexandra, on trips across the country and abroad. The Hayneses have rented out their brownstone house in the Clinton Hills section of Brooklyn.

Sometimes I miss the exhilaration of New York, the thrill of survival," Mr. Haynes conceded. "But, then, in New York I was twice stopped by cops for jogging. In New York, a black man running is a criminal."

He was educated at Amherst and the Yale law school. He served in Africa with the State Department and the United Nations. And he has lectured at the Harvard Graduate School of Business Administration.

He said he took on management development for Cummins "corporatewide and worldwide" as a way of "marrying my business and international interests."

Mr. Haynes declined to speculate about his long range potential with Cummins.

"I'm of that generation of young executives who don't feel committed to one corporation for life," he said. "Those days are gone forever."

JAMES A. JOSEPH

James A. Joseph, vice president-corporate action, also prefers not to predict his future in the company. "I'm still adjusting to being a businessman," he said.

Between two previous positions as associate director and later as president of the Association of Foundations (comprising the company's and the Miller family's two foundations), he was chaplain of the Claremont Colleges.

"Basically, I'm interested in the use of power for social change," Mr. Joseph said. "In 1960 the arena for social change was the church and civil rights. Then the focus became the university. Now it's clear that the center of power and the source of influencing change is the multinational corporation."

One of the projects under his aegis is a reappraisal of Cummins's operations in South Africa.

"I don't see myself as president of the corporation," he said, "but then I never saw

myself as vice president either. For the time being I'm committed to the corporate life."

Mr. Joseph was threatened by the Ku Klux Klan in 1965 when he worked in Mississippi with church-related civil rights groups.

"Some of my friends thought I was out of my mind to come to southern Indiana, the birthplace of the Klan," he said.

"And the John Birch Society was founded in Indianapolis," he added. "But I've never had an encounter here with the Klan. When they had a parade here in town last year, no one paid much attention."

WILLIAM MAYS

"Architecture doesn't mean anything to me and even the money wouldn't count if I thought I was going to sit here for the next 10 years," declared William Mays, who weighed the Cummins offer of presidential assistant against that from Xerox, Dow Chemical, Eli Lilly and Procter & Gamble. (He had worked at Lilly and P.&G. before returning to Indiana University to earn his M.B.A. degree.) The presence of the three black officers tipped the scale in Cummins's favor.

"I don't know of any other corporation where you can touch a black who is in a position to do something," Mr. Mays said. "Del Barnes is really the controller here. Without his signature certain things don't happen. If I'm going to be an ice breaker, I'd rather break ice from the top down, as I think a black can do here."

Mr. Mays described his job as "a training exposure position from which I will move in a year to a line position, probably in marketing or sales."

"Most blacks have a tendency to move into staff positions, but I prefer to be on the firing line," he said.

Mr. Mays is the first black to hold the prized presidential assistant's job. He acknowledges: "If I were a guy with the same ability and not black, I might not have been able to touch these strings. There's nothing particularly outstanding about me."

THE SEIFERTHS

"There's no significance to the three black officers, because blacks don't move up in this corporation," asserted Jesse Seiferth Jr.

He came to Cummins in 1965 as an executive trainee in the first wave of black recruits. He had just graduated from Tougaloo College, a black institution in his home state of Mississippi.

Irma, his wife and kindergarten sweetheart worked to put him through college. She started at Cummins as a clerk at the bottom of the hourly wage scale while he entered at the bottom of the salaried rung. "She closed the gap," Mr. Seiferth said.

His ambitions lie in finance and operations. After the initial six-month training program, he says, he "bounced from one area to another," from systems analysis to profit planning, "never getting enough responsibility and training."

Then he took a leave of absence to study for his M.B.A. while his wife kept working to support him and their two daughters. "I thought I could use my schooling as leverage," he said.

Since returning to Cummins with his master's degree in 1971, Mr. Seiferth has continued internal job-hopping. "I don't know where it's going to lead," he said.

Meanwhile, Mrs. Seiferth's career took a startling upward turn. In 1970 she asked to be admitted to a program for training hourly employes for exempt jobs. From there she advanced swiftly through the personnel department. In her current post she supervises a staff of campus recruiters and travels to leading universities to conduct interviews.

What accounts for her success? "I'm a woman," she said jokingly.

"She's in personnel," said her husband with a bitter edge in his voice. "If I had a choice again, I'd be in the non-technical side."

"There is a frustration problem for most blacks in still predominantly white companies," Mrs. Seiferth said with matter-of-fact sadness.

"You don't find any black middle manager who thinks he's ever going to be a director," Mr. Seiferth said, alluding to the highest job level below officer status.

THEODORE JONES

Houston-born Theodore Jones asks himself if his life style and training in industrial relations will hamper his upward mobility in the corporation. At 25, he has a degree in sociology from Notre Dame University and two years of personnel experience as a counselor to Cummins's factory and clerical employes.

Most of the employes are white. (Because of its location, Cummins has been far less successful in attracting minorities for its plant work force.)

Many of the employes are troubled. (Alcoholism is a problem he frequently deals with.) And many are disconcerted by having to discuss personal matters with him.

"A lot of people are up-tight about psychology—'Are you a shrink?' they ask me—and about the shoes I wear and the way I comb my hair," said Mr. Jones. His husky form is heightened by a lofty Afro and platform boots.

He said: "This company is M.B.A. and Ivy League-oriented. I don't have Ivy. Is there a possibility for me to get on the fast track, or will I be refrigerated?

"I'm beginning to think you have to buy into the whole ball game—the legitimate area with legitimate friends, the Little League and the North Christian Church. [Mr. Miller's congregation]. Or you don't make it."

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, Dr. J. Randolph Taylor, the very able chairman of the Atlanta Community Relations Commission, recently made a perceptive speech on human relations in our city, past and future.

Dr. Taylor vividly described the history of Atlanta and the vitality of its people, and portrayed a major city looking to a future of continuing progress and greatness. As a clergyman who is highly sensitive to the problems of human relations in urban life, he set forth a challenge which every city faces. I agree with his conclusion that—

Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just.

Mr. Speaker, I submit for the RECORD the full text of this important address by Dr. Taylor to the Kiwanis Club of Atlanta on September 18, 1973:

PAST AND FUTURE: HUMAN RELATIONS IN ATLANTA

Atlanta is a community characterized by chromium and concrete, by charisma and kudzu. Its feet are firmly planted in its region and its past, yet it aspires to the stars. What is happening in Atlanta in the field of human relations—as well as in other areas of inquiry—can be understood best by reviewing our past and reflecting upon the implications for the present of the path along which we have moved as a city. If we can understand how we came to be where and who we are, we shall understand better our present identity and our future hopes.

TERMINUS

Historians tell us that this community had its beginning in 1836 and was first known as *Terminus*. The name marked the function which founded the community: it was the south-eastern terminus of the Western and Atlantic Railroad. The stake driven into the ground determining the spot for the terminus is still marked by the zero mile post in Underground Atlanta. In 1837, one year after its founding, engineer Stephen H. Long remarked: "The Terminus will be a good location for one tavern, a blacksmith shop, a grocery store and nothing else." His prediction seemed sound enough at the time, for there was no particular reason to expect growth. There were no natural characteristics, like bays or rivers or land promontories, which predetermined that the community should be built where it was.

It was the determination of men and women which founded the community at a spot where train lines could intersect going North and South, East and West. It was just far enough below the Appalachian mountain range to make tunneling unnecessary. It was built on convenience. Following the railroads, came the highways and then the interstates. Along with them came the air routes forming here a hub for the Southeast.

We were a town characterized from the beginning by convenience, by accessibility, by movement. We are still Terminus. We live as a community by being convenient, open, accessible, in motion. This means that we need constantly to plan ahead for those things which enable Terminus to function and flourish and grow. When we are confronted with long and difficult holding patterns over Hartsfield International Airport or on the downtown connector, this is not simply a minor problem of inconvenience; it is an issue of life and death for us as a city.

This characteristic of life from our past is part of the picture of human relations in Atlanta. We are still Terminus, and into Terminus have come, as to a magnet, a tremendous variety of people who have been unfamiliar with the taste of urban life—people from the fields of Alabama, from the crossroads communities of south and north Georgia; people from the small towns of South Carolina and Tennessee, from the villages of Ohio and West Virginia, from the diminishing mill towns of the industrial East. Life in Terminus has been characterized for many by pressure, rootlessness, transiency, powerlessness, frustration.

Life in the cloverleaf patterns of Terminus demands major adjustment. Its movement and pressure seem normal to those who are riding along the expressway lanes but, to those standing on the side or seeking to get in, the pace and possibilities seem dizzying. Crowded into and around the magnet of Terminus, there is a built-in frustration that decisions are being made over which one has no control. Dependent upon the commerce and convenience of the community, one nonetheless feels held outside, restrained along lines of race or class or income or language or age. Human relations in Atlanta today are complicated by the very nature of what it means to be Terminus. It focuses upon the difficulty of adjustment for newly urbanized people who by moving into the metropolitan network of Terminus have experienced the breakdown of family patterns, of rootage in the land, of the constraints of community. This has the effect of disintegrating community as well as personality.

This, then, is one of the givens which we share in our corporate life as Atlantans.

From the zero mile post to MARTA, we are still Terminus. The very success of Atlanta as Terminus results in the rising complexity of community relations. The more we succeed, the more we have the possibility of failing.

MARTHASVILLE

Terminus, however, is only part of our past. That functional name seemed unimaginative to our ancestors and, in 1843, they changed the name of the community to Marthasville. Martha, for whom we were named, was the young daughter of former Governor Wilson Lumpkin. He was a booster of the Western and Atlantic Railroad, and, to honor him, they honored his young daughter. It was a warm, personal, familial thing to do, and characteristic of the community which was emerging.

While we did not bear that name long, it is important to remember that we are still Marthasville. We continue to be marked by a personal and family orientation and we are still, even in the late 20th century, a city for the young. This is still Martha's city. In a very real sense it belongs to her. She may be Black or White; she may be a girl or a boy; she may be named Martha or Martin—the important thing is that she is still a major concern for us as a community. As interested as we are in seeing Terminus boom, we are not willing to let its commerce run over Martha. For this is her city.

When you pick up a child you pick up the whole community. We have found that at the church which I serve as pastor. When you pick up a child in a sick baby clinic, the whole community comes up with her. Where does she live and under what circumstances? How many others are there in her family and do they all get something to eat at mealtimes? Where does her father and/or her mother work? Where does Martha have an opportunity to go to school and what kind of education is she likely to get there? How is Martha treated by her elders—teachers, citizens, police officers, public officials? What job opportunities are open to her upon graduation? What doors are open to her so that Martha may own a part of the life of her city and mark it with her own contribution as though the place were named for her?

There is no way of understanding Atlanta without reading into it this orientation toward Martha. Atlanta University was founded here in 1867; Morehouse College began that same year in Augusta and ten years later moved to this city; Clark College was founded in 1869; Spelman College and Morris Brown were established in 1881; the Georgia School (later Institute) of Technology was founded in 1888; Agnes Scott was first known as the Decatur Female Seminary, which opened its doors in 1889; Emory University moved in from Oxford, Georgia in 1915; Oglethorpe was re-established here in 1916; the Atlanta Division of the University of Georgia became Georgia State College of Business Administration in 1955 and its emergence as Georgia State University, along with the public colleges which feed into it, is reshaping our educational life and a part of our city. All of these are appropriately understood as a part of Marthasville.

The Marthasville quality of Atlanta helps to explain a variety of aspects of our corporate life—such as the De Give and Kimball Opera Halls in the 19th century and the Memorial Arts Center in the 20th; Peachtree Street; the Carnegie Library; the first public housing units in the nation at Techwood Homes; the varied history of "Tight Squeeze"; the sentimental feelings about the Atlanta Crackers and their major league successors in a variety of sports; the reclamation of Underground Atlanta; the rise of Rich's, perhaps; and the feelings in the inner city and in the patterns of white flight concerning the importance of the schools.

This Marthasville quality also gives us a point of focus in the field of human relations. The issues which confront us in this city are, in a very real sense, Martha's issues. Take, for example, the issue of the public schools. The issue joined here is not really busing nor neighborhood schools nor administrative personnel nor legal opinions nor community compromises—the basic issue is Martha. What about her? She should be able to experience and know and feel that this is her city, as though the place were named for her. That is why the schools are important, for it is through the schools primarily—along with the home—that we have the opportunity of giving to Martha a more open and more just community than we have given her in the past, a community whose future she can call her own.

As important as it is for us to fulfill the function of Terminus, we are not able nor willing to remove from our memory that we are also Marthasville. That gives us an effective point of focus in the matter of community relations.

ATLANTA

In 1845, we became *Atlanta*. The name was originally coined by J. Edgar Thompson, chief engineer of the Georgia Railroad. It is the feminine form of Atlantic and, no doubt, is traceable to that original Western and Atlantic Railroad. It is also the feminine form of the name Atlantis and reminds us of the mythical island Atlantis, that great kingdom under the sea that continues to conjure up imaginative stories about greatness and world-wide significance. Its root word is Atlas, the Greek symbol of support for the heavens and the earth. Imagine that! In 1845, a little community of 250 residents named themselves Atlanta! That is a classic symbol for aspiration, for ambition, for aggressiveness.

The little community had grown by 1847 to the place where it was chartered as a city by the State legislature, and it is this date which we recall as our date of birth. In 1850, there were 2,572 residents—a growth of 1,000% in half a decade. In 1860, there were 9,554; and then came the Civil War. The town was captured in 1864 and on November 15 of that year in recognition of its strategic importance to the transportation and economy of the South, General William T. Sherman's troops burned the city to the ground. On the following morning, as General Sherman mounted his horse and prepared to march to the sea, Captain Orlando M. Poe informed him: "the city of Atlanta has ceased to exist." That assessment was accurate except for the ideas resident in the symbols of Terminus, Marthasville and Atlanta. In December of that year, a writer in the *Atlanta Intelligencer* concluded a description of the devastation with the significant words: "Let us look now to the future!"

That was the spirit of Atlanta that has expressed itself in the recurrent theme of "Resurgens". The qualities of aspiration, ambition and aggressiveness asserted themselves once more. A Boston correspondent reported in 1865 on Atlanta's busy streets which, he said, were alive from morning until night with drays, carts, wheelbarrows, wagons, hauling teams, shouting men loads of lumber and brick and sand, piles of furniture and boxes. "Chicago in her busiest days could scarcely show such a sight as clamors for observation here. Every horse and mule and wagon is in active use. The four railroads centering here groan with the freight and passenger traffic, yet are unable to meet the demand of the nervous and palpitating city." He characterized the city as "not sitting in the supreme ease of settled pause, but standing in the nervous tension of expected movement."

That stance "in the nervous tension of expected movement" is both the description and the explanation of Atlanta. By 1870 the city had become the capital of the State and its population had grown to 21,789. By 1890 it had grown to over 75,000, and that trend of growth has continued up to today. It has not happened by accident. It has happened by the characteristics which are gathered in its name. In the 1880's, a writer in *Harper's Monthly* had commented: "Atlanta is less peculiar and picturesque in its characteristics than any other town in the South. She looks to me more like a Western town, since her newness and enterprise hardly affiliate her with Augusta, Savannah, Mobile, and the rest of the sleepy cotton markets whose growth, if they have had any, is imperceptible, and whose pulse beats are only a faint flutter."

The period since then has been marked by such ambitious evidences of aspiration as the International Expositions of the late 19th century; the Forward Atlanta programs of the 1920's and the 1960's; the aggressive search from industry, air routes, commerce, conventions and computerized communications; the bold and slightly premature assertions of "a new, international city" and of "the world's next great city."

We have a remarkable and often recorded capacity to build out of the rubble of the past, to take something that is as insignificant as a small idea and make of it an empire. How else explain Henry Grady and the slogans of the New South; or Joel Chandler Harris and the legends of the furry critters; or Margaret Mitchell and her long novel; or Coca-Cola; or Peachtree Center; or that classic of aspiring titles: the Omni?

This quality of aggressiveness is the key to this city's hopes in the field of human relations. It is also a sign of our city's youth. Its youth is in part what makes it a new kind of city. While we are grateful for our age and for 126 years of life and growth, we should be equally grateful for our youth and for the fact that our historical roots go no further back than they do. For this means that Atlanta is young enough to have missed the worst scars of the past and is a new kind of city born after the bitterly unjust and insidious experience of bondage and slavery. It also means that Atlanta continues to think young, young enough to learn from other and older cities.

Atlanta needs—for the sake of its future, of its region and of its nation—to apply its aspirations and aggressiveness to the area of human relations. It must further the kind of insight which Charles Morgan, of ACLU, expressed in referring to Atlanta as "the Center of the rational South." It must understand the insight of Julian Bond, who said, "Atlanta is not as good as we all say, but it's pretty good!" It must foster the discernment of Dr. Benjamin Mays, who wrote in his book *Born to Rebel:* "I have never been able to sing 'Dixie.' I cannot sing 'Dixie' because to me Dixie means all the segregation, discrimination, exploitation, brutality, and lynchings endured for centuries by black people. . . . But if Dixie were Atlanta or Atlanta were Dixie, I could sing 'Dixie'. . . . As long as Atlanta struggles toward the dream, I can sing Atlanta."

We need to sing Atlanta and to be grateful that we have here a new kind of city, born with its eyes toward the future, conscious that it is at one and the same time Terminus and Marthasville and Atlanta, and not losing sight of any part of that three-dimensional community.

The hope of human relations in Atlanta is that we are going to work together because we have got to work together. Our metropolitan area is not peopled by citizens who want Atlanta to fail, but if we are to succeed we must give ourselves ambitiously in the field of interpersonal community concerns. I have become convinced that things change in the human community when the right and the profitable coincide. Most people do not change attitudes and behavior just because

something is right. Saints will do the right thing no matter what the cost, but not a whole city.

At the same time, most people do not change and do things just because something pays. Thieves will do what pays even if it breaks all laws of right and wrong, but not a whole city. The city—and that means those of us who are part of it—lives somewhere between the saint and the thief. When a thing is right and when it pays, the human community is willing to make massive changes. Examples of that are to be found in our recent past in such experiences as the opening up of restaurants and public accommodations, the need and use of public transportation, the openness of job opportunities. To live together as good neighbors has become the most important necessity for our future survival and growth and prosperity.

It is important that Atlanta still strive to be a new kind of city, understanding that we are a crossroads (Terminus) made up of people (Marthasville) who aspire to the stars (Atlanta). Atlanta must strive to be a new kind of city which understands a new thing about itself. It must be new not simply in terms of its towers and its advertising, but new in terms of its schools and its streets as well; not only new in its ambition for international air routes, but new also in its ambition for interpersonal relationships; not simply new in its emphasis upon news media, but new in its emphasis upon neighborhoods. It must be a new kind of city, capturing the insight of that citizen of Atlanta and of the world, Dr. Martin Luther King, Jr., becoming a place where men and women "will be judged not by the color of their skin, but by the content of their character." Not to sense and seize upon that is to sell our birthright for a mess of cement pottage.

Today, Atlanta has the best opportunity of any city in the world to do a new thing, to be a new kind of city, more free and fair, more open and just. Our history gives us the points of reference, but gives us no guarantees. We have a chance here in Atlanta in the field of human relations, but it is only a chance and that means that if we want it, we are going to have to take it. Like the Atlantans who smelled the odor of charred wood in 1864, our word to one another today is: "Let us look now to the future!"

CRAVING FOR LIBERTY AND FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BIAGGI. Mr. Speaker, on October 28 we celebrated the 51st anniversary of the establishment of the independent Republic of Czechoslovakia which at that time comprised Bohemia, Moravia, Slovakia, and Ruthenia.

Yet the history of independence for the Czechoslovakian nation has been short lived. It only took 30 years before a bloodless coup on February 23–25, 1948, resulted in a complete Communist seizure of the Czech nation.

Yet the spirit and craving for liberty and freedom among the Czech people has remained strong throughout the years. Yet, as strong as these feelings are, the ruthless suppressionary powers of the Communist rulers in this nation have emerged victorious time and time again.

A stark example was in 1968 when a developing reform movement in Czechoslovakia, in existence for less than a year, was ended abruptly when tanks and troops of the Warsaw Pact led by Russian soldiers crushed the movement and tightened their hold over the Czech people.

The courage and determination of the Czech people to resist the yoke of oppression throughout its 50 troubled years has deeply impressed the world. And in the year 1973, there are signs that there may finally be some thawing in the Soviet's treatment of Czechoslovakia.

Yet for many in Czechoslovakia, the continuing struggle for basic freedoms still clouds their celebration of Czech Independence Day. Let us hope that with the apparent emerging détente policy between the Soviet Union and the United States, the welfare of the people of Czechoslovakia will be improved. So this should be the goal that we should address ourselves in the coming year, let us strive for the day when the Czech people can truly begin celebrating their independence day.

THE WAR POWERS BILL

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. REID. Mr. Speaker, I am inserting in the RECORD two excellent articles by our colleagues, the gentleman from Minnesota (Mr. FRASER) and the gentleman from Wisconsin (Mr. ASPIN) expressing support for overriding President Nixon's veto of the War Powers bill.

Both of these articles address themselves specifically to constitutional and other reservations held by a number of liberals in the House.

Mr. FRASER, writing in this week's New Republic magazine, answers an editorial which appeared in that publication last week, pointing out both factual and conceptual errors and setting the record straight on exactly what this bill would do.

Mr. ASPIN's article, which appeared in this morning's Washington Post, also attempts to dispel the fear of some that the War Powers bill would increase, not limit, the President's warmaking powers.

Mr. Speaker, the House has a real chance to override this veto and to remind not only this President but future Presidents that it is Congress, not the Executive, which has the power to declare war. This bill provides the necessary machinery to enable Congress to accept and carry out that duty, including the provision that a single Member can introduce a resolution which must be considered by either House on a privileged basis.

I commend these two articles to the attention of my colleagues:

WAR POWERS BILL—THE VETO IS WRONG

(By Donald M. Fraser)

A socialist orator is supposed to have once said that "while yesterday we stood at the edge of a precipice, today, thanks to the Socialists, we have taken a step ahead." Apparently the editors of *The New Republic* believe that the enactment of the war powers bill would be such a step. In "A Bad War Powers Bill," (October 27 issue) they contend that this measure "defeats its own purpose" and that it would somehow expand the President's authority to draw us into new wars. Mr. Nixon, for his own reasons, vetoed the bill.

As a member of the conference committee that approved the war powers bill, I feel that *The New Republic* seriously misinterprets this unique legislation. It does place important new restrictions on the President's warmaking power: first, he must consult with Congress before introducing US armed forces into any hostilities; second, he must provide a full report to Congress within 48 hours after taking such action; third, he must withdraw troops within 60 days if Congress has not expressly authorized continued US military involvement (a 30-day extension is permitted if the safety of the troops requires it); fourth, he must immediately withdraw troops if Congress mandates it through a concurrent resolution, a measure which does not require a presidential signature.

This bill does not expand the President's authority. It states that none of its provisions shall be construed as granting any authority to the President "which he would not have had" in the absence of the bill.

The first section simply recites the constitutional powers of the President to introduce armed forces into hostilities when 1) war has been declared, 2) a specific statutory authorization is on the books, and 3) a national emergency is created "by attack on the United States, its territories or possessions, or its armed forces." Despite the clarity of this language *The New Republic* sees loopholes where none exist.

The editorial maintains that an attack on the armed forces anywhere gives the President authority to act. But this interpretation ignores the words "national emergency." As I pointed out on the floor of the House, an attack on an isolated unit of armed forces does not constitute a national emergency. The 1964 PT boat attack on destroyers in the Gulf of Tonkin could not be considered a national emergency. A nuclear attack on the Sixth Fleet clearly would.

Curiously the editors contend that there is no restraint on the President's authority to use US troops to rescue American citizens abroad. But we recite the President's powers in the bill and rescuing US citizens is not one of them. Such a provision was included in the Senate bill but was dropped in conference.

The editorial is flatly wrong in claiming that the bill would allow the President to commit troops under treaties that have been ratified. Exactly the opposite is true. The bill says that such authority shall *not* be inferred from any existing or prospective treaty, unless there is *legislation in addition* that specifically authorizes the President to commit troops.

Finally, *TNR* ignores a key provision that gives Congress authority to mandate military disengagement at any time. The constitutionality of this provision has been questioned but this new authority would clearly operate as a powerful restraint on any President.

In large part the war powers bill is significant as a political document rather than as a legal statement. Sen. Fulbright emphasized this in urging support for the final bill, having opposed the Senate version.

Legal restraints on the President have proved to be ineffective during the last 25 years, as *The New Republic* correctly points out. Most conferees accepted this fact acknowledging that the President may continue to ignore statutory limitations even if the war powers bill were to become law. We

recognize that the President might have the power to use military power beyond the territorial limits of the United States, but the question of his authority would emerge as a clearly defined issue. Congress could call him to account under the terms of this bill. That point is emphasized by Harvard law professor Roger Fisher in a recent letter to some House members urging them to override the President's veto: ". . . the political restraints that the resolution establishes should far outweigh any effect of opening the door. The door now, unfortunately, is wide open. Speeches on the floor of the House are likely to be a less effective way of closing it than are the procedural requirements of the joint resolution. The requirements of reporting to Congress and the necessity of a congressional debate should cast their shadow forward and operate as an appreciable deterrent. Everyone knows the purpose of the resolution and the mood of the Congress which adopted it. Its political impact on a future President will be a reflection of these items, not the result of intricate legalistic arguments from language."

If Congress fails to override the veto, we will have lost an opportunity to restrain growing presidential usurpation of Congress' war-making responsibilities. To leave the President unrestrained is to take inordinate risks with our democratic system.

THE WAR POWERS VETO

(By LES ASPIN)

On November 5, 1964, Assistant Secretary of State William Bundy wrote a paper on how to handle world and public opinion if the President decided to escalate the war in Vietnam. He didn't expect it to be hard:

"Congress must be consulted before any major action perhaps only by notification, . . . but preferably by talks with . . . key leaders . . . We probably do not need additional congressional authority even if we decide on very strong action . . . A Presidential statement with the rationale for action is high on any check list. An intervening fairly strong presidential noise to prepare a climate for an action statement is probably indicated and would be important . . ."

Had the War Powers Resolution then been law, Bundy would not have been able to dismiss congressional and public opinion quite so easily.

Next week the House will vote on whether to override Mr. Nixon's veto of the compromise bill which requires that the President consult with Congress before committing U.S. forces to hostilities abroad and report to Congress within 48 hours his reasons for doing so. At the end of 60 days, he must withdraw American forces unless Congress votes to allow him to continue the commitment. The deadline could be extended for up to 30 days to permit the safe withdrawal of the troops.

The criticism of the measure from the right is predictable enough. It was summed up in the President's veto message by his (inaccurate) claim that the bill was unconstitutional and deprived the President of the powers necessary to act decisively in times of crisis. In fact the bill's intent is simply to restore to Congress a little of the share in the war-making process with which the Framers endowed it and which successive Presidents have since arrogated to themselves.

The events of the last week, which the President himself described as the greatest international crisis since 1962, give the lie to his objections to the bill. Had the War Powers Resolution already been law, it would not have prevented Mr. Nixon from replenishing Israel's supplies, and it would not have prevented him from calling a worldwide alert of U.S. forces as he did at 3 a.m. on Thursday morning. It would not have stopped him from sending any of the firm notes he says he sent to Mr. Brezhnev; it would have done nothing to limit the scope of the diplomatic triumph he says he achieved. It would have meant simply that, had he decided to commit the alerted troops, he would have had to explain his actions rather more fully than Secretary Kissinger chose to do on Thursday.

The liberal objections to the bill are more serious and more complicated. They are, first that the bill will actually extend the President's warmaking powers, giving him authority he does not now possess to make war anywhere in the world for 60 days and second that even then Congress is most unlikely to stop him. It is said that the President will identify the struggle with flag and with honor and that Congress will almost inevitably rubber-stamp it.

Both these objections carry weight—the bill is far from perfect. But they ignore not only that the President already acts thus, whether he has the legal authority or not, and that Congress is already a rubber-stamp. They also miss the less obvious but more fundamental benefit of this bill. Besides its direct impacts (the 48 hour report, the 60 day approval, etc) which do have drawbacks, the bill will have an indirect effect which is altogether beneficial. This is in the enormous impact which it will have on the decision-making process of the executive branch.

When the President considers sending troops into hostilities—even in support of a treaty commitment or to defend U.S. forces—he and his advisers will know that an affirmative decision will provoke an intense debate which, unlike today, will focus on a concrete decision to be made by Congress within 60 days. Congressmen will hold hearings, editorial writers will write editorials, columnists will construct columns, Meet the Press and Face the Nation will cross-question government spokesmen, there will be network specials, demonstrators will demonstrate, and most important, constituents will write mail—telling congressmen whether they should say yea or nay to the President's action. This foreknowledge is bound to strengthen the hand of those in the President's council who might otherwise find it more politic to muffle their dissents.

Congress' ultimate verdict is not the most important factor. What is important is that the President and the men around him will know before he takes his decision that the scrutiny of his policy is likely to be far more consistent and purposeful than it is today. He will be much less inclined than he is today to embark upon an adventure unless he has a very good case to support it.

The real point about the War Powers bill is not that it gives the President power to go to war for 60 days (his lack of that power now doesn't limit him) nor is it that Congress is likely to force him to pull the troops out (it may well not). The bill's value, which far outweighs these defects, is that it will force the President to consider very carefully what is in store for him if he decides to make war. This is so because there will be a solid, practical reason for his more cautious counsellors to present him in advance with the arguments he will have to answer within 60 days.

The Pentagon Papers demonstrate how anxious the Johnson administration was to avoid a great national debate on its Vietnam policy. The War Powers bill not only guarantees that there will be such a debate, it will also compel the President to take public opinion into serious account when he makes his decision. In fact, it may well be not so much the debate itself but the agonizing prospect of it that will act as the most effective check on the President's warmaking. A President who rejects the bill does so only because he is concerned that his case for making war might not always be very convincing.

CAN WE TRUST OUR PRESIDENT?

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HARRINGTON. Mr. Speaker, the question of whether we can trust the President is on the lips of many Americans, especially since the events of October 20.

When he says he will do something, will he do it? Or will he reverse himself at his own convenience? A spokesman for many of the Nation's teachers writes to Mr. Nixon asking him how he expects a teacher to impart the ethical and moral standards of a decent person when the President lies. Telegrams and letters pour into the Capitol at unheard-of rates demanding by an overwhelming majority that the President resign or be impeached. An editorial in Monday's Boston Globe asks the same:

A QUESTION OF TRUST

A week ago today in this space The Globe was compelled, because of the grave constitutional crisis in this nation, to call for the resignation of President Richard M. Nixon.

The events of the intervening week have served only to confirm that the national interest would be best served by such a course of action.

On Monday morning, on national television, Charles Alan Wright, the President's attorney for the Watergate matters, stood resolute in the view that the White House tapes should not be available to the court. Six hours later, the same Mr. Wright was in court offering the tapes on behalf of the President. His appearance represented a precipitous reversal by the President of a principle on which for months he had been staking his own credibility.

Then on Tuesday, former Attorney General Elliot Richardson held a press conference which White House aides had expected would help their beleaguered leader. But Mr. Richardson said that his resignation was based on the threat posed by the President to the integrity of the Watergate investigation, a matter more important to him than his admitted loyalty, respect and appreciation for the President.

On each of the next two days, Wednesday and Thursday, the White House announced that the President would appear on national television during the evening to report to the nation. Both events were canceled.

And on Friday night, when the President finally made his twice-postponed television appearance, he revealed the historic confrontation with the Soviet Union that by his own terms paralleled earlier confrontations between the superpowers which were supposed to have become obsolete after detente.

But of all the week's occurrences which continued to erode the public's confidence in the President's ability to govern, none was more devastating than the press conference itself.

During the course of the 38-minute confrontation with the press and the nation, Mr. Nixon:

Guaranteed a new crisis with the Congress by his unwillingness to accept a special prosecutor with the degree of independence the entire nation thought he had provided to Archibald Cox.

Tried to soften the impact of Elliot Richardson's resignation by asserting contrary to Mr. Richardson's own words that the former Attorney General had approved the compro-

mise plan on the tapes supported by the President.

Repeatedly returned to the Mideast as evidence of his ability to govern despite the suggestion by Secretary of State Kissinger that Mr. Nixon's crisis of authority at home may have contributed to creating the crisis abroad.

Justified his friend Charles "Bebe" Rebozo's actions in connection with the receipt of $100,000 in cash from Howard Hughes and its retention for three years with an explanation which, by his own admission, sounded "incredible to many people."

Unleashed an attack on the press, particularly the electronic media, which can be most appropriately described by the same words he used in his attack: outrageous, hysterical and distorted.

Despite his overwhelming electoral majority less than one year ago, Mr. Nixon has lost the trust and confidence of the American people to such a degree as to make it a disservice for him to continue in office.

He asks us to believe his assertions that only he can handle international affairs after he brings us to the brink of war. The Russians have denied the severity of the crisis and Mr. Nixon's credibility is so low that he had to publicly humiliate Mr. Brezhnev to try to convince the American people that he had done the right thing.

He asks us to believe that he will cooperate with a new special prosecutor even though he broke the same promise before.

He asks us to believe that the press is venal four months after he publicly praised the media for uncovering Watergate.

He asks us to believe that he is cool when the going is tough while he is unable to control his own pique during a nationally televised press conference.

The suggestion from constitutional law scholars such as Harvard professors Paul Freund and Raoul Berger that Congress could call a special presidential election next year if the Presidency was vacated may provide the avenue to restore both confidence in our institutions and the national spirit.

The Gallup Poll now reports that more people favor impeachment than approve of the President's performance in office. And the President has estranged himself from the press, the one institution through which he might be able to communicate a reassuring pattern of activity over the coming days.

For himself, and for the country which he so dearly loves, the President must resign.

FIRST NEW HAMPSHIRE REGIMENT IS ACTIVATED

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CLEVELAND. Mr. Speaker, the men of New Hampshire fought long and well in the American Revolution, earning an honored place in history which deserves recognition as we lead up to observation of our National Bicentennial.

Their dedication to freedom and willingness to fight for it, embodied in our State motto, "Live Free or Die," was exemplified by the 1st New Hampshire Regiment.

Formed in 1775, the regiment reinforced colonial forces at Bunker Hill and served in many of the principal engagements of the war, including those at Trenton, Princeton, Saratoga, Bennington, and Yorktown, where General Cornwallis surrendered his British forces to George Washington.

Unlike the 2d and 3d New Hampshire Regiments, the 1st remained intact throughout the war, and some research indicates that it was not deactivated until 1784 when the last British finally left New York.

I wish to inform my colleagues that this distinguished regiment has been reactivated and headquartered in Nashua, and already numbers more than 75 members from some 20 communities, some of whose forebears served with the original regiment. They will be commemorating the regiment's contribution to the War of Independence in observances in connection with the 1976 Bicentennial, including participation in reenactment of the Battle of Bunker Hill.

In addition, they have begun assembling a small library which they have plans to expand, and hope to build a museum with the objective of stimulating historical research into and public awareness of the role of the regiment and the life of the times.

The following proclamation of the unit's reactivation, signed by myself and the other members of the New Hampshire delegation, was drafted by Adj. Joseph P. David of Nashua on the basis of documents of the period:

A PROCLAMATION

To the Delegates of the United Colonies of New-Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle and Sussex *on* Delaware, Maryland, Virginia, South Carolina *and* Georgia, *to the People of New-Hampshire, Gentlemen, Greetings:*

Whereas the people of New-Hampshire were eagerly disposed to fight the oppression of His Britannic Majesty, George III, King of Great Britain, and

Whereas it is fully documented and proven that the people of New-Hampshire did raise a Regiment before the Enemy at Bunker Hill under the Command of New-Hampshire's John Stark, and

Whereas it was the pleasure of The Honorable Council and House of Representatives for New-Hampshire in General Court assembled to declare and proclaim that the forces assembled before Bunker Hill under John Stark to defend Liberty and Freedom against the Enemy be designated as the First Regiment in New-Hampshire for the Defense of America, and

Whereas, the First New-Hampshire Regiment served the United Colonies of North America with one of the longest and most honorable service records of any Regiment in the American Revolution, and

Whereas the people of New-Hampshire are still favorable disposed to the Spirit of Liberty and Freedom.

Now therefore be it known that we repose especial Trust and Confidence in the Patriotism, Valor, Conduct and Fidelity, and Do by these Presents constitute, appoint, proclaim and commission Herbert M. Surette of *Hudson*, Joseph P. David of *Nashua*, Russell S. Aiken, Jr. *of Manchester*, Raymond E. Atkinson *of Nashua*, to re-activate The First New-Hampshire Regiment in the Army of the United Colonies, raised for the Defense of American Liberty and for repelling every hostile Invasion thereof. They are to carefully and diligently discharge their Duty to the First New-Hampshire Regiment to do and perform all Manner of Things thereunto belonging. And we do strictly charge & require all Officers & Soldiers under the First New-Hampshire Regiment to be obedient to their Officers. They shall observe & follow such Orders and Directions from Time to Time as they shall receive from the Congress of these United Colonies or Committee of Congress for that Purpose appointed or the Commander in chief for the Time being of the Army of the United Colonies, or any other superior Officer, according to the Rules & Discipline of War in pursuance of the Trust reposed in them; and

Be it known that the Subscribers proclaim that the aforementioned may seek and recruit all Able-bodied men within the Colonies to prevent this Country from being ravaged and enslaved by Our cruel and unnatural Enemy, George III, King of Great Britain.

Done in the City of Washington, The District of Columbia this twenty-second day of September in the Year of Our Lord One-Thousand-Nine-Hundred and Seventy Three and In The Year of Our Independence The One-Hundredth and Ninety-Seventh.

NORRIS COTTON,
Senator.
THOMAS J. MCINTYRE,
Senator.
JAMES C. CLEVELAND,
Member of Congress.
LOUIS C. WYMAN,
Member of Congress.

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. BLACKBURN. Mr. Speaker, earlier this year, the House passed the legal services bill which placed restraints upon the activities of Legal Services attorneys.

The Senate Committee on Education and Public Welfare has reported a very loosely drawn legal services bill. One group which is making a determined effort to enact a Legal Services Corporation is the American Civil Liberties Union.

At this time, I would like to insert an article from the October 13, 1973, issue of Human Events for my colleagues' attention:

[From Human Events, Oct. 13, 1973]

ACLU MAKES ALL-OUT EFFORT TO PUSH LEGAL SERVICES

The left-wing American Civil Liberties Union, which last week began a campaign to impeach President Nixon for the Administration's secret bombings in Cambodia and the creation of the White House's "plumbers" operation, is also making a determined effort to enact a Legal Services Corporation run by extremist anti-poverty attorneys (see cover story).

Just prior to the Senate's scheduled discussion of the legal services bill this week, ACLU members received a letter from the organization's Washington director, Charles Morgan. Arguing on behalf of a corporation with virtually no restrictions on militant legal activists, Morgan wrote that ACLU supporters should begin bombarding their senators, the President and the attorney general for the purpose of enacting a corporation "purged of all the restraints" against the activities of legal services attorneys written into the House bill.

According to Morgan's letter, the ACLU believes attorneys subsidized by the federal corporation should be permitted to get in-

volved in cases involving busing, abortion, draft evasion, boycotts, strikes, lobbying, and virtually all projects cherished by the militant left. Condemning restraints on legal services attorneys, Morgan also urges the Senate to fund legal services "back-up" centers, even though these centers have proven to be a haven for left-wing activists.

"As you know," writes Morgan, "the legal services program—whose 2,500 lawyers have been serving some 1.2 million poor people per year through 900 offices in some 300 communities—has been under severe attack from the White House.

"As you also know, the White House and its allies succeeded last June in passing a bill to create a new Legal Services Corporation. That bill, HR 7824, came to the House floor on June 21 in acceptable form (it was far from ideal, but it was liveable). When the House was through with the bill, after 11 hours of vicious, mean-spirited debate, the bill was so ravaged that its enactment would be worse than no program at all."

Now, says Morgan, the focus has moved to the Senate where a "better bill" can be expected, but the Senate must pass an "outstanding bill." Otherwise, when the Senate and the House meet to iron out the final bill in a conference, "there will be nothing to compromise on; the regressive bill will result."

The ACLU, stressed Morgan, "is making the proposed Legal Services Corporation a major legislative goal for the immediate future. We are part of a coalition, called Action for Legal Rights (ALR), working full time to press Congress to fulfill its responsibility. . . ."

Morgan urges ACLU's members and supporters "to flood their senators with demands for passage of a strong legal services bill. Wherever possible, your personal interest should be communicated to your senators.

"It will also help for you to see that your representatives are pressed to reconsider HR 7824 and produce a decent bill. Your representatives should also be urged to instruct House delegates to that Conference Committee to drop all the regressive amendments.

"Senators should be contacted by you, your groups, and by public officials, bar leaders, party officials, labor unions, churches and individual campaign contributors. Urge your local papers to write strong editorials. No effort should be spared."

Ironically, says Morgan, the Watergate scandal seems to be helping the entire effort to get a liberal bill. The "new attorney general"—Elliot Richardson—"says he is committed to an effective program. Likewise, President Nixon has new legal counsel [obviously Len Garment]; some of them, too, acknowledged America's obligation to equal justice. Further, the new head of OEO has promised not to destroy legal services, which was the announced goal of his predecessor."

Thus, argues Morgan, there should be "far less negative pressure" coming from the White House than there was in the spring, and "it is all the more possible for the Senate to pass a strong bill."

CONGRESSMAN DRINAN ACTS TO SAVE NOW ACCOUNTS IN MASSACHUSETTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, November 1 is the deadline for comments on the regulations proposed by the Federal Deposit Insurance Corporation affecting NOW accounts in Massachusetts and New Hampshire. I spoke out strongly in favor of preserving these accounts at the time of the enactment of Public Law 93–100. The Federal Deposit Insurance Corporation proposes to reduce the attractiveness and availability of NOW accounts in Massachusetts contrary to the legislative purpose, which was to permit the accounts to continue in Massachusetts and New Hampshire as an experiment.

The following are my comments on these proposed regulations, which I have sent to the FDIC:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 31, 1973.

EXECUTIVE SECRETARY,
Federal Deposit Insurance Corporation,
Washington, D.C.

DEAR SIR: I am pleased to have an opportunity to make comments concerning your proposed rules relating to the offering and use of NOW accounts by banks in Massachusetts and New Hampshire (12 C.F.R. Part 329).

I wish to make it clear that I believe there is no basis in the statute, or even relevant legislative history, for the actions which you propose to take which will pronounce the death knell to NOW accounts in Massachusetts.

In your proposed rules, you state that you would limit NOW accounts to those eligible for a savings deposit. While the regulations are not clear, I am hopeful that this will include fiduciaries.

You also would limit the offering of NOW accounts to depositors residing in Massachusetts and New Hampshire. This regulation would be unduly harsh, contrary to existing banking practices, particularly for those banks near state borders, and unsupported by the statute or legislative history.

Your regulations propose 4½ percent per annum as the maximum interest rate. This interest rate would completely change the nature of the NOW account as it now is in Massachusetts. It is perfectly clear from all of the legislative history, including the floor debate, hearings, and statements, that the intent of the legislation was to permit the NOW accounts to continue in their existing form in Massachusetts and New Hampshire as an experiment. The purpose of this experiment is to determine just what effect these accounts have on other financial institutions. The power to regulate these accounts was given to the Federal Deposit Insurance Corporation in order to monitor and to be able to act to prevent imbalance, if such became apparent. The power was not granted to the FDIC to restructure and remake NOW accounts.

Furthermore, it is clear that both the New Hampshire and Massachusetts banks have proceeded along somewhat different lines in the creation of their NOW accounts, and the attempt by the FDIC to write a regulation to cover such accounts in both states is overreaching, and neglectful of the differences between the accounts in each state.

Your regulations would eliminate the differential between the NOW account as offered by a savings bank, and a savings account offered by a commercial bank. This departs from the rules on savings deposits of other categories, where at least ¼ of one percent differential presently exists. For the experiment to continue, I believe it would be advisable for you to leave the rate in Massachusetts at 5 and one quarter percent per annum for the thrift industry, and 5 percent for commercial banks.

You propose the possibility of interest paid at a split rate, with lower interest on $200 to $300 in the account and a higher rate on anything in excess of that amount. Banks with NOW accounts believe this to be most difficult to compute and discuss how highly unworkable this would be in explaining the different rates to a customer. It would also make the maintenance of a NOW account more expensive and thus less attractive to a thrift institution, as well as the customer.

Your suggestion in the regulations that no interest can be paid on any amount in an account which exceeds the lowest balance in the account during any given calendar month destroys the NOW account features which are supposed to be like a savings account, where thrift institutions in Massachusetts now pay from day of deposit to day of withdrawal, crediting this at the end of each month to all accounts which have maintained at least a $10.00 balance.

In summary, I believe your proposed regulations will destroy the experiment proposed in the federal legislation. Your regulations will spell the demise of NOW accounts. The result of your regulations will be a demand deposit paying 4-½ percent per annum, rather than a new method of withdrawal from a regular savings account which benefits the consumers, including the elderly and shutins.

I believe the NOW account has been a great service of real benefit to the public. Your regulations will make this service expensive to operate and less attractive to savers.

At the very least, in order to maintain the experiment which was the intention of the Congress in enacting Public Law 93–100, I urge you not to limit the category of those eligible for such an account, to establish in Massachusetts a 5-¼ per annum maximum rate, to allow payment of interest on a daily basis, credited monthly to the account, and to permit the accounts to be maintained in other particulars as they were as of the date of the enactment of P.L. 93–100.

I speak for myself and many of my constituents in urging you to reconsider these regulations proposed for NOW accounts.

Thank you for your attention.

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

OIL WITHOUT REFINERIES IS NO SOLUTION TO THE ENERGY CRUNCH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, as Trans World Airlines announces a layoff of 503 employees because of reduced flight schedules caused by the fuel shortage, one would think that the message would start reaching the American people.

Yet, in nearby southern Maryland a proposal to build a $160 million oil refinery is reported to be meeting with opposition, seemingly to the satisfaction of the reporting news media and many of the puritan environmentalists.

The pressing question remains, "What will it take to awaken and arouse the American people?"

Perhaps when the housewife awakens one cold morning because her electric blanket is not getting electricity and finds that the bedside lamp will not go on; when her gas range refuses to turn on to heat the coffee; or when she goes to her elevator to find out it is only operating 30 minutes in the morning and 30 minutes in the evening and walks down

the stairs and finds her car low on gas; when she goes to a filling station which is closed or has not received its month's allocation of fuel; then receives the biggest insult when her car runs out of gas and the station attendant wants to charge her rent for parking.

Then perhaps after it is too late, the American public will awaken to the realization that whether or not the energy crisis is real, political, or manipulated, it is nevertheless here, and we must either learn to live with it by adjusting our way of life or solving the problem by increasing our fuel production.

Crude petroleum, be it from Alaska or the Middle East, will not alone solve the energy problem. We must have additional refineries which must be located near the port of entry or near the populated areas of users.

If it gets cold enough in southern Maryland this winter, I feel confident that there will be a public uprising, perhaps not by the eco-nuts, but surely by those American citizens who have had enough of being denied their right to pursue their life style as an individual American citizen.

I include related news clippings:

[From the Washington Star-News, Oct. 30, 1973]

REFINERY FOES INCREASE

(By Donald Hirzel)

The Steuart Oil Co.'s proposal to build a $160 million oil refinery at Piney Point on the Potomac River has generated a growing resistance in St. Marys County in Southern Maryland.

Eric Jansson, a member of the Potomac River Association, a conservation organization, said a fund-raising rally in opposition to the plant will be held at 7:30 p.m. Saturday at the Second District Fire Hall at Valley Lea.

The association's board of directors met over the weekend, according to Jansson, to discuss strategy in opposition to the plant and to make plans for the rally.

He said money will be needed to hire attorneys and technological experts to prepare a case against the proposed refinery which some county residents fear will affect the environment.

Jansson said David Sayre, president of the Watermen's Association who also is a member of the Potomac River Association, reported the Watermen are opposing the project.

"The watermen have not met yet to vote on opposition," Jansson said, "but Sayre is certain they will oppose it."

There are 1,500 members of the Watermen's Association and between 500 and 600 in the Potomac River Association which represents watermen, permanent county residents and summer residents.

Jansson said there is great fear that the refinery could affect the productive oyster beds in the Potomac River off of St. Mary's County.

"The county now leads the state in oyster production," according to Jansson, "and we don't want to lose it."

The association, he said, prefers more "light, clean" industry in the county to provide a broader tax base and to provide jobs to take the pressure off the increasing property tax.

"We have the Patuxent naval base," he noted, "which is the county's major employer—perhaps something could be done there."

The two associations opposed the $40 million refinery Steuart wanted to build at its Piney Point plant in 1968–69.

"We beat them," Jansson said, "and I think we can beat them now."

Last week, Leonard Steuart, vice president of the oil company, unveiled plans for the refinery at a special meeting with country leaders in Lexington Park.

Those present indicated a guarded interest in the project but wanted more information on how the refinery might affect the environment.

Steuart said the oil refinery would be an asset to the county and that an environmental study had been made by a company hired by Steuart which showed no adverse affect.

The plant would be built on the present company property which is now used to import fuel oil for use by Washington area utilities.

The proposal for the new plant comes at a time of increasing oil shortages and the threat of a drastic curtailment in fuel oil here this winter.

At the meeting last week Steuart pleaded for cooperation from county residents. The company must receive approval from state and federal agencies as well as the county before the plant can be built.

TWA LAYS OFF 503 BECAUSE OF FUEL SHORTAGE

KANSAS CITY.—A Trans-World Airlines spokesman says the airline will lay off without pay 503 employees nationwide because of reduced flight schedules caused by the fuel shortage.

The spokesman said yesterday the lay-offs are effective Dec. 1. He said they include 100 pilots, 303 hostesses, and 100 ground personnel.

The employes will be subject to recall at any time.

TWA has terminated 30 flights in the domestic system. "There might be still more," the spokesman said. "The situation is still very fluid."

RECENT DEVELOPMENTS IN THE MIA SITUATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. OWENS. Mr. Speaker, North Vietnam has continually and stubbornly refused to cooperate in accounting for the 1,300 American servicemen listed as missing in action. The United States has tenaciously sought to determine the fate of these men, yet our efforts have been largely obstructed by the North Vietnamese Government. The Joint Casualty Resolution Center and the Four-Party Joint Military Team are currently seeking information concerning the MIA's. They have a detailed description of the circumstances surrounding the case of each missing serviceman and personal files on each of the men that would aid in identification, but both teams have been denied access to Communist-controlled sections of South Vietnam as well as Laos and North Vietnam. More recently, Hanoi has hinted that a full accounting of those missing in action would be contingent upon the release of political prisoners held in South Vietnam.

Mr. Speaker, Hanoi's disregard for the Paris agreement is a constant source of frustration and despair for the friends and relatives of our MIA's. Their anguish grows daily as our Government fails to uncover any information concerning their loved ones. I believe it is our obligation to provide a detailed accounting of those missing in action and to keep Americans informed of Government action to find them. I would like, therefore, to outline some recent developments in the MIA situation.

I have noticed, lately, that there seems to be a strengthening of diplomatic resolve by the administration regarding the MIA issue. On September 29, the United States finally issued a formal statement charging the North Vietnamese and Vietcong with interfering in the search for American servicemen missing or dead. Secretary of State, Henry Kissinger, also indicated a more vigorous attitude toward the recalcitrant North Vietnamese during testimony before the Senate Committee on Foreign Relations. When questioned about steps he would take as Secretary of State to secure an accounting of MIA's, he replied:

> We will use diplomatic pressure to the extent that it is available to us, and we will have to make clear to the North Vietnamese that the normalization of relations with them, which we would otherwise seek and welcome, is severely inhibited by their slow compliance with the missing in action provisions.

These executive actions are certainly a welcome change in diplomacy, but they represent only a rhetorical effort by the administration.

There have been, however, other encouraging events in addition to the State Department's stiffened protocol. I have long-favored withholding economic aid from North Vietnam until they permit a complete investigation of U.S. servicemen missing in action. The recently passed foreign assistance legislation reflects a growing consensus among Members of Congress that Hanoi should be denied reconstruction revenue until their cooperation is secured. Not one dime of the $2 billion authorized for foreign economic assistance over the next 2 years will go to North Vietnam. I believe that the United States should continue applying this type of economic sanction to elicit North Vietnam's compliance with the Paris agreement.

Recent developments in Vientiane, Laos may provide new information concerning the 327 servicemen missing in action there. On September 14, the Pathet Lao reached a negotiated settlement with the Royal Laotian Government. This protocol includes explicit provisions for the release of prisoners and accounting for those individuals missing in Laos, regardless of nationality. A delegation from the National League of Families of POW's/MIA's returned on October 22 from Laos, where they met with various government officials. The delegation was treated cordially during their stay in Southeast Asia, but they were not given specific information regarding U.S. personnel listed as missing in action. I share in the national league's hope that the new Laotian Government will cooperate in accounting for American MIA's once they have overcome the difficulties of establishing a coalition government.

The MIA issue must be resolved. I am

convinced that significant progress in this direction can be achieved through increasing United States' economic and diplomatic pressure on those countries refusing to cooperate. We might also encourage the release of all prisoners being held for political crimes in South Vietnam. This would remove Hanoi's principal excuse for refusing to allow MIA search teams access to Communist-controlled territories.

The fact remains, however, that 1,300 American servicemen are currently missing in Southeast Asia. These men performed a service for their country, a service which, in many cases, cost them their lives. Our Government has an obligation to account for every American who served in the Indochina war. Only then will United States' involvement be completely terminated.

LEGISLATION IS NEEDED TO REVERSE FDA VITAMIN REGULATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, the Subcommittee on Public Health and Environment is presently considering legislation sponsored by Congressman HOSMER and cosponsored by myself and many others which would reverse the FDA's recently published regulations on vitamins and food supplements. These regulations, as I am sure my colleagues are aware, have created a storm of controversy. That controversy, in my view, has arisen because the FDA's regulations are philosophically and practically unsound. They act against the basic thrust and meaning of our system of government. They go against the grain of what the American public rightly understands to be the proper function of government.

Because of the great interest which has been generated by the FDA regulations and the legislation to reverse them, I am inserting in the RECORD for my colleagues' information, the testimony I submitted to the subcommittee on these matters.

TESTIMONY BY REPRESENTATIVE RICHARD T. HANNA

As one of the co-sponsors of legislation to reverse the FDA's recently published regulations on vitamins and food supplements, I welcome the opportunity to address this Subcommittee. The issues involved in the passage of this legislation are not difficult. But often it is that the most clearly drawn issues of public policy are also those which are the most profound. And, the issues addressed by the bill before you are profound. They are profound because they go to the basic root and substance of the lives of ordinary people in this country. They are profound because they bear on the question of the fundamental role of government in a free society. And they are profound because they point out the limits of sensible government regulation.

My reasons for offering legislation to reverse the FDA's policy in the area of vitamins and food supplements boil down to this: my basic philosophical disagreement with the FDA's position and my strong belief that their regulatory program in this area is, simply stated, just bad and impractical regulation.

The late Justice Brandeis once wrote that "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding." In my view, the FDA's regulatory policy regarding vitamins is the kind of "insidious encroachment" which Mr. Justice Brandeis had in mind. Under the FDA's regulations, any single vitamin tablet which exceeds the Recommended Daily Allowance for the average adult can be obtained only through prescription. Moreover, the FDA's rules would prohibit the combining of any vitamins in other than the combinations FDA approves and would prohibit the combining of vitamins or minerals with other associated food factors.

These regulations are not based upon any firm scientific evidence that vitamins taken in quantities above the Recommended Daily Allowance are intrinsically harmful to health. In many instances, just the opposite is true. For example, the FDA would require people to go to a doctor to obtain a prescription to purchase a Vitamin A tablet which exceeds 10,000 units. But a cup of diced carrots furnishes 18,000 units and a 2 oz. serving of fried beef liver provides 30,000 of such units. Is it credible to assert that the interposition of the government is necessary to protect people from a tablet which has only one-third the potency of 2 oz. of beef liver? I submit, Mr. Chairman, that it is not.

In its report on this bill, the Department of Health, Education, and Welfare would have us believe that a vitamin should be classified as a drug simply because it is "offered for the treatment or cure of disease." As such, according to HEW, the manufacturer should have the affirmative burden of proving that the vitamin is safe and effective. I don't dispute the FDA's legal authority under existing law to reason this way if it so chooses. What I do question is the wisdom and sense of justifying a disruptive public policy only on the basis of the technical legal meaning of statutory provisions and on the basis of reasoning that amounts only to the neat syllogism that since drugs are usually "offered for the treatment or cure of disease," vitamins which are so offered should be regarded as a drug. With this kind of reasoning, the old adage of "an apple a day keeps the doctor away" would require those of us who go to "excesses" by eating two apples to have a prescription to do so. Of course, nothing could be more absurd.

The absurdity of the FDA's position arises from the fact that, realistically speaking, in no stretch of the imagination can vitamins be called drugs. The nutritional elements consumed in a vitamin pill are for the most part, precisely the same as may be consumed in a totally unsupplemented diet. The same Vitamin A which is regulated by the FDA is found in carrots.

The same Vitamin C which is regulated by the FDA is found in citrus fruit. The same iron which is regulated by the FDA is found in red meat. It is clear that the FDA's regulation of food supplements is merely a regulation of form and not of substance. If you package ascorbic acid in the form of orange juice, the regulations don't apply, but if you package it in the form Vitamin C tablets, they do.

With all of these factors in mind, Mr. Chairman, it seems to me that the FDA has crossed the very fine but very definite line between government protection as a servant of the people and government protection as master of them. The warning of President Eisenhower rings truest in cases like the one before this Committee now: "Every step we take toward making the State the caretaker of our lives, by that much we move toward making the State our master." No one offering this legislation would defend a vitamin producer's misrepresentation of the contents of his product or his failure to disclose additional information under circumstances where a half-truth would mislead the public. But that issue is not involved in these FDA regulations. What is involved is nothing less than government regulation of the human diet—not because it has been found that vitamin consumption is intrinsically unhealthy—but only because the circumstances surrounding the consumption of vitamins are similar to those surrounding the consumption of drugs.

I submit, Mr. Chairman, that we embark upon a historically dangerous path when we place the affirmative burden upon the citizen to prove the adequacy and effectiveness of his diet. In our system of government and jurisprudence, legally imposed affirmative burdens on the citizenry are few. And they are few for precisely the reason that government-mandated affirmative duties are the exception in a free society, but are the rule in a tyranny. Only the most compelling reasons of public policy can justify the creation of such positive duties, and the simple fact is that the FDA has failed to present any compelling case. Of course, this presumption is reversed with regard to what is ordinarily understood to be a "drug." But that is because true drugs often involve the introduction of unaccustomed elements to the human body, and in our common experience we have learned that the risks of such practices are so high as to require the imposition of maximum safeguards. This kind of standard, however, is hardly applicable to Vitamin C. And these FDA regulations, while perhaps falling within the letter of the law, hardly meet its spirit. Surely the philosophy which lies behind these regulations is not the philosophy which imbues the Food and Drug Act. Passage of the legislation before you will reassert what that fundamental philosophy is.

Not only are the FDA's vitamin regulations unwise from a philosophical point of view; they are unsound from the standpoint of what makes for practical, sensible regulation. What is the real impact of these regulations? It is not to limit the consumption of vitamins. Rather, it simply makes their consumption less convenient. And mere inconvenience is hardly the proper tool to employ to protect people from what presumably can be harmful to them.

This nonsensical aspect of the FDA's regulations arises from the fact that under them people can still purchase and consume vitamins in whatever quantity they so desire, so long as they do so by consuming individual tablets of a specified potency. What this means, for example, is that if you wish to consume 1 gram of Vitamin C per day, you can still do so—but only if you take 11 tablets. Or, if you just want to supplement your diet with a single pill containing both Vitamin A and Vitamin D, you can't—unless you take 7 other vitamins at the same time. Dr. Albert Szent-Gyorgi, who won the Nobel Prize for his resarch into the metabolism of Vitamin C and Vitamin A, has written that he consumes two grams of Vitamin C per day. Isn't it just a little ridiculous to require him to take 22 tablets for this purpose?

The practical fact of the matter, Mr. Chairman, is that millions of Americans supplement their diet with vitamins. I have no doubt but that these consumers will continue their dietary habits regardless of the FDA's regulations. The only difference will be that once the FDA rules go into effect, these consumers will have to do an end-run around the law. When government regulations encourage avoidance of the law, they breed disrespect for legal authority. And, particularly in these times, we can hardly afford to encourage that kind of attitude.

In sum, Mr. Chairman, these FDA regula-

tions are neither philsophically nor practically justifiable. The legislation before you reverses these regulations and returns government activities in this area to their proper sphere. Passage of this legislation will reaffirm to the American public that the Congress is cognizant of the proper limits of governmental authority.

HEAVYWEIGHT CHAMP IN KOREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the story of a man who has developed his own form of foreign aid. Father Mike McFadden left his hometown for the peace and quiet of South Korea. Disturbed about the poverty and ignorance he found, Father McFadden, a member of the Columbun Order, started a credit union which has been a great help to the farmers of the area. It is a pleasure for me to insert in the RECORD an article about this great American:

HEAVYWEIGHT CHAMP IN KOREA

(By Maggie Black)

Big, round, smiling Father McFadden is a heavyweight fighter of a rather unconventional sort. His opponent is the poverty and ignorance that he found in the little village of Mun Mak in South Korea.

He went there in 1969 to "get away from everything"—everything being the bustle of Philadelphia, his home city. "I wanted a small parish, and some peace and quiet for reading and contemplation."

But it wasn't long before the calls he made on his parishioners gave him a deep urge to do something about their grinding poverty.

Pig farming in a co-operative framework appeared to be the best way for local farmers to raise their standard of living. So Father McFadden took himself off down the new highway to Seoul, the capital, to learn all about rearing pigs.

He then went off to visit Father McGlinchy on Chejn-Do island, who's been running a pig co-operative with Oxfam's help for many years.

Father McFadden described the experience as traumatic. "He took my suggestions apart piece by piece. At first I was apologetic, because I wanted Oxfam to finance me. But after a while, when this seemed hopeless, I began to argue and fight back, to show I'd done my homework. At the end, after hours of arguments, in which Don Shields had decimated my plans, he sat back and told me that in spite of all he'd said, he was going to recommend to Oxfam that they support me. I was absolutely flabbergasted."

The amount was less than Father McFadden had originally hoped for—£4,400. "But I was very grateful for the advice that Don Shields gave me. I can see now that if I had embarked on such an ambitious programme as I had planned at the beginning, it would have been a failure."

The first task that faced Father McFadden was to reactivate the Credit Union in the area around Mun Mak which had been started in 1966, but had collapsed because many of the Catholic members had opted out and wouldn't repay the money they had borrowed.

Undaunted by the behaviour of his own official flock, Father McFadden approached the nonCatholic people in the community. He trained local boys who went with him into the villages and began to build up enthusiasm for credit unions.

"But I felt it was essential to start on the right foot," relates Father McFadden. "I didn't want to start a new credit union until the Catholics had repaid their debts—or people would think it was doomed to failure like the last one. So I demanded that the Catholics pay up. Some of them tried to get me removed from the parish—even interceding with the Bishop against me.

"But the Bishop backed me all the way, and really laid them out. This has really helped to develop a broader outlook among the Catholics, so that they don't just ignore everyone else."

Once Father McFadden had got the Credit Union going again, he was able to start up the co-operative so that farmers who were putting savings by, could use them in the most fruitful way.

The Credit Union now has 500 members, of which the majority are non-Catholics. The maximum loan is only $10, but this sum guarantees that when a person is ill he can get into hospital. Hopefully the tragedy of Han Ho Tek will not be repeated.

But just as important are the loans that enable farmers to buy gain and fertiliser. The interest rate is only 2% compared with the 35% or 40% that local manufacturers used to charge when the farmers were obliged to go to them for credit.

The part of the project closest to Father McFadden's heart is now firmly established—this is St. Peter's Farm—the co-operative's own piggery. The new sow-house has been built, and the first four inhabitants are soon to be joined by another 30 breeding sows.

The price of pork—and of piglets—is going up in South Korea, so prospects are bright. With the new highway to Seoul running right past the village, marketing presents no problems. The restaurants are just waiting for as many nice juicy pork cutlets as the pig co-operative of Mun Mak can provide.

The co-operative is already diversifying into other enterprises. Father McFadden described a nutrition programme run during 1972. "I put on an apron myself to show the men how to make little pancakes out of oatmeal flour. They were amazed at the idea of a man doing the cooking!"

He now has a full-time woman volunteer visiting the women of Mun Mak and other villages to show them how to prepare and cook nutritious meals for their children.

The co-operative is already diversifying into programme for pig farmers in the area. Three hundred men have come in for the course, to learn about how to run a co-operative pig industry, look after the sows properly, and market the piglets.

"It's marvellous how enthusiastic the farmers are when they realise what the future has in store," says Father McFadden, "they're all so keen to learn."

A REALISTIC APPRAISAL OF THE PRESIDENT'S HOUSING MESSAGE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, it is no secret that we stand at a critical crossroads in our national housing policy. Since the housing moratorium began last January, never has there been a more agonizing reappraisal of Federal housing policy by all concerned. Yet, that dialog, it seems to me, has taken the form of a rather impersonal appraisal of the past and an even more impersonal projection of the future. The administration has barraged us with cost figures, criticisms of past design standards, technical problems in the administration of FHA, et cetera.

Missing from all of this testimony is the kind of sensitivity to the problems of the poor and the cities which actually comes from having had to grapple with the realities of providing safe, sanitary, and decent housing for those least able to afford it. It is one thing to read about and quantify the problems of the poor. It is quite another thing to have been out in the field trying to create and carry out viable solutions. As a member of the Housing Subcommittee, I cannot help but be struck by the paradox of receiving proposals for reform of Federal housing and community development programs from those who have consistently opposed vigorous Federal leadership in this area.

I have recently received a copy of a letter to an aide of Congressman BIESTER which reflects in a most articulate way the kind of sensitivity which comes from experience in and commitment to solving the problems of low income housing. This letter, from the executive director of the Bucks County Pennsylvania Housing Authority, represents one of the most perceptive criticisms of the President's housing message that I have read. I strongly recommend it to my colleagues.

The letter follows:

BUCKS COUNTY HOUSING AUTHORITY,
Doylestown, Pa., September 26, 1973.

MR. RONALD L. STRAUS,
Cannon House Office Building,
Washington, D.C.

DEAR RON: Thanks for your letter of September 20th, 1973, and the attached fact sheet on the President's housing proposal. I have read the fact sheet, and I have also read the full text of the President's message to Congress. My thoughts have not yet fully jelled on all of the aspects of the President's housing message, but I can give you, as you requested, a few preliminary reactions.

I am concerned, to begin with, that again in this message the White House would rather focus on the achievements of the near past than face the problems of the immediate present. All the glowing words concerning the production of housing refer to a recently passed situation. The President's message does not recognize the present condition of the housing industry or the fact that the production records of the near past do not help the growing numbers of American families who find themselves disenfranchised in the housing market.

With regard to the President's recommendations concerning the mortgage credit system, I find them to be sound as far as they go. It seems to me that they fail to recognize that reducing the cost of mortgage money or, in some other way, reducing monthly mortgage payments, in and of itself does not deal with the problem which has been created by the spiralling inflation of construction costs. The fact of the matter is that many families (I would estimate more than 60% of the Bucks County families, for example) cannot afford the kind of housing product which is being made available for them. Too much ground is involved, and usually too much house is involved. If these people are to be helped, either some kind of pressure must be exerted on local officials with regard to zoning and building codes, or some kind of subsidy must be made available to allow these families to buy the product which is now made avail-

able. Simply put, I find it hard to see how the President's recommendation with regard to the mortgage credit system will help a family earning less than $15,000 per year (60% of Bucks County, at the least) buy a house costing more than $40,000 a year (now the average in Bucks County's present production pattern).

I'm not really so much concerned about this area, however. I have great hope that an agency such as the Pennsylvania Housing Finance Agency will make a dent here, and their program for home ownership will be announced some time in late October.

Obviously, that portion of the President's message with which I am most concerned is the section dealing with low income families. My dogged persistence in this area is explained, I guess, by the fact that I'm concerned—legitimately and sincerely concerned—with the families we are trying to assist. I approach the President's message, then, with a bit of a prejudice. Housing, by my definition, means more than bricks and mortar. It means environment as well. Given this, then, my initial sketchy reaction to the President's message is as follows:

1. When he notes that Federal programs have produced some of the worst housing in America, with what is he comparing the housing produced? How does this supposed "worst housing" compare with the dwelling units previously occupied by the families who have supposedly benefited from the program?

2. When the President describes the public housing projects he has seen as "monstrous, depressing . . . run-down, overcrowded, crime-ridden, falling apart" I am wondering whether he is not describing the tenants more than the structures. Given design inadequacies, we must recognize that we are dealing not only with an economically disenfranchised group but a culturally disenfranchised group as well. I think that it is precisely in this area, to get a bit ahead of the game, that the President's housing message misses the mark. (Let me emphasize that I am not being patronizing or condescending or unfair in my evaluation of low income housing tenants; I am emhasizing the fact that they do have unique problems which require unique solutions. Without unique solutions, the effect these families have on any construction owned by anyone is liable to be the same.)

3. I agree with the President's comments to the effect that grouping low income families in large overbearing projects is unfair and dehumanizing. I have discussed the benefit of the Section 23 leasing program in this regard many times in the past and will not expand upon it now. On the other hand, speaking with some degree of pride, I would suggest that the President is unfair in his generalization based upon Pruitt-Igoe. We have, in Bucks County, an architectural award winning project which has never lost one penney of rent revenue. We have a project which has improved the lives of the elderly socially, physically, financially, and in every other conceivable way. In short, the picture is not as bleak as the President's message would paint it, although I'm inclined to agree that it could be improved through the use of the Section 23 leasing mechanism.

4. At one point the President's message states, "The present approach is also very wasteful, for it concentrates on the most expensive means of housing the poor, new buildings, and ignores the potential for using good existing housing." I guess it all depends where you're sitting. In Bucks County, this simply isn't true. We don't have the "good existing housing," and as mentioned above, the present market will not produce it for these people. But let me hasten to add that even if we did have the housing, I continue to insist, as spelled out in much greater detail in my several letters on the Direct Housing Allowance Program, that such direct cash payments would not generally get low income families into existing housing.

It is empty rhetoric to discuss the "basic right to choose the house they will live in" for most of the poor. Giving a large Black family a direct housing subsidy is not going to build a large unit, and it is not going to deal with the subtle prejudices which continue to operate. Putting cash in the pocket of an elderly family will not provide, as I have spelled out previously, that specially designed unit and environment so vital to a longer and better life for the elderly.

Interestingly, the President's housing message has given us reason to discuss with several of the owners in our leasing program how they would react to a suggestion that they house our low income tenants on a direct housing allowance plan. The general reaction has either been that they would not consider housing the tenants without the backup services of the Housing Authority, or that they would have to charge a *premium* to low income families. The same reasoning is behind either point of view: low income families by their very nature cost more to house. The elderly require special services, and the larger low income family, in addition to requiring special services, incur higher maintenance and management costs. The fact that we guarantee the owners against tenant abuse and neglect, and the fact we field the problems which come through senility or even from racial stress among the tenants, is, in and of itself, an incentive to the owner to house these families. I would venture a very sound guess as of this time, that the per unit month cost to the Federal government on a Direct Housing Allowance Program will be higher than is our cost presently in leasing.

5. When the President discusses the development of a "better approach," I refer you, again, to all that I have written previously on the Direct Housing Allowance Program. Let me just emphasize again that the basic problem of the poor is a lack of housing and not a lack of income. The income must be converted to housing before the problem is solved. It seems to me that, after guaranteeing the direct housing approach to be the most equitable, the President undermines his argument by listing all of the nitty-gritty problems which will have to be worked out to make the program equitable. To quote some of the problems, using the President's own words, "What, for example is the appropriate proportion of income that lower income families should pay for housing? Should this level be higher or lower for different kinds of families—for young families with children, for example, or for the elderly, or for other groups? Should families receiving Federal aid be required to spend any particular amount on housing? If they are, and the requirement is high, what kind of inflationary pressures, if any, would that produce in tight housing markets and what steps could be taken to ease those pressures? In the important case where poor families already own their own housing, how should that fact be weighed in measuring their income level? How should the program be applied in the case of younger families who have parents living with them?" And all of these questions on top of the myriad of questions that have come from other people with regard to the Direct Housing Allowance Program!

6. With regard to the President's willingness to lift the moratorium on Section 23, I'm concerned about the fact that the housing will be produced for "some" low income families and that it will be used "sparingly", however. My first basic question is for what kind of family will the moratorium be lifted—non-elderly or elderly? (Rumors have had it that it would be for the non-elderly, and this would be tantamount to building nothing, since local municipalities will not generally approve of housing for non-elderly, at least in Bucks County.) Another question would be concerned with what kind of changes will be made in the regulations, and perhaps the most pointed question of all is concerned with when I can resubmit our applications!

You may remember a letter I wrote two years ago or so arguing that all of the desirable goals of direct housing allowances could be achieved through Section 23 leasing, particularly the scattered-site program. I would repeat this claim now.

7. To the brief one paragraph mention in the President's message concerning some kind of new program similar to rent supplement under which the Federal government will give subsidies directly to the builder, I refer you to my comments immediately above concerning the attitude of developers and managers with regard to low income families.

8. I agree wholeheartedy with the President's concern with the operation of present low income public housing. In this regard, I refer you again to my past correspondence urging the repeal or drastic modification of the Brooke Amendment to generally allow housing authorities to administer their own programs, including the fixing of their own rents. I would argue that much of the lack of motivation the President points out in his message is due to the fact that the federal government has neither allowed nor required local housing authorities to be responsible for managing their own programs. It may, admittedly, be very late in the game for some authorities, but until the responsibility is fixed, including the responsibility for determining the local rent to a tenant, given cost and local market, the local housing agency will always pass the buck to the Federal government. I will be very interested in seeing the details of the recommendations the President has requested from Secretary Lynn in this area.

9. I am interested in the fact that rural housing seems to be kept apart from the general point of the housing message, and I have some general philosophical concern about how you draw a line between rural and urban problems. More specifically, however, I am practically concerned with what form the Farmers Home Administration Programs will take, since much of Middle and Upper Bucks can solve problems using this agency. (As a matter of fact, it now appears as though the subsidies in our planned residential development in Plumstead Township will eventually come from this source.)

All of this, then, is my preliminary and rather sketchy reaction to the full text of the President's housing message. I remain a dedicated advocate of the Section 23 program because I feel strongly that it combines all that has been best in public housing, rent supplement, and direct housing allowances. I think it can be a tool to accomplish home ownership, I think that it avoids ghettoization which has been more of a contributing factor to the Pruitt-Igoes of our country than has poor design. Thanks for taking the time to read all of this.

Very truly yours,

KARL A. GABLER,
Executive Director.

JUDGE WEINSTEIN SPEAKS AT BUFFALO B'NAI B'RITH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. LENT. Mr. Speaker, on October 21, my good friend and colleague, JACK KEMP, was honored at a dinner of the Buffalo, N.Y., B'nai B'rith. In remarks delivered

before that gathering, U.S. District Court Judge Jack B. Weinstein recognized the need to understand the universality of human rights. He has a reasoned perspective which should be heeded, especially in light of conditions which exist around the world today, and I am pleased to include them in the RECORD at this point.

The remarks follow:

IN DEFENSE OF JUSTICE

(By Jack B. Weinstein)

I am pleased to be here tonight to join B'nai B'rith in honoring a distinguished citizen.

We here tonight know there are reasons other than his football experience for honoring Jack Kemp. Last Sunday, as I stood in New York's city hall square surrounded by some 60,000 people meeting to express our concern for the State of Israel and Soviet Jewry, I reflected that tonight I could help honor a man who long ago, in leading demonstrations to gain the release of oppressed Soviet Jews, recognized that this is one moral world; that there is a connection between repression inside Russia and brutal force applied by it outside whether directly as in Czechoslovakia or Hungry or Poland or the Baltic states or indirectly through those it has supplied with arms and training and then goaded into attack on Israel, the one democracy in the Middle East; that this country's long-term security depends upon preventing Russia from taking over the Middle East and the Mediterranean and that the Vital barrier to Russian imperialism is the free and independent State of Israel; that we will not be blackmailed into abandoning our friends by threats to withhold 5% of our oil needs—creating a gap that can be filled by cutting the temperature of our overheated homes a few degrees or driving less or more slowly.

The Rubinstein humanitarian Award is particularly one that I admire because Emil Rubinstein was a leader in B'nai B'rith's anti-defamation work on behalf of all—Jew and non-Jew—whose rights needed protection. When I taught at Columbia I headed a group of volunteers that wrote briefs and memoranda for civil liberties groups including the Anti-Defamation League, and my respect for your work for all the community was gained then.

The first words of the 1843 preamble of B'nai B'rith's Constitution seem to me to reflect the essence of the civilized man's concern for himself and for the world: "B'nai B'rith has . . . the mission of uniting Israelites on the work of promoting their highest interests and those of humanity . . ."

So, while you fought against Jim Crowism, you set up Hillel foundations to guide Jewish youth in their heritage; while you gave aid to the American armed forces and all veterans' hospitals, you created your fine adult Jewish education program; while your training programs in American citizenship went forward, your devotion to Zion remained unimpaired,

Therefore, despite our overriding concern tonight for Israel's life, it is in B'nai B'rith's tradition not to forget our continuing obligations to society as a whole.

You will, I hope, indulge me if I reflect with you on the need for effective justice today.

This subject has been an overriding concern to the Jews, since biblical times, when they recognized that abstract justice without human institutions to enforce the rights of real persons in the real world was futile. Others have noted that in Deuteronomy (Ch. VII) there is provision first for the courts and then for the king, from which scholars have deduced that no man, even the king, is above the law—a precedent, perhaps, of some current interest.

As in Deuteronomy, today the judges are the passive branch who declare judgment only when parties come to them. If, therefore, in the tradition of American Constitutional Law, conflicts between Congress and the President are resolved by compromise, the courts should not and will not intervene to force an abstract decision. But if the case comes to them as a justifiable dispute within their jurisdiction they must decide.

In Nazi Germany we know how millions died when the law could not protect individuals and in Russia today, despite a constitution, the laws are perverted to deny rather than to protect the integrity of the individual at a terrible cost to Jews and others. Strong judges and our judicial system in this country stand guard against tyranny of the right or the left.

Rather than talk of high constitutional cases, let me tell you about three recent cases which illustrate some everyday problems of the courts—each of them involves a young person.

The first was a twenty-one year old Jewish boy of unblemished record from a well-to-do suburb of Long Island, bar mitzvahed in a conservative congregation. He was in his last year of college and his parents had sent him to Israel for the summer; he was apprehended at Kennedy Airport smuggling (for resale) a large amount of hashish on the way home. Despite the pleas of his family and rabbi I felt I had to sentence him to jail for rehabilitation and to deter others, since the word that the courts will not condone this conduct does get around in the colleges. Under the Youth Correction Act I allowed him to finish school before being sent to the Youth Center in West Virginia. After his family moved to Israel I released him so he could join them. This month, the day before Yom Kippur I signed a certificate setting aside his conviction because probation reported he had a good job doing economic development work in Israel. He was about to be married, and the chances of recidivism were nil. Whether he is alive tonight, a fortnight after I acted, I do not know.

Other Jewish and non-Jewish defendants before me of good backgrounds have been involved in heroin and cocaine smuggling, in income tax cheating, in fencing hijacked merchandise and in other crimes. The law's deterrence can have but a minimal impact when the well-to-do and educated members of a society become so greedy, materialistic and power hungry, that they deliberately do wrong. You and others of good will, will have to discover what can be done to improve their and our moral commitment to avoid such cases. There is no pre- or post-Watergate morality. There are moral standards which individuals have to choose to live by or reject.

The second case is that of an eighteen year old girl. She came into Kennedy International Airport as a "mule", with cocaine strapped to her body. Her family from a small farming community in Colombia, South America, makes about $100 a year and she was promised a few hundred dollars and a ticket to New York. "If," she was told, "you are caught, they'll just send you back." The girl did not know she faced jail. The airlines deliver hundreds like her each year to New York and Miami. She had to be sent to jail to deter others. But there can be no deterrence if those like her who live in a land where cocaine is freely used are not told they face harsh penalties for smuggling. They must be informed at the foreign airport before they board the plane or sentencing becomes a useless act of cruelty.

For a year I have been trying to get the State and Justice Department to obtain the cooperation of airlines to warn people from abroad of the dangers of smuggling drugs into the United States. Until there was the threat to seize aircraft—based on precedents traceable to the law of the decedent going back to biblical times, that an object used in committing a crime is forfeit—nothing was done. After the threat of seizure the main airlines to Colombia agreed to cooperate fully by posting warnings and in other ways. If deterence can work, this source of drugs should begin to dry up. The point here is that the law must have the cooperation of private persons and industry. For example, the drug companies pushing chemical mood changers on television and other media urging easy solutions to problems make enforcement of the drug laws more difficult by creating an atmosphere of tolerance of drugs.

The third, and last, case is of a young man of 26 from the ghetto who I sentenced to a long term for armed bank robbery. At the sentencing his sister burst into tears. "He was so good until he was 12 and our parents broke up and he started getting into trouble. When he was taken to Family Court they did nothing and then it got worse and worse." His record showed just that. Family Court had a chance to save him and the family. The court, overloaded and with inadequate psychiatric and family counseling services, did nothing. In many cases we know who the criminals of tomorrow will be but we do not apply the knowledge. In the poorly administered criminal courts this young man plea bargained and plea bargained while he engaged in a life of crime. Probation did nothing for him. When he came to my court he was a criminal psychopath, rehabilitation was unlikely, and incarceration was needed in part because he was too dangerous to let loose.

This last case illustrates the great failures of the state criminal justice systems. This is not the time to go into detail, except to say that the system needs substantial structural and other changes if we are to reduce the discrepancy between what the law promises and what it delivers.

We need to select judges, as they do in half of the states, on merit, non-politically and without the elections we have requiring absurd large expenditures and political debts. We need a new method of disciplining judges who prove inadequate, or corrupt, using techniques working well elsewhere. We need consolidation of courts and more effective administration using techniques developed in the federal and other state courts. We need the state to take over fiscal responsibility so that every part of the state has equal and effective justice. All this can be accomplished when the citizens demand it.

Even the best run justice system cannot, by itself, eliminate crime. To meet the problem of crime and to assure the dignity of all citizens there must be adequate housing, decent education and good jobs for everyone in the society.

I recall a long conversation I had in this very hotel some seven years ago with Senator Robert Kennedy. We were at the State Democratic Convention and I had begun to work out plans for revision of the state constitution and, particularly, its judicial system. Both of us recognized that it would be many years and there would be many defeats before judicial reforms would be accepted. Yet he urged me to make the effort.

In his book, to Seek a Newer World (1967), page 231, he explained:

"Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can

sweep down the mightiest walls of oppression and resistance."

It is a great honor to be here with an organization, Bnai Brith, and a man, Congressman Kemp, who have worked so hard to assure justice for all.

ELROY SPRAUVE: ST. JOHNIAN FEATURED IN THE LUTHERAN MAGAZINE

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DE LUGO. Mr. Speaker, in these times when our Nation is buffeted by one crisis after another, it is encouraging to note the consistent, dedicated efforts of individual citizens in building a healthy and stable society. One such individual is my constituent, Mr. Elroy Sprauve, of St. John, V.I., who was the subject of a recent illustrated article in the Lutheran, the official publication of the Lutheran Church of America.

Mr. Sprauve, a former senator, is guidance counselor and acting assistant principal of the Julius E. Sprauve School in Cruz Bay which was named for his father. I am proud of the contributions which this young St. Johnian has made to the social well-being of his community, and am pleased to insert in the RECORD an article from the Virgin Islands' Daily News describing some of his activities:

SPRAUVE FEATURED IN U.S. CHURCH MAGAZINE

CRUZ BAY.—Elroy Sprauve of St. John is featured in a three page illustrated article in the Oct. 17, edition of The Lutheran, official church organ of The Lutheran Church in America.

The article by Edgar R. Trexler, associate editor, describes Sprauve's role in the Virgin Island community. A former senator, Sprauve has served the Nazareth Lutheran Church in Cruz Bay "as everything from acolyte and Sunday School teacher to organist and council president." He is also guidance counselor and acting assistant principal at the Julius E. Sprauve School in Cruz Bay which was named for his father. The 34-year-old Sprauve holds a master's degree from Inter-American University in Puerto Rico in linguistics and another master from New York University in guidance and counseling.

Trexler quotes the well-known St. Johnian at some length on the need for the church to reach young people and help in social work, hospitals and schools. "Young people in the islands are particularly disenchanted with the church," Sprauve feels. "They feel it is irrelevant to the needs of the day. Some still attend Sunday services, but not many are moved by them . . . We have to have more commitment . . . For example, if a member is in financial need, the church should do something. If a member is sick, we should provide a meal, visit him—simple things like that."

The Lutheran magazine article takes note of the warm regard St. Johnians of all ages feel for the soft-spoken erudite young Virgin Islander and his compassionate community concern.

"We don't really need any more churches in the Virgin Islands," Sprauve says, noting that on St. John alone with a population of 2,000 persons, there is one Lutheran, two Moravian and two Baptist churches as well as an Anglican, a Roman Catholic, a Methodist church, Jehovah's Witnesses and Seventh Day Adventists. "What we need is for the ones we have to meet the challenge in juvenile crime, housing for the elderly and things like that."

Just as St. John churches are geared to U.S. counterparts, Sprauve feels, so are its schools. "The educational system needs help. We need more vocational programs and the upgrading of what we have. There's a shortage of skilled labor on the islands. Our academic program has fared better. We have open classrooms in some areas. But some of our curriculum needs to be tailored more to local needs, such as classes in marine biology and island history."

THE NEED FOR MORE PLANT CAPACITY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. CHAMBERLAIN. Mr. Speaker, in an article entitled "The Need for More Plant Capacity," which appeared in the Wall Street Journal on October 17, Dr. Paul W. McCracken, former Chairman of the Council of Economic Advisers under President Nixon, and present professor of business administration at the University of Michigan, offered thoughtful commentary on providing job opportunities for America's ever increasing work force. Cautioning against the extremes of diverting vast capital investments into environmental expenditures producing only limited job opportunities, as well as against creating jobs at the expense of our resources, Professor McCracken urges a balanced alternative and that consideration be given to stimulating growth by enlarging the share of total output going into capital formation. I include this article in the RECORD so others may have an opportunity to review Dr. McCracken's suggestions:

[From the Wall Street Journal, Oct. 17, 1973]

THE NEED FOR MORE PLANT CAPACITY

(By Paul W. McCracken)

In this current expansion we obviously have run out of plant capacity before we have run out of employable labor. Apparently a certain amount of further investment is needed for there to be a productive job available for each new entrant to the work force. And if that investment does not take place, the job seeker may find himself stranded.

During the first half of 1973 95% of the labor force was employed, the same as for the last half of 1964. It is obvious, however, that demands are pressing a lot harder on our capacity to produce this year than in 1964. In the first half of this year 87% of all companies in the purchasing agents survey reported slower deliveries, about equal to the proportion during the half-year following the outbreak of the Korean conflict. In the first half of 1964 the figure was only 68%. And if any further evidence were needed about pressures on the economy, the 13% per year rate of rise in industrial wholesale prices should settle the argument.

Yet the unemployment rate has remained at 5%. And group by group the rates are similar to those during the first half of 1965, when a comfortable margin of capacity seemed to prevail. Employment could be higher today except that we do not have the added plant capacity needed if these people are to be productively employed.

Why the shortfall?

At first glance it does not look as if there could be any shortfall at all. In 1973 fixed investment outlays (excluding residential construction) will be equal to about 11% of GNP (both in 1958 prices). That seems to be about in line with historical trends. During the last half of the decade of the 1960s, for example, 10.9% of our GNP was accounted for by these outlays, and during the first half of that decade the figure was only 9.7%. We seem to be devoting about as large a proportion of our output to capital formation as we usually have.

For two reasons, however, this customary share of output going to capital formation has left us short of plant capacity. For one thing we have had much larger increases in the labor force since 1970 than anything we saw in the previous decade. During the 1960s the civilian labor force grew at the average rate of 1.3 million per year. Since 1970, partly because of reductions in the armed forces, the growth has been at about a 2 million per year pace. The result has been that in the three years 1971–1973 inclusive capital formation has averaged only $39,000 per net additional person in the civilian force, sharply lower than the $49,000 average for the years 1963–1968. (Both of these figures are also expressed in 1958 prices.) And since the amount of gross investment required to replace the wear and tear on existing facilities is growing, the decline in the net investment per person added to the work force is even sharper than these gross figures suggest. These data suggest that the fixed investment needed if plant capacity were to be enlarged as rapidly as the work force grew simply has not been occurring in sufficient volume.

COMPLICATING A PROBLEM

The problem has been complicated by the fact that businesses did not begin earlier to anticipate their future inventory needs. Even a year ago an orderly build up in stocks would have been prudent and could have been done, but businesses refused to enlarge their inventories as sales were rising, and with every indication that they were destined to rise further. The result now is hand-to-mouth operations for many firms and with ceilings on production schedules imposed by shortages of raw materials and components.

The over-all statistics are quite dramatic. Inventories for manufacturing and trade by mid-1973 were down to 1.41 months of sales, and the ratio was declining. This is well below the normal relationship, which would be perhaps 1.5, and it is far below where inventories usually are relative to sales on the eve of a recession. If there is a 1974 recession, which has a lower probability than the nose-count of economists would imply, it will have to do its best with less assistance from inventory liquidation than any recedence in the postwar quarter of a century.

Capital formation, including inventory accumulation, in recent years would not have given us an expansion of plant capacity adequate for reasonably full employment of the civilian labor force even if it had all been of the conventional type that adds to plant capacity. But, of course not all of it was. A significant amount of our capital formation has been devoted to environmental objectives. However meritorious these objectives are, and in themselves they are quite unexceptionable capital expended for these purposes but does not leave the company in a position to produce more of its own products, and this inevitably limits its ability to take on additional employees.

Earlier this month Burt Schorr's story in this newspaper indicated that industry was in for a jolt because the water-cleanup bill was going to be far larger than had been predicted. This seems to be a law of life. Public programs are sold with a massive under estimate of costs, and after the commitment is made the true dimensions of the costs begin

to emerge. And the Deputy EPA Administrator was quoted in the story as stating that "the capital costs of these facilities are going to represent a very large portion of total capital investment by the affected industries" during the next four or five years.

We have been excessively sanguine and complacent about the employment effects of these capital outlays because of a tendency to confuse two things. One is the employment incident to producing the equipment or building the facilities needed for cleaning up the air or water. It is presumably true that a billion dollars of anti-pollution equipment provides about as much employment in its production as the production of a billion dollars worth of more conventional capital equipment. What the latter does do, and the former does not, is to leave the buyers of this equipment with expanded capacity, either directly or through more efficient operation or both. Now we are beginning to see that these differences are not just figments of economists' imagination. Our shortages of plant capacity mean not only slower and more erratic delivery schedules; they are also limiting new job opportunities.

We must find the optimum balance here among some trade-offs. At one extreme we could forget about our environmental concerns and shift our capital formation back to the conventional items that expand capacity—either directly, or indirectly through improving productivity and reducing costs. This would have the advantage of relieving some serious supply constraints, and it would enlarge the plant-capacity base for new job opportunities. It would, however, have the consequence of halting or reversing progress in cleaning up our air and water resources.

At another extreme we could invoke the Club of Rome vows that economic expansion needs to be sharply curtailed in any case. The capital budgets of businesses could then be largely re-directed toward environmental objectives, recognizing that thereby capital outlays for more normal expansion purposes would be drastically curtailed. If this is a rational decision, and not a mindless and passionate seizure of one objective in complete disregard of the implications, it would mean that we want to do this while fully aware of the consequences. What would the consequences be? They would be some combination of a reduced rate of growth in real income and a reduced rate of growth in employment opportunities, with a tendency for unemployment "to stick" at a relatively high rate. The unemployment problem could be avoided if wage and salary levels were held below where they would otherwise be—thereby tilting the economy somewhat in a more labor intensive direction. If we are not willing to take any reduction in real income gains, employment opportunities would then be constricted.

A decision to divert capital budgets of firms in a large way would be a perfectly rational social decision if we candidly face the consequences for employment or real income.

A THIRD POSSIBILITY

There is a third possibility. We could enlarge somewhat the share of total output going to capital formation. In that way capital budgets for environmental projects could be enlarged without a parallel cutback in more conventional projects to enlarge or improve basic productive capacity. Thereby we would largely avoid the problems that would otherwise be posed by limited plant capacity.

Going down this route carries with it its own set of implications. For one thing a higher level of business profitability than now prevails would be required to provide the means and the incentives for these heavier investment programs. The fact is that corporate profitability, even with the sharp improvement from 1970, remains low by historical standards. In 1973 profits (excluding transitory inventory profits) will be equal to about 10.5% of national income. This is low for this stage of the cycle, 20% lower than the 1963–65 average of 12.8% and not consistent with a longer run diversion of our output toward a greater share for investment. Nor is this greater profitability apt to be realized in an era of direct controls.

Those are the three outer boundaries of policies through which we can work our way out of the current imbalance between the size of the work force and our inadequate plant capacity. We are certainly not going to jettison our concerns about environment and pollution. While there has been a large theological component to this movement on the part of some, and for a few it was a convenient device for lashing out at "the System," informed people remain determined to make progress toward cleaner air and water. We must, however, face the fact that this means a somewhat slower rate of growth in real income, ultimately the need to reduce the productivity factor in wage contracts, and the probability that growth in plant capacity will tend to lag behind the growth in the labor force.

What we cannot afford is another round of overly and unnecessarily ambitious objectives, adopted with insufficient exploration of consequences in other directions, and with the public misled by serious under-estimates of true costs and consequences.

THREE CHEERS FOR BRISTOL, CONN., NATIONAL GUARDSMEN

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mrs. GRASSO. Mr. Speaker, our National Guards are trained to defend their country in times of national emergency.

However, another role the Guards play is that of concerned citizens involved in projects which benefit the community at large. One such project is the painting of the Bristol Clock Museum which Infantry Co. C, Unit 102 from Bristol, Conn., carried out on a clear Sunday afternoon last month.

For the benefit of my colleagues I have inserted the following editorial from the October 15 edition of the Bristol Press telling of the service the Guards performed in painting the museum. I join the Press in requesting three cheers for Bristol's National Guardsmen.

THREE CHEERS FOR BRISTOL'S NATIONAL GUARDSMEN

On a clear Sunday afternoon in October, normally the Clock Museum would expect to host a modest number of clock buffs. And usually well over half the visitors come from out of town and many from out of state. The fame of our outstanding clock and watch museum among knowledgeable collectors has spread far and wide, throughout the country and even overseas.

But yesterday the routine was somewhat different as far as activity was concerned at Bristol's American Clock and Watch Museum. Several hours ahead of the afternoon visiting hours there were quite a few folks at the Clock Museum (and most of them from Bristol) who were giving their attention to the outside, rather than the famed collections in the Museum. There were men on the roof and men on ladders. And there were others relaxing on the grass, awaiting their turn on the ladders and on the roof. They were all in "fatigues" and many of them had come in the National Guard truck.

They were members of Company C unit, 102 infantry, Bristol National Guard. They were giving of their time and energies on a community project. They were painting the exterior of the Clock Museum.

It was a sight to behold—and one that makes you feel pretty good towards the National Guard and the men in that Bristol company. Here was an example of Bristol young men who are geared for national defense and emergency service in time of crisis, going all out to take on this community service project. Chris Bailey, curator of the Museum was with them. He was up on the ladder wielding a paint brush, too. A member of the Guard unit, he had put in a request that the Clock Museum paint job should be the Guard's extra community service project for this year. A year ago it was a clean-up day at the old N.D. buildings on North Main Street.

With the local National Guardsmen cooperating, all they needed was the same kind of good cooperation from the weather man. And they had that in good abundance Sunday morning, despite a few showers in the very early morning hours.

The guardsmen did a fine job on "instant painting". Those who did not see them in action may be interested in checking the action photo taken by our Press photographer about 11 a.m. Sunday—on another page in this edition. The Clock Museum and the community as a whole are indebted to our local National Guardsmen. They have given an outstanding demonstration of good citizenship in peacetime. Let's have it loud and clear—"Three Cheers for our Bristol National Guard"! [Picture not reproduced in the RECORD.]

MAN-TO-MAN PROGRAM: "THE LEAST OF THESE * * *"

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. YOUNG of Georgia. Mr. Speaker, in the last 2 years a remarkable program known as Man-to-Man has been developed by community volunteers and inmates at the Lorton Reformatory, the Washington, D.C., prison located in northern Virginia.

One of the moving forces behind Man-to-Man is its president and project director, the Reverend Charles C. Mottley, who described the program in a recent speech to a group of men and women interested in starting similar work in Atlanta.

The concept and nature of this work is simple. Mr. Mottley explains:

We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long-term basis.

In the following speech, Mr. Mottley tells the story of Man-to-Man and its potential for dealing with the problem of crime.

"THE LEAST OF THESE * * *"

(By Charles C. Mottley)

Before I begin my speech, I would like to thank Wayne Smith for inviting me here to Atlanta to be with you on this very special occasion.

I noticed the headlines in tonight's newspaper—that crime had increased by 9% in

the last year in Atlanta. What you are beginning here is a step in the right direction, and, I believe, a necessary one if we are ever going to get to the root cause of crime and quit dealing with symptoms. I met earlier this evening with Wayne Smith and Jimmy Washington (basketball player with the Atlanta Hawks) and I believe that they will give Atlanta the kind of leadership that they will need to deal with this ever-increasing problem of crime.

In my opinion, it will take another dimension to the usual law enforcement and corrections action—it will take community involvement on a one-to-one basis with real commitment by all involved, to this concept and to each individual offender. I would like to share with you how I got involved in this one-to-one concept.

This is my story:

"Mr. Mottley and Mrs. Suydam would like to talk with you about a television series that they are working on." The speaker was John Boone, the Superintendent of Lorton Reformatory, the Washington, D.C., prison which is located in Northern Virginia.

While John Boone was introducing us, I took my eyes off of him and looked at the 40 men assembled there in the large room. Each one of these 40 men had been convicted of either murder or rape. Mr. Boone's words broke upon my thoughts, "and now I turn the meeting over to Mr. Mottley." He looked at me and smiled and then turned and walked out of the large meeting room.

I looked around to see if there were any guards in the room with us, but I didn't see any. I couldn't believe that he was leaving my friend, Jane Suydam, and myself, in the room with 40 convicted murderers and rapists! To say that I had never felt so out of place in my life was an understatement.

I found myself thinking something like, "Mottley, what have you gotten yourself into now." I had been in some tough situations before—like looking over the edge of a cliff in Trinidad (our car had been forced off a narrow wet mountain road)—or like landing in Guyana with only one wheel of the airplane working—or like riding out turbulent thunderstorms flying over Central America, where two other passengers had been killed by being thrown against the ceiling of our airplane.

I had been in the presence of physical danger—violence and death, but, needless to say, I was not prepared for this particular occasion.

It all began when my friend, Jane Suydam, who had been a television producer, had heard me give a lecture on forgiveness. We began to discuss the relationship of the breaking of man's laws to the breaking of God's laws. There were many proposed solutions to the rising crime problem in Washington, D.C., but no one, to our knowledge, was approaching the crime problem from a spiritual point of view.

Jane decided to do some research for a T.V. series which would explore this relationship—the breaking of man's laws to the breaking of God's laws and asked me to help her with the research. As far as I was concerned it was strictly an intellectual exercise—one with no personal involvement. It sounded like it would be an interesting project.

It wasn't very long before we had an appointment with the Superintendent of Lorton, John Boone. He was very receptive to our premise that underlying the breaking of man-made laws was the breaking of spiritual principles, or laws. After about forty-five minutes, he said, "Look, why don't the two of you talk to some of the inmates here at Lorton?"

My reaction was, "Yes, that's a good idea. Maybe we can come back in a couple of weeks and interview one or two of them." Walking through the prison gates had been enough of a cultural shock for one day.

John Boone replied, "You don't have to wait, I can get a group together right now—in fact, why don't I get the 40 men who belong to the Lorton Lifers fro Prison Reform."

Mr. Boone got up from his chair and continued talking as he walked toward the door of his office. "You can talk to them about forgiveness or anything else that you like—and get their response."

He opened his office door and I could hear him giving his secretary instructions to have the men meet in the meeting hall in 15 minutes.

I looked at Jane and she just smiled back as if this was the most natural thing in the world to be doing. "Well, at least there will be guards with us," I thought to myself.

But there wasn't as I found out, as Mr. Boone left the meeting hall.

And so, I found myself in a room with 40 men—and one woman, Jane, who seemed to be the most relaxed person in the room.

The room was quiet. I could feel every eye in that room looking at me as I stared at a spot on the floor about two feet in front of my shoes. How did I feel? Well, "inadequate" comes close. Maybe "helpless" is a better word.

Have you ever been in a situation where your choices were to speak and feel foolish, or not to speak and feel foolish?

So, I started speaking. "We are here to do some research for a possible television series that would deal with the relationship of breaking man's laws and the breaking of God's laws." My eyes began to meet some of their eyes—but no response.

"We were talking with Mr. Boone just a little bit earlier and he suggested that we tell you what we are trying to do and maybe you could help us." I only saw one white man in the group. He had an intelligent look about him as did most of the others—but still no response. (He later escaped in a well planned exit.)

"For example, we are looking for any stories of forgiveness where maybe you have forgiven someone for something that they've done to you or where someone has forgiven you."

Two men in the back row got up and walked out of the room. I saw a couple of smiles. "Great, Mottley," I said to myself, "just great. At this rate, they will all be gone in eight minutes." I paused for a few seconds to look around the room. Still no response. No flicker in the eyes. I hadn't touched anyone.

And then I began to tell them about the love of God—and about His Son, Jesus, and that God forgives us of all that we've done—and we know this because of what happened on the Cross. And I began to see a flicker on a pair of eyes there and then another one.

"You see, forgiveness is important. It's important because only as we forgive others can God forgive us—it sets us free and releases us from bitterness and resentment so that we may live in a full and whole life." Well, it wasn't exactly Billy Graham, but at least no one was leaving.

Most of the men were looking down at the floor and I still hadn't felt that I was really communicating with them. "Look, I just don't feel I'm doing a very good job explaining to you what I mean. Is there anyone in here who understands what I'm saying and can communicate it to the others?"

The room was very quiet. I became aware of rock music from a radio in an adjoining building. Some of the men shifted uncomfortably in their chairs. No one was looking at me. Except Jane. I was sure that she was saying to herself, "Okay, Mottley, what now?" And I didn't know.

After what seemed like eternity, a tall man, maybe 6'5", who looked to be in his middle 30's, stood up in the back of the room. "I know what you're talking about. I had two brothers who were killed. They were both caught in the act of robbery and were shot to death. I had a lot of bitterness about that. I was sentenced to a lifetime in prison for killing someone, but yet nothing happened to those two people who killed my brothers."

He was speaking in a very quiet, peaceful tone. "I hated them, really hated them, and the whole system too, but this hate was about to drive me crazy. After awhile, I saw what it was doing to me and with the help of God I was able to forgive them. It really made a new person out of me." He sat down.

Needless to say, I felt relieved. I could feel the tenseness leaving my body. The speaker had done a beautiful job of expressing the forgiveness principle, and because he was expressing it, the men could identify with him. They were having a hard time hearing someone from the outside who obviously had no idea of what it was like to be on the hated inside. And even though there were some men who obviously disagreed, the atmosphere of the room had changed. The spark had been lit and the dialogue had begun.

After the speaker had sat down, one man immediately fired back—"You mean if you saw either of those people walking down the street, you wouldn't do anything to them?"

"No," he answered, "I wouldn't. It's all over." And you had the feeling that it was, too.

I came away from Lorton that day with a terrific burden for the men there. After our little meeting, we stayed around for another hour talking informally with a few of the men.

What could I do to help them? What could one person do? And a nonprofessional at that, who knew nothing about these men, their background—or even about the correction system. College and Seminary had not prepared me for this kind of world with these kinds of problems.

These were the forgotten people of our society—the new "lepers" that are put outside the walls of our cities. These men were the men who for the most part had six common characteristics: they had no job skills; no high school education; grew up in the ghetto; had experienced drugs; were black; and had come from a broken family with no father influence.

But these forgotten men would soon be back with us. Of the 1,500 inmates at Lorton, 97 percent would be back in the community again, and if the national averages held up, 70 percent of those men would be back in prison within four years.

Another fact that astounded me was that over 80 percent of all crimes committed are committed by men who have already been convicted of another crime. In other words, if we want to do something about tomorrow's crime, we need to go to the prisons today.

There are many questions that need answering: what do we do about the compulsive, habitual offender? How do we keep the family together while the father is in prison? What can we do about the degradation of men in prison: the rapes? and the homosexual attacks?

From these concerns, which grew out of that first trip to Lorton, I shared with a group of friends a vision I had to try and do something about our prisons. We started a work at Lorton called Man-to-Man, which now had over 70 men involved in it.

We ask the volunteer in the community, on a one-to-one basis, to take an inmate as a friend and visit him at least once a month, to help him get a job when he gets out of prison and then to stay with him as his friend on a long term basis.

In the last two years, there have been some dramatic things which have come about not only with the inmates, but with the men in the community as well. The T.V. series, which was the reason for going to Lorton that first time, has yet to be produced, but something of far greater substance and value **has been produced.**

One of the things that has happened is that men in leadership positions in the Washington Metropolitan area responded to the challenge of the Man-to-Man concept. Some of the Northern Virginia men on the Board of Directors are: Charley Harraway, the Washington Redskin fullback who is also Chairman of the Board of Directors; Judge Frank Deierhoi of the Juvenile and Domestic Court in Fairfax County; Dr. L. H. Blevins, a former member of the Arlington County Board of Supervisors; Neil Markva, an attorney; and Don Tobias, President of Data, Inc.

There have been many instances of unusual acts of kindness, but more important is the relationships that are being built. Some of the inmates who in the beginning were openly questioning the motives of the volunteers, are now calling the sponsor "the best friend that I have."

An inmate's wife was hospitalized for a week and there was no one to take care of his children, so his sponsor and his wife kept the children for that week while the wife was in the hospital. A small act of kindness for the sponsor, but even more important the opportunity to demonstrate his verbal commitment.

An inmate had not seen his daughter in eight years and his sponsor picked up the thirteen year old daughter in Washington, D.C., and took her to Lorton to be reunited with her father. In terms of time, a small thing for the sponsor, but in terms of demonstration of commitment, a very important act in building a relationship.

We in this work have come to the realization that God's love is very practical and that it means that our relationship to that man in prison is based on our commitment to him, not on his performance, just as our relationship to our children is based on our commitment to them, as parents, and not on their performance. It makes no difference in our relationship to our children whether they are "good" or "bad", we are still their parents. My friend in prison may escape, or he may be released and then get into trouble again and be put back into prison. But, no matter what happens, I am commited to be his friend, and my relationship to him is based on that commitment, not on his performance.

"As you do this to the least one of these, my brothers," Jesus said, "so you did it unto me."

RARICK REPORTS TO HIS PEOPLE: THE NEW POPULISM, AN INTERVIEW WITH FORMER SENATOR FRED HARRIS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RARICK. Mr. Speaker, during a recently televised report to my constituents I interviewed former U.S. Senator Fred Harris of Oklahoma. I insert the text of that program at this time:

Mr. RARICK. The preamble to the Constitution begins with the words "We the people." Many Americans today feel that their government has become isolated from the average citizen because of its massive growth in recent years. And thus, "We the people" have lost much of the power to govern our own lives. Former Senator Fred Harris of Oklahoma is one of these people.

Senator Harris was elected to the U.S. Senate from Oklahoma in 1964 and served there until he resigned in 1971 to seek the Democratic nomination for President. He ran on a platform that has been called "The New Populism." This philosophy became the basis for his new book of the same title. Senator Harris is now a practicing attorney here in Washington and teaching at American University. Fred, let me ask you this: what is the New Populism and why do you feel it is relevant to America in the 1970's?

Mr. HARRIS. Well, we believe in a lot of the same kind of things that Huey Long believed in. We believe, for example, that there ought to be widespread private ownership of private capital in this country. Everybody ought to have a chance to own a part of the system, to be owners. We also believe that there ought to be a lot more competition in our economy, rather than more programs, more government regulations, more government subsidies. We believe that the market ought to be able to work better and can work better, as an alternative to more and bigger government. We also are against monopoly. We believe like William Jennings Bryan said that there ought not to be private monopolies. If there's going to be a monopoly, it ought to be a public monopoly. But primarily, we believe in the market.

Mr. RARICK. Well, does the New Populism then oppose the redistribution of the wealth?

Mr. HARRIS. No, we're for that, but that sounds a lot wilder than it is. Obviously, that's what we're up to with government—that is some kind of fair distribution of wealth and income and power. It's the whole idea. We think that the best way to do that is to enforce the present kind of laws that we have—for example, antitrust laws. We're against monopoly profits. We're against these across-the-board wage and price controls that really haven't worked. The market would work a lot better, rather than trying to control the whole economy and set all prices and wages. Nobody is smart enough to be able to do that.

Mr. RARICK. You've been here in Congress and, of course, you're aware that many times we get gentlemen in Congress who have new theories for redistribution of the wealth. They always try to hide behind helping the poor man. And yet when these programs are proposed, many of the people who are in here lobbying for them certainly aren't poor people. The minute these programs get going, some of these strong men or wealthy powers get in control, and the whole theory of redistribution ends up meaning actually that the rich get richer and the poor get poorer.

Mr. HARRIS. With a lot of these programs, there's no question about that. I think, though, that it's really a shame that in the richest, most productive country in the world, most people who are working as hard as they can work are having a hard time buying groceries. That's just wrong, and I think there's a couple of reasons that are pretty obvious why that's so. One, we've got this awful inflation, a lot of it caused by monopoly power. And secondly, I think the government is taking too much out of the pockets of most of the working class people in this country. They're paying far too much of the bill and getting very little in return. My father's a very small farmer down in Southwestern Oklahoma, and he works as hard as a person can work. He's paying more than his share of the bills of the government. It's not enough just to have tax reform. I'm for that, and strongly for it. But, I think we also need some tax reduction for most of the taxpayers.

Mr. RARICK. We also find that many of the people retired today who can't even live on retirement are being forced into moonlighting and outside employment. Of course, Congress even increased the amount of earnings that the retired person now can make. From reading your book on the New Populism, Fred, is it safe to say then, that you don't agree with the old maxim that "what is good for General Motors, is good for America"?

Mr. HARRIS. No, I don't. I like the idea in America of the entrepreneur, somebody that can get in business, stay in business and make a living for himself and his family, or herself and her family. But what we've got now, today, is so much of the industries of the country, as with the automobile industry, are these huge giants that are bigger than the market. Remember, we used to have a lot of different kinds of automobiles and that was because the competitive system was working. Now, we've got three big giants that control about 90 percent of the automobile production in the country. They don't really compete on price, they don't compete on quality, and therefore, we've got a lot of Japanese making Datsuns and Toyotos and a lot of Germans making Volkswagens and Mercedes, that might be Americans making these cars, if we really had a competitive automobile industry here. The anti-trust laws are on the books, and we say we're against monopolies. What we'd like to do, those of us who call ourselves New Populists today, is to see the anti-trust laws enforced so that we could have real free enterprise again.

Mr. RARICK. Fred, I notice that in your book you have one chapter entitled, "The Money Changers Own the Temple." And in it, you mention my bill H.R. 119, which I introduced to provide for public ownership of the Federal Reserve Banking System. I dare say that the average American doesn't even realize that a private, independent corporation, not Congress, actually is in control of the flow of the money and the development of the credit in our country. How would your theories of New Populism answer this question of the money monopoly?

Mr. HARRIS. Well, that's one of the prime reasons, Congressman Rarick, I wanted to come on your program, because I really think you're on the right track, in regard to public ownership of the Federal Reserve Bank. I agree with you; I don't think most people know how money is created or how it's circulated. We know it's there. That's about all I used to know. We get a dollar bill; we can spend it. We didn't know where it came from, or who put it out or printed it. Well the Federal Reserve Bank is a monopoly. And it ought to be a public monopoly instead of a private monopoly. They make all sorts of decisions that affect every one of us about how much money supply there should be, about what the interest rates will be, and so forth. Now, interest rates have gone out of sight. And it is just wrong to allow people to do that privately, to affect the money of the whole country, when their own personal interests are very often deeply involved with what they do. That's why I think you're on the right track with the idea that that ought to be something the government does, the control of our money.

Mr. RARICK. Well of course, it's interesting that the Founding Fathers placed the responsibility and the authority to adjust any credit or any flow of money in Congress.

It's amazing to hear some of the opposition. When people say they don't want Congress to control the money flow, I usually reply, "Well, why not?" And they say, "We don't trust politicians." I say, "Oh, you trust bankers who are not responsible to the people?" I doubt if there are ten members of the entire Congress and Senate of the United States who even know who the members of the Federal Reserve Banking System are. These people have to file no disclosures of outside income; they have no kind of written ethics code. The American people demand this much of their political leaders. We have to live in a goldfish bowl. The bankers who regulate all the wealth of the country don't stand for reelection every two years.

Something must be wrong, because the system isn't working. We still have rampant inflation. They're apparently not regulating to help the average man. You see this from

a Populist viewpoint, but it even goes back to provisions in our Constitution.

Mr. HARRIS. When I used to serve on the Senate Finance Committee, we'd have these bankers come in before us and almost say, "Don't throw us in the briar patch." They'd say, "I hope you folks don't force us to have to raise the interest rates so high again to save the country." I was talking to a fellow the other day. I happen to like him; he's a friend of mine and is president of a huge life insurance company. I was asking him what he thought was going to happen to the economy. And he said he was not very optimistic. In consequence of that, he said while normally they keep on hand one hundred fifty million dollars in cash, they've now run that up to four hundred fifty million in cash, which they're investing in 90-day notes at nine percent plus interest. Now, you can't tell me they're hurt by high interest rates. It's just about like my old daddy used to say, "If you've got money, you can make money." That's particularly true if these bankers run these interest rates up. Whereas, folks that are having to buy washers and dryers, cars or homes are paying an enormous penalty because we don't have real control over the Federal Reserve Board.

Mr. RARICK. People get mad at local bankers not realizing that the controls are coming from the Federal Reserve Banking System.

Mr. HARRIS. That's right. They have to get their money somewhere.

Mr. RARICK. But, the local banker is about as frustrated as he can be. You are aware that the Banking and Currency Committee of the House has come out with a bill to audit the Federal Reserve Banking System. And many people have been amazed to find out the Congress of the United States has never audited the Federal Reserve Banking System in all these years.

Mr. HARRIS. That's really a strange thing to me. I wonder how we got into that kind of situation. You know, I served in the Senate for eight years, and I didn't know enough about it. It's a complicated subject, and folks don't understand it out in the country and most of us in the Congress don't know as much as we ought to. I really like the idea of auditing the Federal Reserve Bank regularly. Anything we can do to learn a little more of what's going on will be helpful and might lead the way toward government ownership of the Federal Reserve Bank.

Mr. RARICK. Well, I suggest that we need an investigation with the depth of the Watergate probe into the operation of the Federal Reserve Banking System. Maybe then the common man and the working masses of America would really know what is happening to their dollar.

Mr. HARRIS. I agree with that.

Mr. RARICK. Well, Senator Harris, we're very happy to have had you on the show. Your book, The New Populism, certainly presents new, and different views—refreshing views to what our people are now hearing. I'm certain that many of our people will be interested in following your efforts and your new program. We certainly appreicate your chance to be with us and share your views today.

Mr. HARRIS. Thank you.

MORTGAGE MONEY PROBLEMS CONTINUE

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. HANNA. Mr. Speaker, on July 20, I warned that the July 5th decision of the Federal Reserve Board and the Federal Home Loan Bank Board would wreak havoc in the homebuilding industry. I was especially concerned that the creation of the "wild card" certificate of deposit would either drain savings and loans or would cause an unacceptable increase in interest rates on home mortgages.

The Congress quickly responded to the unsatisfactory results of the experiment with the "wild card" certificate by recently enacting Senate Joint Resolution 160 which requires the relevant regulatory agencies to set ceilings on 4-year, $1,000 minimum certificates. On October 17, acting pursuant to this legislative mandate, the Committee on Interest and Dividends, with the Federal Home Loan Bank Board dissenting, set ceilings on the "wild card" of 7½ percent for thrift institutions and 7¼ percent for commercial banks and, at the same time, removed the 5 percent-of-savings restriction on the certificates.

Mr. Speaker, these new ceilings are too high to correct the problems which Congress intended to correct and, as such, are not in keeping with congressional intent. The entire history of the change in rate ceilings since July 5 reflects a desire on the part of the financial regulatory agencies to reduce disintermediation and stabilize mortgage flows. But the history of the effects of their decision has been precisely the reverse. It is my strong feeling that the CID's October 17 decision will continue into the future this misguided record of the recent past.

One of the problems Congress intended to correct with Senate Joint Resolution 160 was a situation where thrift institutions held a considerable amount of deposit accounts at yields which would require the institutions in turn to give mortgages at unacceptably high interest rates. But that condition continues uncorrected by the CID's October 17 decision. In order just to break even on 8½ percent VA or FHA loans, for example, financial institutions can afford to pay no more than 6¾ percent on deposit accounts. Therefore, what the 7½ percent ceiling on thrift CD's means is that thrift institutions face the unhappy choice of either relending significant portions of their portfolios at above 9 percent—where homebuyer resistance is high—or risking significant outflows of savings to commercial banks. That was the situation before October 17, and that is still the situation today.

Another of the problems intended to be addressed by Senate Joint Resolution 160 was to lessen the tight grip which high interest rates have placed on the availability of mortgage money. But that problem also will continue to exist despite the CID's October 17 decision pursuant to Senate Joint Resolution 160. In light of the fact that the loan portfolios of savings and loans rarely exceed 7.2 percent, it is doubtful that thrift institutions will be able to compete with commercial banks for these long-term consumer deposits by taking full advantage of the one-fourth of 1 percent rate differential. If that is so, long-term depositors are likely to make their deposits in commercial banks—here high turnover short-term loans make it feasible to give higher yields on deposit accounts. With approximately $20 billion worth of CD's coming due this quarter, it is clear that there will be an inadequate flow of capital into those financial institutions specializing in home mortgages.

In short, Mr. Speaker, the problems which were addressed by the Congress in Senate Joint Resolution 160 have apparently been ignored by the Committee on Interest and Dividends in its October 17 decision. If the results of the October 17 decision fail to correct the problems created by the July 5 decision, yet stronger congressional action may be in order.

I wish to insert in the RECORD, for my colleagues' attention, a series of telegrams which describe the problems now being faced by thrift institutions throughout the country:

BEVERLY HILLS, CALIF.,
October 25, 1973.

Congressman RICHARD T. HANNA,
House of Representatives,
Washington, D.C.

The July 5 "wild card" was destructive to home financing resulting in New York commercial banks offering up to 10 percent on $1,000 accounts obviously not to be used to finance home ownership.

The proposed ceiling of 7.5 percent compounded daily on $1,000 savings accounts which amounts to 7.79 percent per annum means eventual disaster to all financing for home ownership. The $1,000 minimum at 6.75 percent which compounded daily amounts to 6.98 percent is as high as any financial institution can pay to break even on VA or FHA loans at 8½ percent. There is strong public opposition to 8½ percent for home loans and home building and real estate sales are gradually coming to a full stop at 6.98 percent interest cost and overhead of approximately 1½ percent. There is little or nothing left for reserves on 8½ percent mortgages so how can 7.79 percent be economically sound for $1,000 savings accounts to provide funds for home ownership? Immediate action should be taken to entirely eliminate the $1,000 4-year proposal costing 7.79 percent which is economically unsound for home financing.

S. MARK TAPER,
President, American Saving and Loan Association.

GLENDALE, CALIF.,
October 18, 1973.

Congressman RICHARD HANNA,
Rayburn House Office Building,
Washington, D.C.:

The action taken by the Treasury Federal Reserve and Federal Home Loan Bank Board yesterday appears to once again thwart the wishes and directives of Congress. As we understand the intent of Senate Joint Resolution 160 passed by both Houses and signed by the President on the 15th this was to reduce competition for funds and encourage additional flows of money into the housing market. The net effect of current action is to increase interest rates to home owners. The savings and loan industry in order to pay these new rates would have to charge on the order of 9 percent on real estate loans to enable them to continue in business. May Congress now reconsider Joint Resolution 160 and make its desires more emphatic to the C.I.D.

D. A. CLARKE,
President, Glendale Federal Savings and Loan Association.

SAN MATEO, CALIF.,
October 19, 1973.

The new wild card rate controls of maximum 7½ percent for Savings and Loan As-

sociations and 7¼ percent for commercial banks is too high and appears to ignore and violate the intent of Congress, as expressed in JR160. The rates and rate differential announced will not assist or improve home mortgage situation, but does illustrate the apparent attempt of Treasury, FDIC, and Federal Reserve Board to set rates that penalize Savings and Loans and aid commercial banks.

California Savings and Loan Associations' average mortgage loan portfolio yield is 7.2 percent. Obviously, we cannot afford Savings rates as announced, or compete with commercial banks. The Savings and Loans in balance of country have loan portfolio yield of less than 7.2 percent. I urge passage of bill which would require concurrence on rates by the four federal financial agencies involved. It has become obvious that Congress and the country cannot depend upon the three commercial bank-controlled federal agencies to reflect the view of Congress in terms of public need for housing rather than promoting profit for commercial banks.

It is also apparent we urgently need passage of Senator Hubert Humphrey's bill S2454, to establish savings rate ceiling of 6¾ percent, with sufficient differential between commercial banks and Savings and Loan Associations to ensure an adequate flow of funds to the mortgage market.

Request your immediate support and appropriate action.

MILO J. D'ANJOU,
President, West Coast Federal Savings.

GLENDALE, CALIF., *October 18, 1973.*
Hon. RICHARD HANNA,
House Office Building,
Washington, D.C.:

The Committee on Interest and Dividends has again thwarted the intent of Congress in the new rates that they have just passed for banks and savings and loans.

The Fed continues to carry on a rate war against the savings and loans. Until there is agreement of rates rather than a 3 to 1 vote, the savings and loans and as a result, housing, will never get an even break.

The saving and loan industry cannot pay 7½ percent as a rate. There are not more than a few associations that have a portfolio yield that even reaches 7½ percent. Hence, the future safety and viability of our industry is in jeopardy.

Congress should act now to have the CID set reasonable, fair rates.

R. D. EDWARDS,
Chairman of the Board, Glendale Federal Savings.

SAN FRANCISCO, CALIF., *October 17, 1973.*
Congressman RICHARD T. HANNA,
House Office Building,
Capitol Hill, D.C.:

The new "wild card" rate controls announced by the Federal financial agencies today appear to be a direct rebuff of the intent of Congress as expressed in J.R. 160. The rates and rate differentials announced today will not assist the present dreadful home mortgage situation, and illustrate the intent of the Treasury and the Federal Reserve to set rates that penalize savings and loans and aid commercial banks.

I urge passage of an amendment to J.R. 160 which requires concurrence—repeat concurrence—on rates by the four Federal financial agencies involved. It is obvious that Congress and the country cannot depend upon the three commercial bank-controlled Federal agencies to fairly reflect the view of Congress and to allocate savings flow in terms of public need rather than private profit.

ANTHONY M. FRANK,
Chief Executive, Citizens Savings.

DR. KONSTANTIN FRANK AND THE WINES OF THE VINIFERA WINE CELLARS

HON. LESTER L. WOLFF

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. WOLFF. Mr. Speaker, a few weeks ago, I challenged the California delegation to back the Oakland Athletics in the world's series against the New York Mets. Well, unfortunately, I lost that bet, and last night the New York delegation joined with the California delegation to pay off the wager with some New York State wines.

We were lucky enough to be tasting the wines of Dr. Konstantin Frank, wines which, according to the experts, are among the finest produced in the United States. Dr. Frank drove to Washington from Hammondsport, N.Y., near Elmira, in the western part of New York State in order to deliver and serve his wines to us personally.

Dr. Frank mentioned that "Americans are behind the moon" in understanding and appreciating fine wines. Perhaps he is right, but I do know that each of us who were fortunate enough to attend the wine tasting last night realized that we were drinking a superb product.

I want to thank Dr. Frank in behalf of the members of the New York and California delegations who participated in the wager—for driving down here with his student, Brother David of the Benedictine Brothers of Indiana, and for being so kind as to allow us to sample his wines.

In Dr. Frank's honor, I would like to include at this point in the RECORD an article from Holiday magazine, written in May 1968, after he had been operating on his own for only 5 years. It was certainly my honor and privilege to be his host here in Washington.

The article follows:

NEW YORK WINES COME OF AGE

(By William Clifford)

"Except for a couple of serviceable champagnes, nobody I know would be caught dead with a bottle of New York State wine in his cellar." The man who said this to me was a connoisseur with several thousand bottles of good wines in his cellar—enough so that he will very likely die with many of them still there. And he was expressing the common knowledge that New York wines are marked with the taste of wild grapes, grapes that once grew so profusely all over the eastern part of America that Leif Ericson named it Vinland. Many connoisseurs assert that all New York wines have always had this taste and always will. I am pleased to report that these connoisseurs are wrong.

I won't be surprised if a few people question this statement. By and large, the wines that have been made by many individuals in the East for some three hundred years, and in New York by large commercial wineries for more than a century, do not taste much like any other wines on earth. This has little to do with the soil or the climate or the way of making the wine; it has much to do with the varieties of grapes. There is a long record of failure to grow European wine grapes in the Eastern United States. And there is an equally long record of unfounded claims of indigenous excellence. A colonial governor was so impressed by the quantity of wild grapes that he conceived a plan for America to become the world's major wine producer. This hasn't happened yet, and it doesn't seem likely to happen, if only because Russia is currently making a much stronger bid than ours to overtake France and Italy.

More than a century ago Nicholas Longworth was selling his Cincinnati-made Sparkling Catawba in the urban centers of the East, and he even sent some cases of it to England. An accomplished showman as well as an honest wine maker, Longworth once claimed indignantly that when people ordered his wine at certain New York hotels they were served inferior French champagne in its place. And our agrarian-epicure President, Thomas Jefferson, had some years earlier written to a friend that his—the friend's—American-made red wine equaled any Chambertin. This was before the Concord grape had been hybridized, or the Isabella (which was bred at Flushing, Long Island), or Longworth's favorite, the Catawba, to which Henry Wadsworth Longfellow wrote the following lines (actually a thank-you note to Longworth for a gift of his wine):

Very good in its way
Is the Verzenay,
Or the Sillery, soft and creamy;
But Catawba wine
Has a taste more divine,
More dulcet, delicious, and dreamy.

But the wine that Jefferson praised must have carried the heavy stamp of all wild American grapes, the pervasive taste that wine people refer to as grapy or foxy. (The French call it *goût sauvage.*)

Last year, when the *Foreign Service Journal* asked Ambassador David Bruce to name the ten greatest wines in the world, it received a list of ten French and German wines—naturally enough. It also received cries of outrage from wine growers and congressmen in California and New York. How could a senior American diplomat commit such a *gaffe*, at a time when the State Department was promoting American wines abroad? Yet had the ambassador, a recognized connoisseur, included a California wine, American epicures might have been surprised and even distressed, because his choice would certainly have been a premium varietal of very small production, almost unobtainable by the general public. Had he included a New York wine, sophisticated wine drinkers might have fainted from shock.

Nonetheless, what I have to report is the recent production in New York State of wine that comes close to meriting a place on his list. After a century of crushing Concords and Catawbas, blending some good champagnes (New York makes more than half our sparkling wines, though California makes 85 percent of all American wines), making popular fortified and dessert wines, and last of all the odd-tasting table wines, New York has now suddenly produced fine dry table wines without a trace of the foxy flavor. They are wines that compare favorably with the well-known Rieslings of the Rhine and the superb Pinot Chardonnays of Burgundy.

To a considerable degree, this is the accomplishment of Dr. Konstantin Frank.

Born of German parents in the Ukraine on the Fourth of July, 1899, Doctor Frank immigrated to America in 1951, following eight years of agriculture and viticulture in Austria and Bavaria. Before the War he had been in charge of large vineyards in the Ukraine, where he supervised the planting of 2,000 acres of Rieslings and other fine wine grapes. His academic degree in agriculture comes from Odessa, where Lysenko was one of his professors.

Like many another immigrant, Doctor Frank arrived in America broke and without a job. Finding life in a slum under the Brooklyn Bridge intolerable, he bought a one-way ticket to Geneva, New York, where the state's Agricultural Experiment Station is located. There he knocked on the door, described his previous experience with grapes, and requested a job. He was given menial work, which he performed for two years. Then his talents came to the attention of Charles Fournier, the head of one of the nearby Hammondsport wineries, who hired him as director of vineyard research for Gold Seal. Fournier had himself been an immigrant, though in different circumstances, from Reims, France, in 1934.

During his decade with Gold Seal, Doctor Frank experimented with many grape varieties, root stocks and soils. New York's winters are much colder than the winters in the vineyard areas of western Europe, but he was already familiar with the subzero temperatures of the Ukraine. And he knew that wine grapes benefit from a certain amount of cold, that in most wine districts of the Northern Hemisphere the best wines are made from the grapes growing the farthest north. This was a factor in favor of New York. And native American roots had adjusted to the climate and developed resistance to pests and disease. The soils proved favorable too. It was the grape varieties, the buds he grafted into native roots, that constituted Doctor Frank's daring area of experimentation.

In common with many other fruits, grapes are not generally grown from seeds, which would result in throwbacks to undesirable hereditary characteristics, but from grafts of the finest specimens onto suitable roots. The buds Doctor Frank determined to grow were all of the European Vinifera family, the grapes that had defeated attempts to grow them in the Eastern United States for three centuries. The men who remember him at Geneva say he has a green thumb. He also has scientific knowledge, practical experience, unlimited energy and dogged determination. He personally grafted more than 250,000 buds of European wine grapes onto American roots for Gold Seal, planted these grafts in various soils, watched them grow (the ones that *did*—naturally, there were failures), harvested the grapes and made the wines. He made wines that tasted not at all like the foxy New York State products of the past, but like the fine wines Europeans make from these same grapes.

Gold Seal continues to produce Vinifera wines, though it is a very small part of the firm's business. Its premium champagne, Charles Fournier Brut, takes much of its production of Pinot Chardonnay (one of the three legally authorized grapes in French champagne, and one of two that account for all *blanc de blancs* champagne); but if you can find a bottle of Gold Seal Pinot Chardonnay, or a bottle of Gold Seal Johannisberg Riesling *Spätlese*, you will have a good wine.

Five years ago Doctor Frank left Gold Seal to toil full time in his own vineyards. By then he owned more than a hundred acres of good land (forty-seven planted in about twelve varieties of the best grapes, with a heavy concentration of Rieslings), plus a sturdy brick house equipped with laboratory and library, a winery, and a cellar that represented his chief cash investment. Each year he has grown grapes with the zeal of the missionary and made wines with the care of the perfectionist. His own wines—labeled Dr. Konstantin Frank, Vinifera Wine Cellars—have been on the market since late 1965. The distribution has been limited, but any retailer or individual whose state laws allow it can order direct from him in Hammondsport. His wines cost more than all other New York table wines and most of California's, and serious wine drinkers may resist buying them both because they can't believe he has eliminated the foxy taste and because they thnk they can buy something better from Europe at the same price.

But those who have drunk his Pinot Chardonnay, or his Johannisberg Riesling *Spätlese* (all his Riesling is *Spätlese*, which means left late on the vine, and it's also *Natur*, undoctored with sugar), or his Gewürztraminer, have been astonished. These are his big three, and each has been sold in two or three vintages so far—1962, 1963 or 1964. He also makes a sweet fortified dessert wine, a superb Muscat Ottonel; and finally, in minuscule quantity, mainly to prove that you can do anything in America, he has made a *Trockenbeerenauslese* Riesling. Traditionally the world's most expensive wine, *Trockenbeerenauslese* is pressed from dry raisin-like grapes of the Rhineland that are picked one by one (only the driest single grapes out of the clusters) very late in the fall. They yield only a trickle of juice, but what there is ferments into the nectar of the gods—or of the Germans who willingly pay $30 and more a bottle when their wine makers are able to produce it. Doctor Frank charges $45 for his, and he is selling some at that price. The Commonwealth Club of Richmond, Virginia, ordered a second case when several of its members discovered how much they liked it.

Other Vinifera Wine Cellars prices are less astronomical. The 1964 Riesling retails for $3, and while that may seem expensive for a New York State wine, I am unable to find a German Riesling of equal quality at that price. I find that you have to pay closer to $5 for imported wines in the same class, and even then you are not so sure of getting honest wines as you are when you buy one of Doctor Frank's.

His Pinot Chardonnay, Gewürztraminer and Muscat Ottonel cost a dollar more than the Riesling, not because they are better but because he has less of them to sell. Each is well worth its price. During the past two years he has invited and conducted many blind tastings and open comparisons, but his wines have so often come out on top that it doesn't seem like much of a contest any more. Only his red wines (in small experimental production) fail to win universal favor, which seems to indicate that New York's Finger Lakes region is better suited to white wines, as is the Rhineland.

While this development in New York State wines might not have occurred—at least not in our time—without Doctor Frank, it also might not have occurred without the broad foundation of American wine production and the recent change in our cultural climate. Year by year we are growing more sophisticated in the arts of good living, including wine drinking. French-born restaurateur Roger Chauveron (original owner of New York's Cafe Chambord and for the past decade of the Café Chauveron) says that America now has more gourmets than France. Conceivably M. Chauveron wishes to flatter his distinguished clientele, but there are ways to substantiate his claim. Commenting on the scarcity of good bottles on the wine lists of ordinary restaurants in France, a wine buyer told a friend of mine, "Today France has the dollars but America has the wines." What does it profit a man to become rich, if in so doing he diminishes the good things money can buy?

With our growing national sophistication we have produced more wine connoisseurs, more people who buy the expensive wines of Europe, and more plain wine drinkers who appreciate an improvement in what goes into the two-dollar bottle or the gallon jug. We have hundreds of major private cellars and thousands of smaller ones. One estimate suggests there are three million of us who drink at least a couple of bottles of wine a month. Much of this is inferior, but it may lead to a taste for better wines.

"Have you tasted So-and-so's new rosé?" I asked a restaurant owner, naming a domestic brand.

"*That*," he replied, "that isn't even a wine." I was reminded of a *sommelier* in France who once said something similar to a friend who asked his opinion of *vin rosé:* "Monsieur, a rosé may be a very good *drink*, but it is not a *wine*." Both these men were condemning a type of wine that connoisseurs usually hold in low esteem, but that is nonetheless very popular. If this steps on your toes, I hope you will hobble on drinking what you like. That bottle of excellent Tavel you drank on a hot summer day in Aix, the Bandol in Saint-Tropez, the Bellet in Nice—if you can evoke the pleasure of their discovery by drinking them again and again, why not? By all means drink what suits your palate, but please keep it receptive. The palate can be educated much as the eye or ear. A California Grenache rosé (such as Beaulieu or Cresta Blanca) or Gamay rosé (Christian Brothers, Robert Bondavi) makes an excellent all-purpose drink.

The other part of the climate of readiness in which the remarkable new wines have appeared in New York State is that complex of ferment in Hammondsport. About the time Nicholas Longworth found his way from Pittsburgh down the Ohio River to Cincinnati, the New York wine industry got its humble start in the rectory garden of Hammondsport's Episcopal Church. The Reverend William Bostwick had brought the vines there from his previous parish in the Hudson River Valley. They were native American grapes and they flourished. Other citizens of the town soon had vineyards on the sloping shores of Lake Keuka, and in the 1860's two of the great wine companies of today were born, Great Western (the company name is actually Pleasant Valley) and Gold Seal (then called Urbana). Both gave priority to champagne, which is still their first order of business a century later. Both Great Western and Gold Seal make full lines of sparkling and still wines, and both have exeprienced with new types of grapes.

The other two major New York companies, Taylor and Widmer, both got their start about a generation later, Taylor also at Hammondsport, and Widmer at Naples, on neighboring Lake Canadaigua. The Swiss-descended William Widmer has a private cellar of the family's varietals going back to the 1890's. and the company sells wines made from such native American grapes as Catawba, Delaware, Moore's Diamond, Diana, Dutchess, Elvira, Niagara, Salem and Vergennes (all white wines), and Isabella (red). Widmer does not emphasize champagne, but has instead concentrated on fortified wines. Its sherry ages in barrels on the roof, exposed to summer sun and winter cold, pleasing the eye of the tourist, who often takes this for a *solera*, if he has heard of the Spanish way of aging sherry. Widmer does not keep blending new sherries with old ones as the Spanish do, so that there is always some wine in every barrel dating back to the year the *solera* was set up. (One of these true *soleras* has just been set up at Great Western.) Widmer has also many years' experience with *Spätlese* wines, but made from the Missouri Riesling (an American variety), not from the Johannisberg Riesling of the Vinifera family.

The Taylor family has probably played the most influential role of all in the development of the New York State wine industry. A rural wine museum has just been opened in the old wooden building that housed Taylor's first winery, high above Lake Keuka, several miles from the great modern winery, offices and warehouse that are wonders of technical efficiency. The museum is the brain child of Walter S. Taylor, who works with his father, Greyton H. Taylor, in the management of Great Western. The Taylor Wine Company bought Great Western several years ago, but it runs as an independent subsidiary. Taylor and Great Western wines compete with each other in the market, and they are made differently from each

other. Still, there is sometimes a tendency to think of the two companies as one, even within the family. "We are the third biggest champagne producers in the world," a Great Western executive told me, and his "we" meant Taylor and Great Western combined. (Incidentally, the two bigger producers are Moët & Chandon in France and Henkell in Germany.)

Whether or not other grape growers and wine makers can duplicate Doctor Frank's achievement is a vital question for the future of Viniferas. The powers at Hammondsport agree that he is bringing new prestige to the New York wine industry, but they aren't entirely comfortable with it. They aren't sure they should change over to his kind of wine making, or that they can. Some of them, together with some of the men at Geneva, seem to consider him more an egotist than a scientist. But as one man admitted to me, "If he didn't have a strong ego, he wouldn't have survived. He knows he's achieved what nobody else was able to do, what we all said couldn't be done."

This is the background against which Doctor Frank says, defiantly and proudly: "Taste my wines. Compare them with European wines. Mine are better. America can do everything bigger and better. In forty-five years I was never so successful in Europe. The vines are so big and strong in this great country that I can plant only 600 of them to an acre. In Europe, 1,800 and even more. Here we pick grapes from new vines after two years. In Europe, five."

The problems are that it requires knowledge and care to grow Viniferas and that the yield is low, necessitating a higher price for the grapes.

Whatever the outcome—whether a generation from now there are Rieslings growing in twenty or thirty states (as Doctor Frank believes there will be, and I hope he is right), or whether the commercial wineries aren't going anywhere except on down the Concord-Catawba trail—there's no denying the real accomplishment of the past few years. Serious wine drinkers can no longer ignore or disdain New York wines. An American ambassador who follows Washington's directive and offers his guest a glass of New York Isabella may not himself know or like what he's drinking. But if he then opens a bottle labeled New York State Pinot Chardonnay, he may get the surprise of his life. And if the guest happens to be a European in the wine business, *he* may even feel a chill. The patriotic Doctor Frank likes to point out that the money we spend importing European wines would provide jobs to support a city the size of Albany. He especially likes to point this out to officials in Albany the state capital who feel he ought to do more to support the New York wine industry.

A lot of rainwater has drained down the slopes of the world's vineyards since Noah planted his vines on Mount Ararat. And there have been many remarkable developments in the science and art of viticulture. But no innovation I am aware of has been more surprising than what has happened recently in New York. You are welcome to go and see (and taste) for yourself. Hammondsport is a pretty place to visit, and there's a glass of wine on the house waiting for you at the end of a guided tour at each of the major wineries. If you want a serious talk about Viniferas, there's also Doctor Frank, in his red-brick house overlooking his vineyards and the lake. Perhaps one day people will go on wine tours or pilgrimages to Hammondsport as they do to Bordeaux and Beaune, to Reims, Mainz and Jerez. If they do, I think there ought to be a plaque on the modest building of Vinifera Wine Cellars, saying that here was the home and laboratory of Dr. Konstantin Frank.

AMERICAN CORPORATE SUPPORT FOR EXPLOITATION OF BLACKS IN PORTUGUESE COLONIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. RANGEL. Mr. Speaker, testimony before subcommittees of the Judiciary Committee and the Foreign Affairs Committee of the House of Representatives has unfolded tale after sordid tale of American corporate support for policies of racism and exploitation. In the Republic of South Africa and in the Portuguese-held colonies of Africa, American dollars are more than currency; they are rationalizations for profits and dividends at the expense of the lives and blood of black workers.

American firms which so proudly proclaim that they are "equal employment opportunity" companies in the United States seem to have no compunction about running the 20th century equivalent of plantations overseas with African workers as virtual slaves.

Our own Government has subsidized the South African system of apartheid in operating a NASA space tracking station in South Africa where there is open, undisguised discrimination against black employees. Fortunately, attempts in Congress over the past 2 years to bar the authorization of funds for maintaining this tracking station focused public attention on U.S. Government complicity in a racist facility. As a result of these attempts which I led, NASA has agreed to phase out our facilities in South Africa.

Corporate subsidization of discriminatory and barbaric political and economic systems continues, however. Pulitzer-prize winner Jack Anderson recently recounted the story of one stockholder's valiant fight to make Gulf Oil responsive to its unconscionable role in Angola. The Anderson column follows:

[From the New York Post, Oct. 20, 1973]

GULF, ANGOLA AND GRANDMA

(By JACK ANDERSON)

WASHINGTON.—In a world beset by war and Watergate, a determined grandmother has stood up to a powerful oil executive over Gulf Oil's practices in faraway Angola. The story, as it has unfolded in their private correspondence, is an American morality tale worth printing.

The grandmother, Elizabeth Jackman of Arcadia, Calif., a Gulf stockholder, read a newspaper story criticizing her company for supporting the Portuguese colonials against the oppressed blacks in Angola. She protested.

The executive, B. R. Dorsey, president of the multibillion-dollar corporation, heeded the voice from the crowd and tried to assuage her. She wound up going to Angola, a lone stockholder on a fact-finding mission, where Gulf promised she would see for herself the company's benevolence toward the blacks.

Her private crusade began in April, 1972, when she set aside her family duties long enough to fly to the Gulf stockholders' meeting in Pittsburgh. She had a question.

"Could not Gulf," she said politely, "be more responsive than it is to the needs of the Africans?" But the Gulf brass gave her the brush-off.

Bothered by this, she wrote an acidly civilized letter to the corporate boss himself. The stockholders' meeting, she complained, had been a "dismal joyless affair, lacking in taste, sensitivity and humor. I had believed that (it) would be an occasion for the exchange of ideas. I now recognize the extent of my naivete."

The Gulf executives, she wrote, were "sitting there like robots . . . clapping together (at) the same beat. I heard a beat from a different drummer. Why didn't Gulf . . . explore a more creative position in Angola? (It) brought out the Bella Abzug in me."

The earnestness of her appeal stirred the busy Gulf president. "I must begin by apologizing for (the meeting's) rigidity," Dorsey responsed. "I am sorry it seemed 'dismal and lacking in taste.' We must improve the way we conduct future meetings . . . I am . . . abashed."

As for her complaints about Angola, he invited her to see the Gulf operation there for herself at company expense. Mrs. Jackman accepted the invitation but insisted upon paying her own fare.

The obliging Dorsey personally ordered detailed briefing papers be sent to her. These showed that Gulf has a formidable $209 million investment in Angola. Black employment at the oil facilities, according to the company statistics, was up 10 percent is one year, with pensions and other programs above the Angolan average.

Loaded down with corporate materials, the determined grandmother flew off to "see for herself" the Gulf facilities in both Angola and Nigeria. She received the well wishes of Dorsey from his executive suite.

"This letter probably will arrive too late to have permitted me to wish you a safe and worthwhile trip to Africa,' he wrote, "but not too late to be welcoming you back and to ask you to share with me your reactions to your trip."

Upon her return, accordingly, Mrs. Jackson shared her reactions with Mr. Dorsey. "Gulf's Angolan efforts seem ludicrous and feeble," she wrote.

She had been impressed with Gulf's effort to assist the black governments in Nigeria with the "transition from colonialism to self-determination." But she had found this approach "totally lacking" in Angola. "The one black" in the Angola Gulf management, she wrote, had been shipped out of town "apparently because of friction with the Portuguese staff."

She had been briefed by Gulf on how kind the Portuguese were to Angolan blacks. Instead, she had found laborers on a coffee planation kept behind barbed wire "in one-room dormitories . . . separated from their families, cooking the allotted food on open fires."

The few whites in Angola, in contrast, lived in a world of golf courses, swimming pools and luxurious homes with well-stocked liquor cabinets.

"Importing large American cars for the Gulf staff," she wrote Dorsey, seems quite unnecessary." The practice "fosters the idea of limitless American money . . . The big cars are locally dubbed 'swimming pools.'"

Some of Gulf's employes in Angola, she charged, regarded blacks with "the outmoded Southern USA . . . redneck attitude."

She called upon Gulf to support small black businesses, to seek increased black enrollment in farm and technical schools and to promote better understanding of black liberation efforts in Angola.

"The priority given to construction of clubs for the Gulf staff, mainly Europeans, puts an emphasis on importing a lifestyle com-

pletely inappropriate to black Angola today," she wrote.

The disappointed Dorsey, however, didn't reply. Instead an aide, William Cox, who accompanied Mrs. Jackman on her African tour, wrote back that "we both saw the same things but interpreted them quite differently."

Saddened, the crusading grandmother sold her Gulf stock and joined a church-sponsored boycott of Gulf products.

Footnote: The dissident stockholder, nevertheless, had an impact on Gulf policies. Company officials have now recommended ending the use of large American cars in Angola, promoting greater black enrollment in technical schools and making more purchases from small black businesses.

PETITION TO HOUSE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. DRINAN. Mr. Speaker, all of us are aware of the achievements of Nicholas Johnson, a distinguished Commissioner of the Federal Communications Commission. Mr. Johnson has taken the very bold and brave step of speaking out before the House of Representatives on the subject of an impeachment inquiry of the President of the United States. I am hopeful that my colleagues will read carefully Commissioner Johnson's petition to the House of Representatives regarding the impeachment of President Richard M. Nixon.

The petition follows:

A PETITION TO THE HOUSE OF REPRESENTATIVES REGARDING THE IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

From Federal Communications Commissioner Nicholas Johnson.

OCTOBER 29, 1973.

In the course of history of men and nations there are times when citizens must take a stand.

The tumultuous, exciting experiment called the United States of America has brought a number of decision points to its citizens. The Declaration of Independence of our colonies from England was one of the first and hardest choices we had to make as a people. Each war—the Revolution, Civil War, World Wars I and II, the Southeast Asian War—has called for a personal commitment of support, or opposition, from each citizen. And so today, as we ponder the initiation of impeachment proceedings against our President, must each American man, woman—and, yes, even child—ponder the facts and issues as he or she is best able, and come to some judgment.

It is crucial to our decision that we understand what we are, and what we are not, called upon to judge at this time. A conviction following the impeachment of the President—this is, his removal from office, or not, based upon findings by the United States Senate as to his guilt or innocence of charges—is not the issue at this time. Presidents are no more beneath the protections of the law than they are above its prohibitions; President Nixon is entitled to the same presumption of "innocent-until-proven-guilty" as any other citizen.

No, the only question that is now before the American people—and it is they who are the ultimate actors in this drama—is whether the House of Representatives should send to the Senate for trial the allegations against the President regarding the constitutional grounds for impeachment: "treason, bribery or other high crimes and misdemeanors." To borrow an analogy from our more conventional court proceedings, we are not sitting as a jury deciding guilt or innocence; we are merely sitting as a grand jury, deciding whether or not to indict and bring to trial.

Prejudgments of guilt or innocence should no more frighten us into motionless inaction than should outrage propel us to judgment.

If ever there was a time to put aside partisan considerations, this is such a time. And I believe that, to the extent partisanship has been evident on these issues, it may have been evidenced in the reluctance of Congressional Democrats as much as Republicans. It is charged that some Democrats may have hesitated to act because the polls did not yet indicate majority support for a conviction of impeachment, that others may be fearful they will be charged with precipitate and partisan action, and that all are mindful of the political disadvantges of running a Democratic nominee against an incumbent Republican President in 1976.

I must admit that I am not free of fault on this score. Richard Nixon's political career has been a part of my consciousness for 25 years. During the course of his Presidency, I have detailed some of the offenses that we must now consider in evaluating the propriety of House hearings—his manipulation of the media, the role of big money, and the war in Camobdia.[1] The evidence regarding the conduct of President Nixon's 1972 Presidential campaign has been available to all of us for over a year. The uproar following the resignations and firings in the Department of Justice the weekend of October 20, 1973 was the moment of decisions for millions of Americans. Through all these events I have remained silent.

I can no longer.

As a Presidential appointee,[2] and currently active federal official, I recognize the seriousness of this action. But I also recognize the seriousness of continued silence, that "not to decide is to decide."

Accordingly, I am today sending a copy of this statement to members of the House of Representatives, urging them to support the prompt initiation of House proceedings regarding the allegations of impeachable conduct by President Richard M. Nixon. I am simultaneously urging those of my fellow citizens who share my views to write their Representatives.

It seems both appropriate and necessary that the reasons for my action be set forth.

It is with deliberation that this decision, and statement, have been delayed until the "resolution" of the tapes issue; because, in my view, the allegations compelling House action on Presidential impeachment are unaffected by the events and issues surrounding the tapes. And it has been my desire to present the case without the diversionary complications of that issue.

In the flashing headlines surrounding burglaries, buggings, bribery, and break-ins, the most serious allegations have often been shadowed or ignored. It seems to me useful to review them here.

War. President Nixon ordered a land invasion of the sovereign state of Cambodia by American troops in May 1970 without the Constitutionally-required approval of Congress, and in violation of Cambodia's neutrality, as recognized by principles of international law and the United Nations which the United States is pledged to support. Even prior to that time, he authorized a secret bombing war against Cambodia which was undisclosed and overtly misrepresented to the American people, the press, members of the Senate and House, and even the civilian officials of the Department of Defense.

Free Press. President Nixon has waged a systematic campaign against the news media, including, but not limited to, the subpoenaing of newsmen's notes and films, wiretapping of Washington correspondents, the unprecedented effort to enforce "prior restraint" of publication (the Pentagon Papers), the jailing of newsmen, fraudulent FBI investigations of newsmen (the Daniel Schorr case), frightening non-complaint neworks and stations with ominous recriminations (while promising economic protectionism for good behavior), attempting to control the lyrics of popular songs, and trying to influence the funding, programming, personnel, and administration of the Public Broadcasting Corporation.

Impoundment. The degree to which President Nixon has used the impoundment process to defy the authority of Congress to fund legislative programs is unprecedented—over $40 billion for health care, housing for the needy, assistance for children of working mothers, and the handicapped.

Electoral Interference. During President Nixon's 1972 campaign there were violations of federal law in the collection and illegal use of campaign funds; a list of "enemies" was compiled for purposes of harassment by the Internal Revenue Services; fraud, espionage, libel, burglary, wiretapping, extortion, false reporting, bribery, and perjury were designed to—and very probably did—have an impact (whether or not decisive) upon the outcome of that election.

Use of Government Property. Unanswered questions remain regarding the use of government funds to improve private homes in California and Florida—as well as the private financial and tax transactions involving the acquisition of those properties.

Invasion of Privacy. Widespread use of wiretapping (including the wiretapping of his own employees), the secret taping of his own conversations with others, the investigations and spying on private citizens, the maintenance of dossiers on civilians by the military, all indicate a less than full commitment to the letter and spirit of the privacy guarantees of the Fourth Amendment. The President's July 23, 1970 approval of the interdepartmental intelligence project (subsequently abandoned at FBI Director Hoover's insistence) and the 1971 creation of a special investigative unit ("the plumbers"), indicates an affirmative intention to violate such rights.

Legal Procedures. While Daniel Ellsberg was on trial, White House aides burglarized his psychiatrist's office for possible evidence, and discussed with the Judge presiding over that trial his possible Directorship of the FBI. In May 1971 over 13,000 people were arrested in a Washington dragnet, on direct orders of the White House, and in a manner subsequently found by the courts to have been unconstitutional. Having agreed to abide by a court ruling regarding his tapes, the President subsequently refused to either appeal from, or comply with, a lawful order of the Court of Appeals—a position from which he subsequently retreated. Grand juries have been urged to return politically motivated indictments.

Intelligence Independence. There is evidence that the President and his aides sought to subvert the independence of the FBI and CIA, using those agencies to serve their own illegal, personal, and political ends.

Bribery. The evidence is not yet fully compiled regarding the relationship between the $60 million that was collected for the President's 1972 campaign and every governmental decision that may have been influenced thereby. Sufficient facts have already come to light, however, to suggest that there were at least some instances in which "bribery" may have taken place for which the American people are now paying the high price of a government-ordered "inflation" of "regulated" prices.

Many of these items are, at this point, only

Footnotes at end of article.

allegations that may be proven to be false. They are, however, illustrative of the "treason, bribery, or other high crime and misdemeanors" referred to in Article II, Section 4 of the Constitution as grounds for impeachment.

It is precisely because of—and not in spite of—my patriotism that I believe these charges cannot be ignored. My childhood was not so different from that of Richard Nixon. I, too, made an early commitment to public life, to study and participate in government, politics, law and law enforcement. I, too, was active in student government from the time of my grade school years. I, too, have participated in party politics throughout my adult life (though in much lesser roles than he). I, too, keep a flag in my office, and can sing the national anthem with the best of them. I, too, have studied the lives of our great American leaders, and have had the privilege of feeling the personal influence and inspiration of some of them—in my case, men like Supreme Court Justice Hugo L. Black and President Lyndon B. Johnson. I, too, have served the federal government during the past decade.

And so I can say that it is precisely because I *do* love America, because I have a commitment to the genius of its idea that is sentimental as well as intellectual, personal as well as professional, pragmatic as well as idealistic, that I cannot sit by silently and watch its decline and fall.

Without a commitment to our Constitution, without a defense of our dream, without the inspiration of our ideals, America is nothing but another authorization industrialized state with rapacious rich and ravaged poor, freeways anf factories, and neon signs amongst the natural beauty.

We cannot say "politics has been ever thus." That is simply not true. The Presidents of my lifetime—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—may not have been paragons of virtue in every aspect of their lives. But I take pride in the fact that the cumulative allegations against all of them combined do not equal in seriousness the significance of any one of the nine categories of charges I have itemized regarding President Nixon.

We owe it to those who look to us for leadership to assert unequivocally that the past few years have not been "business as usual" in the land of Jefferson and Lincoln, that the lamp of liberty still burns bright from the Statue of Liberty to the eternal flame in Arlington Cemetery. We owe it to the "huddled masses yearning to be free" who look to us from across the seas, we owe it to our children—before the sparkle of youthful hope and idealism turns forever to the hard, cold stare of cynical despair. And, not least of all, we owe it to ourselves—those of us in "the establishment," the opinion leaders, the captains of industry, the educators, the ministers, the officials—who, if we are to lead, must feel of ourselves that we are fit to lead.

For America never promised the world it would be perfect. We are a bustling, brawling, boisterous people. We have a history of more materialism than is good for us, and more wars than have been good for anybody. All we have ever guaranteed is that "all men are created equal" and that no one would be bored. And, with occasional backsliding, we've struggled to make good on those promises.

We never said our Presidents, judges, and legislators would be free of fault. Indeed, the genius of our system of government is that it quite candidly creates checks and balances to deal with fault. Our leaders are not figures descended from royalty, gods or angels who "can do no wrong." They are quite human, "of, by and for the people," with all the strengths and weaknesses of the other mortals they serve and represent.

Thus, the great shame of the actions leading to the charges against President Nixon has not yet come. That the charges have surfaced, that the press has reported them, that the Senate and courts have investigated them, should be a matter of greatest national pride. No, the great shame will come to our nation if, and only if, knowing the charges, the House of Representatives refuses to act.

And so I conclude as I began. It is not my judgment that the President should be convicted after a trial. Under our Constitution, it is the United States Senate that will hear that case and consider the question. And just as all American citizens now sit as an advisory panel to the House, so will we then all sit as judges with the Senate. The only issue before us now is whether the facts, charges, and allegations I have summarily outlined here are sufficient cause for the House to send the matter to the Senate. That they require such action seems to me clear beyond doubt—although I expressly reserve judgment on whether the President should be removed from office following his Senate trial.

It is encouraging and commendable that the House Judiciary Committee has begun hearings. I urge every Member to support the efforts of that Committee and to expedite the transmission of this case to the Senate, where it belongs.

FOOTNOTES

[1] For example, "Government by Television: A Case Study, Perspectives and Proposals," Earth (March 1971), pp. 50–59, 92–93; "Subpoenas, Outtakes and Freedom of the Press: An Appeal to Media Management," reprinted as "Stations Are Standing By While News Is Threatened," Television/Radio Age (April 6, 1970), pp. 69, 114, 116, 118, 120, 124, 126, 128, 132; "Dear Vice President Agnew," The New York Times, Oct. 11, 1970, p. D–17; "The Power of the People and the Obligation to Dissent," Los Angeles Free Press (May 29, 1970), p. 15; "Evil Times and Great Wealth," speech delivered at the University of Northern Iowa, Cedar Falls, Iowa, Oct. 15, 1973.

[2] July 1, 1966, by then-President Lyndon B. Johnson, not President Nixon.

SPECIAL PRESIDENTIAL ELECTIONS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 31, 1973

Mr. MOAKLEY. Mr. Speaker, I am today introducing legislation to provide for a special election if the President resigns or is impeached while the Vice-Presidency remains vacant.

Before explaining this legislation, its purpose and intent, I would like to offer a word of profound thanks to Prof. Raoul Berger of Harvard Law School who called attention to the possibility of special election several months ago. He is, perhaps, our Nation's foremost authority on the Constitution and certainly there would be no effort in this direction today without his generous assistance and wise counsel.

Today I am introducing a bill, identical—except for technical changes—to the bill introduced by Representative Egbert Benson—Federalist—New York—in the Second Congress. The Constitutional Convention had charged Congress with responsibility for providing for Presdential succession by statute. Representative Benson's legislation fulfilled that responsibility and implemented the intent of the Constitutional Convention by providing for an acting President to serve until the next general election when a new President and Vice President would be selected.

Professor Berger has thoroughly explored the constitutional history and concluded that the Founding Fathers required a special election if there was a vacancy in both offices.

This remained law for 94 years and was force when the only Presidential impeachment in our Nation's history took place.

In 1886 and 1947 this statute was changed and produced our present law of Presidential succession which provides for the Speaker to take office for the remainer of the term.

Our present Speaker, CARL ALBERT, is a Democrat, yet 60 percent of the American people voted for a Republican. One of our greatest concerns is that Congress could be charged with political maneuvering if the party in power was changed by impeachment yet it is clearly unthinkable that the President could be allowed to name his own successor if circumstances force us to remove him from office.

No matter what happens, this would be a traumatic event for our Nation. I think it behooves us in Congress to do all that we can to be certain that as little damage as possible is done to the fabric of this Nation by such an event. Obviously we cannot ignore the fact that our present sucession law violates the specific intent of the Founding Fathers and the implied language of clause 5.

A Vice President has resigned under pressure, the President himself continues to obstruct efforts to fully investigate wrongdoing in his administration and impeachment could yet become necessary. In that event can we ask our esteemed Speaker to take office under a succession law whose constitutionality could yet be challenged? I think we owe it to him and to the American people to be absolutely certain that the most perfect possible succession law is in effect.

For most of our history, a law almost identical to the one I am now introducing stood in faithful compliance to the intent set forth at the founding of this Republic. It provided that the choice of President would remain where it belonged—with the people.

This bill provides that, if the Presidency and Vice-Presidency should both become vacant, the Speaker would become acting President—with all the powers and responsibilities invested in that office—until a President was selected on the next election day.

If the election day were 60 days away or less when the second office became vacant, the selection would be made on election day of the following year.

There are some technical problems involved in conforming to the electoral college machinery but that is adequately handled in this legislation.

I have asked the Judiciary Committee to schedule hearings on this legislation. While many pressing matters are now in

the hands of that distinguished committee, I think it is important that we have a proper succession machinery established before we vote on impeachment. I believe that this is a good bill which solves serious political and constitutional problems in the proper, democratic tradition.

But I am anxious to see thorough hearings at which the Judiciary Committee could hear the opinions of the best legal and constitutional minds in this country. Professor Berger and his Harvard colleague Prof. Paul Freund have both informed me that the concept of special elections lies on sound constitutional ground. If they and other experts offer improvements on this legislation, I for one would be more than happy to see the best thinking available to the Judiciary Committee used in preparing this legislation for enactment. I am anxious to see the Judiciary hear from the constitutional scholars of this country and this bill seems to me to be the best means of obtaining such hearings.

I therefore invite support for this legislation in a truly bipartisan spirit of returning the choice to the American people and present it to my colleagues for their careful consideration.

H.R. 11214

A bill to amend title 3 of the United States Code to provide for the order of succession in the case of a vacancy both in the office of Presdent and office of the Vice President, to provide for a special election procedure in the case of such vacancy, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of title 3 United States Code is amended to read as follows:

"¶ 19. Vacancy in offices of both President and Vice President, officers eligible to act; special election

"(a) In any case of removal, death, resignation, or inability both of the President and the Vice President, the Speaker of the House of Representatives (or, in any case in which the office of the Speaker of the House of Representatives is vacant, the President pro tempore of the Senate of the United States) shall act as President until such inability is removed or a President is elected.

"(b)(1) In the case in which both the office of the President and the office of Vice President are vacant, the Secretary of State of the United States shall notify the chief executive officer of each State with respect to such vacancy.

"(2) Except as provided by paragraph (3), electors of the President shall be chosen in each State on the first Tuesday after the first Monday in November following the date of notification under paragraph (1).

"(3) If there are less than two months between the date of notification under paragraph (1) and the first Tuesday after the first Monday in November, and if the terms of the most recent President and Vice President does not expire on the twentieth day of January next succeeding the date of such notification, then the Secretary of State shall specify in such notification that electors of the President shall be chosen on the first Tuesday after the first Monday in November in the calendar year next succeeding the date of such notification.

"(4) The electors (appointed or) chosen under paragraph (2) or paragraph (3) shall meet and give their votes on the first Monday after the second Wednesday in December following their selection."

SEC. 2. The table of sections for chapter 1 of title 3, United States Code, is amended by striking out the item relating to section 19 and inserting in lieu thereof the following:

"19. Vacancy in offices of both President and Vice President; officers eligible to act: special election."

HOUSE OF REPRESENTATIVES—*Thursday, November 1, 1973*

The House met at 12 o'clock noon.

Rev. J. C. Odum, pastor, Long Avenue Baptist Church, Port St. Joe, Fla., offered the following prayer:

Almighty God, accept our grateful thanksgiving for the heritage of faith and freedom that is ours. We ask for Your blessings to continue upon our Nation. Help us to be true to those great ideals that have made our Nation great. We ask for providential guidance not only for our Nation, but for all nations and people of this world which You have created. Deliver us from all bitterness and misunderstanding.

Especially do we beseech Thee in behalf of those to whom You have committed the authority of Government. Grant unto them the wisdom of Your counsel in their work today. This we ask in the name of our Saviour and Lord, Jesus the Christ. 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.

THE REVEREND J. C. ODUM

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the prayer in the House today was offered by the Reverend J. C. Odum, of the Long Avenue Baptist Church of Port St. Joe, Fla., in my congressional district. Reverend Odum has an enviable reputation for sound and constructive service in God's work over a period of many years.

Reverend and Mrs. Odum are visiting in the Nation's Capital with their son, Capt. David Odum of the Army, and their daughter-in-law and grandchildren. Reverend Odum's family are seated in the gallery at this time enjoying with us this special moment of dedication, which is always such an important part of the procedure of the Congress. I know the House joins me in a warm welcome to each of them.

DISCHARGING COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF HOUSE RESOLUTION 634, INQUIRY PAPERS IN CUSTODY OF SPECIAL PROSECUTOR

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of House Resolution 634 and that the resolution be laid upon the table.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Speaker, I have requested the discharge of the Judiciary Committee from further consideration of House Resolution 634 by reason of the order of Chief Judge Sirica dated October 26, 1973, in which he orders court custody of the documents and exhibits in the possession of the Watergate special prosecution force. A copy of that order is set forth in full:

[U.S. District Court for the District of Columbia]

IN RE INVESTIGATIONS BY JUNE 5, 1972, GRAND JURY AND AUGUST 13, 1973, GRAND JURY—MISCELLANEOUS NOS. 47-73 AND 108-73

ORDER

Upon consideration of the motion dated October 25, 1973, submitted on behalf of the grand juries pursuant to Rule 6 of the Federal Rules of Criminal Procedure and 28 U.S.C. 1651, it is by the Court hereby

Ordered:

1. The transcripts of testimony taken before the above-captioned grand juries, all reporters' notes of such testimony, all exhibits introduced before the grand juries, and all writings, memoranda, notes, and other files containing information derived from such testimony or exhibits or secured pursuant to grand jury subpena, and located within the office of the former Watergate Special Prosecution Force, 8th and 9th floors, 1425 K Street, NW., Washington, D.C., are declared to be in the custody of this Court.

2. The Administrator of the General Services Administration is directed to instruct all officers of the Federal Protective Service assigned to security functions at the above described offices of the foregoing provision and not to permit the removal of any transcripts, exhibits, memoranda, files, or other writings from those offices except in the possession of an attorney employed by the Watergate Special Prosecution Force as of the close of business on October 19, 1973. Except for personal papers, such attorneys may remove such materials only for the purpose of conducting legal proceedings, interviewing witnesses, or otherwise discharging their official duties. In addition, Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division, may remove copies of such materials for the same purposes.

3. No materials shall be removed from the above described offices by any person unless a true and exact copy of all such materials is left in the customary file in those offices.

4. The provisions of this order shall remain in full force and effect pending further order of the Court, either on application of the movants, the Acting Attorney General, the Assistant Attorney General in charge of the Criminal Division, or upon the Court's own motion.

5. The United States Marshal for the District of Columbia is directed to serve forthwith certified copies of foregoing order and moving papers upon the Administrator of the General Services Administration, the Director of the Federal Bureau of Investigation, the Director of the United States Marshals