life expectancy, TIAA simultaneously refuses to pay blacks more when in fact they have a shorter average life expectancy. Thus, this amounts to discrimination based upon sex, and such discrimination violates guideline 1604.9(e) and (f) of the Guidelines on 'Discrimination Because of Sex' issued by the Equal Employment Opportunity Commission, on March 31, 1972 and published in the Federal Register on April 5, 1972."

AFFIDAVIT

State of Missouri,
County of Jackson, sworn statement.

I, Eileen M. Jacobi, Ed.D., R.N., after being duly sworn, upon oath depose and say:

I am 54 years of age and live at 4406 West 95th Street, City of Shawnee Mission, County of Johnson, State of Kansas. My telephone number is (816) 474–5720, and my Social Security Number is XXXX

I am Dr. Eileen M. Jacobi, Ed.D., R.N. Presently I am the Executive Director of the American Nurses' Association whose offices are located in Crown Center, 2420 Pershing Road, Kansas City, Missouri 64108.

The American Nurses' Association is the professional organization of registered nurses. It has approximately 163,000 members belonging to constituent associations in the fifty states, the District of Columbia, the Virgin Islands and Guam.

The Association's purposes are to foster higher standards of nursing practice, to promote the professional and educational advancement of nurses, and to promote the economic and general welfare of nurses to the end that all people may have better nursing care.

Dr. Virginia Cleland, Ph.D., R.N., now residing at 13 Norwich, Pleasant Ridge, Michigan 48069, is a member of American Nurses' Association (ANA), and is a member of ANA's Commission on Nursing Research. Dr. Cleland is employed as Professor of Nursing by Wayne State University, Detroit, Michigan 48069. The Board of Governors of Wayne State University provides certain fringe benefits, including retirement benefits, to employees. The retirement benefits are provided through the insurance carrier—Teachers Insurance and Annuity Association, commonly known as TIAA. TIAA's central offices are located at 730 Third Avenue, New York, New York 10017.

The retirement plan of TIAA, to which Dr. Virginia Cleland belongs, provides larger monthly payments to a male member than to a female member upon retirement at the same age, even though each has made equal contributions for an equal number of years. While paying women less because they have a longer average life expectancy, TIAA simultaneously refuses to pay blacks more. In fact, blacks have a shorter average life expectancy than women. This is discriminatory by sex.

It is my firm belief that such a discrimination based upon sex violates the provisions of Title VII of the Civil Rights Act of 1964 and guidelines 1604.9(e) and (f) of the Guidelines on Discrimination Because of Sex, issued on March 31, 1972 by the Equal Employment Opportunity Commission. In my judgment, the practice of TIAA is, therefore, illegal.

In my capacity as the Executive Director of American Nurses' Association, I have today filed a Charge of Discrimination on behalf of Dr. Virginia Cleland with the Kansas City District Office of Equal Employment Opportunity Commission.

Dr. Cleland is advised that I am filing this complaint in her behalf.

I have read the foregoing statement consisting of two pages, and swear (affirm) to the best of my knowledge and belief that it is true.

EILEEN M. JACOBS.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Kansas City, Mo., August 1, 1973.

DETERMINATION

Under the authority vested in me by Section 1601.19b(d) of the Commission's Procedural Rules, Volume 37, Federal Regulation 20165 (Sept. 27, 1972), I issue on behalf of the Commission the following determination as to the merits of the subject charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the timeliness, deferral and all other jurisdictional requirements have been met. The action taken by the State has been considered.

Charging Party alleges that the Respondent is discriminating against women members of the American Nurses Association on the basis of sex (female) because of the Respondent's retirement benefits which uses two separate actuarial tables based on sex for calculating retirement. Records on file show that the Respondent is a participating agency in the retirement program and that two separate actuarial tables are used to calculate benefits that are based upon sex, therefore, I find reasonable cause to believe that Respondent is in violation of the Civil Rights Act of 1964 as amended.

Having determined there is reasonable cause to believe the charge is true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. We enclose an information sheet entitled "Notice of Conciliation Process" for the attention of each party. A representative of this office will be in contact with each party in the near future to begin the conciliation process.

On Behalf of the Commission.

FRANC HERNDON,
Director, Kansas City District Office.

ACADEMICIANS FIND SHORTCOMINGS IN PENSION REFORM BILLS

Thirty-six law, economics, insurance and sociology professors have signed a statement which cites the Javits-Williams Bill (S. 4), the Finance Committee Bill (Bentsen) (S. 1179) and the Dent Bill (H.R. 9824) as all falling short of providing the reforms needed in the private pension system. The statement, which was distributed by the outspoken critic of the private pension plan system, Professor Merton Bernstein of the Ohio State University, recommends changes in the areas of vesting, coverage, conflicts of interest, widow benefits, plan termination insurance, and bargaining rights for retirees.

With regard to vesting, the academicians urge 50% vesting after five years of service, with an annual increase of 10% each year thereafter. They submit that only under such a vesting schedule will employee benefit achievement be improved over the current unsatisfactory situation. They also contend that their suggested vesting formula will "enable women—who typically have a shorter period of service—to begin to achieve pension benefits in a substantial way."

The professors also feel that "if private pension plans are to provide the supplementation needed by all," then they must cover all workers. They note that none of the bills before Congress effectively deals with the problem of coverage, and they recommend "experimentation with a national, low-cost boiler-plate plan" before their recommended broad coverage is adopted.

In the area of conflict of interest, the statement argues that "all trustees should be completely neutral and owe loyalties only to the fund beneficiaries." The statement further provides that company and union officials should not be permitted to serve as trustees because of possible conflicts of interest and that any dealings involving the pension trust funds and the company and union should be prohibited.

As for widow benefits, the professors recognize that options for survivor benefits are seldom exercised and advocate remedying the situation by a legislative mandate that survivor benefits be deemed exercised unless affirmatively rejected in writing.

With regard to plan termination insurance, the statement simply says that it is highly desirable and should be tried.

Finally, in the area of bargaining rights for retirees, the professors cite the fact that very few pension plans have provisions to help off-set the effects of inflation on those on a fixed income. To remedy this situation, they urge that the National Labor Relations Act be amended to permit pensioners to bargain with their former employers (and successors) and require those employers to bargain with retiree representatives.

HOUSE OF REPRESENTATIVES—*Wednesday, October 31, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118: 24.

As we begin another day of service to Thee and to our country, we thank Thee, our Father, that we can put our hands in Thine and walk with Thee through the coming hours. In this journey through life help us to realize anew that neither learning, nor wealth, nor position can ever make up for a lack of faith in Thee or for the loss of a conscientious spirit.

Accept our gratitude for the opportunities of this day and help us to be happy in our work and eager to be of service to our beloved America. Make our country great in goodness and good in greatness. May righteousness exalt us as a nation, good will expand our higher moods, and understanding express the goal of our nobler endeavors. In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

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that the Senate had passed a resolution of the following title:

S. RES. 193

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable John P. Saylor, late a Representative from the State of Pennsylvania.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that:

The Senate having proceeded to reconsider the bill (S. 1317) entitled "An Act to authorize appropriations for the United States Information Agency," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The message also announced that the Senate agrees to the amendment of the House with amendments to a bill of the Senate of the following title:

S. 2410. An act to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1570) entitled "An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.", and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. MAGNUSON, Mr. PASTORE, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, and Mr. COOK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

PERSONAL EXPLANATION

Mr. KLUCZYNSKI. Mr. Speaker, I was present during the vote on the drug abuse extension bill yesterday and I voted "aye." The RECORD has me listed as not voting. I should like the RECORD to show that I was present and voting.

U.N. OBSERVERS SHOULD BE CIVILIANS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, the dread possibility of a confrontation between U.S. forces and Soviet Russia forces in the Middle East need not have been raised at all had the United Nations sent civilians instead of troops as monitors of the cease-fire.

Human nature being what it is, if the Soviet Union sent troops and we sent troops, the potential would be present for beginning world war III. Even if the troops be from other nations, as they now are, they come to an area where the armed forces of Israel and the Arab countries face each other and the warlike aspect of the situation is increased rather than lessened. I just saw a picture of a group leaving Cyprus—fully armed. This does not add to an atmosphere of peace, but to one of war or conflict.

I think it would be helpful and add to the credibility of the United Nations as a peace forum if the observers arrived in civilian clothing and were led not by a military man but by a distinguished world statesman-diplomat.

I have communicated to the Secretary of State my recommendation that the United States initiate in the United Nations a proposal that in the future all U.N. observers be civilians attired in civilian clothes, headed by able men and women known for their expertise in world diplomacy. Military experts might accompany them, but only as advisers and in a minimal number.

This action, I think, should be taken as a practical way of backing up the prayers of all mankind that no conflict between nations anywhere will escalate into a war that could destroy the world.

MILLIONS OF AMERICANS HAVE BEEN BETRAYED BY ARCHIBALD COX

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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 law, 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 purposes? 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.

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-174)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Banking and Currency and ordered to be printed:

To the Congress of the United States:

As their role in conveying financial assistance to developing countries has steadily enlarged in recent years, multilateral lending institutions have become vital to our hopes for constructing a new international economic order.

One of the most important of these institutions is the International Development Association, a subsidiary of the World Bank that provides long-term loans at low interest rates to the world's poorest nations. During the 13 years of its operation, IDA has provided over $6.1 billion of development credits to nearly 70 of the least developed countries of the world. Two dozen countries have contributed funds for this effort.

By next June, however, the International Development Association will be out of funds unless it is replenished. As a result of an understanding reached in recent international negotiations, I am today proposing to the Congress that the United States join with other major industrialized nations in pledging significant new funds to this organization. Specifically, I am requesting that the Congress authorize for future appropriation the sum of $1.5 billion for the fourth replenishment of IDA. Initial payments would be made in fiscal year 1976 and the full amount would be paid out over a period of years.

I am also requesting that the Congress authorize an additional $50 million for the Special Funds of the Asian Development Bank. The bank is one of the major regional banks in the world that complements the work of the International Development Association and the World Bank.

Legislation for both of these authorities is being submitted to the Congress today by the Secretary of the Treasury.

STRENGTHENING THE INTERNATIONAL ECONOMIC SYSTEM

Just over a year ago, in September 1972, at the annual meeting in Washington of the International Monetary Fund and the World Bank, I stressed the urgent need to build a secure structure of peace, not only in the political realm but in the economic realm as well. I stated then that the time had come for action across the entire front of international economic problems, and I emphasized

that recurring monetary crises, incorrect alinements, distorted trading arrangements, and great disparities in development not only injured our economies, but also created political tensions that subvert the cause of peace. I urged that all nations come together to deal promptly with these fundamental problems.

I am happy to be able to report that since that 1972 meeting we have made encouraging progress toward updating and revising the basic rules for the conduct of international financial and trade affairs that have guided us since the end of World War II. Monetary reform negotiations, begun last year, are now well advanced toward forging a new and stronger international monetary system. A date of July 31, 1974, has been set as a realistic deadline for completing a basic agreement among nations on the new system.

Concurrently, we are taking the fundamental steps at home and abroad that will lead to needed improvement in the international trading system. On September 14, while meeting in Tokyo, the world's major trading nations launched new multilateral trade negotiations which could lead to a significant reduction of world trade barriers and reform of our rules for trade. The Congress is now considering trade reform legislation that is essential to allow the United States to participate effectively in these negotiations.

ESSENTIAL ROLE OF DEVELOPMENT ASSISTANCE

While there is great promise in both the trade and monetary negotiations, it is important that strong efforts also be made in the international effort to support economic development—particularly in providing reasonable amounts of new funds for international lending institutions.

A stable and flexible monetary system, a fairer and more efficient system of trade and investment, and a solid structure of cooperation in economic development are the essential components of international economic relations. We must act in each of these interdependent areas. If we fail or fall behind in one, we weaken the entire effort. We need an economic system that is balanced and responsive in all its parts, along with international institutions that reinforce the principles and rules we negotiate.

We cannot expect other nations—developed or developing—to respond fully to our call for stronger and more efficient trading and monetary systems, if at the same time we are not willing to assume our share of the effort to ensure that the interests of the poorer nations are taken into account. Our position as a leader in promoting a more reasonable world order and our credibility as a negotiator would be seriously weakened if we do not take decisive and responsible action to assist those nations to achieve their aspirations toward economic development.

There are some two dozen non-communist countries which provide assistance to developing countries. About 20 percent of the total aid flow from these countries is now channeled through multilateral lending institutions such as the World Bank group—which includes IDA—and the regional development banks.

These multilateral lending institutions play an important role in American foreign policy. By encouraging developing countries to participate in a joint effort to raise their living standards, they help to make those countries more self-reliant. They provide a pool of unmatched technical expertise. And they provide a useful vehicle for encouraging other industrialized countries to take a larger responsibility for the future of the developing world, which in turn enables us to reduce our direct assistance.

The American economy also benefits from our support of international development. Developing countries today provide one-third of our raw material imports, and we will increasingly rely upon them in the future for essential materials. These developing countries are also good customers, buying more from us than we do from them.

NEW PROPOSALS FOR MULTILATERAL ASSISTANCE

Because multilateral lending institutions make such a substantial contribution to world peace, it must be a matter of concern for the United States that the International Development Association will be out of funds by June 30, 1974, if its resources are not replenished.

The developing world now looks to the replenishment of IDA's resources as a key test of the willingness of industrialized, developed nations to cooperate in assuring the fuller participation of developing countries in the international economy. At the Nairobi meeting of the World Bank last month, it was agreed by 25 donor countries to submit for approval of their legislatures a proposal to authorize $4.5 billion of new resources to IDA. Under this proposal, the share of the United States in the replenishment would drop from 40 percent to 33 percent. This represents a significant accomplishment in distributing responsibility for development more equitably. Other countries would put up $3 billion, twice the proposed United States contribution of $1.5 billion. Furthermore, to reduce annual appropriations requirements, our payments can be made in installments at the rate of $375 million a year for 4 years, beginning in fiscal year 1976.

We have also been negotiating with other participating nations to increase funds for the long-term, low-interest operation of the Asian Development Bank. As a result of these negotiations, I am requesting the Congress to authorize $50 million of additional contributions to the ADB by the United States—beyond a $100 million contribution already approved. These new funds would be associated with additional contributions of about $350 million from other nations.

MEETING OUR RESPONSIBILITIES

In addition to these proposals for pledging future funds, I would point out that the Congress also has before it appropriations requests for fiscal year 1974—a year that is already one-third completed—for bilateral and multilateral assistance to support our role in international cooperation. It is my profound conviction that it is in our own best interest that the Congress move quickly to enact these pending appropriations requests. We are now behind schedule in providing our contributions to the International Development Association, the Inter-American Development Bank, and the Asian Development Bank, so that we are not keeping our part of the bargain. We must show other nations that the United States will continue to meet its international responsibilities.

All nations which enjoy advanced stages of industrial development have a grave responsibility to assist those countries whose major development lies ahead. By providing support for international economic assistance on an equitable basis, we are helping others to help themselves and at the same time building effective institutions for international cooperation in the critical years ahead. I urge the Congress to act promptly on these proposals.

RICHARD NIXON.

THE WHITE HOUSE, *October 31, 1973.*

APPOINTMENT OF CONFEREES ON H.R. 8916, STATE, JUSTICE, AND RELATED AGENCIES APPROPRIATIONS, 1974

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8916) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none and appoints the following conferees: Messrs. ROONEY of New York, SLACK, SMITH of Iowa, FLYNT, SIKES, MAHON, CEDERBERG, ANDREWS of North Dakota, and WYATT.

CALL OF THE HOUSE

Mr. DICKINSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 555]

Ashley	Fraser	Nix
Biaggi	Giaimo	Passman
Blatnik	Gray	Pike
Breaux	Green, Oreg.	Podell
Brooks	Hammer-schmidt	Railsback
Buchanan	Hanna	Roberts
Burke, Calif.	Howard	Roncallo, N.Y.
Chappell	Jarman	Runnels
Clark	Johnson, Colo.	Ryan
Clausen, Don H.	Jones, Ala.	Sandman
Clay	King	Steele
Conyers	Kuykendall	Teague, Tex.
Davis, Ga.	Kyros	Thompson, N.J.
Dellums	Lujan	Waldie
Diggs	Macdonald	Wiggins
Esch	Mills, Ark.	Wylie
Ford, William D.	Mosher	
	Murphy, N.Y.	

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO HAVE UNTIL MIDNIGHT SATURDAY, NOVEMBER 3, 1973, TO FILE REPORT ON H.R. 9142

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday to file a report on the bill H.R. 9142.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1570, EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MACDONALD, VAN DEERLIN, BROWN of Ohio, and COLLINS of Texas.

PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with Senate amendments to the House amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Senate amendments: Page 7 of the House engrossed amendment, strike out lines 18, 19, and 20 and insert: "In the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such costs.".

And on page 16 of the House engrossed amendment, after line 16 insert:

"(5) The Secretary shall provide technical assistance, as appropriate, to eligible entities as necessary for the purpose of their preparing applications or otherwise qualifying for or carrying out grants for contracts under sections 1202, 1203, or 1204, with special consideration for applicants in rural areas.".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, I reserve the right to object.

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield, the amendments consist of two in the House and two in the Senate, and the bill is substantially as passed in the House.

Mr. GROSS. Are the amendments germane? It does not seem to impress anyone very much any more whether they are germane or nongermane. We do not like nongermane Senate amendments.

Mr. STAGGERS. These are all germane, I can assure the gentleman from Iowa, and they are technical amendments which make the bill better.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. STAGGERS. Mr. Speaker, in passing EMS legislation, both the House and the Senate started with legislation identical to that which the President vetoed, without the PHS hospitals. Each body made three small amendments on the floor, and in doing this created four even smaller differences between the House- and Senate-passed bills. We discussed these differences with the Senate and agreed to a reasonable set of compromises. Their amendments yesterday incorporate these compromises and we now need to agree to them. This would clear it for the President's signature.

The differences and their resolutions are:

First. The Senate earmarked 17½ percent of the funds for rural areas, and the House earmarked 20 percent. The final version uses 20 percent.

Second. The House added a priority for research in EMS in rural areas which is not in the Senate bill. The final version keeps the House provision.

Third. The House permitted up to 75 percent assistance for expansion and improvement of EMS systems in rural areas, and the Senate did so in areas with exceptional need. The final version takes the Senate approach.

Fourth. The Senate-passed bill contained a provision authorizing HEW to give technical assistance to EMS systems. This provision is not included in the House bill but is contained in the final version.

None of these amendments adds any money to the bill, changes its basic intent or effectiveness, or can even be considered substantial. I urge that the House consent to their adoption.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments to the House amendment were concurred in.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1081, GRANTING RIGHTS-OF-WAY ACROSS FEDERAL LANDS

Mr. MELCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on S. 1081, granting rights-of-way across Federal lands.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 93-617)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SECTION 101. Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), is further amended to read as follows:

"Grant of Authority

"SEC. 28. (a) Rights-of-way through any Federal lands may be granted by the Secretary of the Interior or appropriate agency head for pipeline purposes for the transportation of oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom to any applicant possessing the qualifications provided in section 1 of this Act, as amended, in accordance with the provisions of this section.

"Definitions

"(b) (1) For the purposes of this section 'Federal lands' means all lands owned by the United States except lands in the National Park System, lands held in trust for an Indian or Indian tribe, and lands on the Outer Continental Shelf. A right-of-way through a Federal reservation shall not be granted if the Secretary or agency head determines that it would be inconsistent with the purposes of the reservation.

"(2) 'Secretary' means the Secretary of the Interior.

"(3) 'Agency head' means the head of any Federal department or independent Federal office or agency, other than the Secretary of the Interior, which has jurisdiction over Federal lands.

"Inter-Agency Coordination

"(c) (1) Where the surface of all of the Federal lands involved in a proposed right-of-way or permit is under the jurisdiction of one Federal agency, the agency head, rather than the Secretary, is authorized to grant or renew the right-of-way or permit for the purposes set forth in this section.

"(2) Where the surface of the Federal lands involved is administered by the Secretary or by two or more Federal agencies, the Secretary is authorized, after consultation with the agencies involved, to grant or renew rights-of-way or permits through the Federal lands involved. The Secretary may enter into interagency agreements with all other Federal agencies having jurisdiction over Federal lands for the purpose of avoiding duplication, assigning responsibility, expediting review of rights-of-way or permit applications, issuing joint regulations, and assuring a decision based upon a comprehensive review of all factors involved in any right-of-way or permit application. Each agency head shall administer and enforce the provisions of this section, appropriate regulations, and the terms and conditions of rights-of-way or permits insofar as they in-

volve Federal lands under the agency head's jurisdiction.

"Width Limitations

"(d) The width of a right-of-way shall not exceed fifty feet plus the ground occupied by the pipeline (that is, the pipe and its related facilities) unless the Secretary or agency head finds, and records the reasons for his finding, that in his judgment a wider right-of-way is necessary or operation and maintenance after construction, or to protect the environment or public safety. Related facilities include but are not limited to valves, pump stations, supporting structures, bridges, monitoring and communication devices, surge and storage tanks, terminals, roads, airstrips and campsites, and they need not necessarily be connected or contiguous to the pipe and may be the subjects of separate rights-of-way.

"Temporary Permits

"(e) A right-of-way may be supplemented by such temporary permits for the use of Federal lands in the vicinity of the pipeline as the Secretary or agency head finds are necessary in connection with construction, operation, maintenance, or termination of the pipeline, or to protect the natural environment or public safety.

"Regulatory Authority

"(f) Rights-of-way or permits granted or renewed pursuant to this section shall be subject to regulations promulgated in accord with the provisions of this section and shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination.

"Pipeline Safety

"(g) The Secretary or agency head shall impose requirements for the operation of the pipeline and related facilities in a manner that will protect the safety of workers and protect the public from sudden ruptures and slow degradation of the pipeline.

"Environmental Protection

"(h)(1) Nothing in this section shall be construed to amend, repeal, modify, or change in any way the requirements of section 102(2)(C) or any other provision of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852).

"(2) The Secretary or agency head, prior to granting a right-of-way or permit pursuant to this section for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way or permit which shall comply with this section. The Secretary or agency head shall issue regulations or impose stipulations which shall include, but shall not be limited to: (A) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land: (B) requirements to insure that activities in connection with the right-of-way or permit will not violate applicable air and water quality standards nor related facility siting standards established by or pursuant to law: (C) requirements designed to control or prevent (i) damage to the environment (including damage to fish and wildlife habitat), (ii) damage to public or private property, and (iii) hazards to public health and safety; and (D) requirements to protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes. Such regulations shall be applicable to every right-of-way or permit granted pursuant to this section, and may be made applicable by the Secretary or agency head to existing rights-of-way or permits, or rights-of-way or permits to be renewed pursuant to this section.

"Disclosure

"(i) If the applicant is a partnership, corporation, association, or other business entity, the Secretary or agency head shall require the applicant to disclose the identity of the participants in the entity. Such disclosure shall include where applicable (1) the name and address of each partner, (2) the name and address of each shareholder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote, and (3) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.

"Technical and Financial Capability

"(j) The Secretary or agency head shall grant or renew a right-of-way or permit under this section only when he is satisfied that the applicant has the technical and financial capability to construct, operate, maintain, and terminate the project for which the right-of-way or permit is requested in accordance with the requirements of this section.

"Public Hearings

"(k) The Secretary or agency head by regulation shall establish procedures, including public hearings, where appropriate, to give Federal, State, and local government agencies and the public adequate notice and an opportunity to comment upon right-of-way applications filed after the date of enactment of this subsection.

"Reimbursement of Costs

"(l) The applicant for a right-of-way or permit shall reimburse the United States for administrative and other costs incurred in processing the application, and the holder of a right-of-way or permit shall reimburse the United States for the costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities on such right-of-way or permit area and shall pay annually in advance the fair market rental value of the right-of-way or permit, as determined by the Secretary or agency head.

"Bonding

"(m) Where he deems it appropriate the Secretary or agency head may require a holder of a right-of-way or permit to furnish a bond, or other security, satisfactory to the Secretary or agency head to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or permit or by any rule or regulation of the Secretary or agency head.

"Duration of grant

"(n) Each right-of-way or permit granted or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project, but in no event more than thirty years. In determining the duration of a right-of-way the Secretary or agency head shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The Secretary or agency head shall renew any right-of-way, in accordance with the provisions of this section, so long as the project is in commercial operation and is operated and maintained in accordance with all of the provisions of this section.

"Suspension or Termination of Right-of-Way

"(o)(1) Abandonment of a right-of-way or noncompliance with any provision of this section may be grounds for suspension or termination of the right-of-way if (A) after due notice to the holder of the right-of-way, (B) a reasonable opportunity to comply with this section, and (C) an appropriate administrative proceeding pursuant to title 5, United States Code, section 554, the Secretary or agency head determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed upon condition, event, or time.

"(2) If the Secretary or agency head determines that an immediate temporary suspension of activities within a right-of-way or permit area is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding.

"(3) Deliberate failure of the holder to use the right-of-way for the purpose for which it was granted or renewed for any continuous two-year period shall constitute a rebuttable presumption of abandonment of the right-of-way: *Provided*, That where the failure to use the right-of-way is due to circumstances not within the holder's control the Secretary or agency head is not required to commence proceedings to suspend or terminate the right-of-way.

"Joint Use of Rights-of-Way

"(p) In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way across Federal land the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary or agency head the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way or permit area granted pursuant to this section.

"Statutes

"(q) No rights-of-way for the purposes provided for in this section shall be granted or renewed across Federal lands except under and subject to the provisions, limitations, and conditions of this section. Any application for a right-of-way filed under any other law prior to the effective date of this provision may, at the applicant's option, be considered as an application under this section. The Secretary or agency head may require the applicant to submit any additional information he deems necessary to comply with the requirements of this section.

"Common Carriers

"(r)(1) Pipelines and related facilities authorized under this section shall be constructed, operated, and maintained as common carriers.

"(2)(A) The owners or operators of pipelines subject to this section shall accept, convey, transport, or purchase without discrimination all oil or gas delivered to the pipeline without regard to whether such oil or gas was produced on Federal or non-Federal lands.

"(B) In the case of oil or gas produced from Federal lands or from the resources on the Federal lands in the vicinity of the pipeline, the Secretary may, after a full hearing with due notice thereof to the interested parties and a proper finding of facts, determine the proportionate amounts to be accepted, conveyed, transported or purchased.

"(3)(A) The common carrier provisions of this section shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

"(B) Where natural gas not subject to State regulatory or conservation laws governing its purchase by pipelines is offered for sale, each such pipeline shall purchase, without discrimination, any such natural gas produced in the vicinity of the pipeline.

"(4) The Government shall in express terms reserve and shall provide in every lease of oil lands under this Act that the lessee, assignee, or beneficiary, if owner or operator of a controlling interest in any pipeline or of any company operating the pipeline which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company not the owner of any pipeline operating a lease or purchasing gas or oil under the provisions of this Act.

"(5) Whenever the Secretary has reason to believe that any owner or operator subject to this section is not operating any oil or gas pipeline in complete accord with its obligations as a common carrier hereunder, he may request the Attorney General to prosecute an appropriate proceeding before the Interstate Commerce Commission or Federal Power Commission or any appropriate State agency or the United States district court for the district in which the pipeline or any part thereof is located, to enforce such obligation or to impose any penalty provided therefor, or the Secretary may, by proceeding as provided in this section, suspend or terminate the said grant of right-of-way for noncompliance with the provisions of this section.

"(6) The Secretary or agency head shall require, prior to granting or renewing a right-of-way, that the applicant submit and disclose all plans, contracts, agreements, or other information or material which he deems necessary to determine whether a right-of-way shall be granted or renewed and the terms and conditions which should be included in the right-of-way. Such information may include, but is not limited to: (A) conditions for, and agreements among owners or operators, regarding the addition of pumping facilities, looping, or otherwise increasing the pipeline or terminal's throughput capacity in response to actual or anticipated increases in demand; (B) conditions for adding or abandoning intake, offtake, or storage points or facilities; and (C) minimum shipment or purchase tenders.

"Right-of-Way Corridors

"(s) In order to minimize adverse environmental impacts and to prevent the proliferation of separate rights-of-way across Federal lands, the Secretary shall, in consultation with other Federal and State agencies, review the need for a national system of transportation and utility corridors across Federal lands and submit a report of his findings and recommendations to the Congress and the President by July 1, 1975.

"Existing Rights-of-Way

"(t) The Secretary or agency head may ratify and confirm any right-of-way or permit for an oil or gas pipeline or related facility that was granted under any provision of law before the effective date of this subsection, if it is modified by mutual agreement to comply to the extent practical with the provisions of this section. Any action taken by the Secretary or agency head pursuant to this subsection shall not be considered a major Federal action requiring a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1970 (Public Law 90-190; 42 U.S.C. 4321).

"Limitations on Export

"(u) Any domestically produced crude oil transported by pipeline over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, except such crude oil which is either exchanged in similar quantity for convenience or increased efficiency of transportation with persons or the government of an adjacent foreign state, or which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and reenters the United States, shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements and penalty and enforcement provisions of the Export Administration Act of 1969 the President must make and publish an express finding that such exports will not diminish the total quantity or quality of petroleum available to the United States, and are in the national interest and are in accord with the provisions of the Export Administration Act of 1969: *Provided*, That the President shall submit reports to the Congress containing findings made under this section, and after the date of receipt of such report Congress shall have a period of sixty calendar days, thirty days of which Congress must have been in session, to consider whether exports under the terms of this section are in the national interest. If the Congress within this time period passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, further exports made pursuant to the aforementioned Presidential findings shall cease.

"State Standards

"(v) The Secretary or agency head shall take into consideration and to the extent practical comply with State standards for right-of-way construction, operation, and maintenance.

"Reports

"(w)(1) The Secretary and other appropriate agency heads shall report to the House and Senate Committees on Interior and Insular Affairs annually on the administration of this section and on the safety and environmental requirements imposed pursuant thereto.

"(2) The Secretary or agency head shall notify the House and Senate Committees on Interior and Insular Affairs promptly upon receipt of an application for a right-of-way for a pipeline twenty-four inches or more in diameter, and no right-of-way for such a pipeline shall be granted until sixty days (not counting days on which the House of Representatives or the Senate has adjourned for more than three days) after a notice of intention to grant the right-of-way, together with the Secretary's or agency head's detailed findings as to terms and conditions he proposes to impose, has been submitted to such committees, unless each committee by resolution waives the waiting period.

"(3) Periodically, but at least once a year, the Secretary of the Department of Transportation shall cause the examination of all pipelines and associated facilities on Federal lands and shall cause the prompt reporting of any potential leaks or safety problems.

"(4) The Secretary of the Department of Transportation shall report annually to the President, the Congress, the Secretary of the Interior, and the Interstate Commerce Commission any potential dangers of or actual explosions, or potential or actual spillage on Federal lands and shall include in such report a statement of corrective action taken to prevent such explosion or spillage.

"Liability

"(x)(1) The Secretary or agency head shall promulgate regulations and may impose stipulations specifying the extent to which holders of rights-of-way and permits under this Act shall be liable to the United States for damage or injury incurred by the United States in connection with the right-of-way or permit. Where the right-of-way or permit involves lands which are under the exclusive jurisdiction of the Federal Government, the Secretary or agency head shall promulgate regulations specifying the extent to which holders shall be liable to third parties for injuries incurred in connection with the right-of-way or permit.

"(2) The Secretary or agency head may, by regulation or stipulation, impose a standard of strict liability to govern activities taking place on a right-of-way or permit area which the Secretary or agency head determines, in his discretion, to present a foreseeable hazard or risk of danger to the United States.

"(3) Regulations and stipulations pursuant to this subsection shall not impose strict liability for damage or injury resulting from (A) an act of war, or (B) negligence of the United States.

"(4) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

"(5) The regulations and stipulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liability, damage, or claims arising in connection with the right-of-way or permit.

"(6) Any regulation or stipulation promulgated or imposed pursuant to this section shall provide that all owners of any interest in, and all affiliates or subsidiaries of any holder of, a right-of-way or permit shall be liable to the United States in the event that a claim for damage or injury cannot be collected from the holder.

"(7) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

"Antitrust Laws

"(y) The grant of a right-of-way or permit pursuant to this section shall grant no immunity from the operation of the Federal antitrust laws."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Trans-Alaska Pipeline Authorization Act."

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds and declares that:

(a) The early development and delivery of oil and gas from Alaska's North Slope to domestic markets is in the national interest because of growing domestic shortages and increasing dependence upon insecure foreign sources.

(b) The Department of the Interior and other Federal agencies have, over a long period of time, conducted extensive studies of the technical aspects and of the environmental, social and economic impacts of the proposed trans-Alaska oil pipeline, including consideration of a trans-Canada pipeline.

(c) The earliest possible construction of a trans-Alaska oil pipeline from the North Slope of Alaska to Port Valdez in that State will make the extensive proven and potential reserves of low-sulfur oil available for domestic use and will best serve the national interest.

(d) A supplemental pipeline to connect the North Slope with a trans-Canada pipeline may be needed later and it should be studied now, but it should not be regarded as an alternative for a trans-Alaska pipeline that does not traverse a foreign country.

CONGRESSIONAL AUTHORIZATION

SEC. 203. (a) The purpose of this title is to insure that, because of the extensive governmental studies already made of this project and the national interest in early delivery of North Slope oil to domestic markets, the trans-Alaska oil pipeline be constructed promptly without further administrative or

judicial delay or impediment. To accomplish this purpose it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions taken pursuant thereto.

(b) The Congress hereby authorizes and directs the Secretary of the Interior and other appropriate Federal officers and agencies to issue and take all necessary action to administer and enforce rights-of-way, permits, leases, and other authorizations that are necessary for or related to the construction, operation and maintenance of the trans-Alaska oil pipeline system, including roads and airstrips, as that system is generally described in the Final Environmental Impact Statement issued by the Department of the Interior on March 20, 1972. The route of the pipeline may be modified by the Secretary to provide during construction greater environmental protection.

(c) Rights-of-way, permits, leases, and other authorizations issued pursuant to this title by the Secretary shall be subject to the provisions of section 28 of the Mineral Leasing Act of 1920, as amended by title I of this Act (except the provisions of subsections (h)(1), (k), (q), (w)(2), and (x)); all authorizations issued by the Secretary and other Federal officers and agencies pursuant to this title shall include the terms and conditions required, and may include the terms and conditions permitted, by the provisions of law that would otherwise be applicable if this title had not been enacted, and they may waive any procedural requirements of law or regulation which they deem desirable to waive in order to accomplish the purposes of this title. The direction contained in section 203(b) shall supersede the provisions of any law or regulation relating to an administrative determination as to whether the authorizations for construction of the trans-Alaska oil pipeline shall be issued.

(d) The actions taken pursuant to this title which relate to the construction and completion of the pipeline system, and to the applications filed in connection therewith necessary to the pipeline's operation at full capacity, as described in the Final Environmental Impact Statement of the Department of the Interior, shall be taken without further action under the National Environmental Policy Act of 1969; and the actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation at full capacity of said pipeline system shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following its enactment, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this title, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after the date of the enactment of this Act. Any such proceeding shall be assigned for hearing at the earliest possible date, shall take precedence over all other matters pending on the docket of the district court at that time, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

(e) The Secretary of the Interior and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under this title.

LIABILITY

SEC. 204. (a)(1) Except when the holder of the pipeline right-of-way granted pursuant to this title can prove that damages in connection with or resulting from activities along or in the vicinity of the proposed trans-Alaska pipeline right-of-way were caused by an act of war or negligence of the United States, other government entity, or the damaged party, such holder shall be strictly liable to all damaged parties, public or private, without regard to fault for such damages, and without regard to ownership of any affected lands, structures, fish, wildlife, or biotic or other natural resources relied upon by Alaska Natives, Native organizations, or others for subsistence or economic purposes. Claims for such injury or damages may be determined by arbitration or judicial proceedings.

(2) Liability under paragraph (1) of this subsection shall be limited to $50,000,000 for any one incident, and the holders of the right-of-way or permit shall be liable for any claim allowed in proportion to their ownership interest in the right-of-way or permit. Liability of such holders for damages in excess of $50,000,000 shall be in accord with ordinary rules of negligence.

(3) In any case where liability without fault is imposed pursuant to this subsection and the damages involved were caused by the negligence of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

(4) Upon order of the Secretary, the holder of a right-of-way or permit shall provide emergency subsistence and other aid to an affected Alaskan Native, Native organization, or other person pending expeditious filing of, and determination of, a claim under this subsection.

(5) Where the State of Alaska is the holder of a right-of-way or permit under this title, the State shall not be subject to the provisions of subsection 204(a), but the holder of the permit or right-of-way for the trans-Alaska pipeline shall be subject to that subsection with respect to facilities constructed or activities conducted under rights-of-way or permits issued to the State to the extent that such holder engages in the construction, operation, maintenance, and termination of facilities, or in other activities under rights-of-way or permits issued to the State.

(b) If any area within or without the right-of-way or permit area granted under this title is polluted by any activities conducted by or on behalf of the holder to whom such right-of-way or permit was granted, and such pollution damages or threatens to damage aquatic life, wildlife, or public or private property, the control and total removal of the pollutant shall be at the expense of such holder, including any administrative and other costs incurred by the Secretary or any other Federal officer or agency. Upon failure of such holder to adequately control and remove such pollutant, the Secretary, in cooperation with other Federal, State, or local agencies, or in cooperation with such holder, or both, shall have the right to accomplish the control and removal at the expense of such holder.

(c)(1) Notwithstanding the provisions of any other law, if oil that has been transported through the trans-Alaska pipeline is loaded on a vessel at the terminal facilities of the pipeline, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from such vessel.

(2) Strict liability shall not be imposed under this subsection if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under this subsection with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such party.

(3) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. Financial responsibility for $14,000,000 shall be demonstrated in accordance with the provisions of section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(p)) before the oil is loaded. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or state law.

(4) The Trans-Alaska Pipeline Liability Fund is hereby established as a non-profit corporate entity that may sue and be sued in its own name. The Fund shall be administered by the holders of the trans-Alaska pipeline right-of-way under regulations prescribed by the Secretary. The Fund shall be subject to an annual audit by the Comptroller General, and a copy of the audit shall be submitted to the Congress.

(5) The operator of the pipeline shall collect from the owner of the oil at the time it is loaded on the vessel a fee of five cents per barrel. The collection shall cease when $100,000,000 has been accumulated in the Fund, and it shall be resumed when the accumulation in the Fund falls below $100,000,000.

(6) The collections under paragraph (5) shall be delivered to the Fund. Costs of administration shall be paid from the money paid to the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested prudently in income-producing securities approved by the Secretary. Income from such securities shall be added to the principal of the Fund.

(7) The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(8) In any case where liability without regard to fault is imposed pursuant to this subsection and the damages involved were caused by the unseaworthiness of the vessel or by negligence, the owner and operator of the vessel, and the Fund, as the case may be, shall be subrogated under applicable State and Federal laws to the rights under said laws of any person entitled to recovery hereunder. If any subrogee brings an action based on unseaworthiness of the vessel or negligence of its owner or operator, it may recover from any affiliate of the owner or operator, if

the respective owner or operator fails to satisfy any claim by the subrogee allowed under this paragraph.

(9) This subsection shall not be interpreted to preempt the field of strict liability or to preclude any State from imposing additional requirements.

(10) If the Fund is unable to satisfy a claim asserted and finally determined under this subsection, the Fund may borrow the money needed to satisfy the claim from any commercial credit source, at the lowest available rate of interest, subject to approval of the Secretary.

(11) For purposes of this subsection only, the term "affiliate" includes—

(A) Any person owned or effectively controlled by the vessel owner or operator; or

(B) Any person that effectively controls or has the power effectively to control the vessel owner or operator by—

(i) stock interest, or

(ii) representation on a board of directors or similar body, or

(iii) contract or other agreement with other stockholders, or

(iv) otherwise; or

(C) Any person which is under common ownership or control with the vessel owner or operator.

(12) The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

ANTITRUST LAWS

SEC. 205. The grant of a right-of-way, permit, lease, or other authorization pursuant to this title shall grant no immunity from the operation of the Federal anti-trust laws.

ROADS AND AIRPORTS

SEC. 206. A right-of-way, permit, lease, or other authorization granted under section 203(b) for a road or airstrip as a related facility of the trans-Alaska pipeline may provide for the construction of a public road or airstrip.

TITLE III—NEGOTIATIONS WITH CANADA

SEC. 301. The President of the United States is authorized and requested to enter into negotiations with the Government of Canada to determine—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States, including the use of tankers by way of the Northwest Passage;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the terms and conditions under which pipelines or other transportation systems could be constructed across Canadian territory;

(d) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met;

(e) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit; and

(f) the feasibility, consistent with the needs of other sections of the United States, of acquiring additional energy from other sources that would make unnecessary the shipment of oil from the Alaskian pipeline by tanker into the Puget Sound area.

The President shall report to the House and Senate Committees on Interior and Insular Affairs the actions taken, the progress achieved, the areas of disagreement, and the matters about which more information is needed, together with his recommendations for further action.

SEC. 302. (a) The Secretary of the Interior is authorized and directed to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets.

(b) All costs associated with making the investigations authorized by subsection (a) shall be charged to any future applicant who is granted a right-of-way for one of the routes studied. The Secretary shall submit to the House and Senate Committees on Interior and Insular Affairs periodic reports of his investigation, and the final report of the Secretary shall be submitted within two years from the date of this Act.

SEC. 303. Nothing in this title shall limit the authority of the Secretary of the Interior or any other Federal official to grant a gas or oil pipeline right-of-way or permit which he is otherwise authorized by law to grant.

TITLE IV—MISCELLANEOUS

VESSEL CONSTRUCTION STANDARDS

SEC. 401. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340), is hereby amended as follows:

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, with respect to foreign vessels and United States-flag vessels operating in the foreign trade, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate. Rules and regulations published pursuant to subsection (7)(A) shall be effective not later than June 30, 1974, with respect to United States-flag vessels engaged in the coastwise trade.".

VESSEL TRAFFIC CONTROL

SEC. 402. The Secretary of the Department in which the Coast Guard is operating is hereby directed to establish a vessel traffic control system for Prince William Sound and Valdez, Alaska, pursuant to authority contained in title I of the Ports and Waterways Safety Act of 1972 (86 Stat. 424, Public Law 92-340).

CIVIL RIGHTS

SEC. 403. The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under title II. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection, and any rules promulgated under this subsection, through agency and department provisions and rules which shall be similar to those established and in effect under title VI of the Civil Rights Act of 1964.

CONFIRMATION OF THE DIRECTOR OF THE ENERGY POLICY OFFICE

SEC. 404. The Director of the Energy Policy Office in the Executive Office of the President shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

CONFIRMATION OF THE HEAD OF THE MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SEC. 405. The head of the Mining Enforcement and Safety Administration established pursuant to Order Numbered 2953 of the Secretary of the Interior issued in accordance with the authority provided by section 2 of Reorganization Plan Numbered 3 of 1950 (64 Stat. 1262) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That if any individual who is serving in this office on the date of enactment of this Act is nominated for such position, he may continue to act unless and until such nomination shall be disapproved by the Senate.

EXEMPTION OF FIRST SALE OF CRUDE OIL AND NATURAL GAS OF CERTAIN LEASES FROM PRICE RESTRAINTS AND ALLOCATION PROGRAMS

SEC. 406. (a) The first sale of crude oil and natural gas liquids produced from any lease whose average daily production of such substances for the preceding calendar month does not exceed ten barrels per well shall not be subject to price restraints established pursuant to the Economic Stabilization Act of 1970, as amended, or to any allocation program for fuels or petroleum established pursuant to that Act or to any Federal law for the allocation of fuels or petroleum.

(b) To qualify for the exemption under this section, a lease must be operating at the maximum feasible rate of production and in accord with recognized conservation practices.

(c) The agency designated by the President or by law to implement any such fuels or petroleum allocation program is authorized to conduct inspections to insure compliance with this section and shall promulgate and cause to be published regulations implementing the provisions of this section.

ADVANCE PAYMENTS TO ALASKA NATIVES

SEC. 407. (a) In view of the delay in construction of a pipeline to transport North Slope crude oil, the sum of $5,000,000 is authorized to be appropriated from the United States Treasury into the Alaska Native Fund every six months of each fiscal year beginning with the fiscal year ending June 30, 1976, as advance payments chargeable against the revenues to be paid under section 9 of the Alaska Native Claims Settlement Act, until such time as the delivery of North Slope crude oil to a pipeline is commenced.

(b) Section 9 of the Alaskan Native Claims Settlement Act is amended by striking the language in subsection (g) thereof and substituting the following language: "The payments required by this section shall continue only until a sum of $500,000,000 has been paid into the Alaska Native Fund less the total of advance payments paid into the Alaska Native Fund pursuant to section 407 of the Trans-Alaska Pipeline Authorization Act. Thereafter, payments which would otherwise go into the Alaska Native Fund will be made to the United States Treasury as reimbursement for the advance payments authorized by section 407 of the Trans-Alaskan Pipeline Authorization Act. The provisions of this section shall no longer apply, and the reservation required in patents under this section shall be of no further force and effect, after a total sum of $500,000,000 has been paid to the Alaska Native Fund and to the United States Treasury purusant to this subsection.".

FEDERAL TRADE COMMISSION AUTHORITY

SEC. 408. (a) (1) The Congress hereby finds that the investigative and law enforcement responsibilities of the Federal Trade Commission have been restricted and hampered because of inadequate legal authority to enforce subpenas and to seek preliminary injunctive relief to avoid unfair competitive practices.

(2) The Congress further finds that as a direct result of this inadequate legal authority significant delays have occurred in a major investigation into the legality of the structure, conduct, and activities of the petroleum industry, as well as in other major investigations designed to protect the public interest.

(b) It is the purpose of this Act to grant the Federal Trade Commission the requisite authority to insure prompt enforcement of the laws the Commission administers by granting statutory authority to directly enforce subpenas issued by the Commission and to seek preliminary injunctive relief to avoid unfair competitive practices.

(c) Section 5(1) of the Federal Trade Commission Act (15 U.S.C. 45(1)) is amended by striking subsection (1) and inserting in lieu thereof:

"(1) Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than $10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in the case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission."

(d) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(m) The Commission shall have the power to initiate, prosecute, defend, or appeal any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction through its own legal representative, after formally notifying and consulting with and giving the Attorney General 10 days to take the action proposed by the Commission."

(e) Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), is amended by adding at the end thereof the following proviso: "*Provided*, That the exception of 'banks and common carriers subject to the Act to regulate commerce' from the Commission's powers defined in clauses (a) and (b) of this section, shall not be construed to limit the Commission's authority to gather and compile information, to investigate, or to require reports or answers from, any such corporation to the extent that such action is necessary to the investigation of any corporation, group of corporations, or industry which is not engaged or is engaged only incidentally in banking or in business as a common carrier subject to the Act to regulate commerce."

(f) Section 13 of the Federal Trade Commission Act (15 U.S.C. 53) is amended by redesignatnig "(b)" as "(c)" and inserting the following new subsection:

"(b) Whenever the Commission has reason to believe—

"(1) that any person, partnership, or corporation is violating, or is about to violate, any provision of law enforced by the Federal Trade Commission, and

"(2) that the enjoining thereof pending the issuance of a complaint by the Commission and until such complaint is dismissed by the Commission or set aside by the court on review, or until the order of the Commission made thereon has become final, would be in the interest of the public—

the Commission by any of its attorneys designated by it for such purpose may bring suit in a district court of the United States to enjoin any such act or practice. Upon a proper showing that, weighing the equities and considering the Commission's likelihood of ultimate success, such action would be in the public interest, and after notice to the defendant, a temporary restraining order or a preliminary injunction may be granted without bond: *Provided, however*, That if a complaint is not filed within such period (not exceeding 20 days) as may be specified by the court after issuance of the temporary restraining order or preliminary injunction, the order or injunction shall be dissolved by the court and be of no further force and effect: *Provided further*, That in proper cases the Commission may seek, and after proper proof, the court may issue, a permanent injunction. Any such suit shall be brought in the district in which such person, partnership, or corporation resides or transacts business."

(g) Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended to read as follows:

"SEC. 16. Whenever the Federal Trade Commission has reason to believe that any person, partnership, or corporation is liable to a penalty under section 14 or under subsection (1) of section 5 of this Act, it shall—

"(a) certify the facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of such section or subsection; or

"(b) after compliance with the requirements with Section 5(m), itself cause such appropriate proceedings to be brought."

GENERAL ACCOUNTING OFFICE AUTHORITY

SEC. 409. (a) Section 3502 of title 44, United States Code is amended by inserting in the first paragraph defining "Federal agency" after the words "the General Accounting Office" and before the words "nor the governments" the words "independent Federal regulatory agencies,".

(b) Chapter 35 of title 44, United States Code, is amended by adding after section 3511 the following new section:

"§ 3512. Information for independent regulatory agencies

"(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

"(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

"(1) avoiding duplication of effort by independent regulatory agencies, and

"(2) minimizing the compliance burden on business enterprises and other persons.

"(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

"(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

"(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

"(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

"(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

"(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter."

EQUITABLE ALLOCATION OF NORTH SLOPE CRUDE OIL

SEC. 410. The Congress declares that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to insure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.

SEPARABILITY

SEC. 411. If any provision of this Act or the applicability thereof is held invalid the remainder of this Act shall not be affected thereby

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill insert the following:

"To amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes".

And the House agree to the same.

JAMES A. HALEY,
JOHN MELCHER,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN P. SAYLOR,
SAM STEIGER,
DON YOUNG,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON, Jr.,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of way in a manner which will protect the environment, submit this joint statement in explanation of the effect of the language agreed upon by the managers and recommended in the accompanying conference report.

I. MAJOR PROVISIONS

The language agreed upon by the Conference Committee differs from the bill enacted by the Senate and the amendment enacted by the House in the following respects:

1. The Senate bill enacted a completely new system for granting rights-of-way across Federal lands. It applied to rights-of-way for many different purposes.

The House amendment applied only to rights-of-way for oil and gas pipelines. It took the form of an amendment to section 28 of the Mineral Leasing Act of 1920, which is the principal authority for granting oil and gas pipeline rights-of-way across public lands.

The Conferees adopted the House approach, but expanded it to include pipelines for oil, gas, synthetic liquid or gaseous fuels and refined products therefrom in anticipation of developments in coal gasification and liquefication, oil shale, and tar sands. It is the understanding of the Conferees, however, that the House will consider broader right-of-way legislation in connection with other bills that are presently pending.

2. The Senate bill applied to all lands owned by the United States except five specified categories. The House amendment retained the present language of the Mineral Leasing Act of 1920, which applies to "public lands, including forest reserves." The meaning of this phrase is not completely clear, but it clearly does not apply to lands acquired by the United States, as distinguished from the public domain.

The Conferees adopted the Senate approach, but excluded three categories rather than five categories of land. The three categories excluded are the National Park System, the Outer Continental Shelf, and Indian lands. The two categories of land that were not excluded are the National Wildlife Refuge System and the National Wilderness Preservation System, both of which are presently subject to the Mineral Leasing Act. The Conferees provided, however, that rights-of-way through reserved areas may not be granted if they would be inconsistent with the purposes of the reservation.

3. The Conferees combined and adopted the guidelines governing the grant of rights-of-way that were contained in the Senate bill and in the House amendment. The two sets of guidelines, while different in some respects, are compatible, and both are intended to spell out in greater statutory detail policies that were formerly left to administrative determination. None of the House guidelines was omitted.

4. Both the Senate bill and the House amendment provided for the immediate grant of a Trans-Alaska oil pipeline right-of-way without further proceedings under the National Environmental Protection Act and with only a limited right of judicial review. The Conferees merged the provisions of the two Houses without making major substantive changes.

5. Both the Senate bill and the House amendment provided for further study and negotiations with respect to possible additional oil and gas pipelines from the North Slope of Alaska, through Canada, to the Midwest. The Conferees merged the provisions of the two Houses without making substantial changes. The results of the negotiations and investigations are intended to serve as comparative information in the evaluation of the best possible methods for future transportation of North Slope energy resources to United States markets, and the bill is not intended to confer any special status on a trans-Canada route in the selection process for future pipelines.

6. The Senate bill had a number of miscellaneous provisions that were not directly related to oil pipeline rights-of-way. The House amendment had no comparable provisions. The Conferees' action was as follows:

(a) The Senate provision amending the Ports and Waterways Safety Act of 1972 with respect to vessel construction standards, and the provision directing the Coast Guard to exercise its present authority to establish a vessel traffic control system for the Valdez area, were adopted.

(b) The provisions requiring Senate confirmation of the Director of the Energy Policy Office in the Executive Office of the President, and the head of the Mining Enforcement and Safety Administration, were adopted.

(c) The provision exempting the first sale of oil and gas from stripper wells from the price restraints of the Economic Stabilization Act of 1970, and from any allocation program, was adopted. A stripper well is defined as a well with an average daily production during the preceding month of not more than ten barrels. In order to qualify for the exemption the lease must be operating at a maximum feasible rate of production and in accord with recognized conservation practices.

(d) The provision amending the Alaska Native Claims Settlement Act and providing for advance payments to Natives was adopted, after reducing the amount of the advance payments from $7,500,000 each six months to $5,000,000, after delaying the starting time for the payments from the beginning of fiscal year 1975 to the beginning of fiscal year 1976, and after deleting the provision making the advance payments a gift if transportation of oil through the pipeline does not commence by December 31, 1976.

(e) The provision amending the Federal Trade Commission Act was adopted, with amendments. It increased the civil penalty for violating a final order of the Commission, gave the Commission broader authority to initiate injunction actions and enforce subpoenas, and gave the Commission authority to represent itself in court if the Attorney General failed to do so after ten days notice.

(f) The provision amending the Federal Reports Act was adopted. It substituted the Comptroller General for the Office of Management and Budget in reviewing questionnaires proposed to be issued by independent Federal regulatory agencies. The regulatory agency will determine whether it needs the information, but it may not send its questionnaire if the Comptroller General determines that the information is already available from another source within the Federal Government.

(g) The provision giving the President broad authority to take any action necessary to insure an equitable allocation of crude oil and petroleum products among the various regions and States was adopted after it was amended to require the President to use his existing authority to accomplish that objective.

7. The House amendment contained (a) a provision prohibiting any form of discrimination in connection with any activity on the trans-Alaska pipeline, (b) a provision limiting the employment of foreign nationals for work on the trans-Alaska pipeline, and (c) a "buy-American" provision for the construction, operation, and maintenance of the trans-Alaska pipeline. The Senate bill had no comparable provisions. The Conferees adopted the first provision and dropped the second and third.

8. The Senate bill and the House amendment had different provisions regarding the liability of the owner or operator of an oil pipeline for damages resulting from its construction and operation. The Senate bill had one provision which related to pipelines on rights-of-way granted under the general law, and which applied only to damages incurred by the United States. The Senate had another provision which related to damages incurred by Alaska Natives in connection with the trans-Alaska pipeline. The House amendment had three provisions which related only to the trans-Alaska oil pipeline. One related to damages to anyone that were caused by the activities of the pipeline owner along the route of the pipeline. A second provision related to damages to anyone from discharges of oil from vessels owned or controlled by the pipeline owner in violation of the Federal Water Pollution Control Act. A third provision related to damages sustained by Alaska Natives.

The Conferees adopted modified versions of all of these provisions. One provision is of general application and appears in section 28(x). It requires the Secretary or agency head to specify the extent to which the holder of a right-of-way or permit shall be liable to the United States for damage or injury incurred in connection with the right-of-way. Joint regulations by the agencies involved, as authorized in section 28(c), are contemplated by the Conferees. Strict liability without regard to fault may be imposed, but a maximum dollar limitation must be stated, and liability in excess of this amount may be determined under ordinary rules of negligence.

The second provision is in section 204. It relates only to the trans-Alaska pipeline, and is in three parts. Subsection (a) imposes on the holder of the right-of-way or permit strict liability without regard to fault, and without regard to ownership of the land or resource involved if the land or resource is relied upon for subsistence or economic purposes, for damages or injury in connection with or resulting from activities along or in the vicinity of the pipeline right-of-way. Strict liability is limited to $50,000,000 for any one incident, and liability for damages in excess of that amount will be determined in accordance with ordinary rules of negligence.

Subsection (b) imposes on the holder of a right-of-way or permit liability for the full cost of control and removal of the pollutant of any area that is polluted by operations of the holder.

Subsection (c) imposes on the owner or operator of a vessel that is loaded with any oil from the trans-Alaska pipeline strict liability without regard to fault for damages sustained by any person as the result of discharges of oil from such vessel. Strict liability is limited to $100,000,000 for any one incident. The owner or operator is liable for the first $14,000,000. A Trans-Alaska Pipeline Liability Fund, which is created by the bill, is liable for the balance of the allowed claims up to $100,000,000. The portion of any valid claim not payable by the Fund may be asserted and adjudicated under other applicable Federal or State law.

The Fund will accumulate and maintain not less than $100,000,000 derived from the collection of a fee of five cents per barrel at the time the oil is loaded on the vessel, from income from invested funds, and from borrowed money if needed.

Strict liability under subsection (c) will cease when the oil is first brought ashore at a port under the jurisdiction of the United States, and the subsection applies only to

vessels engaged in coastwise transportation, including transportation to and beyond deepwater ports.

9. Both the Senate bill and the House amendment contained provisions limiting the export of crude oil and making such exports subject to congressional oversight. The Senate bill applied only to oil from the North Slope of Alaska. The House amendment applied to all oil transported over rights-of-way through Federal lands. The Conferees adopted the House language.

The Senate bill provided for disapproval of proposed exports by joint resolution of the Congress. The House amendment prohibited proposed exports unless affirmatively authorized by a concurrent resolution of the Congress. The Conferees adopted the Senate language after changing "joint resolution" to "concurrent-resolution."

The Conferees also adopted an exception intended to take care of oil exchanges and transportation involving Canada and Mexico.

II. COMMENTS REGARDING SPECIFIC PROVISIONS

1. Section 28(e), which authorizes the grant of temporary permits for the use of Federal lands "in the vicinity of the pipeline" is not intended to restrict unnecessarily the placement of temporary construction or maintenance facilities such as construction camps, storage areas, communications sites and soil disposal areas, but to permit them to be placed wherever convenient to construction activities.

The term "temporary" relates to duration and imposes no limitation on the type of facility or activity which may be allowed. Thus, slope cuts and fills, berm construction, access facilities and other permanent changes in terrain are permissible. The Secretary or agency head may require, as a condition of such temporary permits, removal of structures and rehabilitation of the area.

This section will overcome an interpretation of the United States Court of Appeals for the District of Columbia in the case of *Wilderness Society* v. *Morton* (Feb. 9, 1973).

2. Section 28(f) contemplates that general regulations governing the grant of rights-of-way or permits will be issued by the Secretary or agency head. This does not preclude the grant of rights-of-way or permits in advance of the issuance of the regulations and the inclusion of appropriate conditions and stipulations to carry out the purposes of the Act.

3. Section 28(g), relating to pipeline safety, is not intended to require the Secretary or agency head to impose safety requirements that would duplicate requirements of the Secretary of Labor or the Secretary of Transportation under other law.

4. Section 28(h), relating to environmental protection, does not require the plan for construction, operation, and rehabilitation of the right-of-way or permit area to be a final one, since all details and conditions cannot be known at the time of application. However, the plan should be a description in as much detail as the state of the planning for the particular project will permit and must be adequate enough for the Secretary or agency head to make an informed judgment on the application and on the need for imposing any special terms and conditions which the public interest may require. Information called for pursuant to this section which is already on file with respect to applications pending on the date of enactment need not be refiled.

5. Section 28(k) does not require public hearings that would duplicate the public participation procedures required by the National Environmental Policy Act. It also permits a public hearing to cover all aspects of a pipeline proposal, regardless of whether one or more rights-of-way or permits, or whether one or more agencies, are involved.

6. Section 28(l) requires reimbursement of costs incurred in processing an application. These costs include the cost of preparing an environmental impact statement. It also requires payment annually in advance of the fair market rental value of the right-of-way or permit. This value can be based on any combination of factors that might reasonably be considered by a landowner in a free market, when determining the price to be asked for the right to use or cross his land.

7. Section 28(m) authorizes the Secretary or agency head to require a right-of-way or permit holder to furnish a bond or other satisfactory security. The term "security" is not used in a technical sense but may include any undertaking which gives adequate assurance that all obligations of the grantee will be met. Such flexibility is needed because some grantees may not be legally able to post such security, and in other cases a requirement of technical security may be impossible or unnecessary to comply with. Flexibility also permits the Secretary or agency head to require more than one type of security.

8. Section 28(p), relating to joint uses of a right-of-way, gives the Secretary or agency head sufficient control to prevent any hazardous or technologically inoperable placement of various facilities.

9. Section 28(t) permits the Secretary or agency head to ratify and confirm the validity of existing rights-of-way for oil or gas regardless of the statutory authority under which they were granted. It is needed because of the possible application of the decision of the United States Court of Appeals in *The Wilderness Society, et al.* v. *Morton, et al.*

The conferees expect that previously granted rights-of-way should be confirmed only after careful study and the fullest possible compliance with the provisions of Section 28 as amended by this Act.

10. Section 28(v), relating to State standards, is included because rights-of-way frequently cross from State or private land into Federal land and back into State or private land. Different construction, operation, and maintenance standards may apply. This section is intended to assure that the Secretary or agency head will carefully consider State standards and comply with them in the interest of uniform practice throughout the State where such compliance is practical in the judgment of the Secretary or agency head. The section is not intended to require that those standards be followed in every case.

11. Section 203(b) provides new and independent statutory authorization and direction for the issuance, administration and enforcement of all rights-of-way, permits, leases and other authorizations necessary for or related to construction, operation and maintenance of the trans-Alaska pipeline system as generally described in the Final Environmental Impact Statement of the Department of the Interior dated March 20, 1972. It is a plenary grant of authority to the appropriate Federal agencies. All grants of rights-of-way, leases, permits, and other authorizations for the use of Federal lands shall be made under the authority of this subsection, rather than under other provisions of law.

After years of delay and protracted litigation on this matter, Congress has determined that the national interest requires a clear-cut and unequivocal policy decision on the pipeline. Congress has decided that an oil pipeline is necessary to move North Slope oil to domestic markets in the lower forty-eight States. This title implements that national policy decision.

In adopting this title, Congress intends to exercise its constitutional powers to the fullest extent necessary to achieve the objective of this title and to make this policy binding upon the Executive Branch and on the Federal courts.

Congress has decided, as a matter of national policy, that the appropriate Federal authorizations shall be issued. The Secretary and other Federal officials have no discretion in this matter. Congress does, however, require that applicable standards of substantive law be followed in connection with these authorizations, and vests liberal discretion in the Executive Branch to determine the conditions and stipulations to be incorporated into the necessary authorizations and the specific facilities to be authorized.

This subsection also identifies the "trans-Alaska oil pipeline system" as that system is generally described in the Secretary of the Interior's Final Environmental Impact Statement of March 20, 1972. The subject of that statement was a 48-inch diameter pipeline system with an ultimate capacity of 2 million barrels a day throughput for which a right-of-way and other permit applications were filed by a number of oil companies which had purchased leases on the North Slope of Alaska. This provision is intended to generally specify the facilities to be authorized and their general location. This provision is not, however, to be narrowly construed. If environmental conditions or new technological developments warrant, new facilities or changes in route or in location of proposed facilities are authorized so long as they are required or appropriate for the construction and operation at full capacity of the trans-Alaska pipeline system as generally described in the impact statement.

The route of the trans-Alaska pipeline will cross lands under the jurisdiction of more than one Federal agency. The Congress intends in Title II that the Secretary of the Interior will issue the right-of-way over all such Federal lands.

12. Section 203(c) provides that, if under any other statute a Federal agency could have issued an authorization relating to the construction of the trans-Alaska pipeline system, the agency shall still issue such authorization, but it shall act under the authority of subsection 203(b) of this Title and not under the authority of the other statute. Authorizations issued under subsection 203(b) shall contain all those provisions that the supplanted statute would have required, and may include any provisions which were authorized but not required by the supplanted statute.

Authorizations issued by the Secretary of the Interior shall follow the applicable provisions of Section 28 of the Mineral Leasing Act, as it is amended by Title I of this Act, except as provided in subsection 203(c). Not all of the Section 28 provisions will be applicable. The determination of applicability is left to the Secretary's judgment.

13. Section 203(d) provides for construction and completion of the pipeline system without further proceedings under the National Environmental Policy Act of 1969. Section 202(d) of the House amendment and section 502(d) of the Senate bill contained a declaration that the actions of the Secretary of Interior heretofore taken with respect to the proposed trans-Alaska pipeline shall be regarded as satisfactory compliance with the provisions of the National Environmental Policy Act of 1969. Section 502(d) of the Senate bill also applied to the actions of other Federal agencies and officers, and referred not only to the National Environmental Policy Act of 1969, but also to "all other applicable laws." The Conferees did not adopt this declaration because they considered it as unnecessary and subject to misinterpretation. Inasmuch as section 203(d) of the Conference Report directs that the actions necessary for construction and completion of the trans-Alaska pipeline system shall be taken without further action under the National Environmental Policy Act, a declaration with respect to the effect to be accorded prior actions was not regarded as necessary or material.

Section 203(d) also limits the grounds for judicial review of Federal actions relating to issuance and implementation of all rights-of-

way, permits, leases and other authorizations necessary or appropriate for completion of construction of the trans-Alaska pipeline, and its initial operation at full capacity of 2,000,000 barrels throughput per day (i.e., actions under 203(b) and 203(e)).

The permissible grounds for judicial review are limited to constitutional questions and questions of federal actions beyond the scope of authority conferred by Title II. Congress intended such grounds to be construed very narrowly, in keeping with the purpose stated in 203(a). This purpose also underlies the jurisdictional and procedural provisions in Section 203(d), which are designed to assure the most prompt possible resolution of any case inolving the trans-Alaska pipeline, and to assure that issuance of the rights-of-way, permits, leases or other authorizations cannot be enjoined except pursuant to a final judgment.

14. Section 204(c) provides, for vessels that transport North Slope oil in the coastal trade, liability standards that are much stricter than those that apply to vessels that transport other oil in the coastal or foreign trade.

It is expected that tankers as large as 250,000 deadweight tons will transport North Slope crude to ports on the West Coast of the United States and elsewhere. Oil discharges from vessels of this size could result in extremely high damages to property and natural resources, including fisheries and amenities, especially if the mishap occurred close to a populated shoreline area.

Under the Limitation of Liability Act of 1851 (46 U.S.C. 183), the owner of a vessel is entitled to limit his liability for property damage caused by the vessel to the value of the vessel and its cargo. The value determination is made *after* the incident causing the damage. It is therefore quite possible for injured parties to go uncompensated if a vessel and its cargo are totally lost.

In the Water Quality Improvement Act of 1970 (33 U.S.C. 1161 et seq.), Congress expanded the liability of a vessel carrying oil to cover Federal government cleanup costs up to the lesser of $100 per ton or $14 million. Under that Act, damages are imposed without regard to the fault of the owner or operator, thereby creating a strict liability to United States Government for cleanup costs. However, State governments and private parties are still obliged to proceed under maritime law, subject to the limits of liability contained in that body of law.

The Conferees concluded that existing maritime law would not provide adequate compensation to all victims, including residents of Canada, in the event of the kind of catastrophe which might occur. Consequently, the Conferees established a rule of strict liability for damages from discharges of the oil transported through the trans-Alaska Pipeline up to $100,000,000.

Strict liability is primarily a question of insurance. The fundamental reason for the limits placed on liability in the Federal Water Quality Improvement Act stemmed from the availability, or nonavailability, of marine insurance. Without a readily available commercial source of insurance, liability without a dollar limitation would be meaningless and many independent owners could not operate their vessels. Since the world-wide maritime insurance industry claimed $14 million was the limit of the risk they would assume, this was the limit provided for in the Federal Water Quality Improvement Act. There has been no indication that this level has since increased.

Accordingly, the Conferees adopted a liability plan which would make the owner or operator strictly liable for all claims (for both clean-up costs and damages to public and private parties) up to $14 million. This limit would provide an incentive to the owner or operator to operate the vessel with due care and would not create too heavy an insurance burden for independent vessel owners lacking the means to self-insure.

Financial responsibility up to this limit would have to be demonstrated before the vessel could be loaded with oil. Since the Federal Water Quality Improvement Act has an existing mechanism for establishing proof of financial responsibility, reference was made to the appropriate provision (13 U.S.C. 1321(p)). Such provision would be used to the extent it is consistent with the purposes of this Act; for example, references to tonnage limitations would not apply. Claims for clean-up costs would take precedence over other claims thereby preserving the provisions of the Federal Water Quality Improvement Act.

All claims over $14 million up to the $100 million ceiling would be asserted against the Trans-Alaska Pipeline Liability Fund established by the bill.

The owners of oil loaded onto tankers at Valdez will pay the Fund five cents per barrel until there is $100 million in the Fund. Payments would resume at any time the Fund fell below $100 million. (The Fund is described in more detail under Major Provisions.) Thus, the owners of the oil would have an incentive to select carefully vessels to carry their oil. Moreover, such owners would then share the risk associated with transporting the oil on water.

The Fund is not precluded from proceeding against the owner or operator of the vessel or other third parties, if either or both were negligent or caused the discharge.

The States are expressly not precluded from setting higher limits or from legislating in any manner not inconsistent with the provisions of this Act.

The Conferees hope that the appropriate committees of the House and Senate which are considering the more general subject of marine liability will harmonize the liability provisions of the Trans-Alaska Pipeline Authorization Act and the liability provisions of any general legislation that may be developed.

15. Section 406, relating to stripper oil wells, was a Senate floor amendment to S. 1081. The Conferees have adopted the general concept of the floor amendment, but have added new provisions to insure that the exemption is narrowly defined and prudently administered, and to insure that the incentive being granted is properly limited in accord with congressional intent.

The purpose of exempting small stripper wells—wells whose average daily production does not exceed ten barrels per well—from the price restraints of the Economic Stabilization Act (now in Phase IV) and from any system of mandatory fuel allocation is to insure that direct or indirect price ceilings do not have the effect of resulting in any loss of domestic crude oil production from the premature shutdown of stripper wells for economic reasons.

As of January 1, 1973, there were 350,000 stripper wells producing ten barrels a day or less. Stripper wells account for 71 percent of all of the oil wells in this country, but produce an average of only 3.6 barrels per day, or only 13 percent of total U.S. domestic crude production.

Many stripper wells are of only marginal economic value. When the costs of their operation exceed the value of their production, they are shut in, and a known and developed crude oil reserve is lost to U.S. production. Removing Phase IV price restraints from these marginal stripper wells has the effect of increasing the value of the crude oil they produce by about $1.30 per barrel (the difference between $4.02, the current per-barrel ceiling average under Phase IV, and $5.32, the per-barrel average price for "new" domestic crude oil production which is not subject to Phase IV). This price incentive will encourage owners and operators of stripper wells to maintain production and to keep these wells in operation for longer periods of time than would be possible if the value of their crude oil production were determined under Phase IV price ceilings. This increased incentive will, it is anticipated, permit stripper well operators to make new investments in the eligible wells and improve the gathering and other facilities for moving this oil to market.

The words "first sale" in Section 406(a) refer to the initial sale from the producer to a refiner, oil broker or other party. Thereafter, the exemption expires and any applicable provision of the Economic Stabilization Act or any mandatory allocation program may apply.

The exemption also runs only to "crude oil and natural gas liquids." It does not run to natural gas produced by these wells. Natural gas production and pricing continue to be regulated by the Federal or State agency having jurisdiction over the particular wells involved.

The Congress intends that the provisions of this section will be strictly enforced and regulated by the administering agency to insure that the limited exemption of this class of wells for the express purposes described above is not in any way broadened. To achieve this, Congress authorizes on-site inspections to insure compliance. Congress also directs that the administering agency shall promulgate regulations to implement the provisions of this section before it becomes operative. The Conferees expect the administering agency to utilize State data regarding production volumes, and to provide by regulation safeguards against the manipulation or gerrymandering of lease units in a manner that evades the price control and allocation programs.

These regulations shall be so designed as to provide safeguards against any abuse, overreaching or altering of normal patterns of operations to achieve a benefit under this section which would not otherwise be available. Congress specifically intends that the regulations shall, among other things, prevent any "gerrymandering" of leases to average down high production wells with a number of low production stripper wells to remove the high production wells from price ceilings. The *sole* purpose and objective of this Section 406 is to keep stripper wells—those producing less than ten barrels per day—in production and to insure that the crude oil they produce continues to be available for U.S. refineries and U.S. consumers. It is not intended to confer any benefit on the owners and operators of wells producing in excess of ten barrels per day.

The Congress also intends that the regulations provide appropriate limitations and provisions in the definition of "lease" to insure that an administratively workable system is established which does not permit abuse.

16. Section 408(f) relates to the standard of proof to be met by the Federal Trade Commission for the issuance of a temporary restraining order or a preliminary injunction. It is not intended in any way to impose a totally new standard of proof different from that which is now required of the Commission. The intent is to maintain the statutory or "public interest" standard which is now applicable, and *not* to impose the traditional "equity" standard of irreparable damage, probability of success on the merits, and that the balance of equities favors the petitioner. This latter standard derives from common law and is appropriate for litigation between private parties. It is not, however, appropriate for the implementation of a Federal statute by an independent regulatory agency where the standards of the public interest measure the propriety and the need for injunctive relief.

The inclusion of this new language is to define the duty of the courts to exercise independent judgment on the propriety of issu-

ance of a temporary restraining order or a preliminary injunction. This new language is intended to codify the decisional law of *Federal Trade Commission* v. *National Health Aids*, 108 F. Supp. 340, and *Federal Trade Commission* v. *Sterling Drug, Inc.*, 317 F.2d 669, and similar cases which have defined the judicial role to include the exercise of such independent judgment. The conferees did not intend, nor do they consider it appropriate, to burden the Commission with the requirements imposed by the traditional equity standard which the common law applies to private litigants.

17. Section 409(a) exempts "independent Federal regulatory agencies" from the provisions of the Federal Reporting Services Act. In general, the Reporting Services Act provides that Federal agencies may not collect information from ten or more persons without having first obtained the advance approval and clearance of the Office of Management and Budget. The term "Federal agencies" has been construed to include the independent Federal regulatory agencies for the purposes of the Reporting Services Act.

The purpose of Section 409(a) is to preserve the independence of the regulatory agencies to carry out the quasi-judicial functions which have been entrusted to them by the Congress. The intent of this section is not to encourage a proliferation of detailed questionnaires to industry, small business or other persons which could result in unnecessary and unreasonable expense. Any legitimate need for information in carrying out the statutory responsibilities of these agencies would, however, be carried out even though responses may entail some expense and inconvenience.

The purpose of this section is to insure that the existing clearance procedure for questionnaires or requests for data does not become, inadvertently or otherwise, a device for delaying or obstructing the investigations and data collection necessary to carry out the important regulatory functions assigned to the independent agencies by the Congress.

The Congress intends the term "independent Federal regulatory agencies" as used in Section 409(a) to include, but not necessarily be limited to, the following agencies:

Civil Aeronautics Board,
Federal Communications Commission,
Atomic Energy Commission (insofar as its regulatory and adjudicative functions are concerned),
Federal Trade Commission,
Interstate Trade Commission,
Securites and Exchange Commission, and
Federal Power Commission.

Subsection 409(b) provides a procedure for advance review which is designed to insure that information required by independent Federal regulatory agencies is obtained with a minimum burden upon business enterprises, especially small businesses, and other persons required to furnish such information.

The Comptroller General of the General Accounting Office is charged with the review responsibility. Since this will be a new function for the General Accounting Office, the Comptroller General has informed the Congress that he will need until July 1, 1974 to enable him to obtain the staff which will be required to carry out the full responsibilities provided for in Section 409(b). This is satisfactory to the Congress so long as appropriate interim arrangements are made to carry out the Section 409(b) review of the Federal agencies which should not or cannot be delayed until July 1, 1974.

JAMES A. HALEY,
JOHN MELCHER,
HAROLD T. JOHNSON,
MORRIS K. UDALL,
JOHN P. SAYLOR,
SAM STEIGER,
DON YOUNG,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
J. BENNETT JOHNSTON, Jr.,
FLOYD K. HASKELL,
PAUL J. FANNIN,
CLIFFORD P. HANSEN,
MARK O. HATFIELD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, and ask unanimous consent that the reading of the conference report be dispensed with.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. NELSEN. Mr. Speaker, reserving the right to object, my purpose is to establish a little bit of record here with respect to what are the controversial parts of this bill, those being concerned with the hospital benefit issue. I realize how important this bill is and how important it is to get this bill passed. The Senate and the House together have had conferences and arrived at this result, and I am reluctant to stand in the way of having this bill passed so as to become law, but I have established some record in dealing with the gentleman from Florida (Mr. ROGERS), chairman of the Public Health and Environment Subcommittee of the Committee on Interstate and Foreign Commerce, as well as the gentleman from West Virginia, chairman of the full committee, as to their agreement that we will take up the public health service issue in a separate bill and try to rework it in a manner which, I believe, will be workable, which, I believe, is a very necessary function.

I understand the gentleman from Louisiana (Mr. HÉBERT) would likewise proceed in that manner, and I hope the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) will enter into the colloquy and then we can pass this conference report.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for his very understandable attitude toward this legislation, because if we do not pass this conference report today, no conference report will exist.

Mr. NELSEN. I understand.

Mr. HÉBERT. I think the priorities are more important than just one individual item.

However, in confirming the gentleman's statement, I have talked with the gentleman from Minnesota (Mr. NELSEN), and the gentleman from West Virginia (Mr. STAGGERS) and the gentleman from Florida (Mr. ROGERS) and I understand these gentlemen, who have the committees which have jurisdiction over such legislation, will come up with some solution which will be acceptable.

Mr. NELSEN. I thank the gentleman from Louisiana.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I will say the words which I believe I have said on the floor, that we want the medical services bill, and there was a colloquy with the gentleman from Michigan (Mr. GERALD R. FORD), the minority leader and the ranking minority member on the subcommittee, the gentleman from Minnesota (Mr. NELSEN) to the effect that after this bill is passed the Congress will come up with a bill which will be considered by the subcommittee and the full committee and we will have hearings. We will establish some history and prepare legislation and the House will exercise its jurisdiction. If the administration wanted to dispose of any of these hospitals they would have to come to the Congress and we would set a day, so many days after that within which if we did not act the administration would be able to do as it pleased. This is the word I have had and I think that is the understanding of the gentleman who is the chairman of the subcommittee.

Mr. NELSEN. We do not have this at the moment but we are willing to recognize that there is a little bit of a problem and there needs to be a little bit of understanding as to how we are going to proceed and where we are going to go. I understand if this was not done in the bill we would not have this problem at the moment.

Mr. STAGGERS. That is correct.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I concur with what the gentleman from West Virginia has said. It is my understanding that the Congress would make the decision as to any extensions.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. NELSEN. Yes; I yield to the gentleman from Iowa.

Mr. GROSS. I do not know how many other Members of the House are in on this compromise, if it can be called a compromise. What is taking place? Are we being treated to some kind of sellout in this deal?

Mr. NELSEN. Well, I do not think that is exactly the right term to use. As far as how many are in on it, I am only assuming the responsibilities I have on the subcommittee. We have dealt with it and I have dealt with this thing all the way from the subcommittee to the full committee to the floor.

At this point, it is my judgment that, if we proceed this way, we will have a

much better chance to get a reasonably workable solution to the problem that exists.

Frankly, I think, if we were to count noses, we do not have the votes. If we did want to have it on the floor, it would put us backward instead of forward. It is my feeling this is the best strategy we can use.

Mr. GROSS. Well, once in a while, the matter of principle ought to rise above expediency. I would hope, in this instance, that principle would prevail. This thing is either right or wrong. I do not think there are any very discernible shades in between.

Mr. NELSEN. That may be true.

Mr. GROSS. The House has spoken on it.

Mr. NELSEN. I always proceed legislatively moving toward attainable goals. In my judgment, the attainable goal is the change in the legislation that deals with public service hospitals.

I think this agreement lays the groundwork for understanding and certainly an attitude of tolerance of one group for another.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of October 13, 1973.)

POINT OF ORDER

Mr. STEIGER of Wisconsin. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEIGER of Wisconsin. Mr. Speaker, is a point of order eligible against the provisions of the conference report at this point, the statement of the managers not having been read?

The SPEAKER. The report has been read and printed in the RECORD. Completion of the action of the reading of the conference report has taken place by unanimous consent.

Mr. STEIGER of Wisconsin. Mr. Speaker, is the point of order eligible?

The SPEAKER. A point of order may now be made.

Mr. STEIGER of Wisconsin. Mr. Speaker, I make a point of order against section 817 of the conference report. That is the provision which deals with public service hospitals.

I recognize that the gentleman from Minnesota, the gentleman from Louisiana, the gentleman from West Virginia, and the gentleman from Florida were having a colloquy on what could happen in the public service hospitals.

It would seem to me that if this bill were to come to the House floor and this amendment on the public service hospitals were to be offered, it would not be germane under clause 7 of rule XVI. It is therefore, subject to a point of order under clause 4 of rule XXVIII. The jurisdiction of public service hospital legislation is clearly within the interest of the Committee on Interstate and Foreign Commerce and not under the jurisdiction of the Committee on Armed Services.

Therefore, Mr. Speaker, I respectfully press the point of order on this section.

Mr. HÉBERT. Mr. Speaker, if the House comes to this motion at this time, it threatens to destroy the entire conference report.

I am addressing myself to the point of order. If the House conferees accept the Senate amendment, which requires that eight Public Health Service hospitals previously scheduled be closed by the administration may continue in operation. The Senate conferees pointed out, among other things, that 26.4 percent of the inpatient load of these hospitals for the fiscal year 1973 were active duty or retired military personnel and their dependents. The continued operation of these hospitals is, therefore, valuable to the availability of quality medical care for military personnel.

Mr. Speaker, I believe this section is germane. I stated that in the previous discussions that we had; however, I brought it to the attention of the House, because of the disagreement of some other Members. However, I insist it is germane and ask the Speaker to make a ruling.

The SPEAKER. The Chair is ready to rule.

Section 817 of the conference report relates to the operation of the Public Health Service hospitals in certain locations. The subject matter of this provision is not within the jurisdiction of the Committee on Armed Services. An amendment proposing the continued operation of these institutions would not have been germane had it been offered to H.R. 9286 when that bill was under consideration in the House.

The Chair therefore sustains the point of order against that part of the conference report.

MOTION OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

Mr. STEIGER of Wisconsin. Mr. Speaker, I am hesitant, quite honestly, to become involved in an issue that is a matter of some concern to Members on both sides of the aisle, but I must say, Mr. Speaker, once the House had acted as it did in rejecting the rule as proposed by the Rules Committee which waived all points of order, I find no justifiable reason for not exercising the rights and privileges of the Members of this House in raising a legitimate point of order against the conference report.

May I say at the outset, I am profoundly respectful and grateful to the gentleman from Louisiana, because he did bring the conference report up in the normal process, and that is as it should be. It does allow the House to work its will, and I think that is as it should be.

Mr. Speaker, I would have no intention of pressing this issue except to insure that in fact the processes of the rules are complied with. The issue of the Public Health Service hospitals may now be settled because of what the distinguished gentlemen from Minnesota, Florida, and West Virginia have agreed to, but this is something that rises above that. In this, I concur with my friend and colleague from Iowa that there does come a point when the House has to make a judgment whether or not we continue to allow committees to come in and attempt, through the back door, to accept nongermane amendments and then simply roll over.

I am not prepared to do that. I urge the House to reject this provision of the conference report.

Mr. Speaker, I yield to the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Speaker, considering the importance of this legislation, I would waive any rights this committee has to jurisdiction of this issue, because I think it is important that this legislation pass as it is brought to the House.

We have made an agreement that it will be heard later in our committee to settle the different questions needed to be settled.

Military personnel, the Public Health Service hospitals primarily are for military personnel, those that are retired, and it is one of the oldest institutions. I believe we had them in 1798 and we are down to only eight in the land.

I believe the question has been settled so far as jurisdictional dispute is concerned, because we have agreed that afterward we will take up the subject and bring a bill to this floor.

Mr. Speaker, I would urge that the part be kept in the bill as it relates to the Public Health Service hospitals.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. Mr. Speaker, the gentleman from Louisiana has the time.

Mr. HÉBERT. I yield to the gentle- from Iowa.

Mr. GROSS. Mr. Speaker, I thought the statement was made that of the patients in the Public Health Service hospitals, only 26 percent or less were military.

Mr. HÉBERT. It is the active military as well as retirees and their dependents. We do not have that exact figure.

Mr. NELSEN. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Speaker, I will say to the Members of the House that there seems to be a little bit of an attitude of trying to imply that there is a desertion of the principles involved. I think that could be a very, very wrong interpretation.

The facts are that this Public Health Service hospital issue has been before our subcommittee many times, and at one time I was the lone dissenter in a conference committee session at the time the Fort Worth Hsopital was turned over to the Bureau of Prisons for treatment of narcotics addicts. So I am not one who rolls over easily.

However, I am also practical enough to know that the report that we are voting on is a very important one. I do know that the conferees worked hard to try to bring about some kind of an agreement, and I feel, in relation to the com-

mitment that was made to me—and I do not bind any other Members to it—that I was trying to use my judgment as the ranking member on the other side, on the Subcommittee on Public Health and the Environment, and in my judgment and understanding we have come farther down the road toward a permanent solution than any we have had in years.

Mr. HÉBERT. Mr. Speaker, I wish to make just a closing remark.

I direct the attention of the House to exactly what they want to do on this particular motion, which I hope is voted down.

The gentleman is right in disclaiming any attitude toward accepting nongermane amendments coming to this body. I think that I was in the lead in making those observations several years ago when I first became chairman of the committee, and I feel the same way about it.

However, we are faced with a situation in which the national security of this country is involved, and when we are faced with the question of continuing to provide the support required by our military forces, then I believe we have to reconsider our position and if necessary change the rules to cope with the problem. If this motion is supported now, it means that we will have 10 more such votes here today.

Mr. Speaker, if a point of order is made against the other 10 questions, we will have 10 votes, and if any one of these motions is sustained, we will not have a conference report.

Now, that is the fact of the matter, and that is what this situation is. We will be without a conference report. We then will have to go back to the other body, and it will be up to the other body to decide what they want to do.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is the gentleman asking the House to yield to the dictates of the Senate on this or any other matter?

Is this what the gentleman is asking the House to do? Is he asking the Members here today to bend their knees to the dictates of the House Committee on Interstate and Foreign Commerce and to the other body on this issue?

I am surprised at the capitulation of the Committee on Interstate and Foreign Commerce, and I am surprised that the Committee on Armed Services is not making the kind of fight with the other body that it ought to make.

Mr. HÉBERT. Mr. Speaker, I recognize the gentleman's concern about the matter. I am rather surprised, the gentleman knowing the gentleman from Louisiana, the chairman of the Committee on Armed Services, that he would charge him with such indiscretion.

As a matter of fact, if we follow the thinking of the gentleman from Iowa completely through and bandy about the terms "surrender" and "abdicate," or whatever else one wishes to say, that means that we would never have a conference report.

Why do we go to conference? We go to conference to come up with the best things we can get. We come up with a compromise, and in this instance we fought like nobody's business in that conference. The Members would be amazed at the things we insisted on, and there would not have been a conference report if we had not agreed to these subject matters. That is all there is to it. There is no abdication, there is no surrender, there is no sacrifice of principles, but there is a determination and a rededication toward getting legislation through this body as quickly as we can, and particularly in the area of military defense of this country.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Speaker, I thank the gentleman for yielding to me this time.

Mr. Speaker, I want to assure the Members of this body that the House conferees fought for days upon this matter as bitterly and as strongly as they could, and we came out with a bill that is far nearer the House point of view than that of the Senate. We did not get everything that we wanted, but we came out of the conference, I believe, in very good shape. Now, to have to go back into conference again with the Senate when this legislation should have been passed before the first day of July will mean that we will be faced with enormous problems, if we have to do that, I can assure the Members of that.

Mr. STEIGER of Wisconsin. Mr. Speaker, before we come to a vote on this issue let me just say that we have here a classic situation. In my own judgment the key point is the way the conference report was brought up originally under the rule waiving points of order. I believe that was wrong. That has now been modified and the House can now have a chance to work its will separately and individually on those areas that are subject to points of order, if points of order are raised.

It is true that if this motion to reject is adopted that the conferees would have to reconvene and settle that issue with the other body. If it is accepted, then the House has worked its will, and made its decision and judgment about whether or not they want to accept or not accept the particular Senate provision.

On balance, Mr. Speaker, I simply again want to reiterate that I think the key point is that the House certainly now has a chance to make a determination. As far as I am concerned, that is what is most important. Let the House now make its own decision about this amendment.

Mr. HÉBERT. Mr. Speaker, may we have the Clerk read the motion?

The SPEAKER. The Clerk will reread the motion.

The Clerk read as follows:

Mr. STEIGER of Wisconsin moves that the House reject section 817 of the conference report.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HÉBERT. Mr. Speaker, my parliamentary inquiry is this: I understand that an "aye" vote is a vote that would keep the Public Health Service hospitals open, and a "nay" vote would retain the Public Health Service hospitals?

The SPEAKER. The Chair will state that an "aye" vote on the motion to reject section 817 of the conference report would mean that the section covering the Public Health Service hospitals would not be included in the conference report. A "no" vote on the motion to reject section 817 of the conference report would be a vote in favor of the inclusion of the provision retaining the Public Health Service hospitals.

Mr. HÉBERT. I thank the Speaker, and I do urge a very, very positive "no" vote on the motion.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 103, nays 290, not voting 40, as follows:

[Roll No. 556]

YEAS—103

Armstrong	Goodling	Quillen
Ashbrook	Gross	Regula
Bafalis	Hanrahan	Robinson, Va.
Baker	Harsha	Robison, N.Y.
Blackburn	Hastings	Rousselot
Broomfield	Hechler, W. Va.	Ruppe
Brown, Mich.	Heinz	Ruth
Burgener	Hinshaw	Scherle
Butler	Hosmer	Schneebeli
Camp	Huber	Sebelius
Cederberg	Hutchinson	Shoup
Clancy	Keating	Shuster
Clawson, Del	Ketchum	Snyder
Cochran	Landgrebe	Steelman
Collins, Tex.	Latta	Steiger, Ariz.
Conable	Lent	Steiger, Wis.
Conlan	McClory	Symms
Coughlin	McCloskey	Talcott
Crane	McDade	Taylor, Mo.
Davis, Wis.	McKinney	Thomson, Wis.
Dellenback	Mallary	Towell, Nev.
Dennis	Maraziti	Vander Jagt
Derwinski	Martin, Nebr.	Veysey
Devine	Martin, N.C.	Walsh
Duncan	Mayne	Wampler
Edwards, Ala.	Mazzoli	Wiggins
Erlenborn	Michel	Winn
Findley	Miller	Wyatt
Fish	Mizell	Wydler
Forsythe	Moorhead, Calif.	Wyman
Frenzel	Myers	Young, Ill.
Frey	O'Brien	Young, S.C.
Froehlich	Powell, Ohio	Zion
Gilman	Quie	Zwach
Goldwater		

NAYS—290

Abdnor	Aspin	Brademas
Abzug	Badillo	Brasco
Adams	Barrett	Bray
Addabbo	Bauman	Breckinridge
Alexander	Beard	Brinkley
Anderson, Calif.	Bell	Brotzman
	Bennett	Brown, Calif.
Anderson, Ill.	Bergland	Brown, Ohio
Andrews, N.C.	Bevill	Broyhill, N.C.
Andrews, N. Dak.	Biester	Broyhill, Va.
	Bingham	Burke, Fla.
Annunzio	Boggs	Burke, Mass.
Archer	Boland	Burleson, Tex.
Arends	Bolling	Burlison, Mo.
Ashley	Bowen	Burton

Byron	Hogan	Rees
Carey, N.Y.	Holifield	Reid
Carney, Ohio	Holt	Reuss
Carter	Holtzman	Rhodes
Casey, Tex.	Horton	Riegle
Chamberlain	Hudnut	Rinaldo
Chappell	Hungate	Rodino
Chisholm	Ichord	Roe
Clark	Jarman	Rogers
Clay	Johnson, Calif.	Roncalio, Wyo.
Cleveland	Johnson, Pa.	Rooney, N.Y.
Cohen	Jones, N.C.	Rooney, Pa.
Collier	Jones, Okla.	Rose
Conte	Jones, Tenn.	Rosenthal
Corman	Jordan	Rostenkowski
Cotter	Karth	Roush
Cronin	Kastenmeier	Roy
Culver	Kazen	Roybal
Daniel, Dan	Kemp	St Germain
Daniel, Robert W., Jr.	Kluczynski	Sarasin
	Koch	Sarbanes
Daniels, Dominick V.	Landrum	Satterfield
	Leggett	Schroeder
Danielson	Lehman	Seiberling
Davis, S.C.	Long, La.	Shipley
de la Garza	Long, Md.	Shriver
Delaney	Lott	Sikes
Dellums	McCollister	Sisk
Denholm	McCormack	Skubitz
Dent	McEwen	Slack
Dickinson	McFall	Smith, Iowa
Dingell	McKay	Smith, N.Y.
Donohue	McSpadden	Spence
Dorn	Madden	Staggers
Downing	Madigan	Stanton,
Drinan	Mahon	J. William
Dulski	Mailliard	Stanton,
du Pont	Mann	James V.
Eckhardt	Mathias, Calif.	Stark
Edwards, Calif.	Mathis, Ga.	Steed
Eilberg	Matsunaga	Stephens
Eshleman	Meeds	Stokes
Evans, Colo.	Melcher	Stratton
Evins, Tenn.	Metcalfe	Stubblefield
Fascell	Mezvinsky	Stuckey
Fisher	Milford	Studds
Flood	Minish	Sullivan
Flowers	Mink	Symington
Foley	Minshall, Ohio	Taylor, N.C.
Ford, Gerald R.	Mitchell, Md.	Teague, Calif.
Fountain	Mitchell, N.Y.	Teague, Tex.
Fraser	Moakley	Thompson, N.J.
Fulton	Mollohan	Thone
Fuqua	Montgomery	Thornton
Gaydos	Moorhead, Pa.	Tiernan
Gettys	Morgan	Treen
Giaimo	Moss	Udall
Gibbons	Murphy, Ill.	Ullman
Ginn	Natcher	Van Deerlin
Gonzalez	Nedzi	Vanik
Grasso	Nelsen	Vigorito
Gray	Nichols	Waggonner
Green, Pa.	Obey	Ware
Griffiths	O'Hara	Whalen
Grover	O'Neill	White
Gubser	Owens	Whitehurst
Gude	Parris	Whitten
Gunter	Passman	Widnall
Guyer	Patman	Williams
Haley	Patten	Wilson, Bob
Hamilton	Pepper	Wilson,
Hanley	Perkins	Charles H.,
Hanna	Pettis	Calif.
Hansen, Idaho	Peyser	Wilson,
Hansen, Wash.	Pickle	Charles, Tex.
Harrington	Pike	Wolff
Harvey	Poage	Wright
Hawkins	Preyer	Yates
Hays	Price, Ill.	Yatron
Hébert	Price, Tex.	Young, Alaska
Heckler, Mass.	Pritchard	Young, Fla.
Helstoski	Railsback	Young, Ga.
Henderson	Randall	Young, Tex.
Hicks	Rangel	Zablocki
Hillis	Rarick	

NOT VOTING—40

Biaggi	Frelinghuysen	Murphy, N.Y.
Blatnik	Green, Oreg.	Nix
Breaux	Hammer-schmidt	Podell
Brooks		Roberts
Buchanan	Howard	Roncallo, N.Y.
Burke, Calif.	Hunt	Runnels
Clausen, Don H.	Johnson, Colo.	Ryan
	Jones, Ala.	Sandman
Collins, Ill.	King	Steele
Conyers	Kuykendall	Waldie
Davis, Ga.	Kyros	Wylie
Diggs	Litton	
Esch	Lujan	
Flynt	Macdonald	
Ford, William D.	Mills, Ark.	
	Mosher	

So the motion was rejected.

The Clerk announced the following pairs:

Mr. Podell with Mr. Conyers.
Mr. Blatnik with Mrs. Collins of Illinois.
Mr. Davis of Georgia with Mr. Flynt.
Mr. Murphy of New York with Mr. Hammerschmidt.
Mrs. Green of Oregon with Mr. Roncallo of New York.
Mr. Howard with Mr. Buchanan.
Mr. Macdonald with Mr. Kuykendall.
Mr. Mills of Arkansas with Mr. Hunt.
Mr. Biaggi with Mr. Diggs.
Mr. Jones of Alabama with Mr. Wylie.
Mr. Roberts with Mr. Don H. Clausen.
Mr. Nix with Mr. Mosher.
Mr. Kyros with Mr. Esch.
Mr. Litton with Mr. King.
Mrs. Burke of California with Mr. Steele.
Mr. Brooks with Mr. Frelinghuysen.
Mr. Waldie with Mr. Lujan.
Mr. Breaux with Mr. William D. Ford.
Mr. Runnels with Mr. Ryan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Are there further points of order? If not, the Chair recognizes the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I rise in support of the conference report on H.R. 9286 and urge its approval by the Members of the House.

As Members of this House are well aware, H.R. 9286 is the annual Department of Defense authorization for appropriations for fiscal year 1974, and must be acted upon by the House prior to its taking action on the annual Department of Defense appropriations legislation for fiscal year 1974.

The conference committee on H.R. 9286 completed its action on Thursday, October 11, and filed its report on Saturday, October 13. The conference report, together with the joint explanatory statement of the committee on conference was printed in the CONGRESSIONAL RECORD of Saturday, October 13, and is now available as House Report No. 93-588.

H.R. 9286, as passed by the House on July 31, 1973, consisted of 17 pages. The Senate in acting upon the House bill struck all after the enacting clause and substituted new language in the form of an amendment. The amendment added 55 pages to the House-passed bill. As a consequence of the Senate action, there were contained in the Senate amendment a number of provisions which had never been considered by the House. Many of these Senate amendments were, therefore, rejected by your House conferees either because the provision had little persuasive justification or because of nongermaneness.

At the outset of the conference, the conferees discussed the House-approved overall ceiling on the defense authorizations provided in the bill. The House had voted a $20,445,255,000 authorization ceiling although the programs authorized by the House, in fact, totaled $21,394,997,000.

The Defense Department in its reclama to the conference pointed out that the intent of the proponents of the House provision was to limit the fiscal year 1974 authorization to the amount appropriated for fiscal year 1973, plus 4.5 percent for inflation. However, Defense pointed out that the proponents of of the House provision used the wrong starting point—that is, they understated by $880.5 million the amount provided by the fiscal year 1973 Appropriation Act. This error was further compounded by the use of an inflation rate that was too low.

These arithmetical errors compound to a $1.2 billion error in the resultant calculation of the fiscal year 1974 ceiling.

The error in calculating the appropriations provided for defense purposes resulted from failure to include $880.5 million of transfer authority provided in the fiscal year 1973 Appropriations Act. Thus the budget authority for fiscal year 1973 for DOD was $20,445,300,000 rather than $19,564,800,000.

Also, the inflation rate utilized in the House amendment was 4.5 percent when the actual rate of inflation for these expenditures was 5.7 percent.

Thus, in summary, the House ceiling was established at $20,445,300,000 when in fact it should have been $21,610,700,000.

It is interesting to note that the amount ultimately approved by the conferees is substantially below that latter figure, that is, $21,299,520,000—or more than $311 million less than the corrected House ceiling.

In light of this information, the House conferees acquiesced to Senate demands to reject the overall ceiling and proceed with the line item consideration of the differences in the bill.

The conferees had a total of 88 differences in the bill as pased by the respective bodies. Forty-one of these differences were money differences, while the remaining 47 were language differences.

The conference report together with the joint explanatory statement of the committee of conference provides a detailed explanation of the action taken by the conferees. Therefore, I will not attempt to burden the Members of the House with the recitation of all of these differences.

I will, however, briefly review the major actions taken by your conferees. These include the following:

Adopted a Senate provision continuing until December 31, 1975, the authority of the President to transfer to Israel by sale, credit sale, or guaranty, aircraft and related equipment.

Rejected a Senate amendment which would have provided recomputation of military retired pay at an estimated lifetime cost of $19.4 billion.

Established a limitation on the military assistance service funded program to Southeast Asia of $1,126,000,000. The House figure had been $1.3 billion.

Rejected a Senate provision prohibiting demonstrations outside the United States by military aerial acrobatic teams.

Adopted a provision establishing a total prohibition against funding of any U.S. military activity in, over, or off the shores of Indochina without the express consent of the Congress.

Rejected a Senate provision prohibit-

ing release of long leadtime funding for the AWACS program until completion of a cost-effectiveness study by the Comptroller General.

Adopted a Senate provision which establishes a $25 million limitation on advance payments to defense contractors.

Adopted a Senate provision which consolidates the defense industrial reserve and would authorize continuation of the tools-for-schools program.

Rejected a Senate provision authorizing and directing the Defense Department to provide escort, briefing, and other support to the Senate youth program.

Agreed to a sense of Congress statement that the Department of Defense should implement a 10-percent reduction of its consumption of petroleum products.

Rejected a Senate provision directing the Department of Defense to request retired employees to make suggestions on procurement practices.

Rejected a Senate provision prohibiting the settlement of a loan that the Government of India has with the United States at less than the full amount owed unless a lower settlement is authorized by the Congress.

Agreed to a compromise provision relating to NATO burden sharing. The section provides that unless our NATO allies offset any balance-of-payments deficit relating to U.S. troop deployments, there will be a corresponding reduction in troop presence in Europe.

Rejected a Senate amendment which would have required a reduction of 110,000 in the number of U.S. troops deployed overseas by December 31, 1975.

Agreed to require a 43,000-man reduction in the active strength of the Armed Forces by June 30, 1974.

Established a Defense Manpower Study Commission to conduct an independent comprehensive study of total manpower requirements of the Department of Defense, both civilian and military.

Adopted the Senate version of a "Buy American" amendment affecting defense procurement, and finally

Adopted a Senate provision to provide medical emergency helicopter transportation for civilians as passed by the House on May 21, 1973.

I will include at this point in the RECORD a table setting out in detail the budget request of the administration for fiscal year 1973; the House action; the Senate action; the difference between the House and Senate bills, and finally the conference action itself.

FISCAL YEAR 1974 AUTHORIZATION BILL

[In thousands of dollars]

	Fiscal year 1974 request	House bill	Senate bill	Difference House versus Senate	Conference action
Aircraft:					
Army	181,000	181,000	168,000	−13,000	168,000
Navy and Marine Corps	2,958,300	2,958,300	2,886,500	−71,800	2,912,600
Air Force	2,912,800	2,739,100	2,964,635	+225,535	2,964,635
Subtotal	6,052,100	5,878,400	6,019,135	+140,735	6,045,235
Missiles:					
Army	599,900	574,200	560,700	−13,500	565,000
Navy	680,200	680,200	650,700	−29,500	680,200
Marine Corps	32,300	32,300	32,300	0	32,300
Air Force	1,573,200	1,573,200	1,509,700	−63,500	1,519,600
Subtotal	2,885,600	2,859,900	2,753,400	−106,500	2,797,100
Naval vessels: Navy	3,901,800	3,788,200	3,628,700	−159,500	3,737,000
Tracked combat vehicles:					
Army	201,700	193,300	160,300	−33,000	193,300
Marine Corps	46,200	46,200	46,200	0	46,200
Subtotal	247,900	239,500	206,500	−33,000	239,500
Torpedoes: Navy	219,900	219,900	203,300	−16,600	203,300
Other weapons:					
Army	51,300	44,700	43,085	−1,615	44,700
Navy	41,900	41,900	33,100	−8,800	37,100
Marine Corps	700	700	700	0	700
Subtotal	93,900	87,300	76,885	−10,415	82,500
Total procurement	13,401,200	13,073,200	12,887,920	−185,280	13,104,635
Research, development, test and evaluation:					
Army	2,108,700	2,031,686	1,935,933	−95,753	1,983,758
Navy (including M.C.)	2,711,700	2,675,300	2,656,200	−19,100	2,670,749
Air Force	3,212,500	3,110,811	2,958,200	−152,611	3,034,800
Defense agencies	500,400	479,400	484,800	+5,400	505,578
Test and evaluation, Defense	24,600	24,600	24,600	0	
Total R.D.T. & E	8,557,900	8,321,797	8,059,733	−262,064	8,194,885
Undistributed reduction		−949,742		+949,742	
Grand total procurement and R.D.T. & E	21,959,100	20,445,255	20,947,653	+502,398	21,299,520

The administration had requested $21,959,100,000. Your conference committee has recommended a final authorization of $21,299,520,000—a reduction of approximately $660 million.

In conclusion, Mr. Speaker, let me emphasize one very pertinent fact of life—this is essentially a hardware bill. It is an authorization to permit the armed services to obtain the appropriations necessary to develop and procure the modern equipment which will protect us from any adversary and will insure our national security. It takes time and unfortunately—a great deal of money to provide this equipment to our Armed Forces, but we have no alternative.

One of our more distinguished former Assistant Secretaries of Defense, Mrs. Anna Rosenberg, once vented her frustrations at the inability to obtain funds and hardware for our Armed Forces by exclaiming that—

Of course we have an alternative—we can fight the enemy with our blueprints.

I am sure that we do not want to be forced into the position of attempting to fight our prospective enemies with nothing but blueprints.

Let us approve this conference report.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from California.

Mr. GUBSER. Mr. Speaker, I regret that it was necessary in the final moments of the House-Senate conference for the House to recede on a Senate amendment which cut the Aegis program in the amount of $3,000,000.

The Aegis program, which is now completing a most successful series of shore-based tests in preparation for further tests at sea next year, is the only real answer to the air threat to our surface forces. A great many of the small nations of the world, through the use of sea-launched cruise missiles, are becoming capable of neutralizing to an unacceptable degree our ability to project seapower to many parts of the world vital to our interests.

When more sophisticated antishipping weapons and systems are made available to coastal powers as is now being done with antiair weapons in the Middle East, there is an even greater potential for serious erosion in our ability to keep vital supplies flowing to our shores. Recent events in the Middle East have dramatically reminded us of the importance of oil imports for the economic and military security of the United States. Successful transport of Middle East oil depends directly on our ability to keep the sealanes open and protected. Thus, the Aegis system and its platform, the DG, are key elements in the future of the surface Navy and of U.S. military security.

The Aegis system has been in engineering development since December 1969. In concert with the objective of cost reduction, the Aegis R. & D. effort was reoriented in December 1971 toward engineering development of a smaller, less costly system without serious reduction of basic performance capabilities. These goals have been achieved. Aegis system weight has been reduced, power requirements cut, manning reduced, and projected cost reduced from $60 million to $43 million. This system can be installed in a 6,000-ton ship in place of the originally planned 11,000-ton DLGN. Based on proven weapon system characteristics, a new AAW ship class, the DG, is now planned.

A tightly coordinated development program has been evolved to satisfy a readjusted budget. Principal Aegis fiscal

year 1974 funding is directed at completion of Aegis at-sea testing, and "gearing up" for the fiscal year 1975 effort to complete design engineering of the scaled-down Aegis and the DG combat system. A funding reduction of $3,000,000 at this crucial stage in the development program will delay the program for about 3 to 4 months, with a cost increase estimated at $5,000,000 due to the stretchout. More seriously, a disruption in the simultaneous design in the Aegis system and the DG will have a severe cost and schedule impact on the planned DG ship schedule.

If this reduction is not restored by reprograming, the introduction of Aegis to the fleet will be delayed in the face of an increasing threat and the overall development costs will be increased.

I suggest that the $3,000,000 be the subject of a reprograming request so that this vital program may be expeditiously carried forward. I am sure the Armed Services Committee will give early and sympathetic consideration to such a request.

I would like to ask the distinguished chairman of the Armed Services Committee if this $3 million item was dropped, is not a likely candidate for a reprograming request, and if such a request is made, if the chairman of the full committee would give prompt and sympathetic consideration to such a request.

Mr. HÉBERT. Mr. Speaker, I say to the gentleman from California that the chairman of the committee is very sympathetic to his request for such a reprogramming action. If it is requested, the committee would give it careful consideration.

Mr. GUBSER. Mr. Speaker, I thank the gentleman.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. Mr. Speaker, I do want to state that I am thoroughly in accord with this conference report. I think the conferees did an excellent job.

Mr. Speaker, I do note under title II, which concerns research, development, test and evaluation, that the conferees finally agreed on a figure of $8,194,885,000, which is $363 million less than the Defense Department requested.

Mr. Speaker, my question is, is any of that research, development, test and evaluation money going to be used for the construction of temporary relocatable structures for moving installations, and for which no MILCON money has been authorized?

Mr. HÉBERT. Mr. Speaker, not to my knowledge. The answer is "No."

Mr. WILLIAMS. Mr. Speaker, I would ask the same question of the gentleman from Indiana (Mr. BRAY).

Mr. BRAY. Mr. Speaker, my answer is also, to the best of my knowledge, "No."

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman very much.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, I wanted to ask the gentleman a question to clear up any misunderstanding I might have about section 811, which required the NATO allies to fully offset the U.S. balance-of-payments deficit in 18 months, or U.S. forces in Europe would be reduced.

Mr. Speaker, is this an attempt to use the threat of reducing our own forces to require the other NATO countries to increase their contribution?

Mr. HÉBERT. Mr. Speaker, I ask the gentleman from New York (Mr. STRATTON), who is an authority on this, to reply.

Mr. STRATTON. Mr. Speaker, will the gentleman yield to me?

Mr. HÉBERT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, in reply to the gentleman from Maryland, this amendment was originally introduced in the Senate by the Senator from Washington, Senator JACKSON. The purpose of it was to try to carry out what a House Armed Services Subcommittee had recommended more than a year and a half ago; namely, that there ought to be a greater effort on the part of our allies in NATO to relieve the major fiscal burden of our NATO commitment, which is our deficit in the balance of payments.

The section the gentleman refers to provides that if our NATO allies have not succeeded in offsetting this balance-of-payments deficit by a particular date, then 6 months thereafter we would reduce our forces by the percentage amount that they had failed to offset that deficit.

Mr. LONG of Maryland. Mr. Speaker, I applaud the objective, but I wonder whether we would really mean to carry through on this? How far would we be prepared to reduce our troops, or are we threatening to do something we know, and the other NATO allies know, we would not be prepared to carry through?

Mr. STRATTON. No. There were expressions of feeling among some of the conferees that perhaps this amendment was too strong and perhaps we ought to put in some kind of saving language, but the conferees finally rejected this. We accepted the amendment of the Senator from Washington, except that we extended his deadline by 6 months.

It is my understanding that conference agreement on this point has already been effective in convincing our allies that we mean business.

Mr. LONG of Maryland. Mr. Speaker, I will ask the gentleman this question:

How many troops could we withdraw without weakening the military capability of the NATO Alliance?

Mr. STRATTON. I do not think anybody is in position to answer that question now. The bill also contains a provision that the House Committee on Armed Services will examine this entire question of NATO forces and report back by the first of April next year concerning exactly how many troops we do need.

Mr. LONG of Maryland. There is a real confrontation here. Who is going to weaken, we or our NATO allies?

Mr. STRATTON. Mr. Speaker, I would hesitate to comment on that particular point. I would hope there would be no confrontation. I would hope we would arrive at a mutually satisfactory agreement.

Mr. LONG of Maryland. Mr. Speaker, I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, without intending to raise an objection, I call to the attention of my colleagues title VII of H.R. 9286 which establishes a Defense Manpower Commission which must submit its final report within 24 months after its members are appointed. Among its duties this Commission must review grade structures and the concomitant promotion requirements within each armed force. I remind my colleagues that in October 1972, when the Congress granted the Air Force a temporary extension of their grade limits, the Senate required the Department of Defense to submit a report concerning grade structure by May of this year.

The report was submitted at that time and I understand that legislation establishing a defense officer personnel management system will be submitted soon. That legislation will contain new permanent grade limits for all services and thus will replace the temporary limits for the Air Force. If the Commission provided for in title VII delays consideration of the proposed defense officer personnel management system beyond September 30, 1974—the expiration of the Air Force's current temporary grade limits—the Air Force will be in an untenable position.

The result would be a reduction-in-force demotion and forced retirement of approximately 5,500 colonels and lieutenant colonels which would leave the Air Force dramatically below its minimum senior officer requirements and would create such personnel turbulence and uncertainty that it would make an Air Force career far less attractive, particularly to the younger officer. I am certain the Congress does not intend to create such a situation; in fact, it would contradict the very purpose of the Defense Manpower Commission. Mr. Speaker, while I favor establishment of the Defense Manpower Commission and look forward to an objective report on the many issues it will study, I want us to be aware that we may be creating an unintended problem for the Air Force which will require an extension of their current grade limits next year. We should keep this fact in mind.

Mr. FRENZEL. Mr. Speaker, today we again witness a case of the House refusing to abide by its own rules, and instead accepting another in an apparently never-ending stream of nongermane Senate amendments. I believe that in accepting the Senate amendment we are flaunting the rules and only encouraging further whimsical activity on the part of the Senate.

Whether or not one likes the Public Health Service hospitals—I have voted against them before and will do so again today—I think we ought to vote against them after the point of order is raised, if only to protest the most recent Senate piggyback effort and to show we have some backbone of our own.

Also, Mr. Speaker, I have trouble in voting for a conference report which not

only exceeds our House position by $854 million but also is $350 million over the Senate position. At this late time in the year, I suppose we have no choice but to pass the bill. But I, for one, will surely be more careful about voting for appropriations at that level.

In general, I think it is not a very good performance when we violate our own rules and authorize more spending than we agreed to in the original bill.

Mr. DELLUMS. Mr. Speaker, today we are faced with a conference bill put together by people with no sympathy for the majority actions of either House. The result is what would have been expected—a bill that achieves "compromise" by striking out any provision that either House had added that moved in the direction of more rational strategic and diplomatic priorities.

I believe that this constitutes such an abuse of the legislative process that it should be evident to everyone. There are many reasons I intend to vote against the bill as written, but I will confine my remarks to two of the worst provisions of a horrible bill.

First, the truly horrifying amount of money we are taking from the American taxpayer to subsidize Thieu's police regime. I wish Mr. Thieu luck in his efforts to create a stable government, if that is his aim—but I object to providing him with the means of getting along without real political support—in fact, of maintaining his position solely by relying on gestapo tactics, prisons, and police. I would like to insert, for the convenience of my colleagues, some material on what our money is being used for in South Vietnam. I fail to see how any of this benefits either the people of Vietnam or the best interests of the United States:

LETTER SENT BY A NUMBER OF SOUTH VIETNAMESE MOTHERS WHOSE SONS AND DAUGHTERS ARE DETAINED BY THE SAIGON REGIME

SAIGON, *August 10, 1973.*

To: The International Commission of Control and Supervision, the Bipartite Military Joint Commission, the International Red Cross Society, through the intermediary of the Committee for the Improvement of the Prison System in South Viet Nam.

We, a number of women, mothers of school and university students still detained by the Government of the Republic of Viet Nam, write this letter to request you to intervene in our favour so that our sons and daughters can return home and be reunited with our families. As it is now past the final dead-line (28 July 1973) for the release of civilian prisoners stipulated by the Bipartite Military Joint Commission and still our children are in prison and their fate is very uncertain.

DEAR SIRS: We are Vietnamese women who have undergone untold sufferings in this war. Many of us have wept the death of our fathers, our husbands or our children. Now we are weeping in our grief and our love for our missing sons and daughters still in gaol. When the Paris Agreement to end the war and to re-establish peace in Viet Nam was signed, we were extremely moved and we welcomed them with a strong feeling of joy. We were fervently hoping that when our country is at Peace, when all our fellow-countrymen share a common joy of "National Reconciliation and Concord to end hatred, to put a stop to further suffering and to reunite the families . . ." as set down in Article 8c of the Agreement, then we would see our sons and daughters coming back to our homes. Little did we know that we were going to be cruelly disappointed. Our pain was so great we thought we did not have the strength to endure it: our children so dear to us not only are still not freed, but also have suffered unreasonable and inhuman measures contrary to the spirit of the clauses in the Paris Agreement concerning the release of civilian prisoners. Immediately after the signing of the Agreement, our children were transferred from one prison to another, were transported to secret places of detention, were taken to centres of interrogation where they cannot be traced (the documentary evidence of this has been presented many a time by the Committee for the Improvement of the Prison System in South Vietnam).

We are mothers, old and poor, living in the urban areas of the South. Some of us have picked a few vegetables from the garden, others have undergone privations, have borrowed money to buy some medicine for our children and we have travelled long distances to the prisons to visit our children but we are not allowed to see them. We are distressed, we do not know why, we do not know who to ask, and even when we ask nobody deigns to answer. With pain and bitterness in our heart, we returned sadly home, wiping our tears.

We have lived in poverty for a long time, and our misery is increasing every day because the numerous heavy taxes make the price of goods extremely high. We have not had fish or meat in our daily meals for a long while. In this situation, whenever we think of our children we feel as though our entrails are cut into small pieces, because how much more miserable is the situation of our children in gaol. For many months now they have never eaten even a sprig of green vegetable, they are given poor quality rice full of gravel and even that in insufficient quantity. The more we think about it the more pain we felt in our hearts. We can affirm that prisoners in South Viet Nam are kept very hungry. We know for certain that right now in Tan Hiep gaol, the prisoners are given two bowls of watery rice gruel a day, and the situation is no better in the other prisons (once again, we beseech all the Red Cross Societies to find the means to come and investigate the truth).

However, that is not all. After undergoing their interrogation and enduring the extremely harsh prison conditions, our children have become extremely weak and gravely ill. We have seen with our own eyes our sons and daughters looking like skeletons, pale, exhausted and diseased. Even in this condition, they are still taken to interrogation centers and kept incommunicado from their families, so that we do not know anything about their fate (A typical case is that of a number of girl students, detained in Tan Hiep after having gone through the prisons of Thu Duc and Chi Hoa, who are now kept at the Bien Hoa C3 Interrogation Centre). Others at Thu Duc and Tan Hiep are not allowed to be visited and taken care of by their families.

While we are desperately asking for news of our children and waiting for their returning home, we have heard that a number of students have been returned to the Provisional Revolutionary Government of the Republic of South Viet Nam and that they are now being taken care of in Loc Ninh. But there is no news about the others, we do not know what is being planned for them.

Faced with the above fact, we feel that we have to raise boldly our voice to express our sincere thoughts.

First of all as Vietnamese and secondly as mothers, to us the Vietnamese nation is one. Whether from this side or the other, all the people are fellow-countrymen of the same blood and the same flesh, they are the children that Vietnamese mothers had carried and given birth to, and then brought up with their milk, on the land of their own ancestors. Futhermore, nothing, however mighty, can divide a people sharing a common origin and common ancestors, let alone an artificial boundary line. The 17th parallel was stipulated by the Geneva Agreement as only a temporary ceasefire line. Now the Paris Agreement has again confirmed this fact. That is an important matter, but what is most important is that, at this moment, our whole nation, hand in hand, is building Peace and is realizing National Reconciliation and Concord. In this sacred moment who dares thing of a boundary line to divide fellow-countrymen in the North from those in the South, or to distinguish people living together in the South. We are all living on Vietnamese territory.

Therefore it is not important where our sons and daughters are released. Nevertheless we must affirm that our children are not the Communists the Government of the Republic of Viet Nam accuses them to be. We gave birth to them here in the South, we had lived with them since their most tender infancy. Nobody knows them better than their own mothers. We know the character, the vocation of our children and therefore we know the reason for their being in prison. Our children have not committed any other crime but that of loving their country and their people, the crime of struggling for the right to life for poor and oppressed people of which their parents are a part the crime of struggling for peace, for an end to the war in which the lives of their parents, their brothers and their friends have been sacrificed. It is a truth as clear as sunlight, a truth seen by everyone. It is a just and good thing to do, that is recognized by everyone. What more concrete recognition than the fact that we accept with courage the involvement of our children in a struggle fraught with danger, what more concrete recognition that the fact that their fellow-countrymen have contributed each a piastre or a bowl of rice to encourage them on their bitter road, the fact that peace-and-justice loving people all over the world have raised their voice in support.

DEAR SIRS: Our children have acted right, and it is obvious and none can deny it, that by their action they have stood in the ranks of the progressive and peace-loving people of the South.

Now the Government of the Republic of Viet Nam has admitted that peace and welfare are the ultimate aim of all the people in the South. Therefore there is no reason whatever to accuse our children of being communist. In doing so, the Government is flagrantly denying the presence of the patriotic elements who have not feared making sacrifices to serve the common interests of the nation, it is flagrantly betraying the aim that it has solemnly promised to pursue to the end.

To return the students to the Provisionary Revolutionary Government of the Republic of South Viet Nam is to force them to live away from their parents, their families and their homes. They have been hoping unceasingly to be reunited with their families, and we have been hoping to receive them back among us, in our homes, in the areas controlled by the Government of the Republic of Viet Nam.

DEAR SIRS: Once again, in our quality of Vietnamese women who are fervently peace-loving and who have endured untold sufferings in this war and therefore who were moved to great joy by the Paris Agreement of 1/27/1973 to end the war and to re-establish peace in Viet Nam, we beseech the International Commission of Control and Supervision which is the representative of the countries loving peace and supporting the Paris Agreement out of a sense of duty and out of a feeling of humanity, to intervene so that

the Government of the Republic of Viet Nam has to apply correctly the clause of the Paris Agreement in order to bring National Reconciliation and Concord, and end to hatred, a stop to further suffering and a reunion of the families, according to clause 8c. This is awaited with great expectation by the whole Vietnamese people in general and by us in particular.

We request the intervention of your Commission with the Government of the Republic of Viet Nam so that our children can be released to return to their parents, to their families, to their friends, to their schools in this beloved land of the South.

With our sincere gratitude,

SIGNATURES

1. Huynh Thi Thom, mother of student Huynh Tan Mam, arrested the latest time on 5 January 1972.
2. Nguyen Thi Tam, mother of high-school pupil Le Van Nuoi, arrested on 22 September 1971.
3. Lieu Thi Huyen, mother of student Tang Quang Tuyen (Faculty of Law), arrested on 7 May 1972, and girl student Tang Thi Nga (Faculty of Law), arrested on 9 March 1973.
4. Phan Thi Thich, mother of student Ngo Van Dat (Duong Ngoc Son), (Faculty of Architecture), arrested on 11 June 1971.
5. Le Thi Muoi, mother of student Trieu Cong Tinh Trung, arrested on 29 June 1971.
6. Vo Thi La, mother of student Nguyen Van Nam (Faculty of Letters), arrested on 27 April 1972.
7. Mrs. Le Van Ky, mother of student Le Cong Giau (Faculty of Sciences), arrested on 8 April 1972.
8. Bien Thi Ngau, mother of student Nguyen Tan Tai (Faculty of Sciences).
9. Luong Van Ba, father of student Luong Dinh (Faculty of Sciences).
10. Vo Thi Tu, mother of student Le Anh Ton, arrested on 8 April 1969.
11. Ha Hoang Bich, uncle of student Ha Dinh Nguyen.
12. Do Thi Tao, mother of student Nguyen Xuan Ham.
13. Nguyen Van Mang, father of student Nguyen Van Phu.
14. Phan Thi Nhut, mother of the girl student Nguyen Thi To Nga.
15. Tran Thi Nghiem, mother of the high school pupil Nguyen Si Hien.
16. Luong Thi Dinh, mother of the girl pupil Nguyen Thi Man, arrested on May 1972.
17. Nguyen Van Nhuan, father of the girl student Nguyen Thi Yen.
18. Tran Thi Hong, mother of Le Hoang Phuc, arrested on 24 October 1971.
19. Nguyen Thi Ngoc, mother of student Le Van Nghia (Hoang Nghia), (Faculty of Letters), arrested on 6 March 1973.
20. Nguyen Thi Hong, mother of student Nguyen Van Tu (Faculty of Sciences), arrested on 24 April 1972.
21. Nguyen Thi Su, mother of girl student Tran Thi Hong Nga, (Faculty of Letters), arrested on 6 January 1972.

[From the Indochina Focal Point, Oct. 1–15, 1973]

AS PRESSURE MOUNTS TO RELEASE PRISONERS: NGO BA THANH FREED

On September 21, lawyer Ngo Ba Thanh was released from Thu Duc prison in Saigon after 2 years of incarceration. The release proved that international pressure can hasten the implementation of the Peace Agreement, which calls for the release of Saigon's 200,000 political prisoners and the restoration of democratic liberties.

Mme. Thanh is a well-known spokeswoman for neutralists in South Vietnam who oppose the Thieu regime. A Columbia University Ph.D., she was a founder of the "Vietnamese Women's Movement to Defend the Right to Live;" and became the "symbol of South Vietnam's political prisoners" (San Francisco Chronicle, Sep. 22, 1973). On behalf of all the prisoners, she undertook a 5½ month hunger strike, during which she lost 48 pounds and suffered from failing health, to turn world attention on the Saigon police state.

Thieu's refusal to release her reflected his belief that he could resist pressure from international public opinion and the U.S. Congress. But last week he was forced to yield, releasing Mme. Thanh and 3 labor leaders (New York Times, Sep. 21, 1973).

In recent weeks, a worldwide campaign to free the political prisoners has gained momentum.

"(Her release was) designed to counter a recent wave of criticism in the U.S. Congress over Saigon's treatment of political prisoners and the disclosure last week that Washington was continuing to supply aid to the South Vietnamese police.

Both the Saigon Government and the U.S. embassy have reportedly been concerned that the criticism might lead Congress to cut economic and military aid to South Vietnam." (New York Times, Sep. 21, 1973)

Nixon and Thieu hope that by freeing the "symbol" of the political prisoners, they can end public concern for the hundreds of thousands still being tortured and confined. But, Thieu's gambit to weaken the international prisoner campaign demonstrates the strength of the campaign, and will encourage the antiwar movements in America, Western Europe, Scandinavia, Japan, and the socialist countries to generate more pressure to free the less prominent prisoners.

GROWTH

In the U.S. the campaign is entering a new phase of growth. Dozens of cities held major events during the International Days of Concern in mid-September. Marches, speeches, demonstrations, sermons, editorials, leafletting, and community meetings were held to raise the prisoner question high on the public agenda.

Mass media are ending their near-blackout of war news: a recent Time article, for example, contained a critical article on the secret and illegal U.S. funding of Thieu's police and prison system (Time, Sept. 17, 1973).

The influential New York Times is giving more coverage to the Congressional fight to cut-off the illegal aid programs. Central to these efforts is Sen. Abourezk's amendment to the Foreign Economic Assistance Authorization Bill (S. 2335), which proposes to terminate U.S. aid to any country which detains its citizens for political reasons. If this amendment passes, Thieu will be forced to choose between implementing the Peace Agreement's provisions on prisoners, or losing U.S. financial support—approximately 90% of his budget.

The Abourezk amendment would also cut off aid to the military junta in Chile, as well as other dictatorships in Latin America and Asia. Senate support for this amendment is growing, with Senators Kennedy, Cranston, McGovern, Muskie, Hart, Case, and Hartke among its leading supporters, and ". . . many liberals believe that a cutback in South Vietnamese police and prison spending may be approved, if the issue attracts enough public concern" (New York Times). Immediate pressure from constituents (phone calls, telegrams, letters) could win a majority on the vote, which is expected soon.

ARRESTS

The police and prison programs of repression mark the refusal of the U.S. and Thieu to obey the provisions of the Peace Agreement which require the release of all Vietnamese political prisoners and the restoration of the democratic liberties necessary for a free election.

Since the Peace Agreement was signed, the Thieu regime has undertaken a widespread campaign of harassment, arrests and imprisonment, to destroy all opposing political forces. The F–6 ("Phoenix") program of assassination and torture has maintained a quota of 3,000 arrests per month, which steadily increases the number of imprisoned citizens, now estimated at 200,000. In addition, 4 or 5 million South Vietnamese are refugees, forced to live in barbed-wire concentration camps under Thieu's control. This, too, violates the Agreement.

The "prisoner question" is both the center of international humanitarian concern, and the cutting-edge question of Vietnamese independence. Thieu has resorted to untold brutality to destroy the possibility of a fair and open political contest with the P.R.G. and the neutralists. As long as Thieu stifles the expression of popular political feeling, the Saigon area of South Vietnam will remain a U.S. colony, and the fragile peace hoped for last January will disintegrate further into increasing open warfare.

On July 22, after 6 months of brutal repression following the Peace Agreement, an urgent appeal was made by the "South Viet Nam Committee of Struggle for the Freedom of Patriotic and Peace-loving people still Detained by the Saigon Administration." The Appeal enumerated the violations of the Peace Agreement contained in Thieu's "Security Plan." It called on concerned people throughout the world to condemn Thieu's political repression, and to ". . . demand that the United States and the Nguyen Van Thieu administration seriously implement the Paris Agreement on Viet Nam, immediately return all the patriotic and peace-loving people, including those who belong to the third political force, still detained in South Viet Nam."

The Democratic Republic of (North) Vietnam has criticized the hypocrisy of the U.S. government's concern for American bomber pilots lost over Indochina, while it finances the continuing torture and execution of thousands of Vietnamese held in Saigon's jails.

Maj. Pham Phu Binh, the D.R.V. delegate to the Four Party Joint Military Commission, recently warned that the search for American MIAs would end soon unless the Thieu regime released the prisoners.

"How can the Vietnamese people enthusiastically get information about the United States missing-in-action", he asked, "while their relatives are still detained in the prisons of (the Saigon) side?" (*New York Times*, Sep. 23, 1973.)

Mme. Thanh, whose determination and courage have turned world attention to Thieu's political prisoners, said after her release,

"It's so wonderful to see people, listen to the birds, feel rain. But even when I was in prison my head was free and I played the role I felt I must to influence the future of my country. Now that my body is no longer in jail, I will continue to play that role. I want all political prisoners released immediately. There are thousands of them."

[From the Indochina Focal Point, Oct 15–31, 1973]

THIEU THREATENS RENEWED WAR WITH PRG

In recent days, two major events have surfaced in the news reflecting the current conflict over the implementation of the Peace Agreement and the growing threat of renewed war.

On September 1, the Saigon government protested that the Provisional Revolutionary Government (PRG) had built twelve airfields inside South Vietnam. The U.S. warned on September 10 that "grave risks" would result unless the airfields were removed. On September 17, U.S. Deputy Secretary of Defense William Clements called the airfields "a very real threat" and a "every serious major violation" of the Agreement. On the same

day, North Vietnam responded by warning of "serious consequences" if the PRG's airfields were attacked. Finally on September 19, Saigon threatened to attack the airfields unless the PRG dismantled them.

PRG AIRFIELDS LEGAL

The PRG airfields are legal under the Peace Agreement. The Agreement recognizes two governments in South Vietnam, the Thieu regime and the PRG, each with its own area of control, army, administration and political force.

Article 3 of the Cease Fire Protocol permits "the use by each party (PRG and Saigon) in areas under its control, of military support elements, such as engineering and transportation units, in repair and construction of public facilities and the transportaton and supplying of the population."

The airfields are public facilities used to transport citizens and have been built in areas controlled by the PRG. Therefore, the warnings by the U.S. and Saigon are simply not founded on PRG violations of the Agreement. Either they are meant to take attention away from U.S.-Saigon violations, or as a pretext for new fighting or both.

The second major event is the October 4 PRG walkout from the formal political discussions with Saigon in Paris. The "Consultative Conference" between the two parties aims at solving the internal problems of South Vietnam and formulating a plan for general elections.

The PRG delegate protested "continuous and flagrant violations of the Peace Agreement by Saigon" and walked out to "underline the gravity of the situation, in which the United States and the Saigon regime are in feverish preparations for new military adventures." (*Los Angeles Times*, October 5, 1973)

VIOLATIONS

The violations include Thieu's refusal to:

1. Stop the shooting. Instead Saigon has engaged in continual "land-grabbing" operations designed to nibble away at the PRG's territory. These operations have reached division size most recently in Kontum and Tay Ninh provinces.

2. Release the estimated 200,000 political prisoners.

3. Restore democratic liberties and halt the "pacification" program of repression, refugee concentration camps, and wide-spread police sweeps.

As early as April 25, the PRG presented a proposal which would end the violations and set South Vietnam on the road to peace. The PRG six-point plan called for: (1) cessation of all hostilities; (2) the release of political prisoners; (3) restoration of democratic liberties for all the people; (4) the creation of the National Council of National Reconciliation and Concord to organize the elections; (5) free and general democratic elections; (6) final settlement of the areas of control and relations between the PRG and Saigon armies.

On the same day, the Saigon regime proposed its own steps, but in the opposite order: settle the troop question, set the date for elections, then restore liberties. Thieu insists "until there is an agreement on timing of general elections, democratic liberties and the National Council will not be implemented."

What is the difference between these proposals? The PRG wants a democratic setting in which to hold elections. Thieu wants to hold a Saigon-controlled election before a free and open political atmosphere is guaranteed. He refuses to enter an open political contest with the PRG and Third Force Neutralists because he knows he lacks the popular support. The PRG has every reason to support the Peace Agreement; Thieu has every reason to undermine it.

The PRG, in walking out of the arena of these proposals and counter-proposals is attempting to turn the world's attention to a chain of events which threaten to result in full-scale war once again:

Sept. 1—Saigon protests the PRG airfields.

Sept. 10—U.S. warns the DRV of "grave risks" on PRG airfields.

Sept. 11—Saigon again protests PRG airfields.

Sept. 13—DRV defends right of PRG to build airfields. Heavy clashes break out in central South Vietnam between Thieu and PRG.

Sept. 17—U.S. warns of "very real threat" of PRG airfields. DRV warns of "serious consequences" if airfields are attacked. Thieu launches division size attacks on PRG areas in Kontum Province.

Sept. 19—Saigon threatens to attack airfields.

Sept. 24—PRG representative in Hanoi reports: "Thieu's army is no longer limiting itself to encroachment operations. It has now gone over to the systematic destruction of entire regions. To achieve its aims, Saigon is using seven ton bombs (14,000 pounds) containing toxic gas and chemical substances, tanks and bulldozers to wipe out villages and massacre the population." (*Guardian*, Oct. 10)

Sept. 28-30—"Heaviest" casualties since January ceasefire result from Thieu's land-grabbing operations in Tay Ninh Province.

Sept. 30—U.S. aircraft carrier Hancock approaches North Vietnamese coast and U.S. fighter-bombers fly low over Nghe An Province.

Oct. 4—PRG walks out of Paris Consultative Conference in protest.

These events mark the increasing conflict between the forces favoring an open political process in South Vietnam as required by the Peace Agreement and those in Saigon who refuse to allow it.

POLITICAL COMPETITION

The Peace Agreement signed in January pointed toward a change in the struggle in Vietnam from military battles to political competition. The forces involved were to build up the areas under their control, and appeal to the Vietnamese people with political programs through open political dialogue in the marketplace, the cities, and in the homes.

The process of political competition was to be paralleled by the creation of a National Council to arrange elections which would lead to a coalition government of Thieu, PRG, and Third Force neutralists.

The release of the political prisoners, many of whom have important roles to play in the development of the Third Force, and the guarantee of democratic liberties are key provisions in the process required by the Peace Agreement.

Much of the political competition between the two governments is invisible to us, but it is Thieu's failure in this competition which is leading him more and more to the battlefield.

PRG SUCCESS

First, the PRG is successfully consolidating and developing the areas it controls. It has built airfields, received a Chinese ship at its Cua Viet port in Quang Tri province and begun to welcome world leaders, including Fidel Castro, into the liberated areas. At the Sept. 4-9 Algiers Conference of 75 nonaligned nations, the PRG was granted full-member status as a legitimate government.

Recent American visitors to PRG-controlled zones have described extensive social reconstruction, rebuilding of hospitals, opening schools, rice planting. These conditions stand in stark contrast to the zones under Thieu's control. There, millions of refugees remain "resettled" in concentration camps and city dwellers lead a police-state existence.

Second, the desire for peace is strong and increasing in the areas under Thieu's control. The Peace Agreement and the June 13 Joint Communique have created a new situation, fostering a "peace disease" which has infected even Thieu's military regime. According to DRV negotiator Le Duc Tho, since January, "The internal contradictions and differentiation of the Saigon regime have sharpened. As a result the Saigon regime is more isolated." (August 2, 1973 interview)

Third, world opinion is turning sharply against the Saigon regime for its refusal to release the 200,000 political prisoners. Thieu is seeking to confuse and deflect this opinion by blaming the PRG. His deception is aimed especially at Congress, where sentiment among Senate liberals in favor of ending aid to Thieu is strong and recently came close to cutting off aid to Thieu's police and prison apparatus.

Thieu and Nixon hope to intimidate Congress with the threat of renewed war over the phony issue of the PRG airfields and make it appear that Thieu needs U.S. aid to defend itself against the PRG.

OUR WEAPON

The political struggle (in both Indochina and America) will be difficult and protracted. The peace movement must be able to develop forms of action which allow it to work on a long-term basis alongside the forces in Vietnam seeking peace and democracy. Above all, the events in Vietnam and Paris show again why the Peace Agreement is our major weapon to end the war.

In the Saigon areas of Vietnam, Thieu's agents force peasants and refugees to memorize anti-communist slogans which they are required to shout when international truce teams visit the area. In the liberated areas, many villagers have learned the articles of the Peace Agreement in detail. They carry copies of the document with them and can knowledgeably discuss the provisions and violations of it.

The American anti-war movement should know the Agreement as well as these villagers do because Nixon and Thieu may try to use it to deceive Congress and the American people into supporting a new round of fighting with heavy U.S. support.

PEACE AGREEMENT

The Peace Agreement:

Can mobilize world support for the release of political prisoners and continue the isolation of Thieu. The North Vietnamese have now linked their continued search for American MIAs to Saigon's release of the political prisoners. Nixon may well try to use the "MIA issue" to sabotage the Agreement, just as he used the POWS to increase the bombing.

Is a legal standard which requires the ending of U.S. aid to Thieu and all U.S. intervention. As such, it is an especially useful tool in Congress.

The Saigon threats and the disintegrating negotiations are the Indochina news stories which catch our eyes, but they are merly signs of an increasingly explosive situation in which a Saigon offensive will be labeled a PRG offensive and a White House call for support of an "ally" under attack will mark a major step towards U.S. re-intervention.

I am also extremely disheartened by the fact that the Senate troop-cut language has been removed. As long as we maintain the commitment to a helter-skelter far-flung, far-fetched overseas military presence, our fine intentions in other fields will be worthless. The Nixon administration and its militarist supporters are doing an effective job in their no-compromise, no-holds-barred attack on troop cut action, but I warn them there will be a time when our money and patience will run out, and they will wish they had spent this time negotiating with our allies to reduce troops in a responsi-

ble manner rather than maintaining the hard line against the U.S. Congress.

At this point I shall insert material on the issue of U.S. troops overseas:

WOMEN UNDER TORTURE

(By Indochina Peace Campaign, August 1973)

SING AGAIN

(By Hien Luong)

Sing so that, in my heart, roars the thunder
and so that my fiery blood melts at last these chains.
They are here! The jailers, stick in hand!
Frozen silence, again, in the bolted cell—
Eyes shot with blood, they scream:
"Which one, at this hour of curfew, dares to sing?"

A muted rage drowns our heart,
Our pupils stare at these monsters,
Our strength: a determined silence.

After the rain of interrogations, the rain of blows!
So much flesh in ribbons! So much pain on the body!
Dominating those barbarians, my sister, proud, you rise
"Down with terror! Down with the brutes!"
Your hand in mine, my hand tightens on yours,
An extraordinary strength exudes from our bodies so frail!

Barely have they turned their back,
Than our laughter resounds stronger,
And, despising our angered guards, their hatred,
Our choir starts again, harmony more rhythmic!

In reprisals for the evening, the following morning,
Older mothers, younger sisters—barely thirteen years old—
Under blows, are questioned. Determined silence.
Will one ever know how many of these tortured children,
At the foot of the wall, fell unconscious,
And, coming to life, let themselves be rocked softly by a companion acting as an elder sister?
Crib-song or call from the birth place?

On their trembling lips blooms again the rose:
Chains cannot emprison a smile!
And walls between cells cannot build barricades between hearts.

I have seen, through each tiny slit, a few grains of salt exchanged, a few lemons;
I have seen blood on the stained yellow wall:
"Against the invaders, to reconquer our tomorrow, we are determined!"

Sing Again!
Sing so that in my heart roars the storm
And so that my fiery blood melts at last these chains

INTRODUCTION

Responsible estimates of the number of prisoners presently being held in the prisons of South Vietnam range from 100,000 (Amnesty International) to 200,000 or more (Buddhist Peace Delegation, American Friends Service Committee, The South Vietnamese Committee on Prison Reform, The Canadian Anglican Church). Some Vietnamese estimate that as many as 50 percent of these prisoners are women. They include women of all ages and classes, from young children to high school students, college students and grandmothers, and from Catholics, Buddhist leaders and intellectuals to street vendors.

Some of them are members of the National Liberation Front (what the Pentagon calls the Vietcong). Most, however, are not communists. What they share in common, and apparently are willing to die for, is the belief that "nothing is more precious than freedom and independence." Centuries of struggle against foreign domination has taught them that the liberation of women and the liberation of their country cannot be separated and so they have organized and fought.

They have fought against U.S. bombs which have obliterated their ancestral villages; they have fought against the U.S. defoliants which have brought the war even to their wombs. They have fought against Phoenix, WHAM*, Forced Urbanization—the fancy-named programs created by American professors in ivy-leagued remoteness. These programs were designed to turn their country of family-oriented, land-rooted peasants into a pock-marked wasteland of refugees eating plastic rice. They fight against the exported "Playboy" culture which has created silicon-breasted prostitutes, 400,000 of them out of a population of 5 million women, and duck tailed pimps on smack. They fight against the regime of Nguyen Van Thieu, the general who fought against his own people on the side of the French in the 1950's, who now is the front behind which the U.S. government continues its 24-year effort to control South Vietnam.

The bombs have stopped in Vietnam, having failed to crush the movement for national liberation. The struggle has shifted to the political arena and because Thieu, like Diem before him, cannot hope to compete with his opposition in a truly open and democratic situation he must resort to arrest. So the bombs have been replaced by the most massive police state in the world, the Indochinese extension of the Watergate administration which has created it.

A major portion of the funding for Thieu's police and prison system is done through the U.S. Agency For International Development (A.I.D.) Public Safety Program. When U.S. involvement in Vietnamese internal affairs was prohibited by the Paris Peace Agreements, A.I.D. simply concealed the old Public Safety Program under new, innocuous titles such as "Public Works," "Public Administration," and "Technical Support." What this means, in fact, is almost 15–20 million dollars for the Saigon police and prison system. (*Congressional Record*, 6/4/73 and 6/27/73).

Many more millions for Saigon's police apparatus comes via the innocent-sounding "Commodity Import Program" and Food For Peace. $137.4 million of Food For Peace funds have been earmarked for South Vietnamese military spending in fiscal year 1974. Earlier, in 1971, Food For Peace granted $400,000 to the American construction combine Raymond, Morrison, Knutson/Brown, Root, Jones (RMK–BRJ) for construction of 384 new tiger cages on Con Son island. (*N.Y. Review of Books*, 6/14/73.)

Women are key to independence

The high number of women who have been swept up by this Orwellian nightmare is an indication of the important role they play in the national democratic and independence movement. It is the solidarity of this mass movement which gives them the strength to endure, the knowledge that they do not struggle alone and the certainty that they will win.

At the time of U.S. military intervention in South Vietnam, tens of thousands of women were members of the guerilla army; 500,000 elderly women composed the "Army of Mothers of Fighters," bringing food and medicine to the soldiers on the battlefield. The desertion rate of the Saigon army, which soared to 20,000 per month during the offensive of 1972 (*Chicago Daily News*, 10/20/72) was partly the work of the massive political army of women known as the "Long Haired Army," capable of mobilizing millions of women throughout the country in anti-war demonstrations and organizing work among Saigon soldiers. Some of these women are now in prison being tortured, just as other Vietnamese women have endured torture for fighting for what they believe in.

Peasant girl to commander

Madame Nguyen Thi Dinh, once an illiterate peasant girl, is now the Deputy Commander-In-Chief of the army of the Provisional Revolutionary Government of South Vietnam. When she was 17 she joined the Vietnamese resistance against the French, because she understod that once they were gone there would be no more oppressive taxes, all the peasants could share the land equally and the Vietnamese people would have the basis for a decent life. The French arrested and tortured Nguyen Thi Dinh and her husband. Her husband died from the torture but she escaped. In 1945 she led the first armed uprising against the French, and in 1960, she led the first armed uprising against the American supported dictatorship.

Besides being a leading military strategist, she is also one of the founders of the National Liberation Front, and founded the Women's Union in South Vietnam which is now working for women's emancipation, the enforcement of the Cease Fire Agreement and re-unification of the country.

But she still feels her peasant roots. During an interview she said, "If I am here in high command, it is because the people taught me. But I am no different than thousands of other women. I am merely one of them. And how many combatants have fallen, women and men, who could have filled my post."

One of the world's leading diplomats

Madame Nguyen Thi Binh, Foreign Minister of the Provisional Revolutionary Government of South Vietnam, is one of the world's highest ranking women diplomats (though U.S. officials have tried to diminish her importance by calling her a "fish-wife" and saying that "her position is a sop to women's lib"). Now 45, she has participated continuously in the struggle for national liberation since she was 18 years old. At 24 she was imprisoned and tortured by the South Vietnamese under French direction. She says of her prison experience, "There were hundreds and hundreds of women with me who did not know why they were there. They asked what have we done. They did not know when they came, but when they left they knew. They left as patriots." (*Martha Gellhorn, "The Vietcongs' Peacemaker," Times*)

In 1970, while working in the rice fields, a mother and daughter-in-law were raped and killed by U.S. soldiers. Saigon authorities reported that the women had died from exhaustion. This drove a group of women in Saigon, who had never participated in the national liberation struggle, to organize the "Committee to Defend the Right to Live and the Dignity of the Vietnamese Women." Their demands were that the dignity of women be respected, that the right of women to struggle be recognized, that American troops be withdrawn, and that a coalition government in South Vietnam be formed.

These demands reflect the awareness that women cannot begin to be respected until their country is free.

Columbia graduate imprisoned

The Committee was formed two weeks after Thieu announced that he would "beat to death anyone who talks of peace." As a result, hundreds of women were arrested and tortured, including Madame Ngo Ba Thanh, a lawyer with a Ph. D. from Columbia University who founded the Committee. Mrs. Ngo Bo Thanh has been arrested a number of times, but the most recent arrest took place on August 17th 1971, in the Saigon suburb of Gia Dinh. On that occasion she and a group of Buddhist nuns had gathered

* Winning Hearts And Minds, part of the U.S. pacification program.

outside the courthouse to protest a ruling of Judge Nguyen Van Tho. Judge Tho had decided in a controversy between nuns and monks that only the monks had a right to live in the pagoda. Reports about what happened to the judge as he left the courthouse differ. He apparently tripped and fell, but the investigating magistrate in Saigon claimed that Mrs. Thanh was responsible. Witnesses have asserted that Judge Tho slipped of his own accord. One report mentions that Mrs. Thanh was originally held simply for abusing Judge Tho verbally, but this charge was changed two days later to assault.

On August 19th, 1971, Mrs. Thanh was detained in Thu Duc prison near Saigon pending trial. On September 16th she was released again following a court order. Two days later she was re-arrested and taken to the National Police Headquarters in Saigon after being involved in a demonstration against the forthcoming presidential election. On October 11th, 1971 she was charged afresh with engaging in "activities harmful to the national security," for organizing an "illegal organization" (The Vietnamese Women's Movement for the Right to Live), and for distributing printed matter that "undermined the anti-Communist potential of the people."

During the following months, Mrs. Thanh's physical condition deteriorated badly. When she was brought to trial before the Military Court in Saigon on March 22nd 1972, she was carried in on a stretcher and suffered a severe asthmatic attack which brought on heart failure. Her doctor was with her in court and announced she was in "immediate danger of dying." The judge agreed to postpone her trial, adding that she must return to prison. Since then there has been no further attempt to bring her to trial.

Most recent reports out of Saigon say that she has been on a hunger strike for 80 days and has lost 30 or 40 pounds. Madame Ngo Ba Thanh is one of the most celebrated figures in the neutralist opposition, or what is called the "third force" . . . non-communist but anti-Thieu. When the Paris Accords were signed, her status was changed to that of a common criminal so that she would not have to be released. More recently, Thieu has agreed to turn her over to the PRG, a tactic he uses to deny the existence of his neutral opposition. She agreed to this under protest, but when the list of prisoners was released on July 23rd, her name was not included. This is an ominous sign—it could mean that the Saigon regime is prepared to keep her indefinitely, if not see her starve to death.

YOU CAN SAVE A LIFE

At the end of this pamphlet are some suggestions of what we can do about the political prisoner issue. There is now definite evidence that what we do *makes a difference.* Fred Branfman of the Indochina Resource Center in Washington D.C., who recently returned from Saigon, reported that even the Chaplain of Chi Hoa prison, Pere Thong, who is pro-Thieu and no friend of the prisoners, told him that world-wide protest has resulted in the *betterment of the treatment.* The South Vietnamese Committee to Reform the Prison System has said that there are many examples where they feel people's lives have been saved by having their names appear on a list, by having letters received by the Saigon government. Two Frenchmen who spent two years in Chi Hoa prison said that though a letter may not ever get to a prisoner, it will get into the hands of the guards and this can be enough to save the prisoner's life. There are angry statements from Thieu virtually every day about the letters he receives regarding prisoners. Thieu denounces them as Communist inspired, but the fact that Thieu must respond shows their significance.

This pamphlet has been put together by women in the Indochina Peace Campaign. We have been moved by the suffering and inspired by the unbelievable courage of the Vitnamese women in prison. We hope to convey some of this to women in the United States, so that in the spirit of solidarity we can work to have them freed.

WOMEN POW'S IN SOUTH VIETNAM

(By Jane Barton)

(NOTE.—The following article relates accounts of Vietnamese women arrested and in many cases still held captive by the Thieu government on such charges as having relatives in North Vietnam or refusing to leave their homes. Many of these women have been given no trial, administered inadequate medical supplies, and have been brutally tortured.)

For the past two years, I have worked at a Quaker Rehabilitation Center, run by the American Friends Service Committee, at the Quang Ngai Province Hospital in South Vietnam. During this time I've taken lots of visitors—mostly reporters—around the hospital, including a special ward for prisoners. Many of the visitors are shocked by the leg-

We asked the policeman in charge of the less and armless children or by the stares of burn patients, their eyes unblinking because scar tissue holds their eyelids taut. Personally, however, I feel the deepest sympathy for the young women on the prisoner ward, not only because they are of my age, but also because of the torture they have endured during "interrogation." It makes me very angry that our American advisors have done nothing to prevent this continued use of torture.

Altogether, there are 3,000 political prisoners in Quang Ngai. These are men and women suspected of being "Viet Cong," or at least not loyal to the South Vietnamese government. When one of these prisoners becomes seriously ill, either from natural causes or from torture, he or she is eligible to be placed in the prison ward at the hospital. The selection of these prisoners seems to be entirely arbitrary. Some are gravely ill, while others have minor complaints. "Important" or "dangerous" prisoners never go to the hospital no matter how serious their illness or injury.

The ward itself has little to recommend it. It is very small, only eleven beds, so that it can accommodate only twenty two patients at a time, even if two patients occupy each bed. It is neglected. No doctor is assigned to or visits the ward. A nurse does change the patients' bandages every few days but the only medicine the prisoners are given is aspirin. The windows are barred, and the patients are chained to the bed.

I first visited the prison ward last summer in the company of a Quaker service doctor. As I stepped inside the small room from the outdoor sunlight, I couldn't see anything in the dark ward at first. I could only smell. My nostrils puckered, drawing in the odors from the cement sink and bathroom, both located on the ward. Suddenly, I could see and the prisoners seemed all around me, staring at me, almost breathing on me. I felt terribly exposed, standing there as a gigantic American, slightly awkward in my Vietnamese clothes.

The men were in beds on the left, the women sitting on beds along the right wall. I focused on the women. They were not only chained to their beds, they were also chained together, in pairs. Twice a day they were released so that they could go to the bathroom, I learned, but their ankle chains were not undone so that they had to hobble clumsily, dragging their chains between them.

The Quaker doctor began to examine the women. I helped to interpret, since I speak Vietnamese, and to distribute the medicine. Some of the youngest women seemed sweet and naive; they even giggled and laughed a bit. Others were quiet and strong, and a few looked at me with hostility and hate.

I particularly noticed one young woman who looked more like a Saigon-Vietnamese than the tougher, country women of the Quang Ngai area. I talked with her and learned that her name was Co Lang and that she was unable to move her right side; her leg and arm were limp and useless.

She told me that she had been picked up and put in prison because she had rejected an ARVN officer. This ex-boyfriend had friends in the Quang Ngai secret police force and, in revenge he told his police friends that Co Lang was a "VC." She was taken to the prison where the police beat her and repeatedly banged her head against the wall. Later, she was given electrical shocks under her fingernails and with wires attached to both ears. She said that once the police in the Interrogation Center began torturing her at seven o'clock in the evening, but she couldn't remember much because she kept blanking out. When she woke nine hours later, blood was coming from her vagina. The next time the police interrogated her, they beat her head and face with a club. Afterwards, Co Lang couldn't move her right side. The doctor felt her skull and found a lesion and a depressed area.

We asked the policeman in charge of the prisoner ward if this woman could be unlocked and brought to the X-ray room for a film of her skull. The officer said he wasn't sure it could be arranged. "There are so many problems."

A woman in a nearby bed couldn't lift her head. She was beaten all over her back and neck. The entire area was exposed raw skin and muscles, and in some places the lacerations were so deep they had to be stitched. Because the woman couldn't lift her head, she sat in a seated position, with her head bent. The doctor asked the woman prisoner if he could take a better look at her back. "Could she lie down, please?" It wasn't until I saw her stretched out that I noticed she was very pregnant; six and a half months, she said. I wonder if the baby is still alive.

An older woman on the ward called me over to look at herself and a sixteen year old girl. The young girl was totally vacant. She didn't hear or say anything. She was a delicate girl in her white blouse and necklace and her hair tied back with a length of hospital gauze. The older woman prisoner related to me the torture the young girl had received. The police had forced her to drink water mixed with lime (sometimes soap or nuoc mam, a fermented fish sauce) until her stomach was bloated. Then the police jumped on her stomach until she vomited, gagged, and defecated. The doctor suspected that the lime which the prisoner had been forced to drink acted as a toxin, causing brain or nerve damage and memory lapses. Incongruously, she wore a necklace of round white stones. It's rare to see Vietnamese women in Quang Ngai with jewelry and it seemed ironic that the police would beat this girl into a coma-like state without taking her necklace.

The thirty-five year old woman who was chained to this younger girl and also had been beaten and tortured was an old timer. She even knew Bac Si Mai, Marge Nelson, an American doctor who worked in Quang Ngai four years ago. I thought, My God, Marge goes home and testifies before Congress about the prisoners being tortured, but the same woman who was tortured four years ago is still in prison and still being tortured and no one has done a damned thing about it. I thought, too, about the years this woman has been in jail. Marge has returned to the States, married, added a degree in public health to the M.D. status, practiced medicine, had a baby, and talked and travelled in many countries. The prisoner hasn't gone anywhere or done anything. She says she has been a political prisoner for six years.

While we continued to move from prisoner to prisoner, asking questions, giving out medicine, I noticed other prisoners reaching

out toward Co Lang, the first prisoner we examined. I wondered what was the matter. Her eyes were closed and she was trembling. A few prisoners were pulling her by the feet, trying to get her from a sitting position to a lying one with her head away from the metal headrest of the bed. Then she began to thrash and convulse; foam appeared on her lips. Her head moved from side to side with her hair getting matted in the foam and sweat. And she yelled and talked—probably saying things she must have told the police while she was tortured: "I'm innocent. I'm innocent. Ask anyone, my villagers. I swear, I'm not a 'VC'." The other prisoners had already tied her legs and arms to the bed with soft bandages. The other woman chained to Co Lang tried to untangle the chains and move away. Someone else tried to put something in Co Lang's mouth to keep her from swallowing her tongue. No one said anything. Nor was there a change in anyone's expression in the room.

After my initial visit, I continued to go to the prisoner ward daily. I treated all the prisoners as best I could, but I felt I was able to relate to the women prisoners in a very special way. Although a million American men/soldiers have come to fight in Vietnam, most Vietnamese have never seen or met an American woman, especially one who could speak their language. Thus, the Vietnamese women were more curious about and perhaps more trusting of me than of my male counterparts. They asked me all sorts of personal questions about myself and the women in the States. I, of course, was just as interested in them, their histories, and their problems.

There were always new prisoners. Sometimes the old prisoners were able to stay on the ward until they were better, but often they disappeared and were taken back to the Interrogation Center or prison while they were still seriously sick. One woman whom we were treating had been shot through the chest with the bullet passing through her left lung. As a result, she had an abcess on her lung and the doctor had given her penicillin. When I checked to see if she was taking the medicine regularly, I asked her how many pills she was taking each day. She didn't reply at first; then, she quietly said, "two." "But the doctor told you to take eight each day. Why aren't you doing that?" I asked. She replied in a pleading voice, "I've been in prison for a year and a half. I have so much pain, but no doctor has ever seen me. I've never had any medicine. I want to save it. Next time they beat me, I'll have some medicine." I sat down and gently tried to explain to her that she would feel less pain if she took all the medication now as the doctor prescribed. I told her that we'd return and give her fifty six capsules, enough for a week. Maybe if she sees that many pills, I thought, she won't be afraid to take eight a day. Only, the next morning she wasn't there. I then understood her fears, her reasons for wanting to hoard the medicine.

WOMEN PRISONERS

There were many women prisoners whose fate I wondered about, like "Ba Gia," the old woman, for example. "Ba Gia" was a sixty-seven year old hemiplegic. She lay on the last bed in the corner of the ward. The bed had no mattress—only a straw mat on the metal springs. The old woman lay on top of this mat, curled up like an animal—skinny, nude, her recently shaved head beginning to show a stubble of white hair. Through the springs of her bed a green plastic pail was visable. The old woman was paralyzed; thus she couldn't control her bowel movements and defecated through a hole in the mat into the green pail. The area around her bed smelled and the old woman's face and body were covered with flies. The other prisoners took care of the old woman and fed her, but in a country where old people are honored and respected, it was obviously a humiliating situation for this old woman—smelly, delirious, unclothed. The other prisoners told me she'd been badly beaten and tortured, but she spoke so incoherently I couldn't make out what her "crime" had been. Her paralysis seems permanent and she is still so weakened from the poor diet and torturing at the prison that she may not survive long.

Another prisoner in whom I became especially interested was Co Tho, an eighteen year old woman. She had been shot in the thigh and the bullet broke her left femur. Her leg had been set incorrectly and the bullet left to fester. The doctor and I asked that she be released to have an operation, but the police also had some excuse why this couldn't be done. Meanwhile, our doctor discovered that she had a serious heart condition and wrote to both the Vietnamese and American authorities asking for special consideration. Again, there was no reply. Finally the doctor decided to operate on Co Tho's leg using local anesthesia.

The morning we gathered the equipment together and went to the ward to perform the surgery, Co Tho was gone. The policeman said she'd been taken back to the Interrogation Center for further questioning. I paled. "But her heart. She'll die," I told him. The policeman had no sympathy. He said to me as if I should understand, "But she's a prisoner of war—very dangerous. Class 'A' Viet Cong." I thought of her smile. "Yes, really dangerous." Co Tho has never returned to the hospital, and I don't know if she's still alive. Neither the South Vietnamese police authorities nor the American advisors ever responded to the doctor's letter.

On successive visits to the prisoner ward, I began to see a pattern that deeply disturbed me. Co Lang's seizure was not a unique occurrence. I have witnessed as many as twenty-five female prisoners having seizures and once saw seven prisoners having seizures simultaneously. The seizures vary in intensity. Sometimes a woman might sit still looking as if she is in a semiconscious state, having muscle spasms or trembling. Other prisoners would have more extreme signs, foaming, thrashing, convulsions.

It's very difficult to diagnose the exact medical or psychiatric cause of these seizures. Even the five American doctors I've known who have seen the prisoners' seizures were not sure what caused them since they had never seen similar ones in the States. Also, none of the doctors had the freedom, time, or facilities to examine or observe the patients at length. All these doctors felt, however, that the seizures were directly linked to the amount of torturing a prisoner had received, and many believed that they were a psychosomatic reaction to that torturing. For reasons about which we could only speculate, the women seemed far more prone to seizures than the men.

CHI MINH

As I visited the ward more and more often, I began to make friends. During one of my very first visits, a woman about forty pulled my arm and nodded for me to come close to her so that she could speak to me quietly. The guard was sitting outside the ward smoking, so she didn't seem afraid to talk. "We know who you are and that you want independence and peace for the Vietnamese people," she said to me. "We've heard about your work at the rehabilitation center and how you make all the artificial arms and legs for the wounded Vietnamese civilians. We aren't afraid of you. Please trust us. Help us." This woman held my hands as she talked to me and twisted the ring on my finger. She put her arm around me.

I soon became used to the generous affection and physical contact of these women prisoners. They talked with me, calling me by my Vietnamese name. The ones I knew best would sometimes hug me or try to fix my hair a little, very tenderly tucking back stray strands. Some women wouldn't speak as openly and unabashedly as others, but none of them were ever rude or aloof with me.

I was always amazed at the political sophistication of the Vietnamese and how quickly and clearly these women distinguished me as a "nhan dan tien bo my," "progressive American" and not like the "linh my," the American soldiers. They knew as well as I did what happened at My Lai, a village only four miles from Quang Ngai, and yet these women were living with me.

One time, after not having visited the ward for a few days, I walked towards it in an angry mood. I was feeling particularly depressed and frustrated about the war. I had begun to think that I'd been saturated, that I just couldn't experience any more hurt and horror. Chi Minh, a nineteen year old woman who had befriended me when she was on the prisoner ward a few months earlier, saw me coming, reached through the bars of the locked door, and grabbed my arms. She grinned at me and pulled my ear, maybe the only affectionate gesture she could think of since she couldn't embrace me as she usually did. "I'm back. Did you miss me?" "Of course I did," I answered, and my frustrations left me.

Chi Minh had been in prison for two years, and had been tortured four times. She had hated the isolation of the interrogation center but found the prison not too bad. "We're together, we talk and have a feeling of togetherness, of solidarity," she told me. "My cousin was picked up recently, and it was fantastic to see someone from home."

I showed some pictures I had taken of the prisoners to an American friend of mine who wasn't at all impressed: "Gee, these prisoners don't look bad. They're smiling." I tried explaining, "Yes, but you can't frown forever. Maybe the first year, but after two or four or six years in prison you get tired of frowning and smile a little, even if you're in chains. The Vietnamese are really strong." I wanted to thank Chi Minh for smiling, for giving me love and strength, but I didn't. I didn't know how to express it, and there was too much to express anyway.

POLITICS, TORTURES

Gradually, as my acquaintance with the women prisoners increased, I began to learn more about why they were in prison. There was as great a variety of reasons as there were individual prisoners and I can only make three generalizations. First, they were all political prisoners. I never met a woman prisoner convicted of a crime. The women were basically "dong bao" type, country women of the Quang Ngai area. There were, of course, no rich, well known or university educated women as there are in some of the Saigon prisons. And none of the women I spoke to had been given a trial or knew exactly how long they would be in prison.

In all other respects, the women were very different. They ranged in age from twelve to sixty seven years. There were teenagers, women with nursing babies and grandmothers. The politics of the women varied as much as their ages. There were women who were strongly supportive of the South Vietnamese government. A pregnant woman, whose X-rays showed that she had three cracked ribs and who had bruises on her body, claimed she had a husband and two brothers who were serving in the ARVN army. I didn't really believe her at the time, but a few months later I saw her husband, with his M16 grenade belt, revolver, uniform and jeep. He had just returned from fighting in Quang Tri and had immediately gone to ask to have his wife released, but he said the police only laughed and asked him for a bribe.

Some women were totally apolitical and

had no idea why they had been made prisoners. Occasionally these women had relatives in North Vietnam, for instance fathers who went North in 1954, twenty years ago, when they were children. Nevertheless, the South Vietnamese government feared their relatives might try to contact or influence them and thus these women were "suspect." A number of the more country looking women had been in the wrong place at the wrong time. Usually they were older women who stubbornly remained in their ancestral homesites to work the rice fields rather than moving into concentration-like refugee camps the government set up. Such women, having experienced thirty years of war and seen their land change hands and government many times, were tired of moving at the whim of warring groups. Nevertheless, by refusing to move, they were classified as Communist supporters.

Another large segment of the women were those who support "the other side," the PRG (Provisional Revolutionary Government). Of these women, some simply sympathized with the PRG, others had minor roles or jobs with the PRG, while still others were actual cadre. Usually, the women with the liberation forces in South Vietnam have jobs as leaders, political organizers, teachers, nurses/doctors, or as supply-carriers, but some are also guerilla soldiers who fight and carry guns.

The women who fell into the category of supporting the PRG remained silent about their true identity. After all, many of them had openly resisted talking when they were tortured and they couldn't risk speaking openly with anyone—their fellow prisoners or an outsider like myself. Two female prisoners, however, did tell me their motivation for joining the PRG. One of them was a prisoner I knew quite well before she was picked up. She came from a very poor refugee family who couldn't afford the government school fees, so she decided to join the PRG because she knew they would give her a free education in the mountains, equal to that a male would receive. Another young woman, only nineteen years old, told me her brother had gone off with the liberation forces and when she heard the police were planning to capture and torture her to find out where her brother was, she went to join him. "At least if I was going to get tortured. I might as well have done something so that the pain was worth it. I've worked for the PRG for two years and I'm proud of it, but that's all I'll tell the police," she explained to me.

When I've spoken with some Americans about there being over a thousand women and about seventy-five children under the age of four in the prison centers, they have reacted, "Women and children. How awful," as if all women should automatically be innocent creatures. It is true, of course, that all the children and a majority of the women are innocent, but there are also some women who have struggled and fought equally with male cadre. What should arouse the outrage of people is not that women are getting imprisoned, but rather the conditions of the imprisonment—the lack of trials or determination of guilt, the inadequate food supply, unsanitary conditions, the total lack of medical care, and most importantly, the inhumane torturing of the prisoners.

I learned more about the torture with every passing day. There was the evidence from the physical examination by the doctor—the unusually high percentage of cracked ribs, bruises, paralysis of limbs and so forth. Many of these symptoms were verified by X-rays. And there was the testimony of the patients, who, as they came to trust us, told us more about the procedures to which they had been subjected. They told us of being forced to drink lime mixed with water, of beatings, of electric shocks. Often, they said, they were forced to lie on a table and if they didn't respond to questioning properly, the interrogator would reach underneath their rib cage and crack or break a rib.

One singular torture was the hardest to diagnose, since the police had devised it so that the prisoners would have no external signs of having been tortured. The special police would put the prisoners in a full-length upright tub of water and then beat the sides of the tub. The pressure and concussion caused internal injuries.

Appalled by this continuous evidence of torture, my Quaker Center teammates and I made many efforts to bring these conditions to the attention of the American advisers. It was the Americans who trained the Vietnamese in interrogation techniques, we knew, who had set up an identity card system for all civilians, who financed the police force, and provided money for the prisons and cells. It was the CIA who advised the special police. Yet one deputy senior advisor dismissed all our stories by blaming the Vietnamese. "Asians like to torture one another. I've worked in Korea too, I know. Asians aren't my kind of people."

As we heard about the progress of cease-fire negotiations, we hoped very much that the PRG representatives would be successful in their efforts to guarantee that the 200,000 prisoners being held in South Vietnam would be freed simultaneously with the North Vietnamese and American P.O.W.'s. But what we feared happened instead; their fate was left in an ambiguous state, to be worked out in negotiations with no firm deadline. While American newspapers focus on the return of the P.O.W.'s, my friends on the prisoner ward in Quang Ngai will continue to wait day after day, week after week for their release.

I wonder how many American P.O.W.'s, their wives and sisters realize that there are 200,000 prisoners in South Vietnam who haven't received their freedom yet? I wonder how many who fought with the purpose of containing Communism and supporting a democratic government, really know about the repressive administration of President Thieu, with his martial law and his decree banning local elections and his inhumane prisons? I wonder if they wonder how they might have fared as prisoners in the hands of the South Vietnamese government.

I wish I could introduce American women to those Vietnamese sisters for whom I have such a feeling of empathy and love when I visit them on the prison ward at Quang Ngai. As a second best, I have decided to write about them, in the hope that my readers will join me in working for their release. For them, too, it should soon be a time of homecoming.

JANE BARTON.

(Jane Barton returned to the United States this spring. She is anxious to speak with groups of women. Those interested in contacting her should write care of American Friends Service Committee, 160 North 15th Street, Philadelphia, Pa., 19102.

This article is reprinted from "Off Our Backs," April 1973.)

BECAUSE THEY LOVE FREEDOM

Because they love freedom and independence,
peace and justice,
Because they refuse to send their children
into the ranks of an army under the
command of a foreign country,
To fight against their brothers
They were imprisoned.
But who could put into a cage conscience,
chain the wings of thought?
In spite of tears and wounds, blood and
tortures,
Their poems keep blooming on the prison
walls.
Born behind bars, their songs fly away into
the world
And bring us this faithful message:
Love, hope, determination, courage.

(NOTE: Excerpt from a poem by the Preparatory Committee for the formation of the Association of Vietnamese Women in France.)

EDUCATION IN PRISON

(Written by a woman prisoner, Hoang Thi Kim Dung, March 1973)

In prison, time is long, very long. Indeed, "a day in jail is equal to a thousand years outside it." So, we have to study. To while the time away and to form for ourselves an adequate knowledge so as to serve better the revolution once we will be freed. With this idea in mind, the women combatants of the Liberation Army detained in Phu Tai prison (Quy Nhon) have organized educational courses.

The classes were very simple, just like those outside the prison. Obviously, there were teachers and students. The former were chosen among those of higher education than others, some of them had been to the seventh or even eighth grade. The earth floor was at the same time the "desk" for the teacher, the "blackboard" and the "copy book" for the students. By turn, we kept vigilance while others studied. We learnt all the subjects, the three main of which were literature, history and mathematics. History and literature enabled us to understand the glorious past of our nation and the noble reality of our revolution.

In spite of our enemy's frequent beatings and torture, we have sought all ways and means to study. To this end, we collected small pieces of paper from cement bags, boxes of sweets, cigarette packets thrown away by the soldiers. As pencils, we used small sticks of bamboo; as for ink, we used soot mixed with water. The "paper" thus gathered was reserved for those of lower educational level. Most of the others used the floor to write and read on. We learnt poems by Nguyen Du, Nguyen Trai, Uncle Ho and To Huu.

If the wardens succeeded to lay their hands on the poems, we would be beaten, moderately if they were those by Nguyen Du, but brutally tortured if they were those by Uncle Ho and revolutionary poems. However dangerous as study was, we have put into it all our hearts. Our motto was: "Study, study again, study ceaselessly." Once, on the eve of her being sent to another camp, Mrs. K. stayed awake for a whole night and wrote in the dark her examination task. A woman detainee was executed because the torturers found on her body a description of a massacre in the prison.

It's not easy to describe fully the beatings and torture we were subjected to when small pieces of paper bearing such figures as May 19 and September 2* were discovered. Indeed, our enemy was afraid even of these figures. Once, Mrs. H., who suffered an ovary injury, was raped by the torturers' dogs. Before dying, she gave to her neighbor a piece of cement-bag paper which had been cleaned for the fifth time. (We have decided that a piece of paper would be unuseable only after its seventh cleaning.) The sheet was cleaned and dried and then written on, over and over again until torn and worn. Sometimes we had to shed our blood for collecting a piece of paper.

Besides literature, we learned music, embroidery, cookery. In "cookery" there was no practice, simply because we did not have the necessary ingredients. Water came to our mouth at the mere thinking of salt, let alone meat, fish, chicken. . . . What we knew we taught to others. Anyone could be a teacher and a student. There were regular examinations. At the end of the school term, we

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*Respectively, President Ho Chi Minh's birthday and Date of our Proclamation of Independence.

passed to a higher grade. After seven years in Phy Tai, we averaged the fourth grade, including those who did not know a single word when they first came to the prison.

Because of our study, we were daily beaten until our blood shed, sometimes in profusion. The beast-like American imperialists have tried by all means to deceive us, for instance, by offering better conditions to study in the USA if we married them. We rejected their offer and continued with our study in jail.

Our history taught us that Comrades Nguyen Thi Minh,[1] Vo Thi Sau[2] and other sisters of ours had sacrificed their lives in a valiant and indomitable way. This was a great encouragement for us in carrying on our study and helped us heighten our spirit and strengthen our determination.

Interview with Mrs. Hguyen Thi Thua, released political prisoner. Given on June 21, 1973, to four Americans who were visiting the Democratic Republic of Vietnam.

She spent only one year in prison, but prior to that she lived in the city of Bung Tau, Ba Dia Province. Her story:

"I would like to tell you about what I have witnessed—the crimes committed by the U.S. and the Thieu administration in the South. I was a laborer in the town prior to my arrest. On the morning of May 3, 1972, I was walking to town; I heard explosions, and some soldiers arrested me. I was then five months pregnant. I was taken to the special police station and tortured for one month, six days. During that time I suffered the water torture, I was beaten, they applied electrodes to my nipples and genitals, and so I almost miscarried. I was angry and cursed them to their faces, and this led to more beatings.

"Later the police thought I would die, so I was taken to the Vung Tau hospital. There I got a little better and so was sent back to prison. They had no record on me—I was just a common person.

"I was taken to Thuvuc prison, Camp C, for women and children and pregnant women. I was put in a cell four meters wide and seven meters long, with 100 women and 100 children. I saw many women from Quang Nam, Danang, and the perimeter of Saigon. Many women were driven to miscarriage. The use of electrodes was most common and when the women would cry out, urine was poured into their mouths, or soapy water was poured into their mouths. The atmosphere, the heat, the density drove many prisoners near mad. Some leaped or shouted from the conditions. The children there were from five days to seven years old; many fainted and were lying on the ground. And the camp was in a hollow, so there were places where when it rained, water filled up the ground and many skin diseases resulted.

"For me, my body got swollen. I had no medication so my baby was born prematurely. I had three days of labor. I cried and shouted too much—my friends demanded to take me to the hospital, and I was finally taken on a truck, shackled. Even in the hospital, I was shackled, with two police standing by. I had no strength to give birth so they used forceps. Four days later the jailer came to get me. The doctors said that I was too weak, but the jailer used pressure and took me back.

"Several other women had the same fate as I. Because they did not have strength to give birth, two others died in childbirth. And for my prematurely born baby, I was with it for two months, and then they took it away. They said it would be in a U.S. orphanage in the South. From then on, I did not know where my baby was. Because they robbed me of my baby, I shouted and cursed them and they locked me in solitary confinement. So from that time on I didn't have any information about my baby—I don't know if he is dead or alive.

"When the Paris Agreement was signed, we prisoners didn't know anything about it. But in February of 1973, there was a situation where they moved prisoners from camp to camp. One day they moved us to three different camps. This way, the Saigon regime was trying to break our unity, and create confusion.

"They used deception—they promised we would go to court so we could file suit, but we knew it was just to move us from prison to prison. We protested and some of us had to be taken by force to Tan Hiep prison, where there was no court, no lawyers, no judge—only a Saigon army man who gave out some sentences as high as 14 years or 20 years. They used other means to confuse us. The first was to give political prisoners a red card and the civilian prisoners a blue card. They they would give the political prisoners a blue card—in an attempt to turn them into civilian prisoners. Another means they used was to bring in many civilian prisoners and put them in with political prisoners. This occurred not only in Thu Duc, but in Chi Hoa prison in Saigon, too.

"Many women resisted carrying the card, so they were kept in a special building hidden behind another building or a kitchen. So it was very hard to find them behind walls. With the detaining of women in solitary confinement, they would try to liquidate prisoners. Sometimes at midnight, guards would come and take prisoners away. They were never seen again. Another way to liquidate prisoners was to take the sick ones to the "hospital" where puppet authorities would inject poison into their veins.

"They returned some of the civilian prisoners like myself. They would come and say, now we will return you to the other side. They resisted, suspecting a trick. The troops beat them, and finally took them to Bien Hoa airport. They conducted psychological warfare on the road to the airport—all lies. Once at the airport, they delayed our return. We arrived at Bien Hoa on May 9, but weren't given back until May 11. During that time, many women fainted, and one child died.

"I can give you more detail on the torture. Especially when they would torture women, especially when they would torture the genitals, they would tell the women, 'We are doing this so you will never produce. If you haven't committed a crime, then we will beat you until you confess. If you have committed a crime, we will beat you so you won't do it again.' "

Question: Were you asked to sign a statement before you were released?

Answer: Yes. We were given a "chieu hoi" loyalty pledge to sign. We refused and were beaten again.

Question: Were all the prisoners turned over at Bien Hoa airport?

Answer: 222 were turned over; 700 remained in prison.

Question: Did you ever see Americans during your time in prison?

Answer: An American advisor came every 30 days, and the prisoners would receive especially heavy beatings before the advisor would come.

Question: Did these visits occur before and after the Paris Agreement?

Answer: Yes, they did occur before. After the Agreement, I was in a special camp, so I don't know.

Question: Did the American advisors wear a uniform?

Answer: No.

Question: Did you learn the names of any of these advisors?

Answer: No.

Question: Could you describe the way in which the prisoners organized themselves in prison?

Answer: The only weapon we had was unity. It was especially useful when we were being beaten. When we were being beaten we would shout out, so the other prisoners would know.

Question: Were all the guards who did the torturing men?

Answer: Yes.

Question: Were all the torturers wearing the uniform of the Saigon army?

Answer: Yes.

Question: Were you regarded as a political prisoner when you went in?

Answer: Yes.

Question: Did you receive a red card when you went in?

Answer: Yes.

Question: Did you have a blue card or a red card when you came out?

Answer: We refused to carry blue cards; but some prisoners were beaten and gave in.

Question: Were the prisoners segregated by sex?

Answer: The prisoners in my prison were all women.

Question: What is your age?

Answer: 40.

Question: Are there other children in your family?

Answer: I have two daughters and one son, the one in the orphange.

Question: How is your health now?

Answer: I am taking gynecological treatment for the torture applied to my genitals. My joints are painful when the weather changes.

A Small Child's Tears, at Night in Prison

(By Poulo Condor)

From cell to cell, an anonymous song circulates:

The night is far advanced,
Tell me why are you still awake?
Sadness? anger? Why this agonizing feeling?
For I hear, broken and far away, the sobs of a child.
How painful, they are these sobs from a little one.
In the chilling and solitary prison, at night,
It tears the space, the baby's voice, his sobs penetrate our wounded heart,
Which chokes with rage and hatred: maybe this little prisoner,
Like a young weaned buffalo, a dispersed herd,
Was torn away from his mother who is locked in another cell?
All night long, you cry, famished,
And even the grass and trees are moved.
What, then, of the human heart?
Tired from the wait, the sobs fade one by one.
No, it is not possible! She is in a black cell, your mother,
Over the tiles, the rain falls with light drops,
The cold wind blows in blasts against the wall,
The curtain of night is sinister and obscure,
It covers the prison and all its buildings.
Calm yourself, my little one. Sleep deeply, sleep!
Tomorrow the dark night will have disappeared entirely,
You will find again your mother's loving hand,
She will rock you, her love will protect you,
And with all your likes on the firm ground you will return.

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[1] The first woman to join the Indochinese Communist Party. She was a student in Vinh during the period of clandestine activity, and was sentenced to death by the French colonialists. She left to the women of Vietnam the following message: "The revolution is our way to salvation."

[2] A Vietnamese martyr who joined the anti-French guerrillas at age 14 and was killed by the French in Poulo Condor when she was 17.

Tomorrow, you will be told the story,
The story of a tiny prisoner, bitter irony!
Who cried night and day, torn away from his mother's breast.
Confound the pack of assassins!
Our heart encloses as many drops of anger
As there are drops of rain falling from the sky onto the earth.
It is long this story, oh, my brother!
And tells of many more miseries and close friendships.
The day of the unity of our country
When the South and the North by an intense bond will be reunited.
That day our mountains and our rivers will shine,
There will be no more children's tears, at night, in prison.

YOU CAN SAVE A LIFE

1. Join the National Letter-Writing Campaign demanding that aid to Thieu be cut off until the political prisoners are released. Write to your Congress Member and Senator. (*See sample letter on following page.*)

2. At the back of this pamphlet is a list of names of some women prisoners. Adopt a Prisoner, or better yet, have the women in your women's group or organization *all* adopt a prisoner, and write to her sending a copy of the letter to your Congress Member asking them to look into the health and welfare of your prisoner. Along with this, you may want to wear a bracelet with your prisoner's name on it. (*See sample letter on next page.*)

3. In the spring of 1973 the Yale University Committee of Concerned Asian Scholars, with wide support from both students and faculty, recommended that Madame Ngo Ba Thanh, the distinguished Vietnamese scholar and lawyer, be considered for an honorary degree at the June commencement. The administration failed to approve the honorary degree but the controversy drew much attention to the prisoner issue. Columbia University students waged a similar struggle to have Mme Ngo Ba Thanh come to the U.S. to receive a degree. The dean of the University of Michigan Law School has issued an invitation for her as a guest lecturer. Why not try to organize your state university or women's organization to invite her?

4. Ask people to join a delegation to visit the local office of your representative. Have specific questions about use of U.S. money for support of the Saigon Government's prisons and supoprt of President Thieu. Write IPC for a "Memorandum on Continued U.S. Support for the South Vietnamese Police and Prison System and Program for Action" . . . an excellent document for lobbying.

5. See if you can organize a group of women, church people, lawyers, etc. to Form a Delegation to Go to South Vietnam and demand to Inspect Thieu's Prisons.

6. Distribute more of these pamphlets or arrange a film showing of the 30 minute movie "Saigon: A Question of Torture" made by a British film company and shown over British and Canadian t.v. This movie investigates the political prisoners in the jails in South Vietnam. (Rental is $20.)

7. Obtain a slide show entitled "Women in Vietnam" for use in your area. The slide show has 117 slides and a script (Purchase cost is $20). It depicts the historical role of Vietnamese women in their country's struggle for National independence and freedom, the development and growth of the massive Women's Union there, and how the war has affected their lives.

8. Build a tiger cage. Set it up in a public place. In New York some women fasted, dressed and made up as Vietnamese, and sat inside the cage to call attention to the issue. It did!

All resources mentioned above are available through the Indochina Peace Campaign. Prisoner bracelets cost $1.00.

SAMPLE LETTER TO A MEMBER OF CONGRESS

DEAR ———: I respectfully urge you to become aware of the approximately 200,000 civilian political prisoners detained by the Thieu regime in very subhuman conditions, with many being tortured, starved or liquidated. I understand that some are as young as six years old. Many are being reclassified as common criminals so they don't have to be released under the Agreements. I urge they be immediately released, in keeping with both the spirit and letter of Article II of the Agreement which directs the two South Vietnamese parties to: ". . . prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other . . . (and) insure the democratic liberties of the people. . . ." This is an American responsibility since USAID and DOD funds, provided by our tax dollars, maintain the prisons and trains the police force which is carrying out this brutal repression.

If you wish further information and documentation concerning these prisoners, it can be found in: *Hostages of War: Saigon's Political Prisoners* by Holmes Brown and Don Luce, Indochina Mobile Education Project, 1322 18th St., N.W., Washington, D.C., or by contacting the Indochina Peace Campaign, 181 Pier Ave., Santa Monica, CA. 90405.

OPTIONAL PARAGRAPH

I am concerned about the rights, health and whereabouts of these prisoners, especially one letter-friend to whom I am writing named ———. I am trying to find out the following about my friend: Where is she? How is she? Why is she being held? Can she receive mail and visitors? When will she be released? If she has been released, where is she now?

SAMPLE LETTER TO A PRISONER

DEAR ———: I am a U.S. citizen who is very concerned about your health and welfare. Reports have been coming out on our TV lately which show how badly the political prisoners are treated. I realize that many have been tortured and that many cannot walk as a result of being shackled to the bars of cells and tiger cages. I promise you that I shall work for your release and for the freedom of all the political prisoners in South Vietnam. I hope that you will be able to write to me about your treatment and your mental and physical condition.

Sincerely,

———— ————.

LIST OF WOMEN POLITICAL PRISONERS

From Nha Trang deported to Poulo-Condor (Con Son Island) on February 15, 1973, with the pretext of liberation:

Prisoners, prisoner ID number, born in, at

1. Nguyen thi Day, A2347, 1931, Ninh Thuan.
2. Bui thi Nhieu, A2348, 1932, Ninh Thuan.
3. Ngo thi Tu, A2349, 1953, Quang Nam.
4. Le thi Xi, A2351, 1952, Binh Thuan.
5. Phan thi Lieu, A2350, 1958, Quang Nam.
6. Nguyen thi Tu, A2352, 1956, Khanh Thuan.
7. Pham thi Chuong, A2354, 1931, Khanh Hoa.
8. Le thi Muoi, C3692, 1953, Binh Thuan.
9. Nguyen thi Loc, A2353, 1936, Binh Thuan.
10. Dao thi Loi, C3693, 1955, Binh Dinh.
11. Tran thi Tra, C3694, 1951, Binh Dinh.
12. Ngo thi Guyen, C3689, 1952, Binh Thuan.
13. Huynh thi Ben, C3688, 1954, Binh Thuan.
14. Nguyen thi Hanh, C3690, 1954, Binh Thuan.
15. Tang thi Ha, C3691, 1954, Binh Thuan.
16. Le thi Nan, 528.
17. Le thi Minh Hien, 526.
18. Nguyen thi Cuc.
19. Thieu thi Tan, 17983 HC.
20. Nguyen thi Cam.
21. Thieu thi Tao.
22. Nguyen thi Danh.
23. Nguyen thi Nhan.
24. Hoang thi Kim Hgan.
25. Phan thi Baxh Tuyet.
26. Le thi Huong, 1097 GTQS.
27. Huynh thi Khinh, 877 CTTA.
28. Phan thi Le Hanh.
29. Nguyen thi Nhan, 862 GTQS.
30. Lan thi Co.
31. Nguyen thi Que Lan, 1142 HC.

WOMEN PRISONERS AT DE THU DUC (SINCE FEBRUARY 1973)

1. Pham thi Bong.
2. Nguyen thi Nhan.
3. Le thi Em.
4. Nguyen thi Ven.
5. Nguyen thi Huong.
6. Nguyen thi Cam.
7. Bui thi Bong.
8. Le thi Loii.
9. Le thi Loi.
10. Duong thi Trang.
11. Nguyen thi Nhan.
12. Tran thi Bich.
13. Nguyen thi Danh.
14. Tran thi Xe.
15. Dang thi Lieu.
16. Tran thi Lanh.
17. Nguyen thi Banh.
18. Nguyen thi Teo.
19. Phan thi Thuy.
20. Phan thi Tu.
21. Nguyen thi Bay.
22. Nguyen thi Tana.
23. Tran thi Huu.
24. Nguyen thi Can.
25. Mai thi Huong.
26. Tran thi Nguyet.
27. Nguyen thi Xe.
28. Nguyen thi Coi.
29. Nguyen thi Tung.
30. Ho thi Phan.
31. Pham thi Thin.
32. Ho thi Vinh.
33. Nguyen thi Cuom.
34. Nguyen thi Mui.
35. Nguyen thi Than.
36. Ngo thi Lan.
37. Nguyen thi Boi.
38. Tran thi Tao.
39. Tran thi Hue.
40. Nguyen thi Tung.
41. Nguyen thi Cai.
42. Nguyen thi Lon.
43. Huynh thi Xuan.
44. Nguyen hi Toan.
45. Nguyen thi Thu.
46. Nguyen thi Sa.
47. Ngo thi Ke.
48. Pham thi Hung.
49. Tran thi Nguyen.
50. Phan thi Theo.
51. Nguyen thi Lan.
52. Quach kim Dien.
53. Nguyen thi Diep.
54. Tran thi Nguyet.
55. Vo thi Lan.
56. Nguyen thi Hoa.
57. Tran thi Phuoc.
58. Nguyen thi Van.
59. Nguyen thi Lieu.
60. Nguyen thi Hong.
61. Nguyen thi Cuc.
62. Nguyen thi Rong.
63. Tran thi Cam.
64. Tran thi Nhi.
65. Nguyen thi Minh.
66. Tran thi Nam.
67. Giang thi Anh.
68. Kieu thi Hai.

List of women prisoners whom the authorities have reclassified as civil offenders. These prisoners, supposedly liberated by the administration of Khanh Hoa (Nha Trang) prison, were deported to Puolo Condor on Feb. 16, 1973.

Prisoners, Prisoner I.D. number, Born in, At

1. Bui thi Le Thu, A.2174, 1950, Quang Ngai.

2. Vien thi Minh Thanh, A.2170, 1952, Ninh Thuan.
3. Nguyen thi le Thuy, A.2187, 1953, Binh Dinh.
4. Le thi Ba, A.2191, 1932, Binh Dinh.
5. Pham thi Ba, A.2197, 1920, Binh Thuan.
6. Huynh thi Lam, A.2178, 1929, Binh Thuan.
7. Do thi Kien, A.2121, 1930, Binh Dinh.
8. Thi Canh, A.2182, 1939, Kanh Hoa.
9. Yngoc thi E Ban, A.2174, 1916, Ban me Thuat.
10. Vo thi Yen, A.2177, 1956, Binh Dinh.
11. Ngo thi Coi, A.2172, 1929, Khanh Hoa.
12. Vo thi Nang, A.2128, 1925, Phu Yen.
13. Nguyen thi Nhi, A.2131, 1955, Phu Yen.
14. Le thi Tho, A.2142, 1931, Phu Yen.
15. Nguyen thi Anh, A.2130, 1952, Binh Dinh.
16. Ngo thi Cong, A.2168, 1954, Binh Thuan.
17. Le thi Chau, A.2173, 1940, Khanh Hoa.
18. Bui thi It, A.2169, 1947, Binh Thuan.
19. Le thi An, A.2153, 1928, Phu Yen.
20. Nguyen thi Lan, A.2133, 1955, Phy Yen.
21. Nguyen thi Lieu, A.2193, 1941, Binh Dinh.
22. Nguyen thi Cho, A.2188, 1941, Binh Dinh.
23. Ho thi Quat, A.2194, 1944, Binh Dinh.
24. Vo thi Phy, A.2163, 1940, Ninh Hoa.
25. Nguyen thi Chen, A.2155, 1916, Binh Thuan.
26. Le thi Phai, A.2114, 1927, Binh Thuan.
27. Mai thi Chum, A.2179, 1947, Phan Rang.
28. Nguyen thi Chinh, A.2174, 1929, Quang Ngai.
29. Tran thi Dien, A.2161, 1923, Khanh Hoa.
30. Nguyen thi Thin, A.2175, 1953, Thu Duc.
31. Le thi Ny, A.2112, 1950, Binh Dinh.
32. Tran thi Chung, A.2149, 1928, Phy Yen.
33. Pham thi Loi, A.2146, 1944, Khanh Hoa.
34. Luu thi Thi, A.2196, 1951, Binh Dinh.
35. Phan thi Nong, A.2155, 1942, Phy Yen.
36. Pham thi Ngot, A.2188, 1912, Quang Ngai.
37. Tran thi Nguyen, A.2185, 1951, Quang Ngai.
38. Nguyen thi Nia, A.2166, 1951, Khanh Hoa.
39. Tran thi Thao, A.2151, 1915, Quang Ngai.
40. Nguyen thi Nah, A.2181, 1952, Khanh Hoa.
41. Nguyen thi Thu, A.2164, 1939, Binh Thuan.
42. Tran thi Thuc, A.2156, 1952, Binh Thuan.
43. Dinh thi Mai, A.2129, 1929, Phu Yen.
44. Nguyen thi Chin, A.2160, 1955, Binh Dinh.
45. Tong thi Nhan Van, A.2192, 1951, Binh Thaun.
46. Phan thi Bot, A.2159, 1949, Khanh Hoa.
47. Vo thi Buoi, C.3658, 1939, Khanh Hoa.
48. Vo thi Lanh, C.3658, 1954, Binh Dinh.
49. Nguyen thi Nga, A.2143, 1951, Phu Yen.
50. La thi Kha, C.3654, 1953, Binh Thuan.
51. Vo thi Khanh, A.2213, 1927, Binh Dinh.
52. Truong thi Bon, A.2209, 1940, Binh Dinh.
53. Nguyen thi Tret, C.3655, 1951, Binh Thuan.
54. Nguyen thi Sau, C.3661, 1954, Binh Thuan.
55. Huynh thi Loan, A.2165, 1939, Khanh Hoa.
56. Nhuyen thi Hat, A.2206, 1953, Binh Dinh.
57. Nguyen thi Hong, A.2124, 1951, Quang Nam.
58. Tran thi Huong, A.2120, 1952, Quang Nam.
59. Tran thi kim Huong, A.2162, 1940, Phu Yen.
60. Phan thi Hong, A.2126, 1930, Phu Yen.
61. Nguyen thi Hien, A.2122, 1954, Binh Dinh.
62. Huynh thi Van, A.2131, 1951, Phu Yen.
63. Nguyen thi Sen, A.2140, 1930, Phu Yen.
64. Nguyen thi Vang, A.2180, 1924, Ninh Thuan.
65. Nguyen thi Xe, A.2158, 1953, Phu Yen.
66. Truong thi Sen, A.2144, 1937, Phu Yen.
67. Bui thi Hoa, A.2190, 1948, Binh Dinh.
68. Truong thi Dung, A.2167, 1952, Binh Dinh.
69. Dao thi Huong, A.2215, 1932, Binh Dinh.
70. Do thi Thanh, A.2135, 1951, Phu Yen.
71. Huynh thi Tu, A. 2156, 1954, Phu Yen.
72. Trinh thi Thanh, A.2154, 1947, PhuYYen.
73. Tran thi Sau, A.2186, 1956, Khanh Hoa.
74. Vo thi Sau, A.2186, 1956, Khanh Hao.
75. Le thi Trong, A.2138, 1926, Phu Yen.
76. Thi Sang, A.2157, 1939, Ninh Thuan.
77. Cao thi Thanh, A.2136, 1927, Khanh Hoa.
78. Tran thi Dua, A.2127, 1916, Phu Yen.
79. Huynh thi Dao, A.2189, 1928, Binh Dinh.
80. Pham thi Dao, A.2150, 1958, Quang Ngai.
81. Tran thi Trinh, A.2205, 1953, Binh Dinh.
82. To thi Que, A.2207, 1937, Binh Dinh.
83. Nguyen thi Trang, A.2202, 1933, Binh Dinh.
84. Iran thi Dau, A.2184, 1934, Khanh Hoa.
85. Phan thi De, A.2134, 1920, Khanh Hoa.
86. Huynh thi Dau, A.2210, 1929, Binh Dinh.
87. Tran thi Thua, A.2195, 1951, Binh Dinh.
88. To thi Hang, A.2211, 1950, Khanh Hoa.
89. Vo thi Soi, A.2183, 1937, Khanh Hoa.
90. Pham thi Gai, A.2141, 1936, Khanh Hoa.
91. Pham thi Duong, A.2204, 1920, Binh Dinh.
92. Huynh thi Tat, A.2137, 1950, Binh Dinh.
93. Le thi Suong, A.2208, 1945, Binh Dinh.
94. Nhuyen thi Hai, A.2199, 1945, Binh Thuan.
95. Ho thi Duc, A.2176, 1951, Binh Dinh.
96. Nhuyen thi Xi, A.2201, 1918, Quang Nam.
97. Tran thi Ha, C.3660, 1949, Quang Nam.
98. Tran thi Xom, A.2152, 1922, Phu Yen.
99. Nguyen thi Suu, A.2200, 1949, Binh Dinh.
100. Nguyen thi Thao, A.3659, 1953, Binh Thuan.
101. Nguyen thi Gioi, C.2123, 1926, Khanh Hoa.
102. Nguyen thi Than, A.2145, 1937, Khanh Hoa.
103. Nguyen thi Tam, A.2171, 1954, Binh Dinh.

Women prisoners at Tan Heip prison are:

1. Le thi Loc, 22852.
2. Tran thi Hue.
3. Tran thi Lan.
4. Nguyen thi Man.
5. Nguyen thi Ghi, 23159.
6. Tran thi Chiem.
7. Tran thi Hong Nga.
8. Nguyen thi Thu Lieu.

WOMEN PRISONERS WHO ARE SERIOUSLY ILL MENTALLY FOR WHOM THERE IS NO ADEQUATE CARE

1. Chi Nguyen Thi Que, 45 years old, arrested in November 1959, has mental trouble as the result of suppression and torture in prison. She was sentenced to 10 years imprisonment and was moved from one prison to another—Thu Duc, Chi Hoa, Phu Loi—and all the prison administrators know that she is a mental case. But for more than 11 years already she has been in prison and no care is taken for her health. Her husband died in 1967 and her daughter was killed during bombing in 1968. Now she is still in the prison of Chi Hoa.

2. Chi Nguyen Thi Phe, 35 years old, arrested on August 3, 1963 and sentenced to 5 years imprisonment. Her home town is far away in Binh Dinh and her son, 3 years old, was taken care of by other people. The poor child, without father or mother, cared for by others, died after several months.

Thi Phe has serious stomach trouble, for which no care is taken. She has been given injections of Atropine and is becoming blind. Even the German doctors in the prison of Con Dao say that her condition was serious and suggested that she should be moved to the mainland for treatment. Today, her period of imprisonment has been exceeded by 2 years and 7 months, and her condition becomes more and more serious, but the government does not agree to her release.

She is still in the prison of Chi Hoa.

3. Chi Nguyen Thi Xuoc, 45 years old, arrested in 1962, her home district in Binh Dinh. She was arrested with her son, 11 years old. After several months of investigation, her son was released. He wandered about in Saigon, and after 8 years she does not know if her son is alive or dead, or if he may have returned to Binh Dinh.

As the result of torture and the dampness of the prison, today her lungs are affected and she is given no treatment.

She was sentenced to 4 years imprisonment, but today, she has already served 8 years. The day of her release, when she hopes to see her mother and her son, is still far away.

4. Chi Ton Anh, 47 years old, arrested in Binh Dinh on July 26, 1961. She was sentenced to 7 years imprisonment; now she has TB and stomach trouble and no care is taken of her so that she cannot walk, nor eat and drink properly. For the last two years the government refuses to release her.

She is still in Chi Hoa prison.

5. Chi Nguyen Thi Kheo, 36 years old, was arrested in 1960, in An-giang. In the local prison she was tortured so that she vomited blood and was moved to the hospital. When an attempt was made to force her to sign a false confession, and she refused, she was again beaten by the police.

She was unmarried when sentenced at 26 years of age to 7 years of imprisonment. Today, she has been in prison for more than 10 years and the government does not agree to release her, although an official in the Thu Duc prison told her in 1964 that her sentence has been reduced by one year. During the 10 years she has been moved to all the prisons in the south: An-giang, Chi Hoa, Go cong, Thu Duc, Phu Loi, Con Dao, and now is the third time she returns to Chi Hoa.

No competent doctor has diagnosed her illness—she is very weak and thin and old-looking and menstruation has ceased.

6. Chi Nguyen Thi Thao, 47 years old, was arrested on May 2, 1960 and sentenced to 10 years imprisonment, when her daughter was just 7 months old. During the time of investigation, she was moved from prison to prison: Gia Dinh, Chi Doa, Phu Loi, Thu Duc, Con Dao and back to Cho Hoa. She tried hard to keep the child with her, because she did not want her to be sent to an orphanage. After hearing from her family she sent the child to her sister, but unhappily her sister died. The child was then sent to the grandparents who also died. For ten years the little girl has wandered from house to house in the village, without family affection and without education, showing how corrupt South Vietnamese society has become.

In August 1970, thi Thao was taken from Con Dao to Chi Hoa and was able to see her daughter, who cried: "Mother, do not die, you have to live with me. Your sentence is finished, why are you not released? Do the administrators of the prisons not have any children? Why do they not know how to love children who have no mothers?"

But thi Thao cannot hear—she has become deaf.

She has TB, but the prison nurse always gives her quinine. So that, after ten years in prison, the TB is very advanced and the deafness is extremely serious.

The day of release and the reunion of mother and daughter is far away.

These are some cases among the 83 women prisoners now in Chi Hoa. They are proof that the prisons of South Vietnam today are savage and inhuman and must be reformed.

DIEU THUY.

May, 1971.

INDOCHINA PEACE CAMPAIGN

The Indochina Peace Campaign is a coordinated grassroot network of activists committed to finally stopping all U.S. aggression in Indochina and achieving peace and self-determination there. We generate public pressure to:

1. Demand the 1973 Paris Agreement on Vietnam be implemented. The U.S. must stop supporting the reactionary regimes of Indochina, including the world's most massive police state in Saigon. Thieu's political prisoners must be freed and a government of national reconciliation created in South Vietnam.

2. Create friendship and understanding with the Indochinese people made "faceless" by the Pentagon, through Medical Aid to Indochina and other support and cultural programs.

3. Broaden and unite the anti-war movement, supporting amnesty and the rights of all Americans facing repression because of the war.

4. Agitate around the Watergate crisis to wrench policy-making for Indochina out of the hands of the Executive.

[From World magazine, Aug. 14, 1973]

AMERICAN TROOPS IN EUROPE: THREAT OR SAFEGUARD?

(By Edward L. King)

The U.S. military force in Europe is too large and too costly, and the reasons for keeping it that way are invalid. Moreover, far from protecting the world from nuclear holocaust, it actually increases the likelihood of nuclear war.

At present 313,000 American military personnel, accompanied by 250,000 military-sponsored dependents, are stationed in Europe. The cost of maintaining them, together with armed-service personnel based in the United States but oriented to missions in Europe, has been climbing steadily—to $17 billion in fiscal 1973—and it has contributed to a U.S. balance of payments outflow of roughly $5 billion for the same year. These are costs that the American economy can no longer tolerate without compelling justification, and in this case there is simply no such justification.

According to the Department of Defense, these are two basic national-security objectives that provide the rationale for U.S. force levels and overseas deployments. These objectives are: (1) to preserve the United States as a free and independent nation, safeguard its fundamental institutions and values, and protect its people; (2) to contribute to the security of other nations with whom we have treaties or whose security makes a significant impact on our security.

In accomplishing the latter objective, the Defense Department cites "U.S. commitments under primary applicable treaties" as the justification for a large part of the military-manpower requests for fiscal 1974. But no specific manpower requirements are set forth in either the NATO or SEATO treaties. The NATO treaty does not specify any level of U.S. military force. It does not even require that members take military action. The size and composition of any U.S. military force assigned to NATO is determined solely by the U.S. government.

Thus the NATO treaty does not constitute a legitimate justification for the Defense Department's commitment of some 500,000 armed-service personnel (including the U.S.-based personnel) to the initial defense of NATO Europe. The NATO-committed force consists of eight army and marine divisions, six aircraft carriers, more than eighty surface warships and attack submarines, and twenty-one air squadrons. This force was agreed to by the U.S. executive branch during talks with NATO allies; it is not an honoring of obligations under NATO treaty articles.

What is the stated rationale behind this huge, costly, and unnecesary maintenance of military manpower? After the fallacious NATO-treaty argument, it is, of course, the oft-cited "threat of Soviet aggression." The Defense Department has described this so-called threat in exactly the same words for the past four fiscal years:

While we do not consider aggression by the USSR likely in the present political climate, the fact remains that the Soviets have a vital interest in preserving the status quo in central Europe and in retaining their hold on Eastern Europe. A crisis that could lead to a conflict could arise if the political situation substantially changed in a way that threatened the USSR or its hegemony over Eastern Europe, or if a Soviet government saw opportunities for other ways to apply critical pressures on the cohesion of the [NATO] Alliance. Such a crisis could escalate to hostilities.

Apparently in pursuit of this reasoning, the United States is maintaining more troops in Europe today that it did in June 1961, immediately prior to the build-up occasioned by the Berlin crisis. This increase has occurred despite the obvious reduction in the scope and magnitude of the Soviet threat to Europe, a reduction brought about by Sino-Soviet hostility, detente in central Europe, a Berlin agreement, a SALT agreement, the recent Nixon-Brezhnev summit, and increased trade between East and West.

Even if the Soviet threat to Europe is accepted as real and continuing, U.S. preparation for meeting it militarily is unsound. The stated mission of our conventional, general-purpose manpower in Europe is to provide a means of phased "flexible response" to a Soviet ground attack. But if an attack were to occur, it is doubtful that U.S. deployments in central Europe would be able to respond successfully in a purely conventional manner. Our troops are not positioned, trained, manned, or equipped to conduct an effective, non-nuclear, initial forward defense unless given a warning and a mobilization period consisting of about thirty days.

With such a thirty-day warning and mobilization period prior to the commencement of hostilities, U.S. divisions could, according to the Defense Department, be repositioned to more effective battle locations; reinforcements could be flown in from the United States; some of the dependents could be evacuated; and usable wartime lines of supply and communication (which are presently non-existent) could be opened.

However, an unforeseen attack would make it impossible to accomplish any of these requirements or to gain necessary air superiority to permit the landing of airlifted U.S. reinforcements. And airlifted reinforcements are essential to any hope of establishing a conventional forward defense in central Europe.*

The Defense Department admitted in Senate testimony last year that "U.S. Army forces located in West Germany are spread thin." To overcome this, the department said, it plans to deploy the U.S.-based Reforger Division plus "an additional two divisions to Europe within thirty days. These two divisions are considered the *minimum essential* [italics added] for the conduct of an initial conventional defense in the [European] central region."

If these additional two divisions, as well as ten support units—known as the "two-plus-ten"—are not rapidly forthcoming, U.S. ground forces would have no choice but to resort quickly to tactical nuclear weapons in order to save themselves from being destroyed. Since at least as far back as 1961, U.S. military strategists have planned on making the first use of tactical nuclear weapons within the initial hours of any attack by the Soviet Union.

Thus there is danger that instead of providing a "flexible" U.S. response to any level of aggression in Europe, the current conventional troop deployment in central Europe may actually lock the United States into early first use of tactical nuclear weapons—which could quickly lead to a massive nuclear exchange. Rather than providing an extended "pause" before crossing the nuclear threshold—as successive administrations have claimed—the present U.S. force levels in central Europe in fact lower that threshold to almost immediate nuclear war in the event of any Soviet or U.S. misstep in Europe.

U.S. ground-force deployments to NATO should therefore be seen as a large hostage force manning a tactical nuclear trip wire and as a guarantee that any American President will opt for immediate nuclear war in Europe. The President would have little choice but to commence a nuclear war. Otherwise, he would place more than a half million U.S. servicemen, their wives, and their children in grave jeopardy.

At the 1950 Lisbon conference, where much of present NATO conventional defense strategy was conceived, it was estimated that even then, when the United States enjoyed absolute atomic superiority, ninety NATO divisions would be required to defend central Europe. Now, in an era of nuclear parity, only twenty-five NATO divisions (including 4 U.S.) are supposed to accomplish much the same conventional mission that military experts established for ninety divisions. This is not a feasible mission, and it cannot be accomplished without resorting to tactical nuclear weapons. Nor is it feasible from a U.S. political or economic standpoint to contemplate stationing more troops in Europe.

This means that in view of the reluctance of our NATO allies to provide larger forces for their own defense, conventional flexible response is not a valid approach to the defense of central Europe. It is not even necessary, since there is little likelihood of a Soviet conventional attack. The concept of conventional defense (which actually relies on tactical nuclear warfare) is a lingering shibboleth of NATO in which the Europeans have little belief and the American public must invest billions.

What should be our military policy toward Europe? The present level of U.S. troops is not needed to reassure the Europeans of our intention to maintain strategic nuclear protection. A smaller U.S. deployment of perhaps one or two divisions could—if better organized and positioned—provide as much real flexibility as the present oversupported 4⅓ divisions without drastically lowering the present nuclear threshold. As Dwight Eisenhower, NATO's first supreme commander, said in 1963, "One division can show the flag as well as several." This smaller deployment would cost far less and would help counteract the chronic international weakening of the dollar.

But troop deployments have become a political sacred cow, the wrapping covering the basically political issue of American primacy in European affairs. Military troop levels have been used to protect the real political and economic issues. It has been far easier to defend a continued American presence on the basis of military requirements than on the basis of political expediency.

When it comes to troop reductions, the time never seems ripe for change. The idea of Mutual Balanced Force Reductions (MBFR) is the latest in a long series of dilatory tactics. During the four years of East-West exchanges preparing the way for

* The ability of U.S.-based combat forces to reinforce rapidly our forces in Europe by air is questionable. Exercise Reforger II, conducted in late summer of 1970, tested U.S. ability to airlift troops rapidly to Europe; the results were not encouraging.

MBFR talks, the fact that the exchanges were taking place was used as a rationale for postponing any reduction in troops. Now, after four months of preliminary discussions, not even an agreement on the conference membership has been reached. The slowness of these preliminary discussions brings into serious question whether the United States and the USSR are sincerely interested in troop reductions. All indicators point to MBFR as yet another delaying tactic—employed by both NATO and the Warsaw Pact nations—to avoid facing the new situation in central Europe brought about by the continuing political and economic detente.

As Albert Willot, counselor on the Belgian permanent delegation to the North Atlantic Council, said in a recent article in the *NATO Review:*

"Europeans should not labour under a misapprehension. Even in the absence of any agreement with the East on MBFR, the United States will sooner or later be compelled, for well-known domestic political reasons, to reduce the level of their conventional presence in Europe. It must too be admitted that the Europeans are most unlikely to make up the difference."

Willot went on to speculate that MBFR negotiations might delay "and perhaps even for a long time limit" the reduction of U.S. conventional forces in Europe, if only because of the psychology of a situation in which a ceiling is imposed on the size of American forces: "Even the most staid motorist," he said, "has a natural tendency to drive at the maximum legal speed limit."

We must hope that the United States does not fall into the psychological trap suggested by Willot. To delay necessary reductions in the excessive and featherbedded U.S. conventional forces assigned to NATO would be a costly mistake. And to make this mistake because of European reluctance to assume a just portion of its own defense, or out of a naive hope for substantive results from the stalled MBFR talks, would be to ignore the best interests of the United States. Past U.S. troop reductions have found the Soviets also withdrawing troops. Additional phased reductions in the bloated U.S. force in Europe could stimulate similar Russian moves and therefore lead the world further from the threat of nuclear war and closer to the promise of peace.

[From the Washington Post, Sept. 14, 1973]

THE CASE FOR REDUCING U.S. FORCES IN EUROPE TO ABOUT 150,000

(By Edward L. King)

It is interesting that Robert Komer, one of the architects of some of our disastrous policies in South Vietnam, has now become a "Europe-firster" ("Keeping GIs in Europe"—August 30, 1973).

It is difficult indeed to reconcile his newfound concern for maintaining U.S. conventional troop levels in Europe, with his previous acquiescence in the slashing of those same troop levels in 1967–1969 to provide trained military men to work in his special Vietnam program.

Komer now cavalierly labels many past arguments about removing U.S. troops from Europe as "simplistic" and calls for a more informed discussion of the issue. Despite his long preoccupation with Vietnam he must be aware that serious critics such as Senator Mansfield have been carrying on informed discussions for 10 years.

Komer's article certainly adds nothing new to the discussion. It does, however, raise some questions about the facts and his understanding of them.

For example, he contends that four and one third U.S. divisions—stationed mostly in southern Germany—are defending "the "shortest high speed avenues of attack by which a Warsaw Pact offensive could split NATO, much as the Germans did . . . in 1940." But the major high speed approaches are located north of the U.S. divisions, and in two world wars the Germans attacked France from the north, not through the area where most U.S. divisions are stationed today.

Komer says it cost $4 billion to maintain U.S. troops in Europe. That is only the cost of the pay and maintenance of the men and their dependents. If you also consider the cost of their arms and equipment, that figure is correctly $7.7 billion. And he makes no mention of the $1.5 billion deficit in U.S. military balance of payments caused by the presence of over 300,000 U.S. troops and dependents in Europe.

Pages 190–194 of the FY 1974 Department of Defense Military Manpower Requirements Report clearly show that over 50% of our general purpose forces are predicated solely on a NATO conflict—not one major and one minor conflict in Europe or elsewhere as Komer claims.

He also repeats the tired old argument that it costs almost as much to keep our troops at home as in Europe. Yet last year—before devaluation—DOD witnesses testified before the Senate Armed Services Committee that first year savings of $42 million would be realized from withdrawing one mechanized division from Germany and stationing it in the U.S.

After his Vietnam years, perhaps Komer considers $42 million an insignificant amount. I doubt that other taxpayers would agree.

Komer missed a central point in joining the decade-long debate on U.S. troops in Europe. That is, why should the taxpayer pay $17 billion (cost of all U.S. forces committed to NATO), or $7 billion (cost of those in Europe), when less than 25% of those troops are assigned to combat skill jobs that direct fire on an enemy in actual combat defense of the American people?

I agree with Komer's call for keeping "substantial" U.S. forces in Europe. I submit that Senator Mansfield's proposal to keep around 150,000 U.S. troops in Europe is exactly such a "substantial" force.

[From Air Force Times, August 29, 1973]

WHY CUT TROOPS ABROAD

(By Lt. Gen. Ira C. Eaker (USAF, Ret.)

The most important issue facing the Congress, from a national security standpoint, is the growing demand that U.S. forces overseas be unilaterally and drastically curtailed.

President Nixon, during his four-and-one-half years in office has reduced our armed forces by 1.3 million men, largely a result of the termination of the war in Southeast Asia. Of our present military strength of 2.2 million 600,000 remain abroad.

There are some persuasive arguments for reducing our overseas garrisons. Our NATO allies, prostrate when we made our original agreement to participate in their defense in 1950, are now prosperous and are not paying their share of common defense costs.

All NATO countries spend about $35 billion annually on NATO defenses. The U.S. contributes $17 billion of that figure, nearly equal to the amount all other NATO allies provide.

The U.S. spends nearly 7 percent of its GNP (gross national product) on its military establishment, more than any of its NATO partners, except Portugal. West Germany's defense expenditure is 4 percent of its gross national product, the United Kingdom 5.8 percent and Canada only 2.5 percent. The average percentage of all the NATO countries, less the U.S., is 4.2 percent.

The present economic and political climate is favorable to the campaign to reduce our military forces abroad. The U.S. presently has an unfavorable annual balance of foreign trade of at least $10 billion. U.S. troop costs in Germany contribute $1.7 billion to that deficit.

The cordial summit meetings in Peking, Moscow and Washington, followed by the climate of détente, have produced an irrational euphoria in Congress. The theory apparently is that while we have reduced our armed forces more than a million men international tensions have eased. Therefore if we disband all our military strength, peace will be assured.

The administration position (the White House, State and Defense Departments) is that this is the worst possible time to take unilateral action in reducing our NATO troop commitments. The MBFR talks (mutually balanced force reductions) in Europe are now scheduled to begin October 30. President Nixon and Party Secretary Brezhnev agreed, at their recent meeting in Washington, to instruct their representatives to reach agreements in the second round of SALT no later than 1974. If we unilaterally reduce our forces there will be no incentive for mutual troop reduction at the up-coming MBFR or for nuclear arms reductions in the second round of SALT.

Secretary of Defense James R. Schlesinger, in his recent appearances before congressional committees, urged that he be given a few months to work out agreements with the NATO partners to pay a fair share of the costs of maintaining our troops in Germany.

Deputy Secretary of Defense William P. Clements has warned that while we have been reducing our military forces and delaying development of new weapons, neither Russia nor Red China has followed suit. In fact, both have made dramatic increases in their military power.

There is some hope that further unilateral action in reducing U.S. troops abroad may be delayed.

[From the Philadelphia Inquirer, Aug. 19, 1973]

HOW LONG MUST WE MAINTAIN HOW MANY MEN IN EUROPE

Now that the bombs no longer burst in the air of Cambodia and the U.S. seems to have at long last extricated itself from military involvement on the Indochina peninsula, this country can begin to attend to some other pressing business of foreign affairs.

Specifically, there is the question of whether to reduce the number of American troops stationed in Western Europe, and it might be well to begin with a couple of truisms.

One is that foreign policies—or any policies, for that matter—ought to be addressed to the realities; and the other is that times have changed.

In 1951, when the North Atlantic Treaty Organization was coming into being, America and its European allies could perceive a clear and present danger of aggression by a Soviet Union led by Joseph Stalin. Today, in an atmosphere of detente, no one seriously expects a sudden Soviet thrust by conventional forces into Western Europe, still less a Soviet "nuclear Pearl Harbor."

In 1951, the U.S. was clearly the preeminent military and economic power in the world, while Europe had been drained of its men and resources by the prolonged bloodletting of World War II. Today, Europe has more than fully recovered. It is the U.S. dollar which is weak, and that weakness is caused in large part by the drain of about $17 billion a year to support the U.S. commitment to NATO—some 307,000 American men stationed in Western Europe 28 years after the end of World War II.

So it seems to us that the realities are on the side of Senate Majority Leader Mike Mansfield, who for more than a dozen years has been urging a reduction in American forces abroad and is currently sponsoring a resolution calling for at least a 50 percent cutback in our NATO forces.

Saying this, we do not brush off the Nixon Administration's contention that its hand should not be weakened in the forthcoming negotiations with Warsaw Pact countries on "mutual and balanced force reductions." Still, those negotiations can drag on indefinitely. Must the U.S., then, be locked in indefinitely to a level of troop strength far beyond any realistic appraisal of a Soviet threat?

Indeed, we suggest that the Congressional pressure may strengthen the administration's hand in dealing with our NATO allies, who, as even Defense Secretary James R. Schlesinger has acknowledged, are even today carrying less than their full share.

Meanwhile, we also suggest that the administration does not strengthen its hand in dealing with Congress when, in one breath, its spokesmen hail its acknowledged success in defusing international tensions while, in another breath, they bespeak the doomsday oratory of the Cold War.

An orderly reduction of U.S. forces abroad does not mean a headlong retreat into isolationism. It does mean a more realistic appraisal of America's role and capabilities.

[From London Times, July 10, 1973]

THE LONG, HARD ROAD TO AN ARMS PACT FOR EUROPE

(By Henry Stanhope)

The grand, not to say majestic, opening of the Conference on Security and Cooperation in Europe at Helsinki, is in sharp contrast to Western expectations of its sibling, the conference on troop reductions in Central Europe which is now scheduled to start at Vienna on October 30.

Even those anonymous makers of mnemonics have an arduous three months ahead as they abandon the old "MBFR" (Mutual and Balanced Force Reductions) and try to make something of the new title Mutual Reduction of Forces and Armaments and Associated Measures in Central Europe. MURFAAM for short perhaps?

Having given way on the semantics, principally by omitting that bothersome word "balanced" from the title, and having conceded the Soviet point that Hungary should take part only as an observer, the Nato team enters MURFAAM two goals down. Or maybe the score should be three, because so much of the five months preparatory talks, just completed, was taken up haggling over Hungary that the Western powers fly to Vienna without the detailed agenda they had wanted.

There are three principal points which should have been settled in the spring and which will now have to be resolved at Vienna in October, delaying the start of the actual negotiations. The first concerns the decision on whose troops should even be considered for the slimming process. Should they be Russian on the one side and American on the other, as is so often assumed, or should other Nato and Warsaw Pact countries be involved too—as the West Germans and others would like?

The second concerns the areas in which these reductions should be made, and whether these should coincide with the areas in which measures of military constraint are also to be intrdouced—such as the joint notification of manoeuvres or the exchange of observers on either side.

The third, most important of all, concerns vertification procedures. Should the powers agree to leave this to national means of vertification which, for Nato, means principally the American system of sensors and satellites, or should they work out something more comprehensive?

Arguments over vertification have been insuperable obstacles in most other major arms controls talks to date—and will play an increasingly large role in the Strategic Limitation Talks. How high a hurdle will they be now?

The wine during the CSCE preparatory talks at Helsinki tasted sweeter than expected by Nato nations. But that at the MUR FAAM preparatory discussions in Vienna tasted considerably more sour. Senior NATO sources now fear that the time taken up by fixing these three basic parameters at Vienna in October will seriously delay an initial settlement over troop reductions. And desire for such a settlement is still strong, however wary some of the Western powers, notably Britain, remain of the security implications.

There is scepticism over early American hopes that an initial agreement on troop reductions can be reached in a year. But there is also a feeling that the talks must show results, or at least substantial progress, after 18 months. The underlying worry is still that American domestic pressures will force the United States to carry out unilateral withdrawals of some of her troops from the continent—however strongly her military chiefs may advise against it—unless this progress is both real and apparent.

Senior officials in Brussels are afraid too that the Watergate affair will work its insidious influence by alienating a number of Congressmen against the policies of the Nixon Administration, throwing moderates as well as the more ardent supporters of Senator Mansfield behind the banner shouting "Bring the boys back home." And the revaluation of the mark, together with the dollar crises can only speed up the process.

The main aims of the West is still to achieve some reduction in the might of the Warsaw Pact forces. Anxiety to achieve this can be understood more clearly in Germany than it can in this country. Despite *détente*, the border between East and West, together with unsmiling guards staring across from their concrete observation towers, bristle uncomfortably.

Ironically the border fence has just been strengthened in parts, including that strip along the Fulde Gap, the classic invasion route, behind which the Soviet forces still maintain their biggest concentration of forces. The fence has been raised to 12 feet—with an inner fence 50 metres or more behind it and an anti-vehicle ditch—and an anti-personnel shotgun device has been affixed as a deterrent to any young East German who wants to try his luck against the wire.

Other changes in the Soviet deployment in the East also give cause for concern about the difficulties ahead in trying to cut back forces in central Europe. Many of the 1,500 Soviet T-54 and T-55 tanks virtually disappeared after they were recently replaced by more modern more capable T-62s. Western intelligence officers think they have been stored in dehumidified depots in Eastern Europe to provide the Russians with the kind of dual-basing capability already possessed, to a limited extent, by the Americans.

Soviet forces have also switched from rail to air as the principal means of moving troops between Russia and Eastern Europe. Dual-basing gives the United States 7th Army the ability to move part of its 1st Division from its base in Fort Riley, Kansas, to West Germany in 11 or 12 hours. But dual-basing gives the Russians the ability to fly in troops in two or three hours. Nato officers used to calculate that the Soviet Union could move between five and six divisions a day into Eastern Europe by train. How many can they move by air with the help of their considerable air transport fleet?

These are questions to which Western intelligence officers are now addressing themselves. But they are questions which are going to make negotiations over troop reductions more, not less, difficult. While the speeches flow on at Helsinki, diplomats look forward to their next East-West encounter at Vienna with ill-concealed misgiving.

[From the Christian Science Monitor, Oct. 2, 1973]

U.S. TROOP-CUT PLAN IMPOSES DECISIONS ON EUROPE

(By Richard Neff)

BRUSSELS.—In the short run, the U.S. Senate's moves to cut back the American forces in Europe have caused scarcely a ripple at NATO headquarters.

At the same time, no one here doubts the tremendous long-term significance of the Senate action.

European diplomats have long known that such action was coming sooner or later. The mere fact that the Senate has moved now does not significantly change the special work started here last summer on how to increase Europe's share of the military burden. The work was proceeding and will continue.

Even if the Senate decisions win approval with the House of Representatives, it is still not clear just how many of the 285,000 land-based U.S. troops in Europe (Army and Air Force) will be affected.

POLITICAL IMPACT

However, statistics do not matter as much as the political impact congressional moves could have on Europe. Since 1962, the U.S. has already reduced its troops here by some 25 percent, from a peak 434,000. This decrease has had no impact at all on European opinion.

What matters to people here now is that the mood of the U.S. Senate toward a troop cut has clearly changed more than "25 percent" since 1962. In the intervening years, the U.S. balance of payments has gone awry, the American people have agonized their way through Vietnam and Watergate, and meanwhile European prosperity has steadily risen, along with the apparent prospects of East-West detente.

NEW CONDITIONS

These new conditions have opened three crucial courses of action for Europeans:

Experts here wonder if an outside stimulus—in this case a congressional troop-cut decision—will once again prove to be the factor that drives West Europeans into further unity among themselves—this time in the defense field, in order to balance off the waning of American presence in Europe.

Will Europeans—always skeptical of the Nixon-Kissinger quest for a new declaration of Atlantic principles—now see that American influence in Europe is on the decline and therefore will put Europe in a position of calling some of the shots when the American President visits Europe in the next few months?

Also, it is of deep concern here that West Europeans, rather than choosing the steep and arduous path of European defense integration, will instead be lured into the more pleasant and appeasing way of new political arrangements with the Soviet bloc. In other words, if and when American forces are withdrawn, the Europeans' reaction will depend greatly on their own perception of the Soviet military and political threat, and how Western Europe must respond to it.

DUPLICATION FACTOR

U.S. congressmen generally ignore the fact that West Europeans spend some $25 billion annually on their own defense. The trouble is that this sum is not so effective as a similar amount spent by the Americans because much of the European spending is wasted by individual nations' duplicating one another's defense efforts.

No matter what Congress finally decides on U.S. troop levels in Europe, the Europeans are not going to raise their own defense budgets; it is just not in the cards politically. Europeans will try undoubtedly to siphon off some or all of the U.S. balance-of-payments deficit incurred by American troops here. This would be done by currency schemes,

offset agreements, etc., but not a major overall hike in federal spending.

A PROBLEM OF TRUST

If Europe were not to be weakened militarily and politically by an American cutback, Europe's only hope is in defense specialization, but this raises a problem of trust. Can one European nation trust a vital aspect of its national defense to a neighboring country? Has European integration progressed that far?

[From Human Events, Aug. 4, 1973]

SOVIETS GAIN CONCESSIONS IN MBFR NEGOTIATIONS

The former Supreme Allied Commander for NATO warned last week that Western security is at stake in "the Mutual Balance Force Reduction" (MBFR) negotiations now going on in Vienna. And, indicates Gen. Lyman L. Lemnitzer (U.S.A.-Ret.), the Kremlin has won major triumphs in the opening rounds of the confab.

In a Washington talk, Lemnitzer noted that NATO first asked for an MBFR conference—to discuss mutual reductions in the Warsaw Pact and NATO forces—in 1968. The Kremlin ignored the offer, preferring instead to build up a "massive military capability in Europe which is far greater than is required solely for defense purposes."

In 1971, when Senate Majority Leader Mike Mansfield called for a 50 per cent reduction of U.S. forces in Europe, the Kremlin's public attitude toward MBFR changed. Soviet boss Leonid Brezhnev made world headlines by urging troop cutbacks and advocating an MBFR conference. It was, says, Lemnitzer, a great "propaganda ploy" in which Brezhnev convinced the world that MBFR was his idea—not NATO's.

While publicly supporting the idea of European arms reduction, Brezhnev privately sabotaged the proposed talks. A NATO delegation headed by former Secretary General Manlio Brosio, was sent to Moscow to make arrangements for the talks, but was left cooling its heels because the Red Army wanted more time to build its strength.

Finally the Soviets passed the word that they would open talks on MBFR only if NATO agreed to participate in a separate European Security Conference—a proposal that the Kremlin has been making since the days of Stalin. The West agreed, handing the Soviets what Lemnitzer calls a major diplomatic victory.

But the Kremlin victories did not end there. NATO wanted the MBFR talks held in Vienna, the Soviets in Geneva. The Soviets won.

Most significantly, however, was the Western capitulation on the question of Hungary. In February the Soviets announced that Hungary must be excluded from the area of projected troop cuts. NATO objected—but caved in 14 weeks later, yielding to the Kremlin demand but vaguely reserving the right to raise the issue later.

Says Lemnitzer:

"To exclude the area of Hungary where about 40,000 elite Soviet troops are stationed is incomprehensible from the military point of view and could go a long way toward defeating the purposes of the MBFR talks. It could also gravely affect the fate of the satellite states in Eastern Central Europe and any hope that they may have of attaining their full freedom and sovereignty. It certainly does not hold out much hope for Hungary. It also provides a beachhead—or more specifically—a sanctuary for the Red Army and Tactical Air Force at the crossroads of Eastern Central Europe."

Lemnitzer is obviously pessimistic about the MBFR talks. He pictures the Soviets as "smugly sitting back awaiting the next effort of the United States Congress to force a unilateral and substantial reduction in Europe while they maintain untouched their massive military capability."

In a sharp criticism of Western diplomats Lemnitzer concluded: "We need to be tough negotiators. The West is all too inclined to make important concessions in order to assure that final agreements are reached. We seem to consider it all-important to avoid an impasse at all costs in order to reach agreement in conferences of this kind.

"We have already made important concessions in MBFR to date. In MBFR our security is at stake. It is vital, therefore, that any agreements which are reached do not require concessions which will jeopardize the security of the United States and NATO allies."

[From the Christian Science Monitor, Sept. 29, 1973]

TROOP CUTS: HOW WILL THE KREMLIN ACT?

(By Dana Adams Schmidt)

WASHINGTON.

What the United States Congress does and says about manpower and expensive weapons like the Trident missile submarine directly affects United States-Soviet relations.

The Senate's last word on manpower this week—a 23 percent cut, amounting to 110,000 men by December, 1975—will echo and re-echo in the debates at the SALT (strategic arms limitation talks) sessions that began at Geneva Monday, at the MFR (mutual forces reduction) talks that begin in Vienna Oct. 30, and in the discussions on the future of NATO with representatives of nine West European states in New York Sept. 29.

This compromise sponsored by Sen. Hubert H. Humphrey (D) of Minnesota was adopted by a substantial 48–36 vote, although it is only a little less drastic than the Mansfield amendment previously defeated.

DIMINISHED IMPACT

Its impact may be diminished by the Defense Department concentrating the cuts in the Far East. But the Russians and the West Europeans will have before them the unmistakable evidence, not to be obscured by any diplomatic eloquence, that the American mood is now shifting.

[The Humphrey amendment was tied to the $21 billion military procurement authorization bill for the current fiscal year. Debate on the bill continued Friday.

[Earlier Thursday the Senate rejected 49 to 47 an attempt to block acceleration of the Trident missile-firing-submarine system.

[The Pentagon lobbied heavily for the Trident speedup. But opponents claimed money would be saved by delaying work on nine Trident sub systems until the first one was in operation.]

Actually the word "mood" does not convey the extent of the basic sea change that is taking place after 32 years during which the United States has kept around half a million men overseas in support of its allies.

The cost of this overseas military establishment, amounting currently to 471,000 landbased men at 1,963 bases, installations, and properties, is about $30 billion a year. Of this force, 313,000 are stationed in Western Europe and related areas such as Morocco, Iceland, and Turkey at a cost of about $17 billion a year.

LESS STRENGTH

At all the international meetings taking place, the United States will negotiate less from strength than in the past, especially since this vote—even if reversed or modified by the House of Representatives in conference—will be seen as indicative of the trend.

At the MFR talks in particular, the American delegates may find it harder to convince the Soviet delegates that they must make concessions to gain American manpower withdrawals, since they can count on the American Congress doing the job for them.

Certainly the Senate's action will bring to the surface European doubts about the constancy of American determination to defend Europe when "the nine" meet with Walter Stoessel, assistant secretary for European affairs in New York.

They will have before them a proposed draft of an "Atlantic declaration" that emerged from a meeting of the nine in Copenhagen 10 days ago. It is to be proclaimed during President Nixon's trip to Europe.

DISCUSSION SEEN

When this trip is to take place undoubtedly will be discussed not only in Washington but during an informal visit to New York over the weekend by Willy Brandt, the German Chancellor.

Herr Brandt, who has been attending a conference sponsored by the institute for humanistic studies at Aspen, Colo., is one of the most constant allies of the U.S. on the European continent. He may well be consulted by the President about whether he should cross the Atlantic this year, or wait until next, and what he should do while in Europe.

Hitherto European opinion on the whole subject of Mr. Nixon's proposal for a new "Atlantic declaration," successor to World War II Atlantic Charter, has been reserved; some good sources in the capital believe the Chancellor will advise him to delay. By the beginning of next year, so it is argued, the extent of the shift in American opinion and policy, the future of the American commitment to Europe, should be clearer.

[Meanwhile, the Senate took the unusual step Friday authorizing President Nixon to promote Vice-Adm. Hyman Rickover to admiral.

[Sen. Henry M. Jackson (D) of Washington offered the authorization in an amendment to the military procurement authorization bill.

[Under normal procedures, military promotions are recommended by the president and approved by the Senate. There was no such recommendation in Admiral Rickover's case.]

[From the Christian Science Monitor, Sept. 24, 1973]

DIPLOMATS CONFER IN SERIES OF TALKS TO DEFINE NEW PATTERN OF RELATIONS

(By Takashi Oka)

GENEVA.—"Detente is a two-edged sword—for the Soviets and for the United States," said a senior Western diplomat attending the 35-nation Conference on Security and Cooperation in Europe (CSCE) in Geneva's plush new international conference center.

The diplomat was taking issue with views sometimes expressed in the West that so far detente has worked to Moscow advantage—not to that of Washington or its a llies. He has been intimately associated with all stages of the security conference, from its preparatory phase in Helsinski to what is known as its second phase by the shores of Lac Leman today.

These are days of delicate intricately interwoven negotiations around the world—East-West, West-West, and perhaps even East-East.

Danish Foreign Minister K. B. Anderson sees Secretary of State Henry A. Kissinger in New York this week to discuss American-European relations and to see whether there is hope of enough substantive agreement to bring about a visit by President Nixon to the old continent later this fall.

DIPLOMATIC ACTIVITY ABOUNDS

Besides the security conference here in Geneva, SALT II, the Strategic Arms Limitations Talks between Washington and Moscow resumes this week. The foreign ministers of the world are in New York for the United Nations General Assembly, and finance ministers are gathered in Nairobi,

Kenya, for a meeting of the International Monetary Fund.

The West is having to coordinate its strategy on security, trade, and monetary matters at a time when the Soviet bloc presents a picture of doctrinal rigidity within, and of increased military preparedness against the West without.

President Pompidou has returned to France from China, his ears tingling from Peking's warning that the West must not let down its guard against Moscow, that Europe must forces poised along its eastern borders.

TALKS DUE IN VIENNA

And then, in Vienna, there is MBFR—the crucial talks on mutual and balanced force reductions between Communist and Western forces in central Europe.

All these talks and negotiations—especially the Vienna talks, which will not begin until Oct. 30—have their effect on the European security conference here in Geneva.

For, together with all these other talks, it is an attempt to define a new pattern in relations between nations still divided by deep mutual suspicions nearly 30 years after World War II.

The CSCE is a bit like the old League of Nations, which like so many other international organizations from the Red Cross to the Ecumenical Center, had or has its headquarters in Jean Calvin's hospitable, gracious city.

The Latin Americans are absent, as are Japan, China, and the new countries of Asia and Africa.

But with the United States and Canada present, as well as the Soviet Union, the nations of Europe have the cozy feeling that they can discuss the security of their continent with the nations that really count, without being distracted by the extraneous issues that take up so much of their time at the postwar United Nations.

SOVIETS DISCOMFITED

When the diplomat spoke of a "two-edged sword," he was thinking primarily of the discomfiture the Soviets have suffered over having had to spend so much time arguing basic human rights and East-West human contacts.

The conference, in these fields, has not gone at all the way the Kremlin wanted. In his Sofia speech last week, Soviet party chief Leonid I. Brezhnev again proposed a quick conference, ending with a solemn declaration by all 35 nations before the end of the year.

But this is seen by most delegates here as impossible.

At Helsinki, the Soviet delegates were rough and tough as they tried to railroad the conference into the vague, general declaration if principles sanctifying postwar frontiers, which Moscow wants.

Here in Geneva, a new Soviet team has been, to borrow the description of a Western delegate, "as smooth as silk."

The smaller nations of Europe—Sweden, Switzerland, Austria—have played a crucial role in getting the conference down to brass tacks, preparing agenda acceptable to East and West, defining issues, and fashioning compromises.

ROMANIA TAKE STAND

On the Eastern side, Romania has stood up for reversal of the so-called Brezhnev doctrine that under certain circumstances (Czechoslovakia) one state can interfere in the internal affairs of another.

It will be months before this second phase of the CSCE comes up with anything approaching a conclusion. But the Western delegates already are heartened by the coordination their own side has been able to achieve, both in the European Common Market context and in that of NATO, and by the constructive manner in which their own interests have meshed with those of the European neutrals.

Contrary to the fears many in the West expressed at the beginning of the conference, detente, at least in the Geneva and Helsinki forum is not working out as the Soviets would like, nor has euphoria clouded Western or neutral appreciations of the substantive issues that must be resolved.

[From the New York Times, Sept. 29, 1973]

TROOP COMPROMISE

After a bewildering display of indecision, the Senate finally hammered out a reasonable interim position this week between the contradictory pressures affecting the United States military presence overseas. It put on record an impressive show of support for cutting back a bloated military establishment, but wisely backed away from specific cuts in European troop strength which could have weakened American negotiators just as they began delicate talks with the Soviet Union.

To a large extent the so-called Humphrey-Cranston amendment, which was adopted Thursday, merely gives the Senatorial imprimatur to reductions the Administration was already considering. Its sponsors made it clear that the 110,000 troops they propose to bring home by the end of 1975 could be withdrawn entirely from bases in the Pacific, where the United States now maintains a force level of about 227,000. American contingents in Europe, assigned to NATO, which will be the subject of talks on mutual and balanced force reductions (M.B.F.R.) opening next month, would not necessarily be affected by the Senate's action even in the unlikely case that the amendment passes all legislative hurdles and becomes law.

The effect of the Senate's vote was to serve notice—on the Administration and on the NATO allies—that the huge defense burdens shouldered by the United States cannot be carried indefinitely, or even for many more years, without significant increases in the support contributions from prosperous Western Europe. Even Senators who can be considered military hardliners now seem unwilling to accept without challenge the stated defense demands the Western alliance is making of the United States.

Part of the steam built up behind the moves toward military withdrawal came from a long-standing fear in the Congress and elsewhere that the Administration would use delaying tactics in the forthcoming troop reduction talks, setting them up as a pretext for trying to fight off any European cutbacks for years to come on the theory that it would be folly to give away unilaterally what could be used as a bargaining chip.

But at least for the immediate future, the argument against the Mansfield amendment for drastic unilateral reduction in European force levels surely makes sense. This foolish measure actually passed the Senate this week, only to be rescinded in another vote a few hours later. Demands for a specific cut in European troop strength virtually on the eve of long-awaited negotiations would have been interpreted by friends and adversaries alike as a signal of American lack of interest in preservation of a credible presence in Europe.

But that argument will have less validity next year or the next, by which time the Congress will be better able to judge, on the basis of the M.B.F.R. talks, whether a genuine effort is under way by both the Soviet Union and the United States to phase down their respective European garrisons in an orderly and balanced fashion.

[From the Manchester Guardian Weekly, Aug. 4, 1973]

TROOP-CUT LOBBY STRENGTHENS

(By Hella Pick)

The United States allies in Europe are being quietly advised to take a serious view of renewed Congressional pressure to reduce American troop strength in Europe. There is evidence of growing support in the House of Representatives as well as in the Senate for Senator Mike Mansfield's longstanding fight to secure significant reductions in US forces stationed overseas, especially in Europe.

Senator Mansfield is confident that the American attitude to maintaining large forces abroad has changed radically, and he believes that there is now a 50–50 chance that Congressional action will be taken later this year. Among factors affecting public and Congressional opinion is, of course, the lessening of East-West tensions. But Europe's failure to respond more positively to the Administration's attempts to discuss and refurbish the Atlantic alliance is also contributing to the situation. Yet another factor is the growing pressure to reduce defence expenditures.

Senator Mansfield has little interest in the East-West force reduction talks due to start in October, and appears convinced that the Soviet Union is far more likely to respond to unilateral US force reductions than to make significant concessions in block-to-block negotiations.

The Administration, as usual, is strenuously rejecting the Senator's arguments and is still asserting its confidence that it can successfully resist him. Nevertheless, it has been fielding all its big guns in the debates that have been going on in committees of both the House of Representatives and the Senate. There is no doubt that Dr. Kissinger is more than ever convinced of the need for more positive moves from European allies to demonstrate to Congress their realisation that the United States can no longer be expected to shoulder the principal burden of defense in the Western world.

It is unlikely that decisive Congressional action will be taken before the summer recess which starts at the end of next week. But both Houses will return to the debate in September, when it is expected that amendments will be tabled to the Administration's Defence Procurement Bill. These will aim at compelling the Administration to order unilateral troop withdrawals, and are more likely to be carried in the Senate than in the House of Representatives.

Even so, Senator Mansfield now seems certain that Congress will make it extremely hard for the Administration to gain the two or three years that it will take to secure any results from the fourth reduction negotiations between NATO and the Warsaw Pact countries.

The Administration is claiming that its position in the fourth reduction talks would be crippled by a Congressional call for unilateral withdrawals. Another Administration argument is that it might cost more to keep the troops inside the United States than stationed overseas.

But the Administration is also hoping that NATO will make a careful study of Senator Mansfield's arguments. He is calling for a 50 per cent reduction of US troops stationed overseas over the next three years—broadening the canvas and no longer concentrating only on troop reductions from Europe. He rejects the idea now fashionable in NATO that a 10 per cent reduction in troop strength would be just about tolerable, and insists that far more troops must be withdrawn from Europe.

Senator Mansfield's views have made a deep impression on his fellow senators and there has been no disagreement with his latest speech. In it, he accepts that the United States should maintain its nuclear deterrent in Europe, but uses both political and strategic arguments to justify the view that NATO is "in a state of still rigidity" and that there is something "altogether cockeyed and unrealistic" about the maintenance of over 300,000 US troops in Europe. Such numbers, in his view, are neither justified mili-

tarily, nor required as "hostages" to underwrite the US nuclear guarantee.

[From the Philadelphia Bulletin, Oct. 1, 1973]

AMERICAN TROOPS ABROAD

All the frustrations and growing impatience with the continued high level of American forces abroad were evident in the Senate's vacillation this past week on amendments to bring home American soldiers.

In a clear signal that the Administration's and Defense Department's arguments in favor of retaining the status quo are becoming less compelling, the Senate voted first to reduce troop levels by 40 percent, then reversed itself after extensive lobbying, and finally settled on a 23 percent reduction over two years.

The votes evoke mixed feelings. There is an understandable reaction in Congress that after nearly 30 years of carrying the burden of free world defense a revitalized Western Europe should increase its own share of support. On the other hand, the tactical pitfall of playing our hand before Warsaw pact nations have committed themselves to reductions could leave the United States in a weakened bargaining position in upcoming mutual force reduction talks.

On the face of it a 23 percent reduction—110,000 troops—would not much affect the balance of conventional force in Europe if most of the troops are withdrawn from the Asian and Pacific areas as Sens. Hubert Humphrey and Alan Cranston, cosponsors of the troop reduction amendment, have suggested.

The real meaning of the Senate's action lies in the renewed warning to NATO members that Congress is no longer willing to accept an indefinite postponement in the reduction of American troops abroad.

Even the House, where support for maintaining current troop levels is strong, shows signs it may be weakening on the issue, although probably not enough to accept the Senate's amendment in House-Senate conference.

Europeans who argue that current troop levels are necessary to counter a potential Communist threat should themselves do more to maintain those levels. While European NATO members contribute about 3.5 percent of their collective gross national product to defense, the United States supplies twice that much to defense.

The argument that some 300,000 American soldiers are needed in Europe to guarantee a nuclear response in the event of overwhelming Communist attack would hold as true with 250,000 troops, 100,000, or even 50,000. The size of the so-called "hostage" force is not so important as its mere presence.

The significance of the Senate's vote should not be lost on European leaders. It should spur European states to greater unity and participation in their own defense.

That, rather than an American desire unilaterally to withdraw from its world responsibilities, should be Europe's reading of troop cutting amendments.

[From the Christian Science Monitor]

FRANCO BLOCKS MIDEAST INTERVENTION: UNITED STATES CONFINED TO QUARTERS IN SPAIN

(By Richard Mowrer)

MADRID.—Spain will not permit the United States military to utilize Spanish bases "in a local conflict such as the Arab-Israeli war."

The Franco government's terse announcement comes in the wake of mounting speculation that American naval and Air Force installations here might be involved in the Middle East conflict, as they have been in other times of crisis in the eastern Mediterranean.

The statement is certain to be well received by the Arab states.

At the time of the six day war in 1967 the American military facilities in Spain served to evacuate American families from the war zone. During the Lebanon crisis in 1958 the bases were used as staging areas for the movement of supplies and personnel to the eastern Mediterranean.

The Spanish Government statement emphasizes that the United States can only use the bases to meet a threat or attack against the security of the West.

AIR FORCE HEADQUARTERS

Whether the Spanish Government's declaration will affect adversely the effectiveness of the American military presence is not clear.

Torrejon Air Force base 14 miles outside Madrid is the headquarters of the U.S. 16th Air Force. It commands units not only in Spain but in Italy, Greece, and Turkey.

The naval installations at Rota on the Mediterranean coast are a useful base for American nuclear missile submarines. But Rota also is important as a logistics support base for American forces in the eastern Mediterranean where war is raging. It provides logistics support for the U.S. Sixth Fleet capable of rapid response airlifts to replenish the fleet at sea.

Spain's announcement restricting use of the bases underscores that General Franco totally supports the Arab cause, so much so that Spain is the only country in Europe that has not recognized Israel.

The American military presence in Spain goes back to 1953. Over the years the Spaniards have drawn a tightening noose of controls over the American-built air and naval bases from which U.S. forces operate.

Originally they were defined as "joint" Spanish-American bases. In 1970 when the agreements were reviewed this was changed to "Spanish base facilities" made available to U.S. forces subject to Spanish consent.

The bases agreement does not come up for renewal until 1975 but already there are strong indications that Spain is not satisfied with the accords as they are and will insist on big changes.

As a condition of renewal Spain will insist on a full-fledged military alliance with security guarantees similar to those enjoyed by NATO countries. The accords with Spain up to now have been by executive agreement.

Spain has been excluded from the NATO alliance, largely because of its regime. But the feeling here is that Spain's prospects of winning full acceptance are improving, particularly because of the Soviet buildup in the Mediterranean, which enhances Spain's strategic value to the West.

Spanish critics of the bases agreements say these expose Spain to involvement in foreign crises without Spanish consent and without foolproof guarantees that the U.S. will come to Spain's aid in case of conflict.

It may be that the government's statement to the effect that the United States will not be permitted to use Spanish bases in connection with the Middle East crisis is meant for domestic consumption. But it could also herald tougher restrictions on the use of the American-manned facilities here.

This bill is simply not good enough. I urge the House to defeat this conference report and to demand responsible conferees who will carry out the wishes of the House.

Mr. BROWN of California. Mr. Speaker, it disturbs me greatly that the Department of Defense authorization bill for fiscal year 1974, H.R. 9286, once again fails to provide for recomputation of retired military pay.

Our Government has committed an injustice in its policy toward military retirees. Up to 1958 the law provided that retirees would share proportionately in raises given to the active duty forces. This recomputation of retired pay was an important incentive for men to enlist and to remain in the armed forces despite the low pay for active duty service. People who entered the service prior to 1958 had every reason to expect that they would benefit from this system of recomputation after retirement.

The Military Pay Act of 1958, however, ended this recomputation system. It failed to include any "grandfather clause" to protect the rights of retirees. This was despite the recommendations of the Cordiner military pay study committee upon which the pay act was based. The committee had concluded that:

The incentive value of the existing military retirement system depends to a major degree upon the integral relationship with active duty compensation and the confidence which has been built up on the military body that no breach of faith or breach of retirement contract has ever been permitted by Congress and the American people.

The Cordiner report was no isolated instance of a study group favoring military retirees. Again in 1966 a similar conclusion was reached by the Cabinet Committee on Federal Staff Retirement Systems. It reported that:

Whenever a staff retirement system is changed, provision shall be made to protect the equities of any individuals who would be adversely affected by such change.

The recomputation system is not something of recent origin. It was in effect during most of the latter half of the 19th century and most of the first 58 years of this century.

The consequence of the actions taken by Congress in 1958 has been the creation of 11 different rates of retired pay for former members of the Armed Services of equal grade and length of service. The oldest retirees, whose needs are greatest, receive the smallest pay while the youngest receive the largest. The disparity is often as much as 50 percent.

Senator HARTKE attempted to remedy this injustice while the defense authorization bill was before the other body. His amendment, adopted by that body, would have provided a one-time recomputation of military retired pay to the 1972 rates, as adjusted upward by intervening raises based upon increases in the Consumer Price Index.

If enacted, this would have brought many older military retirees out of the poverty category. It would have enabled many military retired sexagenarians to leave the labor market, relieve unemployment, and reduce the competition faced by returning Vietnam veterans.

It is regrettable that the conference on this bill did not resolve the differences between the versions passed by this body and the other body so as to reinstate a recomputation system. It would seem that as a matter of simple justice this would have occurred. Restoration of recomputation may have been lost for this year's defense authorization bill but you can be certain that there will be a concerted effort to include it in the next budget.

Mr. BOB WILSON. Mr. Speaker, while I support the major provisions of the conference report on the military pro-

curement authorization bill before us today, I did not sign the report, because I was dismayed that the conferees did not retain the Hartke amendment providing for a one-time recomputation of military retired pay.

Recomputation has been a long-festering controversy and, in the Hartke proposal, we had the opportunity at hand to reach a fair and equitable compromise to this longstanding injustice. Although the various military retiree organizations would like the restoration of full recomputation, they are more than aware of the political realities involved. As a result, these various organizations have united in a pledge to accept the Hartke compromise as a final, one-time settlement of the recomputation issue. The solution was within our grasp and I am disappointed that the conference committee let it slip away.

Those most directly affected by the abandonment of recomputation in 1958 and 1963 are service men and women already on the retiree roles at the time the method of computing their retired pay was changed. They are generally the ones most in need now and would benefit directly from a one-time recomputation of retired pay at age 60, since most of the pre-1958 retirees are well over 60 at this point. In addition, younger retirees, a large number of whom had many years service invested in their military careers at the time the retirement computation formula was altered, would be eligible for recomputation at a time when their own earning capabilities would be greatly diminished.

Those opposing recomputation have been able to crank out of the computers all sorts of dire predictions as to cost, but the Hartke amendment fell well within the President's budget request of $360 million for the first-year costs of recomputation. After the first few years, the costs would begin to decline due to the thinning of the current retiree ranks as a result of death. The costs of any Federal program projected to the year 2000 are staggering beyond words and this is a scurrilous yardstick to use in measuring the merits of recomputation.

The Hartke amendment was overwhelmingly adopted by the Senate several weeks ago. As a member of the conference committee, I was disappointed that not enough conferees fought for the Senate's position on this issue.

Recomputation deserves an unbiased hearing within the full context of the costs of the present and future military retirement system. The Defense Department has recommended a number of changes in the present military retirement structure. While these are not necessarily all meritorious, the subject should receive a full review by both the House and Senate Armed Services Committees. As a member of the House committee, I urge our distinguished chairman to schedule comprehensive hearings on the subject of military retirement.

Mr. HÉBERT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 9286, AUTHORIZING APPROPRIATIONS FOR MILITARY PROCUREMENT, 1974

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 373) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 373

Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 9286

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes, is authorized and directed to make the following corrections:

(1) Immediately after section 805, insert the following new section:

"SEC. 806. Notwithstanding any over provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(2) Redesignate sections 806 through 818 as sections 807 through 819, respectively.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. ARENDS. Mr. Speaker, reserving the right to object, I do this for the purpose of asking the gentleman from Louisiana if he will give us a little more explanation about the need for these corrections, which are technical corrections, as I understand it.

Mr. HÉBERT. Mr. Speaker, I will be very happy to respond to the gentleman.

Mr. Speaker, the concurrent resolution simply overcomes a clerical error in the conference report on H.R. 9286. Stated another way, this is a technical amendment to correct the conference report so that it may incorporate language agreed to by the conferees.

The Senate amendment contained a provision, section 1107, providing a restatement of the total statutory prohibition of funding of U.S. military activities in, over, or from off the shores of Indochina without the express consent of the Congress. The amendment of the Senate simply continues language presently in the law and is consistent with the policy decisions previously made by the Congress.

There are now two existing provisions of law, both signed by the President, which embody this language, section 307 of Public Law 93–50, the Supplemental Appropriation Act, and a similar provision in section 108 of Public Law 93–52, the continuing resolution for fiscal year 1974.

The continuing resolution for fiscal year 1974 expired on September 30. Similarly, the Supplemental Appropriation Act by its own terms will also expire.

The purpose of the section which had inadvertently been omitted from the conference report, is simply to reenact and make permanent existing law and congressional policy on this subject.

In view of this circumstance, the House conferees receded to the Senate position and accepted the Senate amendment. The action taken by the House conferees in explanation of this action is reflected on page 44 under the heading "Prohibition of U.S. Combat Activities in Southeast Asia."

Unfortunately, as I indicated previously, the clerks in preparing the material for the printer failed to include this provision in the conference report. Hence, this action is technically required to correct that clerical error.

I trust this explains the matter adequately.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. WYATT. Mr. Speaker, on the last rollcall, No. 556, I was under a misapprehension and I voted "yea." If I had been correctly informed, I would have voted "nay."

THE UNITED STATES MUST GET ACTION ON ISRAELI PRISONERS

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I find it incredible that with the cease-fire in the Middle East in effect for more than a week now, there has been no action to exchange prisoners-of-war, or even—in the case of the Arabs—to identify the captured Israeli soldiers. If the United

States is to take a leadership role in bringing about a fair and lasting peace, it must begin by getting immediate action on prisoners-of-war as a means of laying the groundwork for the commencement of peace talks.

I have today sent a telegram to Secretary of State Kissinger urging him to seek immediate release of a complete list of captured prisoners-of-war, immediate permission for representatives of the International Red Cross to visit the POW's, and a commitment on early release of all prisoners.

I am gravely concerned over the continuing delay in action to release the troops captured during the recent war in the Middle East. It seems to me barbaric that Egypt and Syria have not even had the common decency to release a list of the Israeli POW's. A speedy and humane resolution of this issue should be a condition precedent to the commencement of negotiations between the nations involved.

I have urged our Secretary of State to make the strongest possible diplomatic representations both to the Arab States and to the Soviet Union with respect to three basic goals— immediate release of a complete list of all captured Israelis, permission for Red Cross visits to the prisoners both to confirm their identities and to ascertain their condition, and commitment to a speedy timetable for full exchange of all prisoners.

Further delay in resolving the prisoner issue can serve only to prolong and increase the tensions between nations in the troubled Middle East. The time for reconciliation and movement toward a lasting and fair peace is ripe, but a demonstration of good faith clearly is needed to establish a firm basis for negotiations. Use of POW's as a lever in negotiations is inhuman. The United States must make resolution of this issue a matter of urgent priority.

THE UNITED STATES AND CHILE— A COMMON SORROW

(Mr. REES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, for the past 5 years I have been under the impression that the United States had no foreign policy toward Latin America. I have been wrong. We do have a policy—albeit a negative and destructive one—but we do have a foreign policy.

The policy can be described as one of friendship to right wing military dictatorships which are dedicated to the protection of U.S. business in their countries. While there is certainly nothing wrong with the United States attempting to understand the point of view of American business abroad, our policy seems to be one of slavish devotion to U.S. business interest in Latin America, whether or not a specific business enterprise is right or wrong, whether or not that business operates within the framework or laws of the host country.

It is this inflexible policy that businesses in trouble manipulate and hide behind when they have disagreements with their host country. "Be kind to us or we will bring the full force of the U.S. Government down upon you and bankrupt you" is their message, and nowhere is this more evident than in the recent tragic events in Chile.

From the time of the election of Marxist Salvadore Allende until the recent military takeover of this once free country, the United States, by its inaction, by its negative approach, aided in the ruin of Chile's economy. Consistently we refused them loans from the Export-Import Bank. Consistently we were able to veto loans from the World Bank and the Inter-American Development Bank. We were uncooperative toward efforts to restructure Chile's external debt.

Was our policy dictated by the expropriation of U.S. copper interests in Chile? If so, can we blame the Allende administration? The takeover of the copper companies was accomplished by a unanimous vote of the Chilean Parliament—a vote representing all parties in Chile, right, left, and center.

Or are we pulling chestnuts out of the fire on behalf of ITT—a company whose questionable activities in internal Chilean politics certainly justified seizure?

I will agree that Chile was in obvious economic trouble. I feel that the Marxist government did mismanage the economy. Their agricultural policy was a shambles. Aggressive takeovers of business and industry were damaging to the economy. As an American viewing the situation from the outside, I might disagree with their policies. But their Government was elected by the people of Chile, and those Government officials I met were sincere in their desire to help their country.

And, if the United States had only been half as cooperative toward Chile as we have been toward the Soviet Union in recent years, the tragedy of economic chaos and military takeover might not have occurred. How, on the one hand, can we burden our own citizens with a bill running into the hundreds of millions of dollars for the Soviet wheat deal, and, at the same time, shut off Chile the way we did?

It seems that our foreign policy supports elective democracies if they agree with us, but encourages their overthrow if they disagree with us. It is ironic that we funnel millions of dollars in foreign aid and instruct our representatives to vote for loans through the multinational banks to Brazil, a country which has a GNP increase of over 10 percent a year, which is the richest economy in Latin America, and a country which is ruled by a repressive rightwing military dictatorship. It is also ironic that now that the military has seized Chile we are giving that country credits to purchase wheat and are discussing other bounties.

It appears that the military in Chile is following a repressive policy—ideas are being suppressed, books are being burned, and the fate of thousands of political prisoners is in doubt. I wonder if the long tradition of Chilean democracy will be allowed to survive.

Perhaps one of the results of the coup will be that Marxist/Socialist Parties throughout the world will reject the ballot box as the testing ground of their ideology. The world's first elected Marxist government fell to the fate of a military takeover. Will the example of Chile be a message to other such Marxist political movements that democracy and its structure must first be destroyed for Marxism to survive? I hope not.

I would like to include with my remarks two articles from the Progressive magazine: The first, "Chile: The Lesson," by Laurence Stern of the Washington Post; and the second, "Requiem for Don Quixote," by Columnist Murray Kempton:

CHILE: THE LESSON

(By Laurence Stern)

With a perverse obstinacy, the United States has once again asserted itself as the most powerful radicalizing political force in Latin America. This is the underlying lesson of the tragedy in Chile, a lesson that is reverberating through the hemisphere.

Salvadore Allende was elected in 1970 as the leader of a volatile coalition of Socialist and Communist parties. He was committed by platform and personal conviction to the Chileanization and socialization of his country's economy. But he also wanted to preserve constitutional democracy in a country with strongly ingrained constitutional traditions. Like Fidel Castro he was a child of the middle class. Unlike Castro he steadfastly resisted the path toward change through revolutionary violence.

Long before he came to power, Allende was the target of hostile U.S. governmental and corporate policies. In 1964, the United States conducted a massive, covert campaign—in which the Central Intelligence Agency played a major role—in behalf of Allende's opponent, Christian Democrat Eduardo Frei. A second attempt at intercession in 1970 by the CIA and the International Telephone and Telegraph Company is now a matter of well-documented record, thanks to columnist Jack Anderson and Senator Frank Church, the Idaho Democrat who heads the Senate Foreign Relations Committee's investigation of multinational corporations.

The Nixon Administration's official view toward Allende—a sort of Latin American Domino Theory—was propounded by Henry Kissinger at a White House backgrounder for Middle Western editors on September 16, 1970:

"Now it is fairly easy for one to predict that if Allende wins," said Kissinger, "there is a good chance that he will establish over a period of years some sort of Communist government. In that case you would have one not on an island off the coast which has not a traditional relationship and impact on Latin America, but in a major Latin American country you would have a Communist government, joining, for example, Argentina, which is already deeply divided, along a long frontier, joining Peru, which has already been heading in directions that have been difficult to deal with, and joining Bolivia, which has also gone in a more leftist, anti-U.S. direction, even without any of these developments. So I don't think we should delude ourselves that an Allende takeover in Chile would not present massive problems for us, and for democratic forces and for pro-U.S. forces in Latin America, and indeed to the whole Western Hemisphere . . . It is one of those situations which is not too happy for American interests."

Kissinger conceded that the American capacity to influence the events in Chile was small at that point. (Allende had already won the popular election plurality, but faced a run-off election in Congress, and in that respect he was right.)

But the events of the past month have provided a cruel and ironic twist to his prediction of Chile's future course. In the thirty-three months of Allende's tenure as President, all of Chile's parties survived, a free press continued to flourish, and Allende never succumbed to the strong temptations to suspend constitutional government. In 1971 Castro reportedly advised Allende to tighten the reins of executive power against the anti-government demonstrations organized by the opposing parties. Allende refused.

Yet within two weeks after the junta took over in Santiago the Marxist parties were outlawed and other parties "recessed"; labor unions were suppressed; books were put to the torch; thousands of Allende loyalists were arrested and untold numbers were killed throughout the country; aliens were rounded up for deportation—some to homelands in which they faced certain imprisonment or death; the press was muzzled, and normal constitutional process was suspended. This is precisely the fate that was to overtake Chile after Allende's accession to power in the misguided view of those who opposed his election.

For all of Kissinger's vaunted rationalism in matters of great power relations his recorded opinions on Third World realities have been consistently disastrous whether they pertained to Bangladesh, Cuba, Nguyen Van Thieu, or Salvadore Allende. It is apparently Kissinger's view that Third World events should always tilt toward the interests of great-power diplomacy. The falling domino approach to Latin America is no more plausible than was the Domino Theory of the 1950s and 1960s as it applied to Southeast Asia. The specter of Vietnamese Communists storming Laguna Beach is no more hallucinogenic than the prospect of Chilean Communists pouring through the Alamo.

The Cuban Communists have tended to view Allende in gently disdainful terms as a Quixotic sort of Marxist with an impossible dream of building socialism from a matrix of bourgeois constitutionalism. That is the rock-ribbed Marxist-Leninist view, which the Cubans acquired in the international school of hard knocks. And it seemed almost to be an objective of American foreign policy to confirm Castro's judgment that constitutional socialism in the Western Hemisphere could not survive subversion from within and without.

The question of whether the United States participated directly in the military coup in Santiago seems a pointless one. We know that planning for the coup began in the fall of 1972—long before the economic and political upheavals of this past summer that supposedly served as a pretext. "We would have acted even if Allende had called a plebiscite or reached a compromise with the political opposition," a Chilean officer deeply involved in the plot told American corresponents. We know, too, that the CIA had advance information that the coup would take place.

The sources of financing for the truck owners' strike, a severe blow to the domestic economy, are still a mystery. The "pots and pans"' demonstration by middleclass housewives in Santiago against Allende was strikingly similar to the 1963 "pots and pans" demonstrations in Sao Paulo, Brazil, which preceded the junta coup agaisnt the Goulart government. The speculation goes on, but the conclusive evidence is absent.

What did happen is that the United States conducted unrelenting economic warfare against the Allende government through the international lending organizations, through the U.S. Export-Import Bank, through the aid program, and through the private actions of the American corporate community in Chile. It was an open strategy that was virtually acknowledged by President Nixon. On January 19, 1972, the President announced that the United States will "withhold its support from loans under consideration in multilateral development banks" when foreign countries expropriate American holdings without swift and adequate compensation.

What President Nixon did not say was that the economic squeeze against Chile had already begun. It began, in fact, months before the Allende government had made its basic decisions on the terms of expropriation for the copper companies. A credit blockade had been mounted against Chile by early 1971. The participants were the Inter-American Development Bank (where the United States exercises a *de facto* veto over loans), the World Bank, and the Ex-Im Bank.

The vote to expropriate the American-owned copper companies was taken unanimously in the legislature in July 1971. It is important to remember that the decision was supported by *all* the major Chilean parties on the right, left, and center—reflecting, it would seem, the mass consensus.

Expropriation is recognized under international law so long as fair terms of compensation are reached between the contending parties. But the squeeze was on while the Chileans were still deliberating on the terms of compensation, a policy that was not decided on until October 1971. The terms, while certainly onerous to the expropriated corporations, were consistent with international law: The Chileans found that the firms had extracted more than enough in excess profits to compensate them for the loss of their properties.

In the interim, the Ex-Im Bank denied Chile's request for $21 million in credit to finance purchase of three Boeing passenger jets by LAN-Chile, the government airline. By August the Allende government was notified that it would no longer be eligible for new Ex-Im loans, that existing loan guarantees to U.S. banks and exporting businesses would be terminated, and that disbursements would be cut off for direct loans that had been previously negotiated by the Frei government. (The international lending community had been as generous with Frei as it was penurious with Allende.)

In that same period, the Inter-American Development Bank turned down a $30 million loan application for development of a petrochemical center that had been approved at the technical staff level. The project came to a halt after the Bank's American director protested sending a technical mission to Chile for further implementing the plan. With the exception of small loans to two universities, a credit quarantine was drawn around Chile by the IADB.

The World Bank followed the same course. Its president, Robert S. McNamara, used the "poor credit risk" argument to explain the sudden ineligibility of Chile. "The primary condition for banking lending—a soundly managed economy with a clear potential for utilizing additional funds—has not been met. The Chilean economy is in severe difficulty," said McNamara. It was perhaps a coincidence that the last two World Bank loans to Chile for $30 million were made prior to the election of Allende in 1970.

The private banks and the private companies pursued a complementary policy of heavy economic pressure against the increasingly battered Chilean economy. And it was the sworn testimony of the CIA's former chief of clandestine services for Latin America, William V. Broe, that this policy was also being promoted by the agency with the sanction of the National Security Council, chaired by Henry Kissinger.

Was there not an alternative American policy to the one that was actively and successfully pursued against Allende? It takes no great leap of the imagination to suggest that there was.

Allende was freely elected on a public platform that called for collectivization of important segments of the Chilean economy. But his brand of socialism was considerably more restrained than the political and economic structure of the Soviet Union or China, with which the Administration was ardently pursuing detente.

Allende was seeking to operate within a framework of international law and arbitration in negotiating terms of compensation for the copper companies. It might have been wiser for Washington to have encouraged active negotiation rather than to become the state bargaining agent for the companies. It might have been more prudent to have continued Chile's credit lines and development programs as a means of moderating the drift toward alienation and chaos.

The record of the ITT hearings revealed that Chile was still bargaining in good faith with ITT while executives of the multinational company were trying to promote acts and policies of sabotage against Allende's government. One can, perhaps, imagine the consternation of President Nixon if a similar corporate-government scheme to subvert his Administration were discovered in the files of British Petroleum, Royal Dutch Shell, or the Sony Corporation of Japan.

Allende's democratic road to socialism has been permanently detoured by the junta in Santiago and the economic bulldozer in Washington. The only surviving model of government that has determined its own economic course in Latin America—free from U.S. influence—is the one based in Havana.

As one European scholar told *Time* magazine, "The danger now is that people in Latin America will take the fall of Allende as proof that democracy and socialism cannot be combined. To me, this is nonsense, because the so-called 'Allende experiment' had never really begun."

Thanks to the domino mythology in Washington, the Cubans have had to pay a heavy price for their revolution—economic vassalage to the Soviet Union and, perhaps, the surrender of traditional (albeit "bourgeois") freedoms.

Allende, who sought to establish an alternative example, paid a far dearer price, and the people of Chile are likely to keep on paying for a long time to come. And what is it that we might surmise they—and all Latin Americans—will have learned from all this?

REQUIEM FOR DON QUIXOTE

(By Murray Kempton)

I had not known until he was extinguished how much I had wanted Salvador Allende somehow to survive as President of Chile. Alive, Allende was easy to make fun of. He was not a practical man. He had two weaknesses: He was an almost fanatical believer in socialism; and by comparison with most politicians, he was an almost fanatical believer in liberty. The conviction that liberty and socialism are incompatible has been proclaimed by pretty much every collective of practical men from the Committee to Reelect the President to the Central Committee of the Communist Party of the People's Republic of China.

And it has been the policy of every enduring Communist government to preserve its ideals by silencing every voice that may be raised against them. That was not Allende's policy; he scolded his opponents, but it never seems to have occurred to him that it might be more sensible just to try and suppress them and work out his dreams in comfort. He has been thrown down now by men who know better: His successors scold; but they also shoot. His was a life of unlikely dreams, but great honor in their pursuit. He began as a public health doctor. He went on to the Senate, where he seems to have been a moving force behind whatever laws Chile passed for the improvement of the condition of its

poor. He probably thought himself an atheist; yet the only institution in the new Chile that has dared publicly mourn him has been the Catholic Church. But then professions that care more for healing than for dominating may have a fraternity that transcends a lot of quarrels about doctrine.

Allende's government was, I suppose, incoherent. It could have been coherent; he could have put his opponents in jail if he had been tricky enough, and we would have heard no voice from Chile except his own and that of his lackeys. He would have proved that he could rule; and in a few years, since practical men have their fraternity too, he might have been sitting down with some Henry Kissinger or another.

But now he is dead. Last June he was interviewed by John Wallach, an American reporter. He wondered aloud whether, since he still had most of the army, whether it might not be politic to plunge Chile into civil war. He said he thought he might win, but that was not the problem.

"The problem is the country . . . [civil war] would destroy the entire social fabric: there would be fathers on one side and sons against us, or sons with us and their fathers against us."

And now his enemies are assured that they have rescued Chile's tradition of liberty from this man who preferred to risk losing rather than suspend liberty for his own convenience. But then practical men have learned to weep for Don Quixote only at the movies.

CONGRESS SHOULD JUDGE IMPEACHMENT ON FACTS

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HILLIS. Mr. Speaker, the investigation of those incidents arising out of the Presidential campaign activities of 1972 combined with those incidents leading to the firing of Special Prosecutor Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus, have culminated with intense though varied reactions from the American people. Cries of impeachment can be heard as well as cries of no wrongdoing. The complexity of these events and the reaction to these events underscore the need for caution. It is of the utmost importance at this time that the Members of Congress maintain open minds. The Congress must take a broad look at these incidents in order to properly assess their value. Judgments must be made on facts.

Impeachment is a grave undertaking. The question to be asked is has the President broken any law or taken any illegal action which would justify or call for impeachment proceedings. In my opinion, the answer is "No." There are no facts available at this time upon which to base impeachment proceedings against President Nixon. The President has released the Watergate conversation tapes to Judge John J. Sirica for judicial review. The President and the Department of Justice have, with qualifications, pledged their intent to continue the investigation begun by Cox.

It is my firm belief that this is a matter which should be subject to judicial proceedings. It is also my belief that we owe it to our Nation to get at the facts—to continue investigations which will sort out the facts and lead to the indictment of parties subject to question. For this reason I have cosponsored legislation which would create a special prosecutor who would be appointed by the President who would be required to select the appointee from among names submitted to him by five national legal associations. The President's appointee would then require approval by the Senate. Under this legislation, the special prosecutor would be given full authority to carry out his duties of investigating those incidents arising out of the Presidential campaign activities pertaining to the election in 1972. This bill further establishes that the special prosecutor could be removed from office by the President only for good cause as established by the Civil Service Commission after extensive hearings have been held.

It is my belief that this legislation addresses itself to those serious constitutional questions which have been raised in response to legislation directing the U.S. district court to appoint a new prosecutor. Furthermore, this legislation will allow the independent prosecutor enough flexibility and strength to carry out his duties properly. Enactment of legislation of this nature will serve to bring out the facts and aid in reestablishing, through thorough investigation, the confidence of the American people in their Government. I urge the Congress to address itself to this legislation without delay.

EMIGRATION FROM THE SOVIET UNION

(Mr. BELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BELL. Mr. Speaker, I deem it important to participate in this on-going vigil on behalf of individuals in the Soviet Union, of whatever nationality and religion, who are not free to emigrate.

Although there has been some relaxation of emigration practices within the last 2 years, emigration from the Soviet Union continues to be a trickle compared with the numbers who want to emigrate but are denied this universal human right.

Thirty-nine-year-old Zinovi Melamed and 26-year-old Aleksander Feldman, both from Kiev, are two of four Jewish activists who, together with Soroko and Tartakovsky, are referred to as the Kiev 4.

They are activists because they refuse to be silent about the lack of freedom for Jewish cultural and religious expression.

They are activists because they have dared to protest against the Soviet Union's repressive emigration policy.

For 2 years Feldman, a bachelor, and the Melamed family of four have been denied emigration permits to Israel.

Both men have lost their jobs: Melamed, a construction engineer, now teaches Hebrew, a marginal occupation.

His wife Raisa, a mathematician, still employed, is now the chief support of this family.

But Feldman, a construction worker, has been caught in a vicious circle of being fired from a job when his employers are notified that he has applied for an exit visa.

Then, as an unemployed worker, he is liable to be tried as a parasite.

The activities of this pair have been peaceful and law abiding.

They have written letters protesting unfair trials.

Melamed was 1 of 10 Kiev Jews who, in September 1972, signed a letter denouncing the education-emigration tax.

They attended meetings commemorating tragic events in Jewish history.

Yet, in 1973 these sensitive, concerned men were detained in a cell which housed criminal offenders.

It is feared that they are targets for a future trial.

Mr. Speaker, this vigil expresses our concern for Soviet citizens who are not free to emigrate.

Passage of the Mills-Vanik bill will prove our firm commitment to the principle of free emigration for all people.

CONFIRMING OF VICE PRESIDENT

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, the events of the past week have underscored the absolute necessity of confirming the Vice-President-designate, GERALD R. FORD. The Constitution now provides for the selection of a new Vice President in the event of a vacancy. We have a duty to the Constitution and to the people to act promptly on the President's nomination. Any delay in the process of confirmation will, unfortunately, be perceived as serving narrow partisan ends. Clearly, the state of our Nation cries out against even the appearance of such partisanship.

GERALD R. FORD enjoys an outstanding reputation as an individual, as a legislator, and as a political leader. While I am concerned that confirmation hearings are not yet underway, I laud the decision by the Senate Rules Committee to begin hearings later this week, and I urge the House Judiciary Committee to follow suit.

PROLIFERATION OF BUREAUCRACY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the larger our Government becomes here in Washington, with its constant proliferation of bureaus, and divisions, and sections ad infinitum, always followed by steps to cut back, the more I am reminded of a humorous story that had its origin in Russia, but is universal in its application. The story goes:

A community in the Ukraine had constructed a bridge over a stream that ran through the town. "If there is a bridge, there must be a watchman," reasoned the members of the town council. "But a watchman must have a salary." So the town council decided to get a treasurer

and an accountant to supervise the salary payments. The watchman, the treasurer and the accountant obviously could not function without a supervisor to direct their activities. So the town council appointed an administrator. Now there was an "administration." An order came through to reduce personnel. So the town council discharged the watchman.

THE LATE HONORABLE FRANK SMALL, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. HOLT) is recognized for 60 minutes.

Mrs. HOLT. Mr. Speaker, I rise with sincere regret to comment on the death of a former Member of the House of Representatives, the Honorable Frank Small, Jr.

Mr. Small passed away last Thursday at 77 years of age. He served in the House during the 83d Congress, and until his death he was the president of the Equitable Trust Bank in Clinton, Md.

Mr. Small was born on a farm in Temple Hills, Md., and was educated in the Prince Georges County school system. His public career began in 1927 when he served as a member of the Maryland House of Delegates. In addition to serving in Congress and the State legislature, his public service included membership on the county board of commissioners and the Maryland Racing Commission, and a term as Maryland Commissioner of Motor Vehicles.

Frank Small epitomized the traditional American virtues of independence, hard work, and a devotion to individual liberty. Throughout his rise from the farm to high elected office, he never wavered in his commitment to these ideals, nor did he ever lose touch with his humble origins. The magnitude of his generosity is known only by Mr. Small, but there is no doubt that he freely shared with those who were in need.

Mr. Speaker, I had great admiration for Mr. Small. He was my friend and a wise counselor; he will be deeply missed by all who knew him.

DR. FRANZ JOSEF STRAUSS WARNS UNITED STATES ON DÉTENTE WITH RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, I recently had the privilege to meet with Dr. Franz Josef Strauss during his visit to the United States. Dr. Strauss is the leader of Germany's political party, the Christian Socialist Union—CSU. He has been a member of the German Bundestag since 1948 and he has held various important posts in the German Government, including Federal Defense Minister and Minister of Finance.

During his recent visit, Dr. Strauss met with congressional leaders and administration officials, including Secretary of State Kissinger. The purpose of this visit was a tete-a-tete exchange of ideas, concerning the current problems facing the United States and its Western European allies—particularly Germany—with respect to the Soviet Union and the Warsaw Pact countries.

Mr. Speaker, I found Mr. Strauss' visit most informative because we all tend to forget, in this era of "détente," that the interests of the Soviet Union and the United States vis-a-vis Europe continue to conflict. Whereas it is in our interest to maintain a strong, united, and independent Western Europe, the Soviets would much rather have that area weak and divided. This conflict of interest does not mean that East and West cannot cooperate with each other, when it is in their interest to do so. What this does mean, however, is that the United States must maintain a position of strength from which to negotiate. It also means that the United States and its allies must be capable of meeting any threat of aggression.

Now I know that there are those who argue that such a strategy must lead to confrontation. But I do not believe that the Soviet drive to reach military parity with the United States has inhibited our willingness to negotiate with them. To the contrary, I contend that it has provided us with the incentive to negotiate with them.

Mr. Speaker, I found Dr. Strauss' visit to the United States most informative because he is clearly a man who has a broad grasp of power political relationships and he is aware that we cannot allow wishful thinking and chimerical expectations to cloud our judgment of prevailing realities.

The meeting with Dr. Strauss was not a summit meeting; it was not even an official visit. Nevertheless, it presented us with the opportunity to exchange views with each other on an informal basis. Thus we had the opportunity to provide each other with a better understanding of the national problems confronting our nations.

Two columnists, Mr. Frank Van Der Linden, and Mr. Allan Brownfeld, have written about Dr. Strauss' visit and I would like to take this opportunity to recommend these columns, which I am enclosing for the RECORD, to my colleagues.

REMARKS BY FRANK VAN DER LINDEN

WASHINGTON.—The fraternal smiles of Henry Kissinger and Leonid Brezhnev may signal a Middle East cease-fire, detente between Moscow and Washington, and the tempting lure of big profits for American investors in Siberian oil and gas deals, but they spell "DANGER" in capital letters to Franz Josef Strauss, West Germany's former Minister of Defense.

Strauss, the brilliant, stubborn Bavarian who heads the Christian Social Union party, has been in Washington for the past few days, warning high Administration officials and congressional leaders that the Russians are using smiles instead of missiles to pursue their same old goal, a dominant influence over Europe.

He has sounded his warnings to Secretary of State Kissinger, Defense Secretary Schlesinger, Treasury Secretary Shultz, and almost anyone else who will listen to a hard-line anti-Nazi who distrusts the Communists, as well as all shades of Socialists.

Strauss and Kissinger—Bavaria's most successful native son—have a long-standing agreement to exchange views wherever they are. When Strauss held high rank in the Bonn government, he listened to Kissinger, then a Harvard professor; now the wheel of fortune has put Kissinger at the pinnacle of power and Strauss is a biting critic of West Germany's Chancellor Willy Brandt.

"I do not say Brandt wants Communism for Germany," Strauss told a Washington audience. "I do not say Brandt wants the neutralization of West Germany." Strauss does charge that the left-wing forces, especially among the young people, are pushing West Germany inexorably away from its alliance with the United States and towards a "Socialist Europe," and Brandt "is too weak to resist them."

"We are not afraid of a Communist revolution but of a slow process in which West Germany will shift into the power sphere of the Soviet Union," Strauss said. "The end of the journey would mean the destruction and dissolution of NATO."

Now that Communist East Germany has been admitted into the United Nations, he said, the next step in the plan for superior Soviet influence in Europe calls for the withdrawal of troops on both sides of the Iron Curtain. Strauss conceded that the 300,000 American servicemen in Europe must be reduced, if only by the pressure of public opinion back home.

But he cautioned that a one-for-one pullback of American and Warsaw Pact troops would not really be a "balanced" reduction because "the Americans would go four thousand miles away," and probably never return to Germany, while the Communists would go only a few hundred miles and could be brought back quickly. "If the nuclear deterrent is withdrawn with the Americans," Strauss added, "we would be helpless."

The final step in the Moscow plan, in his view, would be the dissolution of both the Atlantic Alliance and the Warsaw Pact. But the Communist states would maintain their structure, without a formal pact, and so West Germany, probably followed by France, Italy, the Netherlands, and Scandinavian countries, would gradually slide into Moscow's orbit, just where Finland is, without a shot being fired.

Thus, in Strauss' opinion, the Soviets would gain their goal of preventing a Western European Union, and winning "a neutralized Europe without a military self-defense capability, not by raising their fists in threats but by the smiles of detente."

Brezhnev, he wise-cracked, must have a permanent smile after eight days of smiling in Germany and eight more days of smiling with Nixon last June. "I'll bet his face needed medical treatment," the burly Bavarian quipped.

So, this is Strauss' message to Americans: Don't trust the Soviet boss, the author of the Brezhnev Doctrine of Moscow's right to interfere with any "Socialist" state that gets out of line. "We would be suicidal to think the Soviets have changed their aims," the German student of history said. "They have merely changed their strategy."

A WARNING ABOUT THE DANGER TO THE ATLANTIC ALLIANCE

(By Allan C. Brownfeld)

West German leader Franz Josef Strauss, formerly Minister of Finance and Defense and now a key figure in the Christian opposition in the Bundestag, paid a visit to Washington recently and spoke to some of our national legislators and Administration officials. He came at a time when the Soviet presence in the Middle East had, at least for a moment, stilled the more euphoric "detente" rhetoric, and in which a new opportunity for a consideration of the Soviet Union's real goals had, as a result, presented itself.

Dr. Strauss noted that, "We are worried.

We think that a process of erosion in the Atlantic Alliance is under way, and will be dangerous to both of us. What worries us within Germany is not the possibility of Communist revolution but, instead, the slow shift of West Germany into the power sphere of the U.S.S.R., brought about by the enticing rhetoric of detente."

The chief adviser to West German Chancelor Willy Brandt, Egon Bahr, has a four part plan for the neutralization of West Germany which was highlighted in a recent article in Orbis magazine, relating a conversation Bahr had participated in several years ago.

First, comes the signing of a treaty renouncing the use of force, which also means the recognition of the legitimacy of the division of Germany and the Communist domination of Eastern Europe. Second, is the de jure recognition of East Germany. Third, is the withdrawal of troops from both sides and fourth is the dissolution of both NATO and the Warsaw Pact.

Dr. Strauss noted that the renunciation of force and the recognition of East Germany have already been realized and that talks are now being held concerning mutual force reductions. The talks are labeled "Mutual Balanced Force Reduction" talks—MBFR. What the "B" means, states Strauss, is difficult to tell—"It is often lost in the higher phraseology of the detente spirit." What it may well mean is the withdrawal of American troops thousands of miles across the Atlantic, and the withdrawal of Soviet troops less than a thousand miles to the Russian border. It would not be much of a bargain—for the West.

Does German Chancellor Brandt really seek the neutralization of West Germany? Dr. Strauss notes that, "I don't say that Brandt wants neutralization for I cannot verify that. But elements of his Social Democratic Party are pushing very hard in that direction. What Brandt does want is to stay on top."

Have the Soviets really changed, as many Americans tend to believe, and are such fears on the part of Dr. Strauss really only relics of a Cold War outlook which is now irrelevant? To this common charge, Dr. Strauss has a ready reply: "It would be suicidal to think that the Soviets have changed their aims. They have only changed their strategy. For them, the strategy of conflict is over and the strategy of embracement has begun. Faced with a conflict strategy, we knew better than to fall asleep. Now, with the era of detente, the Communists have a permanent smile. This is very difficult for them, and even more difficult for us to react to. They have, with their policy of rhetorical conciliation, destroyed the moral prerequisites for Western defense."

The Soviet aim, Strauss points out, is to keep Soviet troops in Hungary, Soviet missiles in Europe, and the U.S. on its own side of the Atlantic. "If the Soviets succeed in these goals," he told his audience," they have achieved their aim: a neutralized Europe without unity or an ability to defend itself."

While the Soviets continue to repress their own citizens, and fuel a new Middle East war, only one country in the world gives us a warning about what the Russians really have in mind. That country, Strauss declared, is China. The Chinese know Russian aims well enough, it seems, for those aims of world revolution and domination are the ones they share as Communists. Their major disagreement is not over ends, or even means, but over which Communist Party will dominate.

The only answer, Dr. Strauss believes, is a united Europe as a part of a firm Atlantic Alliance with the U.S. It is clear that those who urge a hasty withdrawal of American troops from Europe, and a cut in defense spending, together with one-sided concessions at the SALT II and MDFR talks, and who believe in the detente rhetoric of the Soviets, are being used by the Communists for their own purposes.

It is too bad that there are not more men such as Franz Josef Strauss traveling the world to awaken us to the real dangers we face. His contribution, however, is notable—but it is notable only if we listen and heed his wise words.

CONGRESS MUST ENACT BUDGET REFORM AND REVENUE CONTROL PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the time has come for the Congress to match its words with deeds.

When one examines the spiraling rate of increase in the public debt ceiling—and when one further examines the volume of expenditures being authorized by the Congress, which collectively constitute the need for continuing debt-ceiling increases—the need is apparent for this assemblage to come to grips—immediately and effectively—with the causes of our concerns.

If there is any single issue on which the actions of the Congress must be brought into line with its words, it is this subject of virtually uncontrolled Government expenditures in practically every field of human endeavor—sapping the vitality of the free enterprise system, interfering with the mechanisms of the free market economy, and jeopardizing the political freedoms which cannot exist without economic freedom.

We cannot stand in the well of this chamber and urge an end to excessive total Federal spending, yet vote for increases—general or selective—in the levels of authorization or appropriation over and above the capabilities of Federal revenues to meet those levels.

We cannot stand in the well of this Chamber and urge an end to excessive inflation, yet vote for increases in Government expenditures which can be met only through additional borrowing or through additional printing of money—either and both of which add to the causes of inflation.

We cannot stand in the well of this Chamber and urge particular demands of various "fiscal constituencies" be met, yet ignore the conclusion that collectively the meeting of those special constituency demands will result in unlimited Federal spending.

We cannot stand in the well of this Chamber and urge the private and independent—volunteer—sectors of the economy meet their fair share of the burden of helping eradicate social and economic ills, yet enact revenue-raising legislation which takes from them their capabilities of bearing the financial burdens of such assumptions of responsibility.

We cannot stand in the well of this Chamber and urge States, municipalities, and counties assume their full share of governmental responsibility, yet take from them available tax bases from which must come the funds for assuming those full shares of responsibility.

We cannot stand in the well of this Chamber and urge remedial action on this urgent problem without first realizing that its ultimate resolution lies not only in the will of the Congress, as the first branch of Government, to assume its proper and full constitutional roles with respect to the purse, but also in the issue being joined head on through a comprehensive, fully interrelated program effort. Piecemeal efforts to first attack the problem here, then again there, will not resolve this matter. Only through a unified and unidirected effort will we be able to adequatly meet this problem and resolve it. It will require a great degree of personal courage of convictions among the Members of this branch. But we need keep only one thing in mind to inspire us to rise to meet this challenge: If we fail in it, we invite the collapse of our monetary and economic systems and, ultimately, of the ability of Government to discharge its responsibilities.

PREMISES FOR ACTION

The difficulty of the search for a solution to the problem is accentuated by the arduous task of finding mechanisms which will operate to impose self-restraints on the proclivities of many elected officials to propose Government solutions—as the initial solutions—to virtually all problems. One would be telling less than the whole truth if one did not recognize that some political leaders are prone to rush forward with proposed Government solutions without exercising caution and timely restraint by first pursuing alternative problem-solving devices—using Government intervention as the last resort and only for those ills which cannot be otherwise arighted. One need not conjure up the imagery of a 19th century Thomas Nast cartoon—that "taxes are politicians' food"—to come to the conclusion that part of the problem does lie inherent in the appeals for popular recognition and acceptance which are believed to come, most easily, through proposing to the voters immediate solutions to immediate problems without regard to the long-range consequences.

Second, we must recognize—and there is good health to be added to the economy by so doing—that Government regulation, no matter how well-intentioned or how well-conceived, inevitably produces more maladjustments within our society and economy that it resolves. Our Nation has had its 40-year experiment with reliance on Government to solve our Nation's problems; that experiment has now begun to produce conclusive proof that a free society—unfettered by Government regulation, restraint, and coercion—is a better, and preferable, problem solver than Government. If there is anything which history in general, and the contemporary affairs of 20th-century America in particular, tells us it is this: That symptom-fighting solutions are inherently self-defeating in a complex, interrelated economic and political structure, for there are unforeseen secondary and tertiary effects from all Government actions. Problems do not disappear through

Government action; they merely become displaced.

Third, Government spending—and the raising of revenue requisite to that spending—must have a ceiling beyond which it invites either or both the collapse of the economic strength of the Nation or freedom. Because Government works with numbers which are beyond normal human comprehension—who can adequately contemplate the size of 1 billion of anything—because it sees a broad scope of issues, because it has not yet reached the breaking point, the Congress finds it hard to impose self-restraints on the levels of its own authorizations and appropriations. Yet everyone, even the most casual observers, knows that Government has a voracious appetite for the people's earnings.

The statistics prove the tendencies of Government to siphon off ever greater shares of the people's income for itself, yet that casual observer to whom I have referred knows that all—I repeat, all—income of Government must ultimately come from the people themselves through personal income taxes, through corporate income taxes passed on to the consumers in the form of higher costs, through excise taxes and user charges, et cetera.

Government must realize that it cannot indefinitely tax the people at constantly increasing levels without destroying the people's ability to support themselves and their families. In the end they will wind up defenseless, at the mercy of a vast special-interest-oriented Government bureaucracy they unwittingly helped to create, a bureaucracy which perpetuates itself through the consumption of the people's livelihood.

As the distinguished Governor of California, Mr. Reagan, stated in a message of March 12, 1973, submitted to the legislature of that State:

> If we as Americans allow that trend (government keeping a greater share of people's earnings) to continue, it is only a matter of time before we'll have nothing of our earnings to spend for ourselves. The spectre of such utter dependence on government should be frightening to every citizen who values our traditional values of self-reliance and our productive free enterprise way of life.

We must now exercise an opportunity, as the repository of the faith of the people, to come to grips with this national crisis.

CONGRESS AND BUDGET REFORM

The Congress has not done its fair share of the job of maintaining a growing economy, halting inflation, keeping the budget under control, establishing national priorities in a consistent pattern. Why? It could very well be, and I believe that it is, that the Congress does not now have the machinery with which to deal with these problems. Of what do I speak?

Of the four identifiable phases in the budget process, three are presently in need of conscious overhaul—budget execution and control, review and audit, and authorization and appropriation. The Congress has abdicated—and I use that word advisedly—its authority because it has lacked the technical machinery with which to use its constitutional powers of the purse.

The top priority of the Congress, therefore, ought to be to develop the vehicle itself—the vehicle which will allow us to get a handle on the budget, to view it as a totality, to establish a ceiling—which can also be done through a mechanism.

I have introduced legislation, as have others in this body, which will help meet the challenge to the Congress "to reform its own fragmented and piecemeal approach to budgetmaking." The bill, originated in the Senate by Senator WILLIAM E. BROCK III, of Tennessee, would establish this machinery. On February 8 of this year, at the beginning of this Congress, I stressed the need for such action:

> Our bill would require not only Congress as a body, but each individual member, to face up to his duty to curb spending and stop the steady erosion of budgetary power to the executive branch.
>
> The bill covers five major points:
>
> First. Designate a joint congressional committee to formulate legislative budget and evaluate the federal budget in terms of priorities.
>
> Second. Require the projection of all major expenditures over a 5-year period.
>
> Third. Require all major spending programs to be evaluated at least once every 3 years.
>
> Fourth. Require consideration of pilot testing of proposed major Federal programs.
>
> Fifth. Require all Federal expenditure programs to be appropriated annually by Congress.
>
> I know that other legislation addressing itself to these same areas of concern will be under consideration during this session. They must be acted upon promptly.
>
> * * * an equally important area of concern is the establishment of methods and standards by which the costs of new and old Federal programs can be measured against their effectiveness or value to the taxpayers.
>
> * * * * * *
>
> Unless we can develop some way to measure effectiveness of Government programs, programs and costs will continue to be determined by special interests, emotions, and ideologies. Congress must make provision to have access to information from the various elements of the executive branch for which Congress is responsible, and unless the legislative branch can effectively oversee and review the results of its own initiatives, it will remain impotent to effectively debate program cutbacks, reorganization, or national priorities with the White House.
>
> I have great faith in this body to improve its capacity to govern. We cannot function in some hoped for euphoria, nor can we disregard the real needs of the people. But a reduction in utopian rhetoric, a new sense of realism and understanding of what our institutions are capable of, real reform of the budget process, and a renewed understanding of the will of the people, should help put Congress back in the prevailing winds of the Nation.

On March 19 of this year, I took a special order, in which I was joined by a number of colleagues, to outline the powers of the Congress, yet the apparent lack of will within its leadership to assume fully our constitutional duties:

> Mr. Speaker, I have requested a special order today and have asked several of my colleagues to join me in special orders to dramatize the importance of the primary issue before this Congress: That is control of the Federal budget. No issue affects more Americans than the manner in which the Federal Government spends tax dollars. The onus of responsibility for facing fiscal reality is upon each of us. I am grateful that my colleagues are willing to participate in this effort to serve notice to other Members of Congress and to the American people, that the dual plagues of higher taxes and inflation are not inevitable.
>
> During recent weeks the furor has mounted over the administration's proposed budget, with its proponents describing it as a responsible and necessary effort to combat higher taxes and inflation and its critics citing it as an abject and callous disregard of Federal responsibility. In Congress the debate has often involved concern over supposed "usurpation" of congressional prerogatives by the executive branch. The fact that the administration has proposed the elimination or substantial modification of a vast number of categorical programs is taken as further evidence of this "usurpation."
>
> The simple truth is that over the years—and especially within the past decade—Congress has failed to exercise the kind of restraint which is necessary if the fiscal integrity of the Federal Government is to be upheld. We have opposed higher taxes, and we have deplored inflation. At the same time we have proceeded to create and enlarge an array of programs which has hugely increased Federal spending. And we have done so knowing full well—although we have seldom admitted it—that all of this increased spending had to result eventually in higher taxes or more inflation.
>
> Despite that reality, the Democratic leadership insists on bringing up legislation precipitiously and with great rapidity for no other reason than to frustrate the attempts by those of us on both sides of the aisle and in the administration who believe that Congress should not be considering these bills without first giving consideration to an overall spending ceiling and reform of the congressional budget process. The first 15 bills on which this Congress will be acting, if passed, would result in an estimated 5 percent tax increase to pay for them. And we see no legislation introduced that might provide the needed revenue. The reason is clear. Who here in this Congress, running for election in his home State last year, campaigned on a platform of higher taxes or more inflation? And yet now that the election is over and we are back in Washington, some Members seem determined to push ahead with the same kind of Federal spending which we know will mean higher taxes or more inflation or both.
>
> * * * * *
>
> Is it too much for the public to expect us to abandon our old ways—our assorted allegiances to pet programs and projects? A number of Members—on both sides of the aisle—have shown that we can and must face fiscal reality, that we can and must kick the habit and sacrifice self-interest in behalf of the Nation's good. The freshman Members of this Congress performed a valuable service by speaking, in a special order last week, of their and Congress responsibilities to act with fiscal responsibility. In the weeks and months ahead, in the votes on programs which we will be considering and, should it come to pass, on votes to override Presidential vetoes, let us hope that those advocating fiscal responsibilities will prevail. If we do not prevail, I fear we will witness more erosion of congressional influence. If we do prevail, however, it will be a significant step in returning the Congress in its proper role in the affairs of the Nation and assuring the people of this country that inflation and higher taxes can be avoided.

I urge this body—particularly the leadership of the committees to which have been referred bills to establish this vital machinery, to move to the highest priority the consideration of these measures.

REVENUE CONTROL AND TAX REDUCTION

Federal, State, and local tax collections have risen markedly, as percentages of national income, during the past half century. In 1929, such tax collections constituted 13 percent of total national income; by 1950, it had risen to 26 percent; by 1972, it had risen to 34 percent. The increase is even more dramatic when compared to total national personal income: 1930, 15 percent; 1950, 30 percent; and 1972, 43 percent. If present trends continue, by 1985, total Government's share of national personal income will have increased to 54 percent—54 cents out of every $1—more than half the people's earnings.

The question posed by these statistics is twofold: Where will it stop? How can we make it stop?

In my opinion, upon some extensive observations of political and economic history, the answer to the former lies in getting a handle on the latter. In other words, it will not stop, until a mechanism is devised to, first, stabilize, then eventually reduce—systematically—the ratio between Federal spending and gross national income.

No matter how hard this body must "bite the bullet" in determining that the present level of Federal spending must be the maximum at which we must stop, we simply must arrive at agreement on an absolute standard against which priorities for Federal expenditures can be established by this first branch of Government. As long as we adhere to the ever-flexible, no-ceiling way in which the Congress authorizes and appropriates moneys today, we will continue to feed, at the expense of the people, the insatiable appetite of Government for dollars. Theory? Philosophy of Government? Speculation? No. Fact. Federal internal revenue collections have risen in 32 years from $5.34 billion in 1940 to $209.8 billion in 1972—a staggering 3,858-percent increase.

The mechanism which has made the most sense to me, and to the eminent economists with whom I consult on these important matters, is the revenue control and tax reduction program first proposed on a State level by Governor Reagan in California. That program's aim is to control the size of Government spending and the tax rates necessary to raise revenues by placing a progressively lower ceiling on tax collections over a fixed period. The program would impose a constitutional limitation on the percentage of total personal income which the State will be permitted to take from the people in the years ahead, gradually reducing the percentage which taxation bears to income by 0.1 percent per annum over the next 15 years. As an illustration of the importance of adopting such an absolute standard, if present trends continued in California during the next 15 years, the rate would rise from its present 8.75 to 12.27 percent—nearly a 33-percent jump. Yet the plan still more than adequately provides for the State's revenue needs, for even while the tax rate is being reduced, gross revenues in the State will climb nearly three times. The plan also provides for emergencies upon a declaration by the State legislature by a two-thirds vote. In summary, the plan is a method not only to control taxes but to control the amount of money the State can spend as well.

This concept represents an idea whose time has come. It can be, with appropriate amendments to conform it to the Federal process, made applicable to the Federal Government. In close association with noted economists and tax experts I am now working on the preparation of both an amendment to the Constitution and an enabling statute which would carry a closely similar plan into operation on a Federal level. Such a measure will have many advantages.

First, it will mean the recognition, at last, that there is a limit on the level of income which Government can take from the people.

Second, it will mean a recognition by this body that it must assert positive and conscious fiscal leadership for the Nation.

Third, it will enable the Congress to determine how much money can be expended by the Federal Government within a fiscal year, thereby establishing according to meaningful criteria, the priorities among the myriad of spending proposals.

Fourth, it will enable the Congress to exercise more fully its power over the purse.

Fifth, it will enable the Congress to exercise that power of the purse in a manner which will require the executive to come openly to the Congress for the funds for any emergency, particularly in the area of foreign or military policy.

IN CONCLUSION

Mr. Speaker, budget reform and revenue control are ideas whose times have come. Whether they are enacted this year, or at some subsequent point, they will be enacted; otherwise, we run the risk of destruction of our still free economy, our political system, and our free society. The notions which serve as the premises for these specific actions for budget reform and revenue control are right; they will be proved to be right at the ballot boxes as the American people come to realize fully the extent of Government control of, and intervention in, their individual lives and the concomitant loss of individual liberty and control of their own destiny.

The time is now for this body to exert leadership. It should do so.

A TRIBUTE TO THE LATE PATRICK JEROME MELLODY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, the citizens of Pennsylvania, and of the Nation, have lost a champion with the untimely passing of Patrick J. Mellody.

A successful businessman who devoted much of his life to public service, Pat Mellody was loved and admired by his friends and respected by his political adversaries. Gov. Milton Shapp stated, following Pat's death last July 6 at age 57, that—

Pat served all Pennsylvanians, particularly those of Lackawanna County, with a dedication and conscientiousness appreciated by all of us.

The current Lackawanna County Commissioners, now of Republican majority, proclaimed a 7-day period of mourning for Mellody, the former Democratic chairman of the board.

The Scranton Tribune said:

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

And the Scranton Times observed:

Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley.

Mr. Speaker, I insert in my remarks at this point the complete texts of these editorials by two newspapers which knew his record well:

[From the Scranton Tribune, July 7, 1973]

PATRICK J. MELLODY

Those who were his friends and political allies, those who knew him through business associations or as a county and school district official and those who were his political rivals and opponents share today a sadness over the death of Patrick J. Mellody.

As a former county commissioner, Scranton School Board president, county Democratic chairman, businessman and civic leader, Pat Mellody had an impact and influence on our community which was in the main positive and progressive and generated movement which still is coming to fruition and will guarantee benefits in the years ahead.

In the realm of politics, Pat Mellody knew glittering successes, satisfactory achievement and keen disappointment. He was known favorably and well by national and state Democratic leaders and in the years he headed a strong county Democratic organization had the respect and regard of Republican leaders and candidates in state, city and county election battles.

Mellody succeeded the late Michael Lawler, a legendary political figure, both as county commissioner and the actual chief of the Democratic organization. It was a change which came about as politics itself was changing here and elsewhere. Mellody was cast in a role where he often was required to make decisions which could not please everyone and over several years he suffered an attrition and a run of criticism, much of it unfounded and unfair, which contributed to his losing a reelection bid for commissioner two years ago.

But even many of Mellody's political foes conceded that he was an able, responsible and concerned administrator whose tenure as a county commissioner marked the involvement of county government in new and diverse fields such as redevelopment, housing and river basin planning.

The county government under Mellody was sensitive and responsive to area economic rehabilitation efforts, pushed for expansion of the Scranton-Wilkes-Barre Airport, looked to development of parks and recreation and initiated far-seeing projects, including one for a new facility nearing completion as a replacement for the Blakely Home.

Pat Mellody, quiet spoken, reserved in manner, firm once he had chosen a course,

was a "doer" and often drew the darts flung at activists. He was a man of many unpublicized charities and generosities. He has died too soon at 57 and we join in expressing sympathy to Mrs. Mellody and the fine family to which he was a devoted husband and father.

[From the Scanton Times, July 7, 1973]

MELLODY SERVED COUNTY GOVERNMENT WELL

Patrick J. Mellody's death at the age of 57 eclipsed a career which brought him to the forefront of virtually every endeavor he took on. He rose from humble beginnings to success in the business world. He entered politics and reached the highest public office county government has to offer. He became a dominant force in Democratic party politics in the state as well as in Lackawanna County.

Reserved and unassuming, Mr. Mellody was a fiscal conservative in his public life, first as a school director and then as chairman of the board of county commissioners. In the latter role he proved a most capable administrator, carrying on the "pay-as-you-go" policy of his predecessor as chairman, the late Michael F. Lawler. He also was an innovator in government, providing the leadership which brought about the computerization of tax records, the large scale public housing and urban renewal programs in many boroughs of the county, the modernization and enlargement of Courthouse facilities and the expansion of the social services of the Institution District, among other improvements to his credit.

The citizens of Lackawanna County were always his first concern, evidenced not only by his tireless dedication to his elected position but also through his humanitarian desire to help those less fortunate through participation in countless charitable organizations and drives.

Mr. Mellody, as the Democratic party leader, was unable to reverse the resurgence of the Republican party which began just prior to his taking his party's reins. It was ironic that after such valuable governmental service that he was himself to fall victim in the 1971 election to the Republican tide.

Mr. Mellody compiled an enviable record of public service which does honor to his memory and will continue to be attested to through the stone and mortar of the structures he helped to bring into being at the Courthouse and in communities up and down the valley. We offer our condolences to his widow, Rita, and to the other members of the Mellody family.

Mr. Speaker, it was my privilege to know Pat Mellody as a personal friend and as a colleague in State and National Democratic activities. Active in State Democratic committee affairs, he was a member of the policy committee under former Gov. David Lawrence and State Democratic Chairman Joseph Barr. Although he hailed from an area of Pennsylvania at the opposite end from mine, I can attest that the praise for his good deeds in Lackawanna County should also apply to his efforts for the party statewide.

One characteristic of Pat Mellody noted by many was his concern for the less fortunate people of our society. Perhaps this awareness derived, at least in part, from his own humble beginnings. His parents emigrated from County Mayo in Ireland to the United States early in the century and became American citizens through naturalization. His father was a coal miner who died when Pat was only 5 years old, and his mother, with the help of the older boys, supported the large family by working as a housekeeper.

While attending elementary and secondary schools, Pat delivered newspapers, shined shoes, and performed various other jobs to add to the meager family income. Family poverty, however, prevented Pat from completing a college education. He had a work scholarship at the University of Scranton but terminated his studies because of the family's need for funds he could not earn while attending school.

In the early 1930's he helped to found the Mellody Brothers Coal & Ice Co., later expanding the fuel business and continuing as owner and operator until only a few years ago. Although lesser men would have been satisfied with the success he achieved as a businessman, Pat Mellody applied his energies to a host of civic and charitable enterprises. He served in the Air Corps during World War II. In 1957 he entered public office for the first time as a member of the Scranton School Board and became president of the board in 1959, holding this position for the next 3 years. In 1962 Pat was elected chairman of the county's Democratic Committee and also gained a seat as a county commissioner. He served as chairman of the board of commissioners from 1963 until 1971, when he narrowly lost a race for reelection.

Mr. Speaker, Pat Mellody's integrity, industriousness, and devotion to his family and country mark him as an extraordinary man. May his life be an inpsiration to us all.

THE INTERNATIONAL PSYCHIATRIC RESEARCH FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, the International Psychiatric Research Foundation, during ceremonies at the Government Aquarium in Bermuda, on Saturday, October 27, 1973, presented primate cages to the Governor of Bermuda, Sir Edwin Leather.

Governor Leather accepted the new primate cages in the name of the "Bermuda friends."

The International Psychiatric Research Foundation of New York, constructed the cages to house gibbons for later use in behavorial and medical observations on Hall's Island, Harrington Sound.

A reception marked the dedication ceremonies at which Mr. Victor Gettner of New York, president of the International Psychiatric Research Foundation, spoke briefly. He thanked the many Bermudians who have made the Hall's Island project possible and said that making the apes available for viewing to the public, at the aquarium, was the foundation's way of showing its gratitude.

Wild gibbons, natives of Thailand, eat fruit, leaves, buds, and flowers. The white-handed gibbon (Hylobates lar) has a social structure similar to most humans; adults mate for life and offspring remain with their parents until after adolescence. Each family defends a geographical "territory" from intrusion by other apes. The clear ringing calls heard in the morning at the aquarium and Hall's Island are a part of this "staking out" of territory.

Bermuda has had a population of apes since 1970 when the Hall's Island research first began. Since then, an international team of scientists has conducted a series of experimental and observational studies with these gibbons.

An international interdisciplinary team of renowned physicians and scientists are conducting investigations in free ranging small apes—gibbons—at the Hall's Island colony, Harrington Sound, Bermuda. The colony, intiated some 4 years ago, is operated and sponsored by the International Psychiatric Research Foundation of New York. The Bermuda facility involved is one of the most unique field laboratories of its kind in the world. Utilizing computers, radiotelemetry, and the latest in bioinstrumentation, the primate colony is being employed in a variety of experiments out on the horizons of research in the neurosciences.

Principal investigators with the Hall's Island research team are: Dr. C. R. Carpenter of the University of Georgia who concentrates on studies of the social and individual actions of gibbons in a semi-free ranging environment; Dr. Jose M. R. Delgado, Universidad Autonoma, Spain, studying the reaction of apes to stimulation of the brain; Dr. Aristide H. Esser, director of research, for International Psychiatric Research Foundation attempts to quantify territorial behavior through radiotelemetry of primate activity; and Dr. Nathan S. Kline, director of psychiatric research, Rockland State Hospital, N.Y., will be conducting psychopharmacological investigations.

The Bermuda Primate Center's research provides a continuing source of basic scientific data about an important group of primates. Since man is also a primate, the information obtained through the project could give important insights into the behavior physiology of humans. Out of this study hopefully will come highly efficient new techniques for the introduction of optimal amounts of psychotropic medications for the treatment of mental illness. Such a system when developed could eliminate undesirable side effects of drugs now experienced in such body organs as heart, liver, and kidneys. The device in this technique, which is called the chemitrode, may make possible a new diagnostic approach as well as provide a new important tool for probing further into the complex mechanics of brain functioning.

The sponsor of the Bermuda Primate Center, the International Psychiatric Research Foundation is a private, nonprofit, tax-exempt foundation with offices located at 40 East 69th Street, New York, N.Y. The overall funding of the foundation derives from Federal grants and private donations.

RETAIL CREDIT BOOKLET IN SPANISH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I have been advised by the Sears, Roebuck & Co.

that they have published a booklet on retail credit, and not only have they published it in English but they have also published it in Spanish. It is entitled, "Uso Del Crédito," or "Using Retail Credit."

As a member of the Subcommittee on Consumer Finance, and also having been a member of the National Commission on Consumer Finance, I have been following the use of consumer credit for some time and have realized that Spanish-speaking Americans, especially those on the lower end of the economic ladder have not utilized the retail credit available. I had concluded that the reason for this has been the lack of a complete and thorough understanding of the credit system due to the language barrier, and have long advocated this type of book recently published by Sears. I am happy to report that my concern expressed during the Commission hearings has borne fruit.

This booklet brings to the Spanish speaking an understanding of everything from a revolving charge account and how to read monthly statements, to the laws that Congress has passed to protect those who use credit.

This publication will not only be useful for those shopping at Sears, but it will be useful in seeking retail credit from any store.

I am very pleased and happy to know that the Spanish-speaking Americans now have an opportunity to learn and to understand the prudent use of credit since they are great customers; and I want to commend Sears, Roebuck & Co. for their interest and concern in the Spanish-speaking communities across the country.

FOCUS ON INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, yesterday morning I was privileged to be a guest at a breakfast in the Capitol sponsored by the Christian Life Commission of the Southern Baptist Convention which, I am proud to note, is headquartered in my district at Nashville, Tenn.

It was an impressive gathering of Baptist churchmen, laymen and Members of Congress. Also present was one solitary Methodist, myself, who, nonetheless, was afforded a full measure of warm fellowship which abounded.

Arrangements for the breakfast were made by our colleague from South Carolina, Mr. DORN, who is Chairman of the House Prayer Group. He took time from his very busy schedule to assure that the gathering was well attended.

The idea for the meeting was conceived by Dr. Foy Valentine, Executive Secretary of the Commission, as a need in the wake of the many disclosures and public shocks which have resulted from the Watergate investigations.

The essence of the concept was capsulized in a portion of a prayer offered by the Commission's Director of Christian Citizenship Development, C. Welton Gaddy, in which he said:

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high echelons of government.

These words, it should be emphasized, relate only to the idea for the gathering. They do not reflect necessarily an attitude on anyone's part of abject despair. To the contrary, the general tone of the gathering and those present was one of positive determination, individually and collectively, to address ourselves to the repair of this rupture through restoration of the concept of integrity to its rightful and very necessary place in Government.

Mr. Speaker, all the remarks made at the breakfast were worthy and relevant. Unfortunately a transcript of them in entirety is not available. However, copies of some are. These include the "Prayer for Integrity," by C. Weldon Gaddy; "Integrity: Challenge to a New Commitment," by the President of the Southern Baptist Convention, Mr. Owen Cooper and "Integrity: Spiritual Dimensions," by the Pastor of the First Baptist Church of Asheville, N.C., and Chairman of the Christian Life Commission, Cecil E. Sherman.

Mr. Speaker, I place these texts in the body of the RECORD and commend them to the attention of my colleagues.

PRAYER FOR INTEGRITY

(By C. Welton Gaddy)

Our Father, we are in trouble. We humbly seek your help. We pray that integrity may be established as the characteristic of our words, the mark of our behavior, indeed as the life-style of our nation.

We pray for our nation—

That the erosion of credibility between citizens and governmental officials may be arrested before the gap becomes a canyon;

That the leaders of our country may, by both words and deeds, reestablish the importance of honesty in national affairs and in personal matters;

That the laws of the land and the institutions which implement their intent may be spared manipulation for personal gain and utilized for justice and the public good;

That the trust of our republic may not be limited to that power which is measured in megatons or to that wealth which is reflected in the Gross National Product but that it may rest in You;

That our commitment to honesty, our pursuit of justice, our elimination of discrimination, our support of freedom, our efforts at world peace, may be of such a nature as to assure us a place of moral leadership in the international community.

We pray for the citizens of our nation.

Lord, our trust has been ruptured by double talk and immoral behavior on the part of persons within high eschelons of government.

Our minds are troubled by a tumult of crises.

Our wills are frustrated as we vacillate between a sense of importance as citizens and a sense of futility.

We are in desperate need of your help.

Forgive our worship of a civil religion which equates nationalism with Christianity, confuses governmental policy with your will, and interprets patriotism as blind allegiance.

Disturb any apathy concerning the political arena until complacency becomes creative involvement in politics on behalf of basic morality.

Translate our political cynicism into a responsible citizenship which persistently works at every level of government, supporting that which is right and challenging that which is wrong.

We pray for the leaders who have gathered in this room—

That they may ever be cognizant of your support as of your expectations for them;

That they may be among those in this 93rd Congress who by moral leadership secure once again the shaking foundations of this democracy.

May their faith be a source of courage and their communion with you a source of strength.

Now keep us disciplined in our followship of the One who was the incarnation of integrity, the One who thus can make us free. Amen.

INTEGRITY: CHALLENGE TO A NEW COMMITMENT

(By Owen Cooper)

As you well know, no one Southern Baptist can, or would even attempt, to speak for any other Southern Baptist much less the Convention as a whole. However, out of my involvement in the structures of this denomination and as a result of the many personal acquaintances which I have made, there are some things which I have come to know about Southern Baptists and thus some things about which I feel comfortable to speak.

In relation to government, the history of Southern Baptists is one marked by unflinching patriotism, sincere prayerful support, and individual political involvement. Members of this denomination have effectively served in the highly esteemed offices of the federal government, even as you are now serving, as well as in the state capitols and county court houses across our land. At present, my home state of Mississippi is governed by a dedicated Christian who is a faithful Southern Baptist church member.

Southern Baptists are deeply concerned with biblical morality and we desire to see this morality embodied in those who lead our nation. The support of the people in the 33,000 churches of our Convention will almost invariably be behind those politicians whose words resonate with honesty and whose lives exhibit integrity. As you know, we are a people who quickly grow impatient with anyone who attempts to use the processes of government for personal gain, deceive the voters, or violate the basic personal rights and liberties given to us by Almighty God and guaranteed for us by the Constitution.

None of this is new. None of this is partisan. The disturbing events of recent weeks have provoked outcries of dismay because of their obviously illegal and unethical nature. Southern Baptists join a plea for recommitment to the basic moral principles upon which our government has traditionally stood. This plea grows out of time-tested convictions which antedated Watergate or any other contemporary event.

We have come here today with at least a partial understanding of the present dilemma of persons like yourselves who seek to serve the nation in government. Because of the recent tragic events, public distrust of governmental leadership and cynicism regarding the political process have increased These matters are disturbing to us even as they are to you. We still believe in this government's ability to function effectively and justly. We want to encourage the citizens who attend our churches to not withdraw but to involve themselves even more integrally in the political process. You, who serve here day in and day out, can count on our prayerful support, especially in times of crisis but at other times as well.

We believe that whatever measure of greatness America has achieved is in no small way related to dynamic moral leadership and an abiding national commitment to such matters as integrity, personal liberty, justice, and equality. Persons like yourselves help us be assured of the continuation of that leadership and commitment. We take pride in knowing that there are so many Southern Baptist Senators and Congressmen as well as other outstanding Christian leaders serving in the United States government.

Let me thank you for being here this morning that we might share in a time of Christian fellowship and join together in praying for our nation and each other. At the same time, let me encourage you to keep open the lines of communication between yourselves and the spiritual leadership of our Convention. We will seek to be more faithful at this point ourselves. My prayer is that we may all so carry out our responsibilities in relation to government that God may be glorified in our nation strengthened as a guarantor of liberty and justice for all. Count on us to be praying for you and call on us if there are other ways in which we can be of help.

INTEGRITY: SPIRITUAL DIMENSIONS

(By Cecil E. Sherman)

My friends, I have waited for this day for all of a lifetime. Finally, the tables are turned. You see, I have listened to Senator Tom Connally address the students of Baylor University. I stood in a Texas "norther" to hear Senator Lyndon B. Johnson speak at the State Fair of Texas. I've heard Congressman Roy Taylor numerous times as he goes about his district in Western North Carolina. But at no time have I ever had a "captive audience" of congressmen and senators listening to me. I don't intend to misuse the moment.

I have pondered long about the words I have chosen. The crisis in confidence that surrounds government has such an obvious spiritual dimension. I am a preacher. Sin, truth, deceit, and integrity: these words are the stuff of my profession. Rather than give you a preachment, I think I shall tell you a personal story.

While I was a seminary student in Fort Worth, Texas, I was also the pastor of a very small open-country church in Fannin County, Texas. Some of you may recall that Fannin County was the home of Sam Rayburn. I would drive back and forth from Fort Worth to that open-country church each weekend. The roundtrip was 300 miles. I did this for four years: 1950 until 1954. I lived in the homes of the farmers. I came to know those people like no other people I have ever pastored. Most of them were trying to stretch the family farm through one more generation. Some were still plowing with mules. Fun was Saturday afternoon in town buying groceries and going to a "shoot-em-up" movie. Saturday night was spent listening to Grand Ole Opry and playing dominoes. I was not reared on the farm, but I came to love those people and their simple kind of life. Religion was big with them. Most of them "got religion" during the summer revivals, and they knew that they were supposed to live with their wife, care for their children, tell the truth, work for their living, and love their country. It was a pretty simple and straight-forward way of living. On the last Sunday in August of 1954 I left those people. I was going to graduate school at Princeton Theological Seminary in Princeton, New Jersey. I was also to be the chaplain to the Baptist students of Princeton University.

I cannot imagine a more severe and total change in congregations. From farmers in a backwater of Northeast Texas to the urbane and very sophisticated students of an old Ivy League university. I had never been to Princeton. I was afraid and unsure of myself. Surely among all of these very intelligent people I must change my message, I reasoned. And for awhile I did bend. But slowly this truth dawned upon me: the students at Princeton were remarkably like the people in my country church. Farmers are tempted to cheat. Students are tempted to cheat. Farmers have ways they avoid social responsibility. Students can retreat from the hard parts of "loving your brother." People are people and being a Christian is just being a Christian wherever you are.

Some of you people probably came from simple homes and godly people. Somebody has trusted you; that is how you got elected. Now you live in the fast swirl of Washington. The ways to be dishonest are more subtle. The penalties for wrongdoing are not precise. The example of some in high places is not helpful. What is a politician who wants to be honest to do?

I think the answer does not lie in new theories about ethics. Our wisdom comes from the Bible. We are to love God. We are to place our loyalty to him above all other loyalties. We are to live simply, for the clutter of many things will corrupt us. We are to tell the truth. We are to honor our families. We are to live temperate lives. We are to love our neighbors as we love ourselves. We are to "bear one another's burdens." These are the great ideas of any ethic. These are the moral principles which all Americans need to see and a large majority of Americans want to see embodied in their governmental leaders. These great ideas, so frequently acclaimed, must be as frequently practiced. Seldom has there been a more opportune time for Christian statesmen to assert strong moral and spiritual leadership in accord with these principles than the present.

Coming to Washington does not change anything. It does not alter moral demands, though it could increase our tolerance for something less than the ethic of which I have just spoken. When I went from the country to Princeton, I found that really nothing had changed. I hope that you people who have come from the heartland to Washington and that the rest of us who are still trying to be responsible Christian citizens out at the grassroots are being controlled by those great Bible ideas that we learned from our homes and churches when we were children. If we are, I can hope again for my country.

THE AX IS FALLING: HEW AND THE SOCIAL SERVICE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, since last February, many of us in Congress have been involved in a continuous battle with the Department of Health, Education, and Welfare over the social services program. For 8 months HEW has attempted to implement new regulations which seriously cripple this key Federal program aimed at combating welfare dependency. For 8 months we have resisted these efforts.

Now it appears that the new regulations will finally take effect on November 1. More than 200,000 letters of protest plus an act of Congress have not succeeded in persuading Secretary Weinberger that his Department is embarking on a course of action that will only mean additional hardship to millions of Americans who now receive federally funded social services.

It is difficult to talk about social services in general terms because the program encompasses such a wide range of locally initiated efforts. The following article from the St. Paul Dispatch describes in a more concrete way the disastrous impact that the new regulations will have in at least one State:

FUND CUTS WILL BE DISASTROUS, AGENCY HEADS SAY

(By Ann Baker)

Cuts in federal social service funds, expected to become effective next week, will drastically limit the chances of helping dependent, disabled and poor people becoming productive citizens, in the view of state and local welfare officials in Minnesota.

The new regulations would cut out many people now receiving aid for services like vocational rehabilitation, day care, foster care, alcoholism treatment and counseling.

Cuts were threatened by the U.S. Department of Health, Education, and Welfare (HEW) last February. In June Congress forced a delay.

Now, less harsh than before but still restrictive, the "new regs" are scheduled to go into effect Nov. 1, if a congressional effort to halt them, led by Sens. Walter Mondale, D-Minn., and Jacob Javits, R-N.Y., does not materialize before then.

When federal social service money became available in the late 1960s, many workers began to hope for the first time they could really wipe out many problems, many causes of poverty. Prevention, always the welfare worker's dream, at last began to seem within grasp.

Halfway houses were set up to rehabilitate alcoholics, drug addicts, the mentally ill and help them back into society as taxpayers in productive jobs.

Working mothers received free day care for their children, so they could support their families without need of public assistance; those on welfare were enabled to get off the rolls.

Vocational training was expanded for people with physical and mental disabilities.

Children with emotional problems were aided in comprehensive treatment-residences. Families with financial or marital difficulties were given counseling. Old people were given meals, nursing care and household help so they could stay home instead of being sent to nursing homes. Parents guilty of neglecting their children were persuaded to get help and change their ways before their situation got so bad they had to be taken to court.

"We wanted to break the cycle of dependency on welfare services—we believed we could," recalls Harriett Mhoon, director of social services at Anoka State Hospital and state chairman of the National Association of Social Workers committee on the regulations.

"After 12 years in the business I could say, 'God damn it, parents of handicapped kids aren't getting penalized any longer,' " remembers Harold Kerner, director of St. Paul's United Cerebral Palsy Day Activity Center and legislative chairman of the state DAC Association.

Under the "new regs," most federally supported services will be offered only to families who are on welfare, have incomes near welfare level ($4,400 for a family of four), who have been on welfare within three months or are apt to go on welfare within six months.

"Coverage for such a brief time period completely works against people maintaining a self-supporting stature." Minnesota Welfare Commissioner Vera Likins wrote to HEW authorities. She estimates that 26,000 of

the 112,500 Minnesotans receiving such services will be barred.

"Paradoxically, the groups that will be hardest hit are the very groups the service programs are intended to help, the working poor and those striving to escape from public dependency," Ms. Likins wrote.

She predicted the results will be: lost jobs, lost taxes, more people on welfare, as well as family breakups, untreated alcoholics and addicts, more expensive institutional care for the elderly and children put in inadequate day care or left home to fend for themselves.

The restrictiveness "makes a mockery of prevention," Ramsey County Welfare Director James Edmunds wrote in his letter to HEW.

Diane Ahrens, executive director of the Minnesota Social Service Association, wrote that the regulations are "an attempt to rip apart a system which was developed to help citizens become productive contributors to society and to care for those who are unable to cope for themselves."

She called the rules "decidedly inconsistent" with the administration's stated intentions to put more power in the hands of local government.

Officials here say the regulations will require them to build another layer of bureaucracy to administer "means tests" for eligibility—"more paperwork to get less money."

Assistant Ramsey County Welfare Director Art Noot says they will serve as a deterrent and will severely affect the chances of doing preventive work.

"And we've just begun to seriously commit ourselves to that beyond any previous efforts." Under the new rules, he said, "We'll just be able to respond to immediate, identifiable crises."

State Director of Social Services Gary Haselhuhn says, "We won't be able to look at the total problem of a person and see it through to the end. Instead, we may have to stop at a crucial point. Because of the severe cutback in eligibility, our ability to use service to prevent serious problems is almost nonexistent."

Haselhuhn adds, "We kind of look at it as though we'll be administering the 19th century English Poor Laws."

Not only will some people be ruled ineligible for aid. So will certain kinds of services. Some examples follow:

Day activity centers for the retarded: "We'll have to curtail the programs, maybe the staff," says Harold Kerner. "Maybe some therapy will be dropped, then quality will go out the window."

He says of the 500 retarded people who leave state institutions each year, about 30 per cent need day activity centers. But few new centers opened in the last year, because hoped-for state appropriations of $6 million were whittled down to $3.6 million.

"There are 800 to 1,000 people across the state still needing DACs," he said, "and 17 counties have none."

Higher Education for Low Income People (HELP) at the University of Minnesota furnishes tuition and books to 300 Twin Cities area welfare mothers with social service funds. One of the first St. Paul women to earn a degree under that plan called it "a ticket out of hell."

Director Fred Amram says the students do better than average and that 85 per cent get off public assistance within a year after graduation. The program costs $270,000 a year. The new regulations would eliminate it.

David Ziegenhagen, Mental Health Association of Minnesota executive director, predicts "a potential crisis" around the state, because community mental health centers would be cut off from federal funds, and so would information and referral services.

Ramsey County's Mental Health Center is not federally supported, but assistant director Frank Zalesky says the halfway houses it sponsors for the mentally ill and chemically dependent will be badly hurt.

Some residents may continue to live in them with federal support, but only if they apply for Aid to the Disabled, which Zalesky says tends to "put a crutch under them," contravening efforts to make them independent.

More than half the cost of halfway houses covers their programs which help residents get on their feet, find work and learn to cope with themselves and others.

Jacobsen and Hewitt Houses for a mentally ill stand to lose $144,000. Granville House, 565 Dayton, Shoreview Treatment Center and New Connections, all residences for the chemically dependent, would lose $575,000.

"We'll be going back again to, say, four years ago," says Zalesky, "a room and board facility."

Another $404,000 would be lost to emotionally disturbed Ramsey County youngsters in residential facilities where they receive extensive help developing skills, working through emotional problems, building friendships and learning to overcome withdrawal or aggression.

Free day care would be available only to families earning less than $5,460 (family of four). Aid on a sliding scale would be available to families earning up to $10,344, but the rates have not been determined.

St. Paul Child Care Council Director Gary Wingel expects a mother of three earning $9,000 would have to pay from $1,650 to $4,000 a child.

With rising costs of care, he believes people will tend to drop out of "the more comprehensive centers" and turn to cheaper, usually elss desirable care for which they would pay full fees.

Stella Alvo, organizer of the Minnesota Coalition for Comprehensive Child Care, foresees economic segregation in day care centers, "as children of working people are removed to make way for children of welfare recipients."

She says the rules will "put the squeeze on working and middle-class families." And she predicts that when families have to pay full, or only slightly subsidized, day care fees, many will have to quit their jobs and go on welfare, where they will then have to register for probably lower-paid jobs (under the 1972 work rules) and then place their children back in day care, maybe even at the same center they dropped out of.

Besides causing the families a lot of hardship, Miss Alvo says, that merry-go-round would also lower the tax base.

(Ramsey County's work-incentive program currently has 950 welfare parents in work and training with some 300 children in day care. Some 4,000 welfare clients are registered for work and training, but not all are eligible because of illness or other reasons, and there aren't enough jobs for all who want them.)

Legal Assistance of Minnesota would have to stop providing help with divorces and tenant or consumer problems, according to administrative director Michael Feeney. It has offices in Duluth and Washington, Dakota and Olmsted counties.

Sponsors of the various programs have been seeking other sources of funds, from state and local government and private donors. If the regulations go through Nov. 1 as planned, they will still be subject to federal, regional and state interpretations. Welfare workers say they have no idea what to expect.

Despite the fact that the social service regulations take effect tomorrow, efforts are continuing in Congress to counteract them.

Yesterday, 96 House Members joined in cosponsoring legislation which would restore to the States the ability to design service programs that best meet their own needs. Under the terms of our bill, HEW could no longer use agency regulations, as it is doing now, to choke off State-operated programs. Rigid income restrictions, which exclude most non-welfare recipients from services, would be lifted so States could continue to aid those people who are tottering on the brink of welfare dependency.

This legislation was originally introduced in the House as H.R. 10920 by JAMES CORMAN and six other members of the Ways and Means Committee; JAMES BURKE, MARTHA GRIFFITHS, DAN ROSTENKOWSKI, WILLIAM GREEN, HUGH CAREY, and JOSEPH KARTH.

The Corman bill deserves the immediate attention of the Ways and Means Committee and the House, as a whole. Action must be taken now before the full impact of these outrageous regulations is felt.

CPA AT FDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, the Federal Food and Drug Administration is to be a prime target of Consumer Protection Agency advocacy, according to our hearings on the various CPA bills.

There are now three CPA bills before a Government Operations Subcommittee on which I serve: H.R. 14, by Congressman ROSENTHAL; H.R. 21, by Congressmen HOLIFIELD and HORTON, and H.R. 564 by Congressman BROWN of Ohio and myself.

These are bills of very great complexity and not a little controversy. The major difference among the bills is that the Fuqua-Brown bill would not allow the CPA to appeal to the courts the final decisions of other agencies, while the other two bills would allow such appeals.

I should add that, under the two bills allowing CPA court appeals, another agency's refusal to act—inaction—would be appealable by the CPA. For example, if the CPA requested that the FDA seek a criminal prosecution against a certain individual, and FDA refused, that refusal is final appealable action by the CPA under all the CPA bills except the Fuqua-Brown bill.

I am using the FDA as an example here because I wish to share with you some material from this agency as part of my continuing effort to dispel some of the confusion that has surrounded CPA proposals since 1970.

As you know, I have already introduced similar material from nine other agencies the proceedings and activities of which would be subject to CPA advocacy: Cost of Living Council, four banking regulatory agencies, Defense Supply Agency, National Labor Relations Board, Federal Power Commission, and Tennessee Valley Authority.

I have asked these agencies to list their 1972 proceedings and activities, divided into the various categories in which the CPA would have a right to be a party or participant.

It should be noted, in relation to the major difference among the bills, that virtually all FDA final decisions would be appealable by the CPA under all except the Fuqua-Brown bill. This brings our total of CPA appealable decisions to over 1 million annually—for just the 10 agencies already surveyed.

Mr. Speaker, for the important reasons stated, I am inserting in the RECORD a list of the 1972 proceedings and activities of the FDA that would be subject to CPA advocacy under the pending bills. Because of the voluminous nature of the proceedings, I am including only those procedures subject to the notice and comment rulemaking procedures of the Administrative Procedure Act. I will include the other proceedings and activities at a later date.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., Oct. 24, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in further reply to your letter of September 7 regarding legislation to establish a Consumer Protection Agency.

The enclosed report provides answers to your questions regarding the types of activities by the Food and Drug Administration which may be subject to consumer advocacy by the proposed Consumer Protection Agency.

I hope this information is helpful in your consideration of this legislation.

Sincerely yours,

CHARLES C. EDWARDS,
Assistant Secretary for Health.

LISTING OF PROPOSALS IN FEDERAL REGISTER

Question 1. What regulations, rules, rates or policy interpretations subject to 5 U.S.C. 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer. Food and Drug Administration (FDA). During calendar year 1972 FDA issued proposed rules on a broad variety of subjects. Attached is a listing of such proposals with Federal Register index headings as well as the page where they may be found. Final orders are also listed. We have made no attempt in the attached list to distinguish between regulations subject only to 5 U.S.C. 553 and those subject to additional requirements (e.g., regulations under the provisions of the Federal Food, Drug, and Cosmetic Act discussed in question 5).

ADMINISTRATIVE PROCEDURE

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Antibiotic and sulfonamide drugs in animal feeds, proposed policy statement, 2445.

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Revocations:

Glycarbylamide, revocation, 5491.

Iodinated casein; revocation, 4712.

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Laboratory diagnosis of disease: antibiotic susceptibility discs, 20525.

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Potency at time of certification, proposed policy statement, 336, 1477.

Tests and methods of assay:

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Microbiological turbidimetric assay, proposed rules; correction, 20870.

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Diagnostic substances for laboratory tests, 15157, 17036.

General standards, dating periods for specific products, 15158, 17036.

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Viral vaccines:

Measles virus vaccine; live, attenuated, 23111.

Mumps virus vaccine, live, 23111.

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Source plasma (human), licensing requirements, 17419.

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Aspirin-containing preparations, powdered:

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Nonoral dosage, exemption from provisions; proposed rules, 14238.

Economic poisons, proposed rules, 18629.

Ethylene glycol, proposed rules, 28636.

Furniture polish, liquid, 5613.

Methyl alcohol (methanol)-containing household substances in liquid form, 7631, 21632.

Nonprescription drugs for human use, inquiry, 12171.

Packaging requirements, noncomplying, for products used by elderly and handicapped; proposed rules, 22001.

Petroleum distillate-containing liquid kindling and/or illuminating preparations; proposed rules, 7408.

Preparations subject to Comprehensive Drug Abuse Prevention and Control Act of 1970, extension of effective date, 8433, 22987.

Prescription drugs in oral dosage forms, proposed rules, 8461.

Sodium and/or potassium hydroxide, 5047, 21633.

Sulfuric acid-containing household products, proposed rules, 7809.

Testing procedure, informed consent statements; proposed rules, 26833.

Testing procedure, special packaging, 741.

Turpentine-containing household substances, 7407, 21635.

Wintergreen oil (methyl salicylate), 6184, 22987.

COLOR ADDITIVES

FD&C Red No. 2, ingestion limits; proposed rules, 13181.

Provisional listing, closing dates; postponement, 3896.

Specific additives:

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Composition statements, voluntary filing, 7151, 17470.

Hexachlorophene components in cosmetic products, labeling requirements, 20160, 21481, 21630, 21991.

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Manufacturers and distributors, voluntary ingredient labeling, 16208.

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Evaluation reports, miscellaneous drugs; release, 18105, 21547.

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Identical, related, and similar drug products, applicability, 2969, 23185.

Epinephrine and isoproterenol inhalation preparations, prescription dispensing and warnings; proposed rules, 7519.

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Foreign drug establishments, registration procedures; proposed rules, 10510, 18563.

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Amino acids in food for human consumption, deletion from list and conditions of safe use; proposed rules, 6938.
Carrageenan, proposed addition, 15434, 16613.
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Catsup, tomato, identity standards, use of acidified break process, effective date, 6733.
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[1] Program was transferred to the Consumer Product Safety Commission on May 14, 1973.
[2] See also Antibiotics and Insulin, Biological Products, and Blood and Blood Products.

DEFENSE DEPARTMENT EVALUATION BY ORR KELLY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on October 23, Mr. Orr Kelly in an article in the Washington Star-News announced

that, after 6 years of reporting on Defense Department activities, he was transferring to cover the Justice Department. His incisive reporting on important Pentagon and other defense-related activities will be missed. Mr. Kelly in his 6-year tenure as a military reporter had an outstanding opportunity to obtain an understanding of defense activities and to evaluate the performance of agencies of our Government charged with managing our defense programs. Mr. Kelly was thoughtful enough to share his evaluations with us in his article in the Washington Star-News. I commend the article to all of my colleagues.

Mr. Kelly includes in his observations comments on the current Middle East confrontation, the arms budget, foreign deployment of our troops, and some very pertinent comments on Defense Department management in general. After 6 years of study which, as Mr. Kelly observes, "is a long time—substantially longer than most key officials of the Department spend in their jobs there," and on the eve of his departure from the Pentagon beat, he summarizes his evaluation of Defense Department management this way:

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

I commend to my colleagues' attention Mr. Kelly's complete article wherein he elaborates on his views concerning trends in management and the quality and character of the civilian and military personnel in the military establishment.

I wish Mr. Kelly every success and satisfaction in his new post. I also thank him for his past efforts to better inform the citizens of our Nation concerning its defense and security.

I insert Mr. Orr Kelly's article here for the convenience of all Members.

[From the Washington Star-News, Oct. 23, 1973]

LAST PENTAGON REPORT

(By Orr Kelly)

This is the last column on military affairs that will appear here under this byline.

After more than six years covering the Pentagon, through much of our nation's longest war and through crises and scandals almost too numerous to recall, this reporter is moving across the Potomac to cover the Justice Department.

In the life of a bureaucracy like that of the Pentagon, six years is a long time—substantially longer than most key officials of the department spend in their jobs there. It is a time that affords some perspective on American military policy and the military establishment.

Here are some brief observations based on that perspective:

First, as the current confrontation in the Middle East has reminded us, the major concern of American foreign and military policy is, and will remain, the Soviet Union. Despite all the talk of detente and of the turn from confrontation to negotiation, relationships between the United States and the Soviet Union are supremely important and dangerously uncertain.

This does not mean that war between the two countries is probable. War has been avoided in the difficult years since the end of World War II on a number of occasions, and there is real hope that war can continue to be avoided. But with two countries armed as no nations ever have been armed before in history, the awfulness of war, if it should come, makes the avoidance of war between the United States and the Soviet Union the single most important objective of American policy.

Since the avoidance of war—deterrence, is the word of our nuclear strategists—depends on a balance of terror, there is very little realistic hope that the U.S. defense budget can be reduced in the foreseeable future. If the relations between the United States and the Russians continue about as they are now, with slow progress toward more comprehensive strategic arms limitations, we probably will be fortunate to keep the arms budget at about its current level in constant dollars. But there is little slack in the budget for emergencies, like the current resupply of Israel, and even brief crises can eat up millions, even billions, of dollars.

There is a broad range of opportunities for improvements in the American military structure. The changes, requiring a certain boldness and a willingness to challenge hoary assumptions, might save some money, but mostly they would provide more effective defense for about the same money.

The irrational deployment of American troops in Europe, for example, has long cried for change. The Titan missile force, already bargained away in exchange for the right to build more submarines, still is kept on alert at an annual cost of $30 million, as another example.

Spending on defense is declining as a percentage of the gross national product, as a share of the federal budget and, most dramatically, as a percentage of all public spending, both federal and local. There simply is no way that the defense budget can be squeezed to provide the large sums of money that other government programs, already on the books, will require in coming years.

There will, of course, continue to be extremely heavy pressure on the defense budget. It is very difficult to explain, for example, why the government is spending less this year to house a rapidly expanding prison population than it spends for a single fighter plane. This pressure will require great discretion to determine what is really needed and what can be cut without danger to national security.

Despite its size, the Defense Department probably is the best-managed agency in the government. This is true, also, in spite of all the talk about cost overruns and inefficiency.

The fact that most Americans, most congressmen and many Pentagon officials do not believe the department is well-managed is a problem in itself. There is a pervasive—but false—belief that all of the Pentagon's problems would be solved if it were simply managed better.

This is simply not true. The management of the department has been improving gradually over the years and it almost certainly will continue to improve. But there is no reason for hope that there will be some miraculous breakthrough to an era of mistake-proof, error-free management. The best we can hope for is continued gradual, undramatic improvement—and demands for a miracle will simply make that kind of improvement more difficult and unimpressive when it does come.

Finally, it should be said that, despite the recent scandals that have tarnished the image of the military establishment, the nation is indeed fortunate that the quality of those, both military and civilian, who devote their skills to national defense is, on the whole, so very high.

NATIONAL INTERESTS IN LIGHT OF MIDEAST DEVELOPMENTS

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, Benjamin Franklin once said, "The things which hurt, instruct." If there is truth in these words, the latest Mideast war should prove to be a powerful learning experience.

Media reports in the past few days provided the text for some lessons.

Perhaps the most painful lesson to be imparted is how much the United States can depend on its "friends" when the chips are down. While this country strained to replace vital Israeli weaponry, our allies made things as difficult as possible, lest their oil supplies be threatened.

The Navy and Air Force had to adopt a roundabout system of supply because key Western European countries—our allies—along the supply route forbade their territory to American aircraft. For example, under a Navy plan for the urgent supply of A–4 Skyhawks, the planes were flown to Israel from the east coast via the carriers *John F. Kennedy* and *Franklin D. Roosevelt* for refueling by tanker aircraft. Meanwhile, Air Force C–5A's headed for Israel only partially loaded so that they could carry sufficient fuel to make the extra long stretches of the flight.

When U.S. NATO representative Donald Rumsfeld attempted to win support for American policy in the Middle East, he was reportedly unable to do so. The oil issue apparently outweighed unity.

About 1 month ago Libya's Muammar Kaddafi told an American newsman that, in the Middle East, "perhaps the new oil situation will finally convince you that you should think of your own national interest." While the United States may still need some convincing, Kaddafi's words apparently were not wasted on our allies.

Quite obviously as a minimum, a review of our national interests in light of the facts brought out over the past week is required.

TWO HEROES: ANDREI SAKHAROV AND ALEKSANDR SOLZHENITSYN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, two men living in a police state—the Soviet Union—deserve for their courage the warm support of free citizens everywhere. The statements of these two men—Andrei Sakharov and Aleksandr Solzhenitsyn—speak eloquently for each of them, and I am including them in the RECORD for the benefit of my colleagues:

[From the New York Times, Oct. 17, 1973]

(NOTE.—This interview with Andrei D. Sakharov on the war in the Mideast was conducted by a Lebanese correspondent. Sakharov is the Soviet physicist and contro-

versial advocate of civil rights in the Soviet Union.)

Moscow.

SAKHAROV. The events in the Near East alarm me greatly. I do not know if words can be important at such a moment but I am ready to answer your questions.

CORRESPONDENT. How do you appraise the events in the Near East?

SAKHAROV. This war, which began with simultaneonus large-scale Egyptian and Syrian military operations, is a great tragedy both for Arabs and for Jews. But, for Israel in this war, just as in the wars of 1949, 1956 and 1967, what is at stake is the very existence of the state, the right to life. I believe that for the Arabs this war is basically a result of the play of internal and external political forces, of considerations of prestige, of nationalistic prejudices. I believe that this difference exists and must be taken into account when appraising these events.

CORRESPONDENT. What can the Arabs and Israelis do to end this conflict?

SAKHAROV. Immediately agree to a cease-fire and sit down to negotiations. The Arabs should clearly and unequivocally declare that they recognize Israel's right to existence within borders ensuring its military security, fundamental economic interests and prospective immigration. Israel should give guarantees in return. With these conditions the honorable peace long wished for by both parties is possible.

CORRESPONDENT. What steps can the U.S.A. and Western nations take to terminate the war?

SAKHAROV. Call upon the U.S.S.R. and socialist countries to abandon the policy of one-sided interference in the Arab-Israel conflict, and take retaliatory measures if this policy of interference continues. Use all means, including diplomatic, for an immediate cease-fire and for the initiation of direct peace negotiations between the Arabs and Israel. Make effective use of the United Nations Charter to safeguard peace and security.

CORRESPONDENT. Which is better for socialist countries and countries of the third world, an Israeli victory or an Arab victory?

SAKHAROV. The people of all countries are interested not in military victories but in peace and security, in respect for the rights and hopes of all nationalities, in tolerance and in freedom.

CORRESPONDENT. How can you, as a defender of human rights, help the Arab countries?

SAKHAROV. I speak out for the democratization of life in our country, and this is closely related to our foreign policy and the relaxation of international tensions. The Arab countries, as countries throughout the world, have an interest in this as one of the conditions for development free from external forces.

CORRESPONDENT. At the present time do you intend to criticize the policy of Israel's leaders?

SAKHAROV. No. That country, which is the realization of the Jewish people's right to a state, is today fighting for its existence surrounded by enemies who exceed it in population and material resources many times over. This hostility was stirred up to a considerable extent by the imprudent policies of other states. All mankind has on its conscience the Jewish victims of Nazi genocide during World War II. We cannot permit a repetition of that tragedy today.

[From the New York Times, Oct. 31, 1973]

HIRED KILLERS

(NOTE.—On Oct. 21, two Arabs who said they were members of the Black September terrorist organization talked their way into the Moscow apartment of dissident Soviet nuclear physicist, Andrei D. Sakharov. They threatened his life if he ever again made a statement—as he had on Oct. 12—sympathetic to Israel. As a result of Dr. Sakharov's report of the incident, his friend, the Soviet writer Aleksandr I. Solzhenitsyn, wrote him this letter.)

DEAR ANDREI DMITRIEVICH: I was away when the news of the attack on you became known, and so I am writing only now.

Our country has fallen low in the esteem of the Arabs if they have no reason to respect our national honor. Even so we really do not need Arab terrorism to "straighten out" Russian history. But I assert that in our native land under the conditions of continuous surveillance and eavesdropping that exist in your case, such an intrusion is impossible without the knowledge and encouragement of the authorities. If this intrusion had been independent of and unwelcome to the authorities, the numerous members of the security organs would have had no difficulty in stopping it before its inception or in the course of its hour and a half duration or in apprehending the criminals immediately afterward. Would they have dared to act without having received permission? Anyone familiar with our situation would find this absurd.

This is only the latest method. What can answer the free words of a free man? Arguments do not exist. Rockets are irrelevant. Fences harm one's reputation. Only hired killers remain. If they ever strike such a blow against you while I remain alive, I assure you that I shall dedicate what remains of my pen and my life so that the murderers will not triumph but will lose.

With warmest personal regards,

SOLZHENITSYN.

OCT. 28, 1973.

CHARLES HORMAN: AN AMERICAN'S DEATH IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the sad news confirming the death of Charles Horman, son of constituents in my district, has been amplified by the accompanying letters sent to myself and to Senator FULBRIGHT—a copy of the latter was sent to me by Mr. Horman—by the father, Edmund C. Horman.

I would like again to express my sorrow at Charles Horman's needless death, and to bring to the attention of the Congress, the allegations of Mr. Horman concerning the State Department—in particular, the American Embassy in Santiago's incompetence, or worse, indifference to the plight of the family in the Embassy's investigation of the disappearance and subsequent death of Charles Horman.

The correspondence follows:

NEW YORK, N.Y.,
October 26, 1973.

Congressman EDWARD KOCH,
Congress of the United States,
Washington, D.C.

DEAR MR. KOCH: My wife and I wish to thank you for the efforts which you made in behalf of our son, Charles. Without such efforts I believe that we never might have learned the circumstances of his death.

The copy of a letter to Senator Fulbright is enclosed that it may play a part in making sure that, in the future, some of the many dreadful things which have occurred and still go on in Chile may be forestalled.

Thank you,

EDMUND HORMAN.

NEW YORK, N.Y.,
October 25, 1973.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I was in Santiago, Chile from October 5th to October 20th, in search of my son, Charles Horman, who was killed by Chilean Military Forces in the National Stadium and who is mentioned in the letter sent to you by Richard P. Fagen of the Institute of Political Studies of Stanford University on October 8th.

My hope is that the telling of what I observed in Santiago and in Washington may lead to better protection of American citizens than was afforded to my son and to others by the Department of State.

Charles was seized in his rented house by Chilean soldiers at 5 p.m. on September 17th. The soldiers placed him in a truck and the truck was seen to enter the National Stadium, where prisoners were being concentrated. These events were witnessed, wholly or in part, by four people. On the following morning Mario Carvajal, a Chilean industrial designer and friend of Charles, was called by a man who identified himself as from Military Intelligence and asked questions about Charles. On the same morning a call was made to Warwick Armstrong, a New Zealander, employed by Cepal Division of United Nations and also a friend of Charles. The caller again identified himself as from Military Intelligence, asked questions about Charles and ordered that Armstrong go to the nearest Carabinero station and make a statement. Armstrong discussed this with his superior at Cepal. They decided that going to the station might be dangerous. They decided that Armstrong should call Robert P. Coe at the American Embassy. Coe told Armstrong to speak to Frederick K. Purdy, which he did. Purdy told me later that he had learned of Charles' seizure, at about the same time, from an Embassy employee who had been called by a friend of Charles.

On October 5th I arrived in Santiago and, with my daughter in law, met with Nathaniel Davis, Purdy and Col. William Hon, Military Attache to the Embassy. Davis said that the Embassy feeling was that Charles probably was in hiding. I said that this seemed implausible; that even if he were afraid to call his wife directly, he easily could have passed a message through one of their many friends. I asked what had been done to follow up the probability that Charles had been seized by Military Intelligence, as indicated by the evidence of neighbors who saw the seizure and friends who had been called by Military Intelligence. Davis looked at Purdy and asked whether he knew anything about the telephone calls. Purdy said "No sir." My daughter in law reminded Purdy that, some days before, he had shown her some of his notes and that the call from Armstrong was on them. Purdy then remembered the calls. Davis wondered whether the telephone calls really were as I had described them. I suggested that he have them checked out immediately and he told Purdy and Col. Hon to do so. On the next day, October 6th, Purdy told me that both people who had been telephoned had been interviewed; that their accounts matched mine; that Col. Hon would ask Chilean Military Intelligence for a report.

October 8th Purdy and Col. Hon came to my hotel. Col. Hon said that the Chilean Military denied all knowledge of Charles. Repetitions of this statement were the only information given to me by the Embassy on this statement until October 18th. I gave them a letter asking that they press on; that they investigate the possibility of other prisons than the National Stadium; that they check all foreign embassies where Charles

might have gained asylum; that they make a fingerprint check of all unidentified bodies in the morgue; that news releases be given all Chilean newspapers; that reward offers be made in the newspapers. I offered to pay the rewards. All the above were approved for immediate action by Davis. Purdy, however, asked me to check the Swedish Embassy, explaining that their relations with the Swedes were not cordial because of the help given to an American woman who had said that the American Embassy had refused to help her and who had been given shelter by the Swedes. I spoke to the Swedish Ambassador by telephone later.

October 10th Purdy telephoned me, saying that a fingerprint check showed that Charles was not in the morgue. At my request he confirmed this by letter. I then asked for a re-check by a recognized expert and offered to pay any fee. Several days later this was done and the same report received. On October 9th I had sent Purdy a note asking that a check be made on disposition of bodies removed from the morgue.

October 15th, after being told by Purdy that the Chilean Military continued to deny any knowledge of Charles and that our people knew of nothing further that could be done to persuade them, I visited Major Luis Contreras Prieto of the Chilean army. I was put in touch with him by his brother, who is employed by a New York bank. I appealed to the Major on the grounds of humanity, saying that, if Charles were not alive, I hoped that they would not leave me without the truth when I returned to face his mother. Prieto immediately telephoned a Major Hugo Sala of Military Intelligence. After hanging up he told me to wait for a visitor next morning. On October 16 two men from Military Intelligence, Ortiz and Menesas by name, visited me for almost two hours. When they left, they said that I would hear from them promptly. On October 17 they returned and asked many questions about the clothes which Charles wore. They asked whether I could obtain fingerprints. I called Purdy at the Consulate and he sent the prints at once by messenger. The men left with them. On the same afternoon I visited Enrique Bernstein for almost an hour. He is Foreign Minister Huerta's assistant and had been spoken to in New York by my brother in law, the arrangement having been made by Brian Urquhart of the United Nations. Senor Bernstein promised to do everything possible.

On the same day, a man associated with Ford Foundation told me that a close friend of his also is a close friend of a General in the Chilean army; that the General had said that Charles had been shot to death in the National Stadium "on or before September 20th."

On October 18th Inspector Mario Rojas, of Investigaciones, summoned my daughter in law to be interviewed. He showed me a letter from the Minister of the Interior directing him to devote his entire effort to finding the truth about Charles.

In the late afternoon Purdy telephoned me. He said that the Chileans had telephoned the Embassy and said that they had matched Charles' fingerprints to those of the body of a man who had been shot in the National Stadium on September 18th and had been interred in the wall of the National Cemetery on October 3rd. This report was confirmed to me formally in visits by the men from Military Intelligence and by Inspector Rojas of Investigaciones.

So—from September 18th to October 5th, the date of my arrival in Santiago, the American Embassy did *nothing* to verify the evidence which had been placed in their hands on September 18th and which proved to be the key to the truth. From October 5th to the very end, their "efforts" produced no results beyond their repeated statements that they had contacted the Chilean government, right up to General Pinochet, and had been told that the Chileans knew nothing about Charles or his whereabouts. And yet, within three days after my talks with Major Prieto and Enrique Bernstein, the truth was made plain.

I do not know the reason underlying the negligence, inaction and failure of the American Embassy. Whether it was incompetence, indifference or something worse, I find it shocking, outrageous and, perhaps, obscene.

My own observations and the experiences related to me by others convince me that the attitudes and behavior of some—not all—American State Department employees fall very short of those of the personnel of certain Foreign Embassies and of workers in the groups who are helping refugees in Chile. As examples I might mention:

On October 8th Ambassador Davis directed that news releases be requested in all Chilean newspapers and that offers of reward be inserted. As of October 11th, despite my daily inquiries, one news release and no reward offers were printed. When I was referred to the Embassy press officer I was told that I should be grateful for the one story I then protested to the Ambassador who put another man on the job. Another story appeared on the following day and the reward notices were prepared for immediate insertion as advertisements.

A friend of my daughter in law asked the wife of an Embassy officer why there was so much delay and difficulty in locating Charles. The response, as quoted directly to my daughter in law, was "He must have been doing something very naughty."

On September 28th I was in the State Department offices in Washington. One of the men let me use his office for four hours while he attended a meeting. During this time, a friend of my son, who has literally devoted all his time to the search, called from the reception desk and asked for me. The man to whom he spoke had talked with me at length and could see me in the office. He told the young man that I was not there and refused to let him come up and wait for me.

The Department issued press releases, and made statements to me and to others, both in Charles' case and in that of Frank Terruggi, quoting the Chilean statements that both had been released from the National Stadium and possibly were in hiding. This seemed completely illogical at the time and was proven false in my son's case. Taking these actions of the Department together with an article printed in the New York Post during this past week and quoting a Department press officer by name as saying that Charles probably was seized by a leftist group, it seems apparent that it is Department policy to clear the Chilean government of responsibility and, at the same time, clear themselves of their obligation to hold a foreign government to account for killing an American citizen. The press release to the Post conflicts directly with the view expressed to me by Purdy. Fearing that the Chileans might disclaim responsibility by blaming Charles' seizure by rightist (the thought of leftists doing this is preposterous) groups, I asked Purdy the Embassy view of the possibility that such groups might have been active. He confirmed what I already believed: that there was so much dissension and possible disloyalty in the Chilean army that special armbands were issued each day and that any irregular groups would have been in great danger.

My daughter in law was treated discourteously by Embassy people. As stated earlier, until October 5th no steps were taken to follow up the evidence which was given to the Embassy on September 18th.

Very truly yours,

EDMUND C. HORMAN.

SUPERB ADDRESS OF HON. CHET HOLIFIELD

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, our distinguished and beloved colleague from California, Hon. CHET HOLIFIELD, delivered a superb address recently at the dedication of Duke Power Co.'s Keowee-Toxaway project. We are extremely proud of this project in our congressional district, which won for Duke Power Co. the Edison Award, the highest citation of the electrical industry. Duke was cited for "its outstanding engineering accomplishment in the integrated hydrothermal development of the project and protecting and enhancing the environment of the Keowee Valley."

Mr. Speaker, it was entirely fitting and proper that Congressman HOLIFIELD make the dedication address, as no American has contributed more to the development of the peaceful uses of atomic energy. During this time of energy crisis and international crisis I commend to the Congress and to all Americans Chairman HOLIFIELD's superb address at the dedication of Duke Power Co.'s Keowee-Toxaway project.

The address follows:

REMARKS BY CONGRESSMAN CHET HOLIFIELD

OCTOBER 20, 1973.

Mr. Chairman, respected guests, my Congressional Colleague, the Honorable Bryan Dorn, and friends.

I would like to take this opportunity to commend the officials of the Duke Power Company for their imagination in the planning of this project and for their fine efforts in bringing these plants on line. The Keowee-Toxaway Project represents an innovative and award-winning combination of hydroelectric and nuclear powered generating plants. Moreover, in addition to providing needed power for this rapidly growing area, these lakes will offer recreational benefits for the members of the public and enhance the general area for residential use. The recent Edison Award to Duke Power summarizes the achievement succinctly. Let me quote:

"For engineering vision in designing the Keowee-Toxaway-Oconee power generating complex, and integrated hydro-thermal development, the hydro-station lake supplying cooling water for thermal plant use and its black start capability providing emergency start-up power; for demonstrating its concern for ecological balance and the well-being of its customers by stressing environmental protection in its design and by providing recreational facilities; and for the technical and managerial accomplishment of design and construction management of the complex using company manpower."

I want to especially thank my friend and colleague in the House of Representatives, the Honorable William Jennings Bryan Dorn, with whom I have served since 1947. He is a great representative of the best interests of the people of his District and our Nation. He is a champion of nuclear energy and has supported our great atomic programs to keep our country safe and strong in a military sense and progressive and prosperous on the economic plane.

The United States of America is approaching a severe energy deficit faster than most people realize.

This great Nation has been built on the fact that within our borders we have always

possessed an abundance of energy sources. Over a century ago, we depended on an abundance of wood from virgin forests to heat our homes, and to fuel our steamships and locomotives. Then, we turned to our rich deposits of coal for use in our homes, factories, ships and trains. At the beginning of this century we turned to oil and gas.

Today our wood is gone and our rich fields of oil and gas are going. We have become more and more dependent on oil and gas for home, factory and transportation. But, as our domestic supplies of oil and gas declined, we have been forced to import from South America, Canada and the Middle East an alarming amount of oil to supplement our domestic petroleum sources.

We imported seven and one-half billion dollars worth of oil in 1972. We on the Joint Committee on Atomic Energy made some estimates earlier this year of our future imports based on $4 per barrel oil. On this basis, our imports for 1973, were estimated to be $9 billion and for 1980—seven years from now—$20 billion. But these estimates are already significantly out-of-date. Based on the recent statement of Libya, the cost is now to be $6 per barrel and not the $4 we used in our estimate. This would change the estimate for 1980 from $20 billion to $30 billion. Of course, based on the announcement made in Kuwait last Wednesday by the Arab oil states on cut backs in petroleum production for the United States, the upbidding for oil will be further intensified. We would be incredibly naive if we believed that the price hike also announced last Wednesday is the last one the Middle East sheiks will impose. Of course, even the present estimate of imports would spell financial chaos for our country. Long before 1980, such import needs would bankrupt America. We must develop alternatives and those alternatives will have to be electricity from coal when we make it environmentally acceptable, and from nuclear power.

We cannot support such a huge outflow of dollars. Why do I use these alarming forecasts of energy facts and figures?

First, because every reputable statistical source verifies these figures and forecasts.

Second, because I want each of you to know the importance of this event today.

I want you to know that we are in the twilight of the fossil fuel age.

We are at the beginning of the nuclear energy age.

Since 1954, your Congress has been working to transform the curse of nuclear destruction into a blessing for mankind. Your Congress has supported the peacetime atomic program which makes this great reactor possible. Your Congress has followed the wise advice of the Joint Committee on Atomic Energy and we have developed more than 1500 peacetime uses of the dread substance that destroyed Hiroshima and Nagasaki, the two great cities in Japan.

Time has proven correct the prediction expressed in the 1963 Joint Committee hearings that we were entering an era of declining supply of fossil fuels. Because of that vision and wisdom and the expenditure of several billion dollars of your tax money, we stand today with the ability to off-set our growing fossil fuel energy deficit with a new supply of energy from the atom.

This replacement of energy will not come into being by the wave of a magic wand. It can only come into existence by building about 1000 nuclear reactors by the year 2000 similar to this great plant we dedicate today.

Strange as it may seem, there exists abroad in our land today people, many of them well-meaning perhaps, who are woefully ignorant of the crisis which is approaching you, me and our children.

These people have listened to charlatans and demagogues who are ill-informed and fearful of progress. Their recent ancestors opposed the advent of the train, the automobile and the airplane.

They predicted calamity which never occurred. Their ancestors sat in a cave by a wood fire and ate burned meat and scratched their bodies for recreation.

This type of people today claim to worship nature and seek to preserve nature in its most simple aspects. They forget that thorns and thistles and briars infest our fields that grow our food and fiber. They forget that uncontrolled floods drown our crops and denude our precious topsoil. Some of the older citizens can remember this area when Nature held full sway. They have seen this area changed from land worth $15 to $25 per acre to today's land of rich farms bounded by modern roads and an influx of electrical energy that makes life worth living and provides industrial employment which was undreamed of forty or fifty years ago.

All this great change came about because of progress from a primitive agricultural society to the advanced society you enjoy today—and that progress came about because men of vision and courage were not afraid to control the natural factors for the benefit of mankind. These men of vision and courage were not fearful men looking backward in nostalgia to the past. They were men who, like their forefathers, were willing to face the challenge of uncontrolled natural forces and guide them into beneficial channels for their present benefits and their children's future benefits.

So, today we are gathered here as friends of progress—friends of people who are entitled to a better life than their forefathers.

We are here today to pay our tribute to the men who plan and operate these great energy factories. We are here to compliment the people of this gerat and progressive region—people who are alive to modern needs and are supporting the move to channel the forces of nature into the blessings of a better future.

I would like to say again what an honor and pleasure it is to participate in this dedication. I again commend all of you for your vision in making this great contribution, not only to this area, but also to the Nation as a whole. Every person in this Nation should be grateful to you for every kilowatt-hour generated here. Everyone will help this Nation in contending with our growing energy shortage. I wish you every success in your continuing efforts.

Now, may I talk briefly in more technical terms.

Here, we are dedicating a *real* reactor based on proven technology. Not something academic. We are not probing into the theoretical pie-in-the-sky dreams of those who find a new, academic concept more interesting than one based on sound technological development.

What can we look forward to in the next one or two decades to solve our growing energy problem? Practically the only two primary energy sources we have in this country in adeqaute amounts to do this are coal and nuclear power. And the nuclear power to which I refer are fission reactors such as we have here. We must concentrate our efforts on these two sources.

As to the follow-on new type of nuclear reactor known as the liquid metal fast breeder reactor, it is expected to be making significant contributions in the 1990's. This new type of nuclear reactor will increase the heat we can extract from a gram of uranium a hundredfold.

In all candor, we must admit that its technology has not been completely developed. But we have expended more than a billion dollars on solid research and development work on this concept. We, meaning the Atomic Energy Commission, the Joint Committee on Atomic Energy, the President, the successful reactor manufacturers and the large majority of the utility customers, have etsablished a priority goal for completion of this new reactor which embodies the largest consensus of support. Other nations are also giving vigorous support to their concepts of an LMFBR. If we are successful, and we believe we will be, we will solve our energy fuel resource problem for thousands of years.

After many years of research and development, Congress has authorized the building of a full scale prototype of this new type of reactor. The site has been chosen in your neighboring state of Tennessee. The contractors have been chosen. The partnership arrangement between private industry and the Federal government has been developed. We are ready to go. The successful development of a breeder reactor is a giant step forward and can and should give us an unlimited supply of energy for the future needs of our people.

There may be other technical paths which are desirable to explore. But at what risk? To what degree do we want to or can we parallel a different technology which may offer a hoped-for better solution? Where is the money coming from to pursue a parallel source?

Do we want to confuse the Congress and the industry by abandonment of all we have learned at such great expense and go down the glory road? Are we really justified in playing the game of "leap frog" over the advanced LMFBR technology? And if we leap, where do we land?

Can I go on the floor of the Congress and tell the Congress that the Commission, the Committee, the industry and the President were wrong for the past ten years in proceeding, step by step, building our breeder technology on proven successes in the light water field? Will they listen? What justification can I give for such a drastic step of abandonment and embarkation on a new venture—a new venture with relatively little research and development base and with great skepticism from the powerful entities that now support the LMFBR approach.

Have the new technological problems which beset every turn in the path of *any* new technology been adequately explored? What about safety? What about fuel technology? What about long-term material behavior? And, finally, what about the economics?

We are standing on solid ground today in the shadow of this great and expensive reactor. I wonder if any of the persons in this audience can realize the feeling of pride which I have within me today. This great nuclear reactor represents the peak of reactor accomplishment to date. It represents in its technology the results of 27 years of effort of not only myself and Congressman Price, but of a long line of members of the Joint Committee, the Atomic Energy Commission and the thousands of scientists, engineers, contractors and construction people that have brought into being this great atomic electric generating reactor. It represents far more. It represents the wisdom and courage of the great utility industry, because they provided the base of venture capital that built this reactor and most of the other licensed reactors in the commercial field. There is enough credit to go a long way, but today I wish to specially commend and compliment the management of the Duke Power Company for their years of support in the pioneering field of electric generation from the energy of the split atom.

I also wish to thank your Congressman and my friend Brian Dorn for his consistent support of the atomic program for more than twenty-five years.

As we move forward to meet the increasingly difficult problems which will beset us in the closing years of this century, I can assure you that the United States Con-

gress will, with the solid support of the people, furnish the vigor and the vision which will safeguard and preserve the blessings of our form of government for all of us and for our descendants.

COMMUNIST PROPAGANDA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, we are all deeply concerned about Communist propaganda which is being infiltrated into the United States and Latin America by Castro and his Communist regime. We are also deeply concerned about the Russian military buildup in Cuba and in the Caribbean. One of the most knowledgeable men in the United States in respect to both of these subjects is Dr. Manolo Reyes, distinguished news commentator for the CBS outlet in Miami, channel 4. Dr. Reyes, formerly a distinguished lawyer and television personality in Cuba has been since about the beginning of Castro's regime a resident of Miami. Several times Dr. Reyes has given invaluable information about the dissemination of Cuban propaganda and about military activities in Cuba and in the Caribbean by Russia. We in the Congress and our fellow countrymen need to listen to men like Dr. Reyes who are warning us about Russian buildup so close to our shores which is constantly increasing.

So I was very much pleased as chairman of a subcommittee on the Theory and Practice of Communism of the House Internal Security Committee to chair a hearing of our subcommittee recently when Dr. Manolo Reyes gave us invaluable, if disturbing, information about these two subjects:

SUMMARY OF DR. MANOLO REYES' TESTIMONY

A subcommittee of the Committee on Internal Security has received testimony and fresh evidence to show that Communist Cuba is still exporting Fidel Castro's brand of revolutionary violence and subversion to Cuba's neighbors in the Western Hemisphere.

The very distinguished Latin American news editor of Station W-T-V-J, Miami, Dr. Manolo Reyes, told a subcommittee on Communist Theory and Practice which I had the honor to chair that Cuba played a major role in supporting the deposed and now dead Marxist President of Chile, Salvador Allende.

Dr. Reyes said he obtained a great deal of first-hand information from a delegation of 16 Chilean newsmen who recently arrived in Miami and one he interviewed had been the first newsman to enter the palace in Santiago, Chile, after Allende committed suicide.

Dr. Reyes said the newsman provided a vivid description of the scene and gave details of just how Allende placed the end of a gun barrel under his jaw and blew out his brains moments before police and soldiers stormed into the palace. The gun Allende used was a gift from Castro.

Dr. Reyes spoke of clandestine arms shipments from Cuba to Chile for Allende's followers, of the discovery on September 9, 1973, by the Chilean military of plans for a leaftist coup designed to place the country entirely in the hands of Allende's revolutionary, communist followers, and of a July 29, 1973 letter from Castro to Allende advising that two of Castro's right-hand men, Carlos Rafael Rodriguez (Deputy Foreign Minister of Cuba) and Major Carlos Pineiro (Cuba's Chief of Intelligence and Security) were going to Chile to help Allende stave off the opposition until leftists could prevail.

At this point in the Record, Mr. Speaker, I would like to submit an English translation of Castro's hand-written letter to Allende (written, incidentally, on the Cuban dictator's official stationery) because it even contains a hint that Castro may have given Allende the idea of commiting suicide if Allende's strength and honor were threatened:

HAVANA,
July 29, 1973.

PRIME MINISTER.

DEAR SALVADOR: Under the pretext of discussing questions concerning the meeting of unaligned countries with you, Carlos and Pineiro are making a trip to your country. The real purpose is to confer with you about the situation and to offer you, as always, our willingness to cooperate in the fact of the difficulties and perils which hinder and threaten the process. Their stay will be very short inasmuch as they have many pending obligations here and notwithstanding the sacrifice of their duties, we decided that they would make the trip.

I see that you are now in the delicate question of the dialogue with the D.C. in the midst of serious events such as the brutal assassination of your naval adjutant and the new truck-owners' strike. I can imagine the great tension existing because of this and your desires to gain time, to improve the correlation of forces in case the struggle breaks out and, if possible, to find a channel to permit going ahead with the revolutionary process without civil strife while at the same time [excusing —?] your historical responsibility for what may occur. There are laudable goals. But in case the other party, whose real intentions we are not in a position to evaluate from here, persists in a treacherous and irresponsible policy by demanding a price impossible for the Popular Unity and the Revolution to pay, which is, even, likely, don't forget for a second about the formidable strength of the Chilean working class and the vigorous support it has given you in all the difficult times; it can, upon your call to the endangered Revolution, paralyze the coupists, maintain the concurrence of the wavering ones, impose your conditions and decide, if need be, Chile's destiny at the same time. The enemy must learn that it is in readiness and ready to go into action. Its strength and its combativeness can shift the balance in the capital in your favor even if other circumstances may be unfavorable.

Your decision to defend the process with steadfastness and honor, even at the cost of your own life; for they all are aware that you are apt to comply, will draw all the capable fighting forces and all Chile's worthy men and women to your side. Your valor, your serenity and your fearlessness at this historic hour of your country and, above all, your steadfast, determined and heroically exercised leadership constitute the key to the situation.

Let Carlos and Manuel know in what way we, your loyal Cuban friends, can cooperate.

I reiterate the affection and unlimited confidence of our people.

Fraternally,

(s) FIDEL CASTRO R.

Dr. Reyes also spoke of the efforts by Cuban communists to bring propaganda to the American people in an effort to soften the U.S. position with respect to Castro and Cuba.

And he showed our subcommittee a film clip of a Soviet naval squadron, including a nuclear-equipped submarine, moving through Caribbean waters near the Florida Keys.

Dr. Reyes reported that thousands of Russian technicians, instructors and military personnel are stationed in Cuba and have the air and naval strength there now in such quantity that Moscow might not back down if faced with a new missile crisis as was the case in 1962.

Other witnesses joined Dr. Reyes in deploring the fact that a project to promote the image of Castro and Cuban communism—a project known as EXPO-CUBA had been permitted to be launched in New York this past summer and was scheduled to be exhibited throughout the U.S. in months to come.

Dr. Reyes' testimony, as well as supporting testimony from other witnesses, was a sharp reminder that a major threat to our nation's security lies just 90 miles off our southeastern coast. We cannot afford to ignore it.

AMBASSADOR JOSEPH JOHN JOVA SPEAKS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on October 20 in Miami, Fla., the distinguished U.S. Ambassador to the Organization of American States spoke to the Inter-American Businessmen's Association. In an able and outstanding address Ambassador Joseph John Jova gave a learned review of the development of the Western Hemisphere. With emphasis upon Latin America he showed how the streams of life and development in the northern and southern part of the hemisphere had become intertwined and how interdependent all parts of the hemisphere are. Ambassador Jova emphasized that today Latin America is alive:

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time.

Mr. Speaker, my colleagues and fellow citizens who read this able address will be informed and delighted. I, accordingly, ask that Ambassador Jova's address appear in the RECORD following my remarks:

REMARKS BY AMBASSADOR JOSEPH JOHN JOVA TO THE INTER-AMERICAN BUSINESSMEN'S ASSOCIATION

MIAMI, FLA.,
October 20, 1973.

In the course of my life this part of the United States has changed from a real frontier—a simple mix of vacationland and farm country—to a cosmopolitan gateway for the entire world. There were first the days of boom-and-bust speculation in South Florida swampland in the twenties, followed by a far more substantial boom in the next generation, when Miami and its environs became America's playground. And now in the past decade or so it has blossomed into a bilingual city, fast developing into an extremely busy center of inter-American business, banking, education, culture, medicine and society. True, Miami has about it little of that wonderful Latin culture exemplified in, say, Cuzco or Old Mexico. And it is not perhaps an industrial dynamo like a Pittsburgh or a Sao Paulo. I think it is rather uniquely the inter-American city of the future. For that reason it seems an ideal place for me as the United States Ambassador to the Organization of American States to meet with the Asociacion Interamericana de Hombres de Empresa. This dynamic organization is bringing together the real "fuerzas vivas" of some of the most active cities on the Gulf of Mexico and the Caribbean. As a resident of Washington I am particularly pleased at the establishment of a chapter in the Nation's

capital. A city that, like Miami, is undergoing its own metamorphosis, in its case from a purely government city to a modern metropolis.

I trust that you are aware of the importance of private business at this point in the history of Latin America, when development is the main pre-occupation in every country. As businessmen, in your industrial, commercial and financial activities in Latin America you are, of course, concerned with making a profit. It is only right—indeed in our economic system it is indispensable—that you do so. But I hope too that you are conscious of your profound responsibility in the ongoing economic and social development of the hemisphere. Without such development, the outlook for business itself is dim indeed.

The United States and the industrial revolution were born at about the same time, twins out of the same mother. It should not be surprising then that the British colonies should be in the forefront of economic development. Latin America likewise grew up in the wake of a glorious tradition—the Spain of Columbus, Diego de Velasquez, Cortez, Cervantes; the Portugal of Henry the Navigator, of Camoes; of the bandeirantes; not to mention the Indian and African infusions which make our hemisphere so uniquely rich. But neither the Iberian tradition nor the Afro/Indian tradition sufficiently prepared Latin America for economic development in the twentieth century. I need not belabor the point: for complex reasons, the entrepreneurial spirit pervaded North America; and it was later in coming in most of the countries which developed south of the Rio Grande and the Straits of Florida. Those days are passed, however, and expanding economies in Latin America and your own presence here today is testimony of this fact. This little historical capsule is, I hope, sufficient to point up your importance as businessmen in the hemisphere's future. Latin America is no longer far from the center of the world's stage; no longer are there banana republics; no longer are large parts of America doomed to economic and social stagnation. No longer are its managerial and business talents confined to running haciendas or collecting urban rents.

Today Latin America is alive—actively and assiduously seeking the economic wherewithal to make up lost time. Most of the hemisphere must rely on the private sector to be the true motor of development. It must look to the membership of this association (for example) for trade, for capital, for technological expertise—whether you are nationals of the United States, of the host country or of a third country. Yet the climate for the private sector—and particularly for foreign investment—often seems gloomy. We have seen expropriations, nationalizations and the intention of some governments to control the activities of foreign companies. I think we—and by that I mean both the potential investor and the U.S. Government—should keep in mind that reasonable controls on investment are a fact of modern life and need not be against our long term interests. Host governments have a right to insure that investments are in the general welfare. But it is important for both government and investor to know what the rules of the game will be. By the same token, private investors have a right to stay away if the rules are too tough or their application too uncertain. I believe that most of the governments of Latin America recognize the importance of foreign investment to their economies, and I also believe most of them are increasingly aware that it is unwise to take actions which would discourage potential investors. In today's world capital is scarce and it flows only to those places where it is welcome. This fact should become increasingly clear during a period when development, with its never ending requirement for inflows of capital and technology, is the prime goal of every country of the hemisphere.

This very drive for development is opening vistas as well as creating problems for both business and government and has helped to create the present state of U.S.-Latin American relations. For those of you who are U.S. citizens especially, but for all of you, I think, the state of those relations is very important. I, therefore, propose to review briefly the picture as seen from my particular arena—the Organization of American States.

From the perspective of history, inter-American relations show a central and recurring theme, the effort of Latin American nations to place restraints upon the behavior of its giant neighbor to the north. I don't use restraint in any pejorative sense. Nations, like human beings, do themselves no good when they behave in an unrestrained fashion. So it is good for us and it is good for every nation to agree to the placing of reasonable restraints, and I emphasize reasonable, upon its own behavior.

For many years the principal thrust of this effort lay in the field of political behavior as Latin America sought to restrain us from intervening, militarily or otherwise. The good neighbor policy was a recognition of the validity of the principle of non-intervention and (in 1947–48) it was made a treaty obligation in the Charter of the OAS and in the Rio Treaty.

When the nations of the hemisphere agreed, not without difficulty, to institutionalize the Inter-American System through the Charter of the OAS and the Rio Treaty, these steps were based on the existence of at least a rough consensus on hemispheric goals and principles. I would summarize this consensus in terms of four elements (a) non-intervention (b) the deterrence of extra-continental aggression (c) the maintenance of peace among the nations of the hemisphere themselves and (d) the acceptance of a system of cooperation among us all.

This consensus was later inadequate to deal with the drive toward economic and social development, which became increasingly important to the Latins in the fifties and suffered a partial breakdown which threatened the edifice of inter-American cooperation. This new concern led to Operacion Panamerica and the creation of the I.D.B., and, sharpened by the advent of the Castro regime, led directly to the Alliance for Progress during the administration of President Kennedy.

The accomplishments of the Alliance for Progress were many. But it has now been largely overtaken by events and by changes in attitudes both north and south. We have seen an erosion of the consensus that bound us together, an erosion that has been accelerated by the lessening of the threats of the Cold War era. In Latin America we have seen grow a nationalism that has become increasingly assertive in its concentration on development goals. For our part, we in the United States have become increasingly cognizant of the finite nature of our resources and our need to balance international responsibility with our duty to our own people.

The Nixon Doctrine was a direct response to these realities. Its concept of a mature relationship, without the paternalism of the past, of a realization that our capabilities are—and must of necessity be—directed to helping others to help themselves and its offer to respond to Latin initiatives in both trade and aid, was well received in both Latin America and at home.

Unfortunately, the war in Vietnam, our obligations at home, and a deteriorating balance of payments combined to make it difficult for us to be as responsive as we had hoped.

It is this complex of changed realities, then, that is reflected in Latin America's dissatisfaction with the existing system for development cooperation. It is precisely this dissatisfaction that underlies the complaints about the OAS and the Inter-American System as a whole and which led to the creation of a Special Committee of the OAS to reform the Inter-American System. This Committee has been meeting since June, first in Lima and now in Washington. The thrust of the Latin Americans is not so much for changes in the structure or organs of the OAS as for a change in the very relationship between the U.S. and Latin America.

In drawing up a new framework of relationships, some of the Latin American countries seek to obtain from the U.S. a commitment for additional legally binding obligations and restraints. For example, a system of collective economic security—complete with both obligations to provide assistance and with definitions of economic aggression—has been proposed. While the U.S. has no intention of committing economic aggression against any country, in an interdependent world, such as we have today, nearly anything one government does will have some impact on another. Sugar quotas in the U.S. affect world prices. An export embargo on a commodity affects the world supply situation. Moreover, it is easy to forget that this should apply to actions by Latin American governments against U.S. interests as well as vice versa. Therefore, I do not believe that such a wide-ranging system of collective economic security is acceptable to the U.S. at this time.

This is merely an example of the type of issue which faces us in the OAS now. There are many differences of opinion among OAS members, but we are working overtime in an effort to find formulas which will protect the interests of all parties.

I should make clear that our joint efforts in the Inter-American system run parallel to efforts on the world scene to order the relationships between the developed and the developing, an undertaking in which President Echeverria of Mexico has taken a leading role. In this connection, speaking of the development effort, Secretary of State Kissinger stated to the United Nations General Assembly:

"We will participate without conditions, with a conciliatory attitude and with a cooperative commitment. We ask only that others adopt the same approach. . . . We are willing . . . to examine seriously the proposal by the distinguished President of Mexico for a Charter of Economic Rights and Duties of States. Such a document, will make a significant and historic contribution if it reflects the true aspirations of all nations; if it is turned into an indictment of one group of countries by another it will accomplish nothing. To command general support—and to be implemented—the proposed rights and duties must be defined equitably and take into account the concerns of industrialized as well as of developing countries. The U.S. stands ready to define its responsibilities in a humane and cooperative spirit."

In short, the U.S. agrees that we need in the hemisphere an effective and active Inter-American System, but one based on reciprocity. We think it important to seek a new *consensus*, suitable to the times in which we live, but one that is realistic, which aims at enhancing "convergent interests" and at resolving the differences among us. We must approach this in a spirit of accomodation and realism and so must our neighbors. As the Foreign Minister of Colombia, Alfredo Vazquez Carrizosa, pointed out recently in the OAS Special Committee, Latin votes of twenty-two against one American are worth nothing in themselves. If decisions are to be meaningful, Dr. Vazquez said, a consensus must be worked out in which the United States can participate. Good faith—a will of all nations to work together for peace and development—these are the essentials of a workable Inter-American System

for the years ahead. In order to develop such a political will, Dr. Vazquez called for a conference of the hemisphere's foreign ministers. From the perspective of a diplomat and of someone whose vocation and personal commitment has been to the inter-American relationship, I would like to point out some of the ground rules and conditions which determine how the game will be played.

First, countries make their own decisions on what reforms are needed; development is largely an internal question. Self-help is the most essential ingredient for development, and outside assistance—while important—is secondary. A set of rules and sanctions with respect to U.S. economic behavior will not substitute for the internal development process.

Secondly, we are dealing with sovereign states, including the U.S. Where there is conflict between U.S. interests and those of other sovereign states, one must recognize the legitimacy of interests on both sides and seek mutual advantage through a process of accommodation.

Thirdly, this is a richly diverse hemisphere, with differing views on many matters. At the last OAS General Assembly we joined together to recognize under the rubric of "plurality of ideologies" the diversity of political, social, economic systems. But at the same time a historic commonality of ideals and interests has joined the Americas into a living relationship which has endured since the days of our Independence. This vitality of the Inter-American System has often been overlooked.

My fourth and last point concerns a matter I touched on briefly before—the knotty issue of the behavior of private foreign investment. There simply is not enough public capital available overseas to fund the needs for capital in the developing countries. President Nixon, in his major Latin American policy speech in October 1969, emphasized the importance of foreign investment: "For a developing country," he said, "constructive foreign private investment has the special advantage of being a prime vehicle for the transfer of technology. And certainly, from no other source is so much investment capital available, because capital, from government to government on that basis, is not expansible. In fact it tends to be more restricted, whereas, private capital can be greatly expanded." The experience of Cuba in pre-Castro days and of Brazil today could hardly be more eloquent as examples of the truth of that statement.

At the same time, developing nations fear that foreign business may contravene national development policies or interests. All, of course, reserve to themselves the sovereign right to determine the conditions under which foreign investment operates. The issue involves strong emotions and real interests. It would be in everyone's interest to work out some means of resolving disputes in this area that would protect the legitimate interests of all concerned.

It is now part of our conventional wisdom that the U.S. has, for a number of years, been walking a valley of shadows. Our traditional optimism has been frustrated by the unsuspected stubbornness and complexity of problems both domestic and foreign. We have come to an equivocal tangle of complexities, new responsibilities and even setbacks in a world which is changing vertiginously. The United States has learned more of pain. And, if I may say so, I think we have learned also of humility.

Much of the thrust of this Administration's foreign policy reflects a realistic appreication of these events. Thus we have the Nixon Doctrine, detente, a determination not to be the policeman of the world, and particularly in Latin Amrica, a more modest perception of our true role. We also recognize the new Latin nationalism as a fact of life.

For several years we have been trying to mold our Latin American policy to these realities. We have consciously channeled a majority of our economic assistance through multilateral institutions such as the IDB and the World Bank. We have diminished the number of U.S. Government officials in Latin America. We have accepted the existence of a "plurality of ideologies" in the hemisphere. There is a realization that development is a complex matter indeed and most of the impulse must come from within.

While we are still as committed as we ever were to the desirability of economic and social development in Latin America, we want to do more listening and less talking. Because of the importance to us (and indeed to Latin America as well) of our own economic health, we have given priority to this issue. The U.S. and Latin America are traditional trading partners; we are mightily interested in the promotion of American exports, and the United States Government has given this new emphasis. And we are attempting, with due respect for the sovereignty of others, to protect what we have seen as legitimate interests of U.S. investors in Latin America and elsewhere abroad.

I need not emphasize that our efforts so far have not met with uniform success. At times we have lacked the style, the panache to project the seriousness of our intention to continue cooperating with Latin America while shedding the accoutrements of paternalism. And we have run into conflicts between how we see our economic interest and how several Latin American countries view their interests.

Despite this I am persuaded there is reason for optimism that U.S. relations with the other countries of the hemisphere can be improved in the years ahead. As Secretary Kissinger recently pointed out, we and the Latin Americans—despite our differences—have much the same principles based on freedom and human dignity. Despite differing levels of development within Latin America as well as between Latin American and the U.S., we share a tradition in which the private individual, the private entrepreneur, the private business organization have key roles in determining how society will develop.

I hope that each of us here will go forth with a deeply felt determination to help in the continuing construction of this hemisphere which we still know proudly as the New World. More and more, business is being called on to consider whether its activities are in the interest of those ideals about which we in the OAS speak—and I hope, think—a great deal. Namely, prosperity for the world, the fulfillment of the individual man. Creation of healthy societies also is good business.

Through the Inter-American System the United States has a covenant to work together to improve the quality of the life for all people in the hemisphere. I feel confident that the private businessman can be counted on to do his part in the fulfillment of that covenant.

WORLD FOOD SITUATION CHRONICLED IN MINNEAPOLIS TRIBUNE

(Mr. FRENZEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRENZEL. Mr. Speaker, in recent months, it has become increasingly apparent to us in the Congress that the world's food supply is lagging woefully behind demand. We have heard Secretary of State Henry Kissinger urge the United Nations to step up its activities in the form of a world food conference, and pledge the U.S. support for U.N. food programs. In addition, recognized food experts, like Dr. Norman Borlaug, winner of the Nobel Prize, have urged that new emphasis be placed on world food sharing programs and grain reserves. And now, the Senate Committee on Agriculture has begun hearings on the subject.

In spite of this growing awareness in the Congress, this problem is obviously not a new one. People have been starving for centuries, and the world's food experts have always known about it. Unfortunately, it has often been said that little or nothing can be done. However, the "green revolution," spurred by Dr. Borlaug's super high yield grains, has begun. In addition, this country has for the first time in years, passed a production-oriented farm bill, which will certainly help to fill up America's breadbasket, and will help other nations, too, until they can produce as we do.

To provide some additional information on these problems and potential solutions, I am today inserting in the RECORD the first of a series of four articles by Minneapolis Tribune staff writer, Al McConagha, dealing with world food supply. The series contains vital information for all who want to know more about food supply and demand. The article by Mr. McConagha follows:

[From the Minneapolis Tribune, Oct, 28, 1973]

FOOD SUPPLY BECOMES WORLD CONCERN

(By Al McConagha)

WASHINGTON, D.C.—Last summer when we needed a banker to finance a slice of U.S. Choice, we also began hearing about starving Africans and soybeans so precious we couldn't sell them to foreigners.

When crop reports turned up on television news, it was clear that something was wrong with something the nation long had taken for granted—an ample supply of relatively low-cost food.

In his first speech as secretary of state, Henry A. Kissinger made it a global issue. He urged the United Nations on Sept. 24 to call a world food conference to deal with the "growing threat."

"Since 1969 global consumption of cereals has risen more rapidly than production," said Kissinger, outlining the difficulty. "Stocks are at their lowest levels in years.

"We now face the prospect that—even with bumper crops—the world may not rebuild its seriously depleted reserves in this decade," Kissinger told the General Assembly.

Argument rages over how depressed we should be at this news. But one point is as unmistakable as horseradish: When it comes to food, the world is a smaller place than we are accustomed to thinking of it.

The anchovy catch declines off the coasts of Peru, trimming an important source of animal protein, and the result is that the price of soybeans soars in New Ulm, Minn. And, as the cost of beans to the livestock producers takes off, the price of pork chops leaps in Paris.

The Soviet Union buys American wheat, and the world market goes up. As a result a hungry Pakistani can't afford his usual chapoatti, a cereal staple, and is less likely to get it on relief.

This oversimplifies, perhaps, but does not distort. It is clearer than ever that food—like energy and environment—involves manifold interconnection of men and conditions.

Food is a uniquely American asset. North

America has become the world's dominant source of grain, largely because of superior soil, climate and technology.

With stocks at a 20-year low, the world depends each year on a good harvest on the prairies of the United States and Canada. That harvest, of course, depends on the weather.

To some American farmers, however, current fears are as recurrent as the weather. They see themselves in yet another cycle of the boom and bust that has characterized the nation's farm history.

The last food "crisis" occurred in 1965–1966. Two successive monsoon rain failures devastated Indian harvests and a U.S. grain armada saved perhaps 60 million people.

At that time there also was "new-era" talk. Then Agriculture Secretary Orville Freeman, former Minnesota governor, in 1966 relaxed wheat restrictions and some 30 percent more acres went into production.

To be ready for the anticipated wave of high prices, farmers went further into debt equipping themselves. Farm-related industries, such as fertilizer, expanded to get in on the boom.

During that summer's harvest, however, wheat prices plunged and surpluses again headed into government storage. These stocks continued to build until the controversial wheat sale to the Soviet Union.

CROPS FAIL IN PHILIPPINES, INDIA

At the same time the prophesies of disaster that had accompanied the hardships in India gave way to euphoria over the seemingly boundless promise of the "Green Revolution."

These new rice and wheat varieties offered hope at the end of the 1960s that food production would keep up with population growth. They now appear merely to have postponed the hour of crisis.

The high-yield wheat and rice did, however, provide some significant successes and India, for instance, became self-sufficient in wheat before it was set back by drought in 1972.

That was the year of reversal on many food production fronts. Besides subnormal rain in India, drought and typhoons damaged the Phillippine rice and corn crops. Peru's anchovy harvest failed, cutting fishmeal supplies. Six African nations below the Sahara suffered their fifth consecutive year of drought. Poor conditions also cut deeply into harvests of major grain exporters, giving Australia its poorest wheat crop in 13 years and forcing Argentina to suspend exports of durum, bread wheats and flour.

That year, too, winter kill and a dry summer reduced the Soviet wheat crop. And it was at this point that the decisions of governments also began to have an impact.

Instead of asking its people to go without as it had in the past, the Kremlin bought 28 million tons of grain overseas to spare its livestock herds and continue its protein development program.

At the same time the United States decided to meet escalating world demand and (with the exception of the soybean embargo) opened its bins and sold off all of its government-owned stocks.

Another governmental decision also raised world demand. Two formal and one unofficial dollar devaluations had the effect of lowering U.S. export prices and spurring foreign buying.

Willingness to spend money on farm products also was fueled to generally expanding economies in the industrial nations that bid up the prices of grain and protein used to feed livestock for the production of meat.

The impact of all this on American food prices at home is well known. It also led to a trade boom overseas. U.S. food exports increased from $8.1 billion in 1972 to $12.9 billion this year.

Implications for the future are uncertain. Some economists see the convulsions of the past 18 months as a peculiar combination of bad luck and poor weather not likely to be repeated.

The United States is expected to have a record crop this year and next. The global food production outlook is favorable although there is drought in West Africa, North Africa and the Mideast.

Don Paarlberg, Agriculture Department director of economics, says supplies are likely to remain quite tight this marketing year but crop failure on last year's scale are "unlikely on a continuing basis."

Generally speaking, the department thinks food supply and demand will be in a "reasonably good" equilibrium in the next decade or so but that prices will be "substantially" higher than in the 1960s.

PESSIMISTS SEE GROWING FOOD SHORTAGE

Obviously prediction is hazardous. "The problem is we don't know what is going to happen next January let alone what is going to happen next year," says D. Gale Johnson of the University of Chicago.

Nevertheless, he predicts that the present tight supply situation will ease in one or two years and continued high prices will depend largely on expanded trade through negotiation.

More pessimistic observers, while not ruling out possible relaxation of supply problems for a few years, believe the current trend is toward increasingly chronic food scarcity.

Not even the most optimistic Agriculture Department analyst contends that agriculture can meet the demands of population growth indefinitely. So the cosmic question becomes not if, but when, we won't have enough.

Sen. Hubert Humphrey, D-Minn., a close student of the issue, talks of some starvation within five years. Agriculture Secretary Earl Butz says we have a couple of decades to get population under control.

Population causes the historic demand for more food. The number of people on earth has been rising by about 2 percent (75 to 80 million) each year and has for the past 40 years.

This requires food production also to double in little more than a generation to meet minimal food requirements to prevent starvation—and this begs the monumental issue of the malnutrition that affects millions of people who have enough food to stay alive but not to stay healthy.

Moreover, there is lately a new appreciation of the impact of affluence on food supply. As incomes go up, so does the demand in all industrial countries for red meat.

And it takes anywhere from 3 to 8 pounds of grain to produce a pound of poultry, pork or beef.

Lester R. Brown, senior fellow of the Overseas Development Council, is particularly active in stressing the effect of this hunger for livestock products on the world grain supply.

As he calculates it, grain consumed directly represents 52 percent of man's food supply. In poor countries the annual availability of grain for each person averages some 400 pounds each year.

In the United States and Canada each person uses about one ton of grain a year. Only about 150 pounds are eaten directly. The balance is passed through animals and consumed as meat, milk and eggs.

Also, the per capita consumption of beef rose in the United States from 55 pounds in 1940 to 117 pounds in 1972. During the same period poultry consumption increased from 18 to 51 pounds.

At the same time there are serious restraints on production. The best land is already cultivated. Poor practices are eroding other soils. Soybeans resist laboratory efforts to improve their yields.

Weather, on which all crops depend, remains uncertain. Brown contends that drought has visited the United States in 20-year cycles since the Civil War—and another one is on the way.

Although this thesis has not found wide acceptance, weather does seem to come in cycles and some experts are disturbed by persistent rainfall deficiencies in the Dakotas and western Minnesota.

Reid A. Bryson, University of Wisconsin meteorologist, says the earth's climate is now changing in a way that poses a staggering threat of drought and famine for the Indian subcontinent.

"I would say the food problem has never been so serious in the history of the world," William Paddock, Washington food consultant and author, observes.

"For people to live on the brink of starvation is not unusual. But for so many to live on the brink is unusual," he adds. "For the first time in my memory there is no food reserve to help them."

A. H. Boerma, director-general of the U.N. Food and Agriculture Organization, adds the lament that "enough decent food for millions of human beings may simply depend on the whims of one year's weather. Is this," he asks, "a tolerable human condition?"

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. PODELL (at the request of Mr. O'NEILL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHUSTER) to revise and extend their remarks and include extraneous matter:)

Mr. TREEN, for 10 minutes, today.
Mr. TALCOTT, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous matter:)

Mr. MORGAN, for 30 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. FULTON, for 5 minutes, today.
Mr. FRAZER, for 5 minutes today.
Mr. FUQUA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SHUSTER) and to include extraneous matter:)

Mr. BLACKBURN in two instances.
Mr. TREEN in two instances.
Mr. ESCH.
Mr. SHUSTER.
Mr. ROBISON of New York.
Mr. BRAY in three instances.
Mr. ERLENBORN.
Mr. ARCHER in two instances.
Mr. LANDGREBE in 10 instances.
Mr. HANRAHAN.
Mr. STEIGER of Wisconsin in two instances.
Mr. CLEVELAND in two instances.

Mr. WIDNALL.
Mr. HOSMER in three instances.
Mr. SHRIVER.
Mr. ZWACH in six instances.
Mr. RONCALLO of New York in two instances.
Mr. COLLINS of Texas in three instances.
Mr. WYMAN in two instances.
Mr. KEMP in two instances.
Mr. TOWELL of Nevada.
Mr. MIZELL in five instances.
(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)
Mr. TIERNAN.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. DRINAN in five instances.
Mr. OWENS in 10 instances.
Mr. CULVER in six instances.
Mr. MCCORMACK.
Mr. HARRINGTON in five instances.
Mr. MOORHEAD of Pennsylvania in 10 instances.
Mr. KASTENMEIER.
Mr. TEAGUE of Texas in six instances.
Mr. REID.
Mrs. SCHROEDER in 10 instances.
Mr. CHARLES H. WILSON of California.
Mr. MILFORD in two instances.
Mr. MOSS.
Mr. MOAKLEY in 10 instances.
Mr. NEDZI in four instances.
Mr. VANIK in three instances.
Mr. CAREY of New York.
Mr. STOKES.
Mr. FLOWERS.
Mr. BYRON in 10 instances.
Mr. ROGERS in five instances.
Mr. HAMILTON in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 702. An act to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 11. An act to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, November 1, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1492. A letter from the Secretary of the Army, transmitting a report on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff on September 30, 1973, pursuant to 10 U.S.C. 3031(c); to the Committee on Armed Services.

1493. A letter from the Assistant Secretary of the Interior, transmitting a report on donations received and allocations made from the fund "14X8563 Funds Contributed for Advancement of Indian Race, Bureau of Indian Affairs" during fiscal year 1973, pursuant to 25 U.S.C. 451; to the Committee on Interior and Insular Affairs.

1494. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued operation of a mountain handicraft center for the public in the Cone Manor House at Moses H. Cone Memorial Park on the Blue Ridge Parkway, N.C., through December 31, 1978, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1495. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to delete the requirement that Congress authorize amounts of special nuclear material which may be distributed to a group of nations; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MELCHER: Committee of conference. Conference report on S. 1081 (Rept. No. 93-617). Ordered to be printed.

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 128. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes (Rept. No. 93-616). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 11200. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BIESTER (for himself, Mr. COUGHLIN, Mr. MCDADE, Mr. HEINZ, Mr. ANDREWS of North Dakota, Mr. ESHLEMAN, Mr. FRELINGHUYSEN, Mr. HILLIS, Mr. JOHNSON of Pennsylvania, Mr. MCKINNEY, Mr. RUPPE, and Mr. WINN):

H.R. 11201. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 11202. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BROTZMAN:

H.R. 11203. A bill to amend the Federal Food, Drug, and Cosmetic Act to include the definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CAMP:

H.R. 11204. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. CORMAN (for himself and Mr. MCCLOSKEY):

H.R. 11205. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of the act; to the Committee on Ways and Means.

By Mr. EVANS of Colorado (for himself, Mr. BROWN of California, Mrs. CHISHOLM, Mr. DANIELSON, Mr. WILLIAM D. FORD, Mr. HECHLER of West Virginia, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. ROYBAL, Mrs. SCHROEDER, Mr. CHARLES H. WILSON of California, Mr. WOLFF, and Mr. WON PAT):

H.R. 11206. A bill to prohibit payment of salaries of heads of departments, agencies, and other organizational units of the executive branch which do not comply with requests of committees of Congress for certain information, and for other purposes; to the Committee on Rules.

By Mr. FLOOD (for himself, Mr. KYROS, Mr. MANN, Mr. CARTER, Mr. PARRIS, Mr. CONTE, Mr. SHRIVER and Mr. HASTINGS):

H.R. 11207. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. HARSHA:

H.R. 11208. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for other purposes; to the Committee on House Administration.

By Mr. HILLIS:

H.R. 11209. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Juliciary.

By Mr. KOCH (for himself, Mr. MCCLOSKEY, and Mr. NIX):

H.R. 11210. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. LENT (for himself, Mr. WYDLER, and Mr. RONCALLO of New York):

H.R. 11211. A bill to provide for the appointment of a Special Prosecutor to investigate and prosecute any offense arising out of campaign activities with respect to the election in 1972 for the Office of President; to the Committee on the Judiciary.

By Mr. MCCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. HECHLER of West Virginia, Mr. SYMINGTON, Mr. THORNTON, Mr. ROE, Mr. BROWN of California, Mr. WINN, Mr. BELL, Mr. PICKLE, Mr. PARRIS, Mr. GUNTER, Mr. ESCH, Mr. MARTIN of North Carolina, Mr. FUQUA, Mr. CRONIN, Mr. BERGLAND, Mr. DOWNING, Mr. COTTER, Mr. CONLAN, Mr. HANNA, Mr. FREY, and Mr. MILFORD):

H.R. 11212. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial uti-

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)
ek
$g_{80}=r_{80}$ (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 contaimable, 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 dstroyed 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