

Mr. EDWARDS of California, Mr. FRENZEL, Mr. HORTON, Mr. KEATING, Mr. KEMP, Mr. KETCHUM, Mr. LEGGETT, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. NIX, Mr. O'HARA, Mr. RANGEL, Mr. ROE, Mrs. SCHROEDER, Mr. THOMPSON of New Jersey, Mr. UDALL, Mr. WIDNALL, Mr. YATES, and Mr. YATRON):

H.R. 11233. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH:

H.R. 11234. A bill to improve the conduct and regulation of Federal elections and campaign activities; to the Committee on House Administration.

H.R. 11235. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. FOUNTAIN:

H.R. 11236. A bill to provide authority to expedite procedures for consideration and approval of projects drawing upon more than one Federal assistance program, to simplify requirements for operation of those projects, and for other purposes; to the Committee on Government Operations.

By Mr. FUQUA:

H.R. 11237. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mr. GUDE (for himself, Mr. FRASER, Mr. RANGEL, Mr. DELLUMS, Mr. FAUNTROY, Mr. STARK, Mr. MAZZOLI, and Mr. MCKINNEY):

H.R. 11238. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HENDERSON:

H.R. 11239. A bill to amend section 1006 of title 39, United States Code relating to the eligibility of U.S. Postal Service employees for promotion or transfer to other positions in the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11240. A bill to clarify the application of section 8344 of title 5, United States Code, relating to civil service retirement annuities and pay on reemployment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYROS:

H.R. 11241. A bill to provide for the conservation of energy through observance of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIAS of California:

H.R. 11242. A bill to amend the act which created the U.S. Olympic Committee to require such committee to hold public proceedings before it may alter its constitution, to

## EXTENSIONS OF REMARKS

require arbitration of certain amateur athletic disputes, and for other purposes; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. ROSENTHAL, and Mr. CHARLES H. WILSON of California):

H.R. 11243. 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. OBEY:

H.R. 11244. A bill to repeal the Campaign Communications Reform Act, to amend the Federal Election Campaign Act of 1971, and for other purposes; to the Committee on House Administration.

By Mr. O'BRIEN:

H.R. 11245. A bill to provide standards of fair personal information practices; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 11246. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. RANDALL:

H.R. 11247. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 11248. A bill to direct the Chief Judge of the U.S. District Court for the District of Columbia to appoint a Special Prosecutor to investigate and prosecute any offense with respect to the election in 1972 for the Office of President and with respect to the conduct of the Office of President by Richard M. Nixon; to the Committee on the Judiciary.

By Mr. REID:

H.R. 11249. A bill to provide that daylight saving time shall be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. BELL, Mr. WOLFF, Mr. HEINZ, Mr. MALLARY, Mr. GUDE, Mr. KEATING, Mr. DE LUGO, Mr. MCKAY, Mr. ROBERT W. DANIEL, Jr., Mr. BAFALIS, Mr. YOUNG of Illinois, Mr. JOHNSON of California, Mr. DANIELSON, Mr. VEYSEY, Mr. BURTON, Mr. BIESTER, Mr. McCLOSKEY, Mr. PETTIS, and Mr. HANLEY):

H.R. 11250. A bill to govern the disclosure of certain financial information by financial institutions to governmental agencies, to protect the constitutional rights of citizens of the United States, and to prevent unwarranted invasions of privacy by prescribing procedures and standards governing disclosure of such information, and for other purposes; to the Committee on Banking and Currency.

By Mr. ULLMAN (for himself, Mr. SCHNEEBELI, Mr. MAHON, Mr. BURKE of Massachusetts, Mr. LANDRUM, Mr. FULTON, Mr. BURLESON of Texas, Mr. CORMAN, Mr. GIBBONS, Mr. WAGGONER, Mr. KARTH, Mr. CONABLE, Mr.

PETTIS, Mr. DUNCAN, Mr. BROTHMAN, and Mr. ARCHER):

H.R. 11251. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of methanol imported for use as fuel; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11252. A bill to amend title 5, United States Code, to provide for the reclassification of certain security police positions of the Department of the Navy at China Lake, Calif., and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYATT:

H.R. 11253. A bill to authorize the Secretary of Agriculture to make grants to cities to encourage the increased planting of trees and shrubs and to encourage other urban forestry programs; to the Committee on Agriculture.

By Mr. CULVER (for himself, Mr. CONTE, Mr. CORMAN, Mr. JAMES V. STANTON, Mr. MINISH, Mr. DOWNING, Mr. STRATTON, Mr. FULTON, Mr. DRINAN, and Mr. ANDREWS of North Carolina):

H.J. Res. 805. Joint Resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.J. Res. 806. Joint Resolution to authorize the President to proclaim February 16 as Bataan-Corregidor Day; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself and Mr. HARVEY):

H. Res. 678. 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. OWENS:

H. Res. 679. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII,

324. The SPEAKER presented a memorial of the Legislature of the Territory of the Virgin Islands, relative to the transfer of title to submerged and other lands to the territories; to the Committee on Interior and Insular Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

347. The SPEAKER presented a petition of Demetrius Zettos, San Francisco, Calif., relative to impeachment of the President; to the Committee on the Judiciary.

## EXTENSIONS OF REMARKS

LUDWIG VON MISES: EMINENT ECONOMISTS PAY TRIBUTE TO HIS LIFE AND WORKS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. KEMP. Mr. Speaker, in 1952, Prof. Ludwig von Mises, already recognized as

an intellectual giant in the field of economics, contrasted free market economies with state-controlled economies:

Laissez-faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion.

Professor Mises' life and works stand as a tribute to unceasing efforts on his behalf to espouse the principles of freedom within the marketplace, stressing, with the full force of history marshalled to sustain his arguments, that political freedom itself cannot long exist without economic freedom.

Professor Mises' teachings, particularly his classic work *Human Action*, have had a great influence upon me and my phi-

## EXTENSIONS OF REMARKS

November 1, 1973

losophies of government, economics, and human action. And, he has served as the principal inspiration for an entire school of economic thought, only now having a fuller impact in the political sphere.

Memorials honoring this great economist-philosopher have been marked by profound belief that Mises was a visionary of extraordinary insight, whose wisdom will, perhaps, not be fully appreciated for years. The current issue of *National Review* expressed this feeling in this way:

The death of Ludwig von Mises, at the age of 92, marks the passing of the greatest economist of his generation. His was, in fact, one of the most powerful and original minds that ever operated in the social sciences, to be compared with such figures as Ricardo, Boehm-Bawerk, and Max Weber.

Four of the Nation's outstanding economists paid tribute to Mises in that issue of *National Review*, November 9, 1973. For the benefit of all my colleagues who struggle daily in this Chamber with the question of the proper role of government in the economy, I include these tributes in the RECORD:

## TRIBUTE TO VON MISES

## I. HIS OEUVRE

An incredible worker, he was the author of at least 19 books if one counts only first editions, and of perhaps double that number if one includes revised and expanded versions. He wrote hundreds of articles and monographs, and delivered countless lectures.

His published works include at least three masterpieces. They were *The Theory of Money and Credit*, first published in German in 1912, *Socialism: An Economic and Sociological Analysis*, also first published in German in 1922, and *Human Action*, which grew out of a first German version appearing in 1940.

Mises made so many special contributions to economics and to social thought that it is impossible to indicate here anything more than their general nature. He rejected the rigid quantity theory of money as elaborated by Irving Fisher and his school. Instead, he was the first to apply consistently to money the "Austrian" marginal theory of value and thus was the first to unify monetary with general economic theory.

He also elaborated, in his early book on money, the rudiments of a satisfactory theory of the previously mysterious "business cycle." He showed that, contrary to the contention of Karl Marx, booms and busts were not inherent in capitalism, but the result of unsound currency and credit systems, usually promoted by governments. Fractional bank reserve systems, combined with the support furnished by central banks, chronically promoted the overexpansion of money and credit, raised prices, and led to malinvestment, until finally the inverted pyramid of credit collapsed.

Mises' *Socialism* is the most devastating analysis of that philosophy ever written. Of the many new insights in it, the most memorable was to make clear that a complete socialism could not solve "the problem of economic calculation": that it could not know what was being produced at a social profit and what at a social loss; and consequently could not know the relative amounts of the thousands of different goods and services that it ought to produce. It was this insight that led Oskar Lange, a Marxist economist who later became a member of the Polish Politburo, to propose that future socialists ought to erect a statue to Ludwig von Mises for forcing them to recognize this central problem.

Mises was not only a great thinker but a great man. I have never met anyone more completely dedicated to a life of the mind. In his youth, it is true, he was fond of some sports: He enjoyed mountain climbing and skiing, and occasionally even played tennis. When someone remarked that he was not very good at it, he replied: "The fate of the ball does not interest me very much."

His conversation was remarkable for its unsparing logic, its flashes of wit, and his immense range of historical knowledge; but he had no small talk.

There was not a touch of pettiness in him. Though he was so often neglected or disparaged, I never heard him utter a word of personal bitterness or resentment. When he first came to this country in 1940, he was in serious economic straits; but he never mentioned a word about this to me. Yet though he never asked for help, he was permanently grateful for it whenever it came.

His outstanding quality was moral courage, and an almost fanatical intellectual honesty that refused to deviate or compromise an inch. This often cost him dear personally; but it set an ideal to strengthen and inspire his students and all the rest of us who were privileged to know him. Henry Hazlitt.

## II. VIENNA YEARS

The foundations of the great system of social thought that we now know as the work of Ludwig von Mises were laid half a century ago when he was a busy administrator for whom research and teaching could be only spare-time occupations. So long as he lived in his native Vienna, that is, far into his fifties, most of his time was devoted to his work as financial consultant to the most important semi-official organization of Austrian enterprise, the Vienna Chamber of Commerce, and he could only do a little teaching at the university on the side. Even this was interrupted by long service as an artillery officer during the First World War. Yet shortly before and after that, he published the two works which contain the outline of most of the ideas that he later developed into his comprehensive system.

In 1912 his *Theory of Money* appeared, for many years the most profound and satisfying work on the subject available. That it did not have the immediate effect it deserved—which might have saved the world many of the monetary troubles of the postwar period—was due mainly to the fact that he had found it necessary to go deeply into the problems of the general theory of value. This deterred many who might have profited from his elucidation of questions of more immediate practical value. After the war, in 1922, there followed his great work *Socialism*, which established his fame. Its central thesis was not, as it is sometimes misleadingly put, that socialism is impossible, but that it cannot achieve an efficient utilization of resources. That can be achieved only on the basis of a calculation in terms of value or price, which in turn can be ascertained only if there is a competitive market. It was this thesis which attracted the widest attention and led to discussions extending over many years in which Mises certainly was victorious, at least in the sense that the defenders of socialism were driven to far-reaching changes in their doctrines.

The book on socialism was particularly important in that it marked Mises as the leading interpreter and defender of the free enterprise system. Though he had been taught as a very young man the mild "Fabian" socialism then prevalent among the Viennese intelligentsia, he soon reacted against it, thereby isolating himself from most of his contemporaries. He probably owed this conversion to Eugen von Boehm-Bawerk, the teacher at the university who had the greatest influence on him. Boehm-Bawerk, before his premature death, had begun to work on the lines which Mises later developed. By

the time he published *Socialism*, Mises had become so strongly convinced that socialist aspirations were based on an intellectual confusion and a failure to comprehend the task which the economic system had to perform that his later attempts to develop social theory and his defense of a libertarian political order often became inextricably intertwined. His tendency, particularly in his younger years, to defend his position with stubbornness and intransigence, made him many enemies. This was largely the reason he never obtained a regular university position in Vienna and why many academicians treated even his purely theoretical works as ideologically suspect for so long. He continued to teach occasional courses at the university, but for many years it was through an informal discussion circle, his *Privatseminar*, as it came to be known in Vienna, which ranged widely over problems of social theory and philosophy, that he extended his personal influence. Among the best known members of this circle are not only the economists Gottfried Haberler and Fritz Machlup, but also sociologists like the late Alfred Schuetz and philosophers like the late Felix Kaufmann.

During these years, the Twenties and early Thirties, Mises was extraordinarily fertile, and in a long series of monographs on economic, sociological, and philosophical problems built up the comprehensive philosophy of society that he first expounded in a German work and then summed up in the *magnum opus* by which he is mainly known to American readers, *Human Action*. This was written in New York. Mises had left Vienna for a professorship at Geneva shortly before Hitler occupied Austria, and in 1940, about as late as was still possible, he moved from Geneva to the United States. The years in America were happy. Newly married, in the care of a congenial companion, for the first time in his life he was able to devote himself entirely to writing and teaching. But not even a brief sketch of his life can conclude without a mention of three characteristics of his work as a scholar: the rare lucidity of his exposition, his astounding historical erudition, and his deep pessimism about the future of our civilization—a pessimism which led him often to predictions that did not come true as soon as he had expected but that were usually confirmed in the end. I believe the world would be a better place if Ludwig von Mises had more often been listened to.—F. A. Hayek.

## III. TEACHER

Historians of the twenty-first century will surely be puzzled by the rankings accorded to economists in this era.

On the one hand they will note that academic honors, and in many cases substantial monetary rewards, were profusely showered on Establishment economists whose contributions were minuscule. Mostly they were technicians whose efforts were devoted to analyzing small segments of economics. On the other hand they will note that the work of the colossus of that period—Ludwig von Mises—was largely neglected by Establishment economists, despite the fact that this great social philosopher had formulated a coherent and powerful general theory the likes of which the world had not seen for over a century.

Of course Mises had a worldwide reputation, and a limited, devoted following who venerated him, including many distinguished academicians such as Lionel Robbins in Great Britain, Jacques Rueff, adviser to de Gaulle, Luigi Einaudi, former president of Italy, Professor Ludwig Erhard, former chancellor of Germany, Friedrich Hayek, and many others. But the popular verdict favored many lesser men.

Mises built his philosophy on the supremacy of the individual. Human action—the rational, purposeful decisions of individuals

seeking to achieve more favorable conditions for themselves day by day—this is the key-stone of his work. A nation *harmonizes* its economic and social conflicts by meticulous regard for the rules of the free market where individuals vote their preferences. By constant adjustments of prices, production, and consumption the free market enables people of a nation to live better and to enjoy a maximum of personal freedom.

The Mises philosophy is ideal for a dynamic economy. It scorns the "equilibrium" theory favored by Establishment economists like Samuelson. New and unpredictable decisions by millions of people every day should result in dynamic change—an economy in flux—not static equilibrium. Since economics and politics cannot be reduced to neat mathematical equations like physics and chemistry, the "managers" of an economy are always fumbling in the dark. The free market and consumer sovereignty are the basic conditions of a prosperous, free society.

Little wonder that Mises' concept was not enthusiastically followed by Establishment economists. Most of them were lured into statist solutions by the devastating wars of the first half of the twentieth century and the Great Depression. It may be more than mere coincidence that statism, which requires decisions by countless boards and commissions of economists, greatly enhances the popular prestige of these economic managers. What need would there be for countless decision-making economists under a self-adjusting free-market system? When the world increasingly adopted the philosophy of *dirigisme* and socialism, it created conditions of Marxian *social conflict* rather than conditions of Mises' *social harmony*.

Mises was foremost—and very early—in pointing out the great dangers of the coming inflation. He often recounted how, before World War I, finance ministers in Europe scoffed at the very idea that nations would ever permit inflation to become a serious problem. He anticipated the dangers of the superwelfare state and sounded the alarm more than half a century ago. But most of the world did not listen. Like lemmings hurrying to their own destruction, celebrated economists continued to expound the beauties of the welfare state and inflation.

By the twenty-first century the ravages of hyperinflation and statism may become so evident to all the world that economists, historians, and social philosophers will rediscover the genius of Mises and accord him his rightful place in history. Lawrence Fertig.

#### IV. ON THE MARKET

In paying tribute to the memory of an inspiring teacher and towering scholar and thinker, it seems eminently appropriate to draw attention to the major intellectual "vision" which sparked and sustained the master's contributions to his science. To those who knew him, Ludwig Mises was, in the face of shocking neglect by so many of his contemporaries, a living exemplar of incorruptible intellectual integrity, a model of passionate, relentless, scholarship and dedication. It will not be easy to forget these stern lessons which he so courageously personified. But what will surely live on even longer in future histories of economic thought will be those distinctive elements of Mises' extraordinary contribution which set it so clearly apart from the dominant economics of his age. It was into the enunciation of these elements that Mises poured a lifetime of what can almost be called intellectual martyrdom. It is for the brief exposition of one of these brilliantly seminal ideas—the perception of the market exclusively in process terms—that these lines are set down.

In the sweep of the development of economic ideas over the past two centuries, the concept held by the various thinkers concerning the *market* has been crucial. The

## EXTENSIONS OF REMARKS

pioneers of modern economics after 1870, revivifying the contributions of the earlier classical economists by the infusion of powerful new insights into the nature of demand, offered a view of the operation of the market society which was of enormous significance. Henceforth economic literacy could not fail to embrace the understanding of the way in which the free interaction of the decisions of owners of resources, of producers, and of consumers in the market systematically generates determinate patterns of prices, output quantities and qualities, methods of production, and resource allocation.

However, in the ferment of intellectual developments in economics during the twentieth century, this understanding came, in the work of the dominant schools, to be perceived within a mechanistic framework which did violence to the subtle insights a more profound awareness of the market is able to confer. The *market* came to be seen as a kind of computer, grinding out the equilibrium solution compatible with the basic data of the system—a task which presumes that the economic actors already possess perfect knowledge. The *theory* of the market came to mean the solving by the theorist of the computation problem. Moreover this theory came to be seen as equally well suited to the needs of societies choosing to allocate their resources by central direction; the socialist planner could, it came to be thought, simulate the success with which the market allocates resources by merely addressing himself to the very same computation problem which it was thought to be the function of market theory to solve.

It was this view of the market which Mises denied with every ounce of energy. It is no exaggeration to say that this denial was central to the major portion of Mises' disagreements with the various economic doctrines of his age. Future economists, when they come to accept, as in time they surely must, the validity of the Misesian critique of the faulty perception of the market, will find it necessary to reexamine many of the doctrines of contemporary economics with which Mises took issue. For Mises the market is not a computer grinding out equilibrium solutions to sets of simultaneous equations. Rather the market is a delicate *process* whereby, against the background of continually changing conditions, and with informations available only in limited and piecemeal fashion, the decisions of market participants are, through their interplay in the market, brought into steadily more dovetailing adjustment. In this process the key roles are played by restless, active, ever alert entrepreneurship, and by its counterpart, the merciless, ceaseless, impartial court of active competition. Both these latter roles—completely absent in the dominant equilibrium versions of market theory—are crucial in the emergence of the kaleidoscopically changing patterns of *market prices*.

It was the "process" perception of markets and of market prices that led Mises unerringly to dismiss all attempts to recognize "nonmarket prices" as devices through which socialist planners might simulate the achievements of the market economy. The notion of nonmarket prices can have relevance only in a world of equilibrium situations; it bears no analytical or functional resemblance to the prices which emerge during disequilibrium, in markets revealing the impact of entrepreneurial competition against a background of widespread ignorance.

It was the "process" perception of markets and of market prices that led Mises to deplore with such sharpness the dominance over economics achieved by mathematical techniques during his own lifetime. Such techniques, useful though they may be to the derivation of the conditions for equilibria of various kinds, must inevitably mask the more subtle processes of entrepreneurial change

which (because they depend on essentially extra-economic flashes of awareness) do not permit analysis within the procrustean bed of maximization techniques.

And it was the "process" perception of markets and of market prices that led Mises to reject the various attempts by economists since the Thirties to build theories of the market based on notions of monopolistic or imperfect competition. Such models fail, Mises believed, because they reveal precisely the central weaknesses of the theories they seek to replace, viz., an exclusive concern with equilibrium, and a failure to understand the active entrepreneurial-competitive process.

No economist perceived more thoroughly and sadly than Mises how the rejection of his ideas was leading Western societies relentlessly down a path along which the free interplay of independent, individual decisions in the market was being steadily replaced by the centralization of more and more political and economic power in the hands of governments and their functionaries. If Western society ever achieves a reversal of this trend, if it ever learns to respect the decisions of free men interacting within a framework of rigorously maintained individual rights, it can only be as a result of Mises' vision and insight into the true character of the market society. Here indeed we have a monument to Mises the construction of which is well worth our diligence and our dedication.—Israel Kirzner.

Allan Brownfeld paid tribute to Professor Mises in a recent edition of *Roll Call*, and I include that article in the RECORD:

#### AN ABIDING BELIEF IN FREEDOM

(By Allan Brownfeld)

There are men who live their lives currying favor with the passing fads and the powers that be. They do what is expected of them, and they are the recipients of the world's rewards and riches. These men we know well, for all too often they are our leaders, and arbiters of taste, and the wielders of power.

There are other men who stand alone, not because loneliness is their choice but because a strict adherence to principle has afflicted them as a kind of plague, and men with more mundane ambitions quickly learn that association with them may enrich the soul, but will hardly assist one in getting on in the world.

Such men, however, are the ones who are remembered hundreds of years later. They are the men upon whose shoulders civilization and culture are built. They are the prophets who are never revered in their own time and place, but are later discovered by other men who have despaired of the mediocrity and opportunism which dominate most societies and seek to learn from the lives of men built of sterner stuff.

One such man—the economist and philosopher Ludwig von Mises—died on October 10 at the age of 92. He was an advocate of freedom and in this century he did battle with all those who believed in something else—Communism and socialism, fascism and nazism, welfare statism and government interventionism.

Forced to leave his professorship at the University of Vienna and to flee from his native Austria as the Nazis approached, he came to the U.S. in 1940 and became a citizen in 1946. It was his economic work which has been credited with reviving respect for free-market economics in Europe and he was considered by many to be the intellectual godfather of the postwar German economic advance.

Only five years after the Russian Revolution, Professor von Mises wrote a book entitled *Socialism*, which shows his view of that economic system. He declared that

Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

Economic freedom and political freedom, he believed, went hand in hand. It was not possible, in the long run, to have one without the other. In the U.S. he saw the major threat to freedom not from outright socialism, but from continued and gradual government intervention in the economy—as we have seen in the current Administration's policy of wage and price controls.

In his important book, *Bureaucracy*, Professor von Mises pointed out that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers." He declared that, "If a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion for its usefulness . . . the problem of bureaucratic management is precisely the absence of such a measure of calculation."

He maintained that interventionism usually achieves results precisely the opposite of those intended: subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

Discussing his analysis of recent welfare-state policies and their effect, Professor William Peterson, a former New York University faculty colleague of Professor von Mises, notes that, ". . . citing German interventionism experienced in the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held that so-called middle of the road policies sooner or later lead to some form of collectivism, whether of Socialist, Fascist or Communist mold."

Professor von Mises knew that the differences between Nazism, Fascism, Communism, socialism, and welfare statism were matters of degree. He maintained that economic interventionism necessarily produces friction. What otherwise would simply be the voluntary action of private citizens in the marketplace becomes coercive politicized and intervention when transferred to the public sector. Such intervention breeds more intervention, and violence eventually becomes inevitable.

Ludwig von Mises was, according to Dr. Peterson, "the antithesis of sycophany and expediency, the intellectual descendant of the Renaissance . . . he believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state. . . . He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable."

Truth can be denied, but it will inevitably return. In the midst of the twentieth century's romance with collectivism, Ludwig von Mises instinctively knew that this was true.

In his poem, "The Gods of The Copybook Headings," Rudyard Kipling provided something of an epitaph for the man who kept faith and insisted upon telling the truth, even when the world refused to listen:

Then the Gods of the market tumbled, and their smooth-tongued wizards withdrew.

And the hearts of the meanest were humbled, and began to believe it was true  
That All is not Gold that Glitters, and Two and Two make Four—

## EXTENSIONS OF REMARKS

And the Gods of the Copybook Headings limped up to explain once more . . . And that after it is accomplished, and the brave new world begins, When all men are paid for existing, and no man must pay for his sins, As surely as Water will wet us, as surely as Fire will burn, The Gods of the Copybook Headings with terror and slaughter return."

Mr. Speaker, this body should heed the wisdom of this great economist.

## FARM LABOR AND THE SECONDARY BOYCOTT

### HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, on September 10, 1973, I placed in the RECORD an abstract entitled "Exclusive Representation—Whose Interests Served?" It was the first in an excellent series of abstracts, prepared by the Farm Labor Research Committee, analyzing current legislation dealing with farm labor-management relations.

I am pleased to call the attention to my colleagues to the second of these abstracts, dealing with the question of secondary boycotts:

#### PROPOSED FARM LABOR LAWS WOULD NOT PREVENT SECONDARY BOYCOTTS

The nationwide grape and lettuce boycotts used by Cesar Chavez in his drive to bring all agricultural employees under the control of his United Farm Workers Union are, in effect, secondary boycotts. They are designed to force retailers—secondary employers—to force farmers—primary employers—to sign contracts which force employees to pay union dues in order to hold their jobs.

Some farmers seeking to protect themselves from this coercive tactic have turned to legislative proposals to extend our present system of labor law to agriculture, since it supposedly bans secondary boycotts.

In fact, however, under the National Labor Relations Act, even as amended in an attempt to close loopholes, unions in industry have found it easy to conduct secondary boycotts. The provision of the labor law which outlaws secondary boycotts contains a proviso which has been interpreted to sanction union activities at the place of business of a secondary employer for the purpose of publicizing the union's dispute with a primary employer.

The National Labor Relations Board, backed up in several cases by the courts, has allowed union officials to use this special privilege to conduct massive secondary boycotts. For example, the Farah Company, manufacturer of Farah slacks, has been the victim of a nationwide secondary boycott for over a year, and is completely helpless to stop it under the one-sided labor law. Closer to agriculture, the Supreme Court has upheld the NLRB's ruling in the Fruit and Vegetable Packers case that when a union strikes one employer and then engages in picketing or leafletting at the place of business of another employer who handles the first employer's products, the union's coercive activity is perfectly legal no matter how widespread a consumer boycott it brings about.

This is the so-called "protection" that farmers would gain from inclusion under the National Labor Relations Act. They would also gain all the other organizing and bar-

November 1, 1973

gaining disadvantages under which industrial employers have been laboring for 38 years. Regulating farm labor relations by the federal legislation currently being considered could only result in the institutionalization of the same adversary relationship between unions and management that exists in industry generally. Farmers, farm workers and consumers will all suffer.

## AMERICAN EDUCATION MAKES A DIFFERENCE

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I recently read a newspaper article by Grace Hechinger which reports encouraging news about the state of American education as compared to 19 other countries. Because of the hopefulness of the conclusions of the study—released by the International Association for the Evaluation of Educational Achievement. I am inserting the article at this point in the RECORD.

#### DOES EDUCATION FOR ALL LEAD TO MEDIOCRITY?

(By Grace Hechinger)

America as the land of opportunity has long been synonymous with its faith in universal education. Does such open access to school, without any prior sorting out of either the materially or intellectually less privileged youngsters, penalize the gifted? Does the American commitment to mass education in fact mean that the talented few are sacrificed to the concern of the mediocre many? As an old Tory expression puts it, does more mean worse?

American egalitarian ideology has always said no to these questions—largely on faith. But now this idealistic view has been confirmed, not by populist do-gooders, but by the conclusions of the most extensive worldwide survey of educational accomplishments ever undertaken. The recently released findings of the International Association for the Evaluation of Educational Achievement (IEA) provide unprecedented proof that the critics of the open door to learning are wrong in their insistence that universal education is incompatible with quality education.

The study is based on data from 9,700 schools in 19 countries. They include Australia, Belgium (the French-speaking and Flemish-speaking sectors were considered separately), Chile, England, Finland, France, Hungary, India, Iran, Israel, Italy, Japan, the Netherlands, New Zealand, Scotland, Sweden, Thailand, the U.S. and West Germany. The \$5 million cost of the survey was met by a number of private foundations and governmental agencies from many of the countries involved.

One of the study's key findings shows that in reading comprehension, the top group of American high school seniors—the upper 9% or 10% in academic achievement—actually comes out ahead of all other nations, including the educationally highly restrictive ones. In science, the comparable American groups finished in seventh place, still a respectable showing.

Professor Torsten Husen of the University of Stockholm, director of the IEA study, said in answer to the educational elitists: "It is actually the selective system that pays a price in lost talent and social dislocation."

To underscore that claim, he offered statistics that show West Germany, which siphons off "nonacademic" children at age 10, suffers from the highest degree of "social bias," the major indicator of a stratified

society. This means that the highest ranking students come almost exclusively from the most privileged social and economic classes. By age 18, only 1% of the lower class children, defined as coming from unskilled or semi-skilled workers' families, were still attending school. As a result, only 1% of that group show up in the academic elite. In American schools, 14% of those who graduate from high school come from lower socio-economic groups. This means a steady influx of "lower class" children into the potential leadership sector.

It is only when all American high school seniors are tested that the American performance slipped severely—to 12th place in reading comprehension. However, the U.S. keeps 75% of its young people in high school through graduation—the highest proportion of any country in the survey. In all the other participating countries great numbers of young people have by that time already dropped out or been pushed into nonacademic activities. Thus the low ranking of the American high school senior class on the international scale is not the sign of depressed academic quality that American critics see in it, particularly since it does not lower the achievements of the intellectually gifted. On the contrary, it is reasonable to support Professor Husen's conclusion that the American plan for keeping virtually everyone in school until high school graduation gives the U.S. a greater pool of educated citizens from which to draw its leaders. And it clearly aids the American people's social and economic mobility.

The relationship between children's education achievements and their adult careers and status is a subject of continuing controversy here and abroad. For instance, the Stockholm report challenges head-on the widely publicized study by a Harvard research team headed by Christopher Jencks, which claims that schools fail to reduce social and economic inequity. The IEA survey did not directly concern itself with pupils' future income; but by proving that open access is a significant factor in allowing children from disadvantaged homes to rise to the level of the academic elite, it offers persuasive evidence that education does improve chances for economic success, and has done so more effectively in the U.S. than anywhere else.

The study does uphold the claim, first published by sociologist James Coleman in 1966, that home background is more important to a child's scholastic success than anything the schools have so far been able to offer. But the Stockholm findings point more strongly than did the Coleman report to the fact that schools, nevertheless, make a substantial difference—a fact that has increasingly been denied by the New Left anti-school ideologists.

The debate over the effectiveness of public education in the United States thus will have to take account of these findings:

Hard work in school plus open access do count. "Get them and stretch them" is the way a member of Professor Husen's research team summarized the need for a combination of mass education and tough study requirements.

Women's Lib is right in charging that girls have traditionally been short-changed. They have lagged behind boys in interest and performance in science and the gap grows larger the longer girls attend all-girls' schools, where they are not being challenged. Significantly, the gap does narrow in coeducational schools.

An analysis of the schools' greater success in teaching science—called a "school-oriented subject" by the study—than in teaching reading—labeled "home-oriented"—suggests a puzzling discrepancy in the schools' relative skills and efforts. "The schools appear to do little to mobilize their resources for the improvement of reading beyond the early years," the report said—a serious indictment of neglect in so crucial an area.

## EXTENSIONS OF REMARKS

The study itself, however, is not without its limitations. The basic problem with a survey of so many nations' schools is that educational systems do not exist in a social and historical vacuum. The way a nation interprets its educational responsibilities cannot be discussed independently from its political, social and economic priorities. There is no common denominator which can readily be extracted from such a study. To be valid, comparisons between countries cannot be made without great caution and qualifying explanations of cultural and socio-political differences.

Moreover, the process of statistical averaging dulls the sharp edges of the data and thereby tends to reduce the usefulness of such research for specific pedagogical reform planning. For example, the study concluded that class size makes little difference in the pupils' success. Yet that conclusion becomes of limited usefulness when the differences, which are typically between 30 and 35 pupils, are averaged out. What such statistics fail to provide is information on a real difference—between a class, say, of 10 and another of 30 students.

Moreover, in the science study, only the hours of science teaching are measured. This is of little help to potential policy makers in individual countries who are left in the dark about the relative value of laboratory work vs. classroom lectures in science.

In spite of these limitations, the international scope of the study does offer some much-needed perspectives and insights for a more rational approach to the American debate of the problems of public education. The increasingly vocal critics of our schools, in keeping with the current mood of American self-criticism, have assumed an isolationist or at least a provincial tone. It is, of course, true that American schools have discriminated against the poor and against minority groups. American education policy has not always made the climb up the ladder of success as easy or as equal as envisioned by the American dream. But a look at the schools of Germany, England and France, where stratification is still far more rigid puts the American achievement in a much brighter light, clearly at the head of the international parade.

The virtue of the IEA studies is precisely that they shatter the parochialism of both the conservative and radical critics who overanalyze and undervalue American education. Charles W. Eliot, president of Harvard at the end of the 19th Century and one of the leading public school reformers of his time, wrote almost 100 years ago that, in order to keep society fluid, "it is a supremely important function of the teacher throughout the entire school system to discover, recognize and give ample chance to the remarkable child." And he emphasized persistently that he saw no contradiction in the establishment of quality controls and the open democratic approach.

The message from Stockholm confirms President Eliot's earlier faith. The IEA findings, despite their limitations, are persuasive on two points central to forward-looking American public school doctrine: Schools do matter in keeping society fluid, and more can be better.

### NATIONAL AIR TRANSPORT POLICY BY THE HONORABLE JOHN J. MCFALL

#### HON. HARLEY O. STAGGERS

OF WEST VIRGINIA

#### IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. STAGGERS. Mr. Speaker, practically every Member of Congress is actively interested in one or more of our various systems of transportation. By

necessity, every committee becomes involved in transportation problems. The Honorable JOHN J. MCFALL, prestigious and knowledgeable member of the Appropriations Committee, adds to his other responsibilities that of the chairmanship of the Transportation Subcommittee. As is the case with many of us, he sees the need of formulating and putting into effect a national policy on transportation which will bring the various sprawling systems into a mutually supplementary relationship designed to add to their efficiency and economy.

At a recent conference of the Airport Operators Council, Congressman MCFALL delivered a thoughtful address on the problems of the air systems of transportation. His remarks constitute a practical approach to the formulation of a national policy with respect to all transportation. I believe my colleagues in the House will find it useful in developing their own ideas on the matter.

The remarks follow:

#### ADDRESS OF THE HONORABLE JOHN J. MCFALL, OF CALIFORNIA

It is an honor and a privilege to be with you today at your Airport Operators Council Conference, because you and your operators are such an important part of our country's, and the world's, transportation system.

You have chosen a very fitting location for your meeting—the site of the Nation's newest and by far our largest airport. Dallas-Fort Worth is a Texas-sized response to the massive challenges that face the aviation industry during the remainder of this century.

When I left Washington yesterday, to fly from Dulles to Dallas, I thought to myself that there could not be two more different solutions to the same set of problems.

Because Dulles, like Dallas, is an attempt to cope.

Dulles, all of you know, features a single, compact terminal with mobile lounges waiting to ferry passengers to the airport.

Dallas-Fort Worth, which I had the opportunity to see yesterday, is a multiple, composite terminal which provides separate passenger facilities at planeside for each flight. A passenger can park his car within walking distance of his plane. It is as close as we can get to drive-in aircraft boarding.

The thing that Dallas and Dulles have in common is that they are both airports of the future. And whether one approach is better than the other only the future can tell.

I am told that Dallas-Fort Worth will probably be in full-scale operation by early 1974. I understand that the airlines need some time to set up their terminal facilities and baggage handling facilities.

One thing is certain: the developers of Dallas-Fort Worth deserve congratulations for their foresight and initiative. I want to extend my personal commendations to the two cities, the Regional Airport Board and to the Board's Director, Thomas M. Sullivan. Rather than talking about their problem, they got together and did something about it. It was a major cooperative effort involving the cities, private industry and government at all levels. At the Federal level, incidentally, our participation was almost \$85 million including funds for people-movers, control tower and other facilities and equipment. That is a fact of which I am particularly aware as Chairman of the Transportation Subcommittee. What they have accomplished here in Texas is an unmistakable message to everyone else—get together and get moving.

Dallas-Fort Worth—or D-FW, as it is known—shows how radically you can alter the airport complex itself in an effort to free it from the restraints of ground traffic

## EXTENSIONS OF REMARKS

November 1, 1973

congestion and heavy passenger-service demands. It also shows that no matter how vast the solution, certain industry problems—beyond the control of any single facility—can continue to beset the airport. What I am trying to say is, you can still get caught in the traffic on the way from the airport to the hotel.

I understand that at the airport dedication a few weeks ago, most of the honored guests were flown in—which is not unusual except that they were flown in from Love Field and Greater Southwest Airport to avoid the crowd on the highways.

Congested access roads, of course, plague most of the great airports of this nation. This problem—and most of the others associated with air transportation—inevitably come to roost upon the airport and the airport operator.

The capacity of airport loading facilities, Over-use of hub airports and under-use of associate airports, The daily ground-level transactions involving passengers, baggage, cargo and mail, Airport security.

Noise, And that little matter of operating the airport at a profit, so it will be an asset not a burden to the taxpayers.

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Now, I could discuss each of these questions on an individual basis. But there has been too much of that already. Because these are not isolated questions. They are simply different aspects of the same single gigantic American transportation quandary: How do you get there from here?

Congress has wrestled with this problem and its corollaries for many years. Texas' own Albert Thomas—one of the most respected and well-liked members of Congress—devoted much of his career to it. Congressman Thomas had major influence on most of the national transportation decisions of the last decade. He was the father of the carryall concept we see at Dulles. He worked hard to establish the Manned Spaceflight Center—now renamed for Lyndon B. Johnson—near Houston. Until his death in 1966, he was chairman of the predecessor subcommittee to the Transportation Appropriations Subcommittee which I now head. Finally, Congressman Thomas strongly supported the development of a national transportation policy; he sought ways to focus our efforts on our transportation problems.

That is why he would have been as astonished as I was when the Administration proposed breaking up DOT just four years after it had gone into operation. That was one of the recommendations of the department's 1971 statement on national transportation policy.

That, of course, is exactly the reverse of what Congress intended when it created DOT in 1966. Unfortunately, that kind of recommendation is all too typical of the performance we have been getting from the present administration and the Department of Transportation.

After six-and-a-half years in operation, DOT still refuses to address itself to the big picture. It continues to nibble at things on a piece meal basis—as if it were still a series of isolated agencies.

The purpose of establishing DOT was to get rid of the piecemeal approach. Piecemeal won't work anymore. You cannot deal with air travel without considering the impact of highways and railroads.

For example, the railroad crisis in the northeast very definitely reduces the effectiveness of Dallas-Fort Worth Airport. If you do not have fast dependable rail transit, people will fly, instead, between Washington and Boston and New York. And if air space over New York is cluttered with these local flights—as well as the international and transcontinental traffic—Dallas-Fort Worth is going to have considerably more difficulty in getting its planes into and out of Kennedy.

The northeast rail crisis consumes so much of the government's time and energy that very little is left for any other transportation problem—to say nothing of a national transportation policy. I recently asked the president of one of our major automobile manufacturers about competition from Japanese imports. He said that Japanese cars have an edge when they arrive on the West Coast. But once the importer ships inland, and his vehicles get caught in our transportation system, they lose their competitive advantage. A sad commentary—even the Japanese cannot cope with our transportation system.

Now, let's take a look at the transportation demands facing us in the years ahead. By 1980, our population will be 227 million, an increase of 21 million in ten years. Besides all the other implications of that growth, the demands of our burgeoning population will triple air passenger miles. Railroad ton-miles will go up twenty-five percent. Truck tonnage will increase by one half. And travel in private motor vehicles will go up thirty percent.

By 1990, we will have to double the transportation capacity of this nation; we will need twice the transportation facilities which we have developed and installed in this nation since its founding in 1776. Not only that, we will have to accomplish all this without ruining our environment and without wasting our energy resources as we have done in the past.

So how do we do all this? How do we even begin?

Tom Sullivan, there, knows what I am going to say. Because he was a member—and a very capable one—of the Aviation Advisory Commission which made its final report to President Nixon last January.

Crocker Snow, Director of the Massachusetts Aeronautics Commission, was chairman of the advisory commission, and the commission's report recommended the development of a national aviation plan as part of a national transportation plan.

Now, that is exactly the conclusion I reached—and many other Members of Congress reached some time ago—and that is what we have been calling for from the Department of Transportation—a single comprehensive national transportation policy.

My colleague, Brock Adams, Congressman from Washington State and a Member of the Commerce Committee, very eloquently stated the consequences of this lack of transportation policy. In a recent address, Congressman Adams said: "The failure of the federal government to adopt a national transportation plan is the primary cause of the massive urbanization of the last thirty years; we have allowed our smaller communities to wither away, and we have caused a concentration of people in megalopolis-type centers."

Congressman Adams pointed out that such concentrations simply compound our urban ills, waste the potentials of our smaller communities and—of particular concern to the air industry—reduce the market for air transportation.

A respected spokesman for the air industry—Mr. C. R. Smith—told his staff that the lack of a transportation policy is one of the big things airlines are up against. Mr. Smith, I am sure you know, recently resumed control of American Airlines, and one of his first concerns was the federal role—or lack of it—in transportation planning.

Now what would we do with this policy if we had it? What would it mean, for example, to you, the airport operator?

The kind of national policy I am talking about would lay out for us a system of arterials and ancillary routes—something like we already have for our interstate highways. But this would be a composite system showing our major and subordinate routes for all

forms of transportation—from mule track to great circle routes and all the railroads and watercourses and highways in between.

If we had such an integrated policy, obviously we would know where to locate our new airports and other transportation facilities. We would be able to project the use of these airports and perhaps to deal with these problems of loading capacity and ground passenger services—including security. We would be able to spread the passenger load more evenly—not only among airports but among the alternate methods of transportation. We would have an important leg up on the noise problem if we knew well in advance where we are going to put our new airports. A national transportation policy would enable us to use each method of transportation to its best advantage—and to make the best use of the scarce resources of our lands, waters and skyways.

Unfortunately, the report of the Aviation Advisory Commission received the treatment that this Administration gives most reports from most of its advisory bodies—a swift and unlamented death.

And the Department of Transportation continues to tinker with transportation policy as if it were a Model T. DOT's planners spend an excessive—almost obsessive—amount of time working with the economic regulation aspect of transportation. They hope that with deregulation, private industry will step in and take over, and competition will solve the problem.

Certainly this kind of regulation is important but it is only a part of the problem.

Last year James M. Beggs, former Under Secretary for Transportation authorized an article in which he laid out the Department's objectives. They boil down to the same three things that the department always comes back to: reorganization—which means splitting up DOT—revenue sharing and deregulation.

All of these are political solutions that deal with the problem largely in terms of money. And even President Nixon says you can't solve problems merely by throwing money at them. We need to know what we should spend the money for.

Revenue sharing provides funds to states and cities with as few constraints as possible on the way they spend it. That means you will have everyone running in all directions—something we don't want in transportation.

The deregulation of carriers would simply return us to chaos. We need to decide what type of system to have before we worry about how to regulate it.

What sort of balance do we need among our air, rail and highway systems? Between public and private development? Between federal and local participation?

The federal government must articulate a rational and coherent national transportation policy. That is the key to a functional service-oriented transportation system—compatible with its environment, convenient to its users and reasonable in its fares.

Then we should attract the private participation we need.

It is up to the government first to provide the substance of the policy and then to commit itself to put that policy into operation.

What has Congress been doing toward these goals?

Congress created DOT to coordinate federal transportation activities. Congress established a trust fund to help build airports in decades ahead. And Congress again this year appropriated nearly \$8 billion for DOT and related agencies in fiscal 1974, including more than \$1.5 billion for aviation.

Last June Congress passed legislation improving the benefits available from the Airport and Airways Development Trust Fund. The 1973 amendments increased the federal share of most airport projects to seventy-five percent, authorized \$620 million in new contractual authority and prohibited DOT from

imposing an airport "head tax" this year. The tax was another piecemeal measure, and we directed DOT to give it more study within a wider context.

The airport trust fund, which Congress created less than four years ago, has already accumulated about \$1 billion. Congressional foresight has been more than justified; the Administration now estimates that this nation will need almost 700 new airports by 1983.

Congress also has given considerable attention to other modes of transportation this year. We passed a landmark highway bill which for the first time allows use of some trust funds for urban rail mass transit, beginning in the second half of 1975. Legislation dealing with the railroad crisis in the Northeast is in the final stages of committee preparation.

Our campaign against noise is growing rapidly. In fiscal 1973, DOT spent \$22 million on noise reduction, and the entire federal government spent \$73 million—twice the amount of 1972.

Last year Congress gave FAA and the Environmental Protection Agency the duty of protecting people against aircraft noise. EPA is drafting proposed regulations which should be ready soon for review and comment by FAA.

Compatible use of adjacent land and diversionary take-offs can help. But much of the answer remains with technology—for noise and for two related considerations: Air pollution and energy waste. We must make our jet engines quieter, cleaner and more efficient users of fuel.

Aircraft are a minor source of air pollution—but nevertheless a consistent one—and they must be included within the federal clean-up effort, with emphasis equaling that on the automobile.

However, jet engine research is just as important to our energy problem as to the questions of noise or pollution.

Recently, our Transportation Appropriations Subcommittee had a special meeting on the entire energy crisis. We received a thorough briefing from the staff of the Joint Congressional Committee on Atomic Energy. I can tell you that the dimensions of the problem are just staggering.

Transportation is by far the nation's most wasteful user of energy. Our ships, planes and cars burn up eight million barrels of oil a day—twenty-two percent of all the energy we use. Yet because of the nature of these craft, they convert only one-fourth of their fuel into propulsion; fully three-fourths of the energy in-put is wasted.

Actually, if you drive one of those great big fully equipped automobiles, you are losing ninety percent of your energy in-put.

By contrast, our largest user of energy—industry—and our third largest—residential and commercial—successfully convert more than seventy percent of their fuel into useful work.

The United States with six percent of the world's population consumes thirty-five percent of our planet's energy projection. That amounts to the equivalent of thirty-five million barrels of oil per day. By the year 2000, if present trends continue, the United States will require the equivalent of ninety-five million barrels per day.

Where is this energy going to come from? Texas, the nation's largest oil producer, now supplies three-and-a-half million barrels a day. That meets only one-tenth of today's needs, and Texas' output is declining.

Plainly, we must supplement our energy sources and drastically improve our efficiency of use. We cannot look simply to the Middle East for additional supplies. If we were to make up all of our projected deficiencies with imports, we could expect to be paying at least \$35 billion a year for foreign oil by 1985—provided, of course, that the Arab nations would sell it to us. The new outbreak of

## EXTENSIONS OF REMARKS

hostilities in the Middle East has reminded us once again of the enormous foreign policy ramifications attending oil from that source.

That is why Congress is so concerned about our energy situation—why we are encouraging research on alternate fuels, why we are seeking new oil supplies in Alaska, and why we must develop more efficient use of our fuels—not only in transportation but in every sector.

That is why we have tried to prod the Department of Transportation into giving us a national transportation policy.

To date, DOT's reply has consisted of a 1971 statement on national transportation policy, a national transportation report in 1972 and, just last month, a national airport system plan.

The policy statement involved the empty unworkable and incredible discredited troika: revenue sharing, reorganization, and deregulation.

The 1972 report was simply a study of capital investment needs; it projected costs far beyond our financial capabilities, and it failed to take the essential step of molding needs into a meaningful policy.

The airport plan was submitted three years after the law that ordered its preparation—and one year after the deadline set by that law. Despite that, the plan is just a "wish list" that presents no reasonable alternatives if we cannot build all the 700 airports it hopes for. The plan fails to relate each airport to the rest of the transportation system, and it does not consider the effects of future technology on aeronautics and other modes of transportation.

I think we have had enough of this continuing ineptitude or indifference on the part of the department. I think it is time that Congress struck out on its own.

For some time now, I have felt that Congress itself should undertake the study of a national transportation policy. I hope that we can either jar the department into activity or beat them to it and produce a viable and functional transportation policy on our own.

I have discussed this matter at some length with Chairman Harley Staggers of the Committee on Interstate and Foreign Commerce. I can announce to you now that if this departmental apathy continues—if DOT continues to show no inclination to address itself to the nation's most critical transportation problem—then I will ask the Commerce Committee to fund and to staff such an undertaking on behalf of the Congress. That will be a bi-partisan fact-finding and policy recommending task force employing the best transportation minds in the country.

There is no reason for further delay. We must push on with this task. We should be at work on our national transportation policy—within the Department of Transportation or in spite of it—not later than early 1974.

I think the best interests of our nation—its economy, its national security, and its future—demand such action.

The necessity and the urgency are self-evident. We need only supply the will and the energy to meet the challenge of the Twenty-first Century. I ask your help. Only if we all strive together can our great nation achieve the vital, flourishing, pre-eminent transportation system that our destiny and our posterity demand.

## CONGRATULATIONS, LIEUTENANT

### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, on July 1, 1972, one of my constituents performed

an act of courage which was so outstanding that it attracted nationwide attention in a field where heroism is routine.

Lt. Ralph O. LaFrance, of the Orangeburg City Fire Department, put his life in extreme jeopardy no less than three times that day; and because of his actions, three young children are alive today. Lieutenant LaFrance has received both State and national recognition for his efforts, and the latest award prompted a fine editorial about him in the Orangeburg Times and Democrat. The Times and Democrat's editorial entitled "Congratulations, Lieutenant," expresses as well as anyone can the feelings that the citizens of Orangeburg have for their own national hero. Mr. Speaker, I insert this fine tribute to an outstanding man at this point in the RECORD:

#### CONGRATULATIONS, LIEUTENANT

The Times and Democrat's congratulations go to Orangeburg Fire Department's Lieutenant Ralph O. LaFrance who, this week, was one of eight firemen over the nation receiving Award of Honor plaques in the annual Fire Industry Awards for Heroism in Baltimore, Md.

It was the second time that Lieutenant LaFrance has been honored, the first being on June 6 when he was named the James B. Murphy Award for Heroism recipient and at the same time was named the Fireman of the Year in the state by the South Carolina Fireman's Association.

Both awards are well deserved. Each was based on Lieutenant LaFrance's courageous action on July 1, 1972, during a fire at 173 Amelia, N. E., which resulted in his being credited with saving the lives of three young children.

The firefighter risked his life not once, but three times when he repeatedly entered the blazing house in which the walls were flaming, smoke so dense that visibility was almost nil except near the floor.

Of all things man and animals fear most is fire. To conquer such fear is a must for firefighters. It is not easy to do. Lieutenant LaFrance did it. He has been recognized on both a state and national level.

We know that Lieutenant LaFrance thought nothing of either the possible personal consequences of his act or the recognition it might bring. It was the instinctive reaction of a brave man, a courageous man.

His bravery and courage have brought an additional brilliance to the image of the City of Orangeburg and its Fire Department. He will be long remembered by a grateful citizenry.

## FDA OVERSTEPS ITS BOUNDS ON VITAMIN REGULATIONS

### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DANIELSON. Mr. Speaker, as one of the sponsors of the Food Supplement Amendment of 1973, I submitted a statement in support of this crucial legislation to the Public Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee during its hearings on the FDA's new vitamin regulations. These regulations, which are the result of a serious abuse of authority on the part of the FDA, can only be changed through passage of the food supplement bill (H.R. 643). I would

## EXTENSIONS OF REMARKS

like to include in the RECORD my statement on the FDA's actions and H.R. 643:  
STATEMENT BY HON. GEORGE E. DANIELSON

Mr. Chairman, I am submitting this statement today as the spokesman for thousands of my constituents who have written to me to protest strongly against the FDA's new regulations of food supplements. These citizens are, like myself, gravely concerned about the FDA's attempts to drastically curb the availability of dietary supplements to people whose health may depend on them, or who simply feel that they are necessary for continued good health.

The FDA has undertaken this effort to set new standards for vitamins and minerals as part of its overall program to improve the nutrition information available to the average consumer. These standards, based on Recommended Daily Allowances established by the Nutritional Board of the National Research Council, National Academy of Sciences, limit both the potency and the combinations of ingredients allowed to be sold as non-prescription food supplements.

Aside from the readily apparent concerns which these new regulations generate, such as the restriction of freedom of choice, the inevitable cost increases to consumers, and the economic damage to small health food store owners and vitamin supplement dealers, there is, I think, a more fundamental issue at stake. Does the FDA have the authority to so drastically limit and regulate our supply of vitamins and minerals? The FDA was set up to protect the American public from adulterated products, toxicity and fraud in the marketing of all food and drugs. Food supplements, except in huge overdoses, are not toxic and neither is there fraud involved in their marketing. Who gave the FDA the authority to decide which *safe* foods we can and can not eat?

Even if one is willing to assume that the FDA has this authority, there remains the question of whether it has the capability to determine the optimum nutritional requirements of every individual in the United States. At this point in the development of the relatively new science of nutrition, there is a great deal of disagreement among the experts about the effect upon one's health of vitamins and minerals, which ones are essential, how much of each we should take, and how much variance there is in individual nutrition requirements. Yet the FDA feels it knows enough about nutrition to write into law the essential vitamins and minerals, the maximum necessary potency of each one, and the proper combinations of ingredients for dietary supplements.

These regulations, which assume that we are already getting all the nutrients we need from the food we eat, are supposed to assure maximum good health for all average Americans. A person who for any reason is not average and needs more nutrients than those allowed by law will have to purchase food supplements classified as drugs by the FDA.

I think it is fairly obvious that the FDA is overstepping its bounds. I have introduced a bill, H.R. 6098, which is designed to correct this intolerable situation by curbing the FDA's authority to limit our vitamin and mineral intake. H.R. 6098 is identical to Congressman Hosmer's bill the "Food Supplement Amendment of 1973." The Hosmer bill will not prevent the FDA from regulating any dosage or ingredient which is thought to be unsafe. The bill will not affect the FDA's ability to enforce truthful labeling requirements for dietary supplements. It will simply ensure that people will be able to consume whatever nutrients they feel will contribute to their maximum good health.

It is necessary that we pass this bill to protect the right of Americans to determine and satisfy their own individual health needs.

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## THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

## HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. COHEN. Mr. Speaker, one of the most striking, positive, and healthy achievements of our society in the decade of the 1970's has been the profound changes that have occurred with respect to the role of women in American society. Whether by personal experience, hearsay, or through the medium of the press, each of us have become acutely cognizant of the redefined and expanded role of women in our society.

Today, it is not uncommon to find women making critical corporate decisions, climbing telephone poles, inspecting oil rigs, adding transmission fluid to your car, or even occasionally calling balls and strikes in a minor league professional baseball game. Clearly, there is widespread evidence of the phenomenon of women entering into vocations and performing tasks that were formerly reserved for the male of the species.

One of the more refreshing instances in which women have breached a formerly all-male bastion occurred in Maine this past summer, and was thoughtfully brought to my attention by the Georgia-Pacific Corp., one of the partners in this historic venture.

I would like to share the extremely interesting and enlightening press account of this undertaking with my colleagues, and I insert it in the RECORD for my colleagues to review:

## THERE IS LIPSTICK UNDER THAT FORESTER'S HARD HAT

Up until the historic "lib" year of 1973, the deep woods of eastern Maine were a place for husky male foresters to safely roam, but eight young women employed by the Georgia-Pacific Corp. woods department at Woodland (Maine) have changed all that. The girl foresters who breached the all-male bastion recently wound up 10 weeks of woods work that earned them an "excellent" rating from the company's divisional chief forester, Oscar Selin.

He has had some of the girls working with survey crews mapping out the construction sites for a new lumber mill and a planned secondary treatment lagoon at the pulp and paper mill to further improve quality of the adjacent St. Croix river. Others have been measuring permanent timber plots to check annual growth rates and timber inventories. A few of the girls have been wielding Swedish axes to thin over-abundant new timber growth on areas harvested by the company.

Woods department men who work with them and have watched their progress praise the girls for their enthusiasm, adaptability and won't-quit attitude. Working in steel-toed safety boots and under hard hats, with some very unfeminine attire in between, the girls started every eight-hour work day at 7:30 a.m. Despite the tough work, they all say they enjoyed the summer experience; some of them for the chance to earn money, others to prove they could do a man's work and, in the case of Patricia Casciere, because she has chosen forestry for a career.

Pat, the only non-Mainer in the group, will graduate next year from the State Uni-

November 1, 1973

versity of New York College of Environmental Sciences and Forestry at Syracuse. The other two college girls on what appears to be only a temporarily disbanded summer crew were Donna Crosby and Janet Duval.

A 1972 graduate of Woodland High School, Donna is majoring in health, physical education and recreation at the University of Maine at Presque Isle. She wants to teach physical education so she can "get kids interested in sports." Janet, whose father is a Georgia-Pacific forester, attends the University of Maine at Presque Isle and plans to be a nurse.

Five of the girls, Christie James, Linda Call, Darlene Smith, Betsy McCluskey and Denise Huntley, are 1973 graduates of Woodland High School, and all have a parent or relative working at Georgia-Pacific's Woodland mill.

Christie will enter the University of Maine at Orono where she will study to be a medical technician. Linda says she wouldn't mind returning as a truck driver or heavy equipment operator because she loves being out-of-doors. Darlene wants to get into elementary education, and she will enter the University of Maine at Machias this fall.

Before parting company to go their separate ways after the summer "breakthrough," the girls gathered at a nearby Eastport seafood restaurant for their "First Annual Lady Loggers Convention." Some were already talking about returning to the forestry job next summer. Pat Casciere said she would be happy to leave New York and return to Maine as a practicing forester.

Denise Huntley said she'd like to try it another summer even though she's going to beautician's school and planning to be married next June. Why? "Because I want to prove to my husband that I can do it!"

Regardless of their reasons for returning, it's a sure bet that Chief Forester Selin will welcome them back to the Georgia-Pacific forest.

Although it doesn't apply to the hard work accomplished by G-P's all-girl woods crew, one formerly doubtful male adds this:

"The Maine woods had a certain new allure this summer."

## CRIME CONTROL NO. 3

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. LANDGREBE. Mr. Speaker, the advocates of gun control rest their case on the argument, since guns are used to kill so many people, guns are "responsible" for the deaths, and therefore guns should be registered and/or confiscated from private citizens. Now my dictionary defines "responsible" as:

1. Liable to be called upon to answer as the primary cause, motive, or agent; 2. Able to answer for one's conduct and obligations.

When the concept responsible is applied to guns, the result is an unintelligible mush—and it is this mush that we are asked to accept as logical argumentation. Is a gun "able to answer for one's conduct and obligations?" Is a gun "liable to be called upon to answer as the primary cause, motive, or agent?" When someone remarks that guns are "responsible" for thousands of deaths each year, that person is speaking nonsense: the notion of responsibility is applicable only

to conscious beings, not pieces of inanimate metal.

Only living beings, and in this case, human beings, can be responsible, for only living beings can respond. But the materialism of the gun controllers is so pronounced that they make no distinction between human beings and pieces of metal—and thus place "responsibility" on whatever "machine" they wish, human or mechanical. This is the same "environmentalism" that finds its most explicit formulation in Marxism: remove the guns from the environment, that is, improve the society, and the individuals will improve. The illogicality of such arguments should be apparent to all.

#### GUAM'S ECONOMY: BOMBERS AND BIKINIS

#### HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WON PAT. Mr. Speaker, the Nation's economic decline during the past several years has taught many American communities the dangers of being a "one industry town." Seattle learned this the hard way when Boeing Aircraft slowed its production to a crawl. Rhode Island and Massachusetts recently discovered that the Navy would not be a permanent part of their economic scene. And Cape Canaveral in Florida has felt the full economic brunt of the slow-down in our space program.

Guam, too, has long feared that the U.S. military, which has been a major part of our Island's economy for almost 70 years, would someday decide to decrease its presence in the Territory. Last year, the military funneled into the island almost \$144 million by taking care of its B-52's, Polaris submarines and other facilities. While no one seriously questions that Guam will continue to play a vital role in our Nation's strategic defense system, wisdom dictates that alternatives be developed to decrease our reliance on military spending.

The principal alternative is tourism. In recent months, Guam's sudden rise as one of the most favored tourist spots in the Pacific has been chronicled by a number of leading journals. From time to time, I have inserted these articles into the RECORD for the enlightenment and enjoyment of our colleagues in the House.

On October 23, the Wall Street Journal also reported on developments in the Territory, this time taking an in-depth look at the economic ramifications of our new-found progress, rather than simply reciting a few facts about Guam's scenic beauty. As the Journal article shows, Guam's continuing struggle to develop a strong civilian economy is far from won. But, with continued hard work and the support of the American people, I am certain that Guam will meet the challenge facing it.

At this point, Mr. Speaker, I insert the Wall Street Journal story into the RECORD.

#### EXTENSIONS OF REMARKS

GUAM'S ECONOMY IS BASED ON MILITARY, TOURISTS; BUT SOME FEAR BOOM IN VACATIONERS MAY BURST

(By William D. Hartley)

TAMUNING, GUAM.—Over the waters of Tumon Bay, a huge B52 bomber banks right as it heads for a landing at Anderson Air Force Base. Not long back, it would have been returning from a raid on North Vietnam; today it is just on a training flight.

Below, at poolside of the Hilton Hotel, a bikini-clad Japanese girl lazily watches the jet for awhile, then turns back to tickle the toes of her new husband. They are honeymooners from Tokyo on a three-day trip.

Bombers and bikinis make an incongruous combination, but they also present a pretty accurate economic picture of the island of Guam these days. The American military and the Japanese tourists support Guam's current prosperity.

The military has been here a long time, but tourism burst onto this island unannounced—and mostly uninvited—only a few years ago. An estimated 200,000 tourists, nearly all from Japan, will visit here this year, compared with only 3,500 in 1967. They will spend \$90 million on hotel rooms and food, tours and souvenirs. Most are honeymoon couples taking advantage of cheap excursion air fares and a more valuable yen that buys a lot in a place that uses the U.S. dollar.

##### A BOOM BUT...

So Guam booms. Construction grows more than 50% a year. Also rising is what passes for gross national product; officials call it gross business receipts, and it measures only the private sector. Whatever you call it, it's been going up 27% annually for the past several years. Consumers spend wildly, and money circulates rapidly.

Yet there is something of a soap-bubble look to Guam today, and not a few here are worried about the stability of this boom. The steps that Guam decides take over the next year or two and how successful they will be are crucial to both the economic and political future of this tiny American community in the Pacific.

The military is little worry; it spent \$144 million here last year taking care of its B52s, Polaris submarines and other facilities; it is believed here to stay. But tourism is another question, and there are serious doubts here as to just how long it can last unless someone pays more attention to it. "It sprang on us like a tiger," says one of Guam's leading businessmen. "We weren't ready for it, and we still aren't ready for it."

##### STARING INSTEAD OF SELLING

Indeed, the invasion of tourists is so new that some Guamanians are a bit dazzled and often aren't quite sure what to do. "When tours pass through a village, the villagers come out and stare at the tourists instead of thinking how they could sell them something," complains Bert Unpingco, who runs the Guam Visitors' Bureau. The island did little to attract tourists in the first place, and some here argue that little is being done to keep them. There are plans galore, the complaint goes, but little action.

It was Pan American World Airways that opened Guam to the Japanese tourist a few years back, promoting it as an ideal spot for a cheap honeymoon. The results were dramatic, and soon hotels were sprouting from the sands of Tumon Beach. There are a half-dozen modern ones now, most owned by Japanese interests, and a couple more are under construction. "Six years ago we had three restaurants here," one man says. "Now there are 50."

Tourists are fickle, though, and the worry of some involved in the business is that they could fade away overnight if new destinations offer fresher attractions. The Philip-

pines are making a big push for Japanese tourists, and a recently offered low-cost fare between Manila and Tokyo could cut into Guam's trade.

##### POINT OF NO RETURN

Officials in Guam's capital of Agana already fret over the fact that return visits by Japanese tourists are minimal. In this industry, that's a danger signal. The officials concede that so far Guam has little to offer except sunshine and clean air. There isn't any doubt that these are attractions for Japanese who live in polluted cities, but it is also true that these qualities can be found elsewhere.

So the economic preoccupation of government and business these days is to provide alluring tourist facilities to keep visitors arriving and happy and to diversify, even if minimally, into other industries as a backstop. Neither goal will be easily achieved, and the problems facing this island are tough ones.

One is that Guam simply isn't very big and its resources are too limited to accomplish all it would like, says Shinkyung Kim, chief economist for the Department of Commerce. Only about 104,000 persons live here, and about 30,000 of these are transient military men and their families. Full employment today means Guam has to import nearly a quarter of its labor force. There aren't any natural resources to speak of, and even the agriculture is poorly developed; thus, Guam imports essentially everything it consumes. About two-thirds of the island's 209 square miles are owned by the military and local government and are prohibited from private use, and this could hamper development in a few years.

Guam, of course, is an American territory, the possession most distant from the U.S. mainland and the one most often forgotten. It lies some 6,000 miles west of California, across the international date line, which produces its constantly repeated slogan, "Where America's Day Begins." The U.S. gained Guam as spoils of the Spanish-American War, and for decades it lay sleeping in the Pacific, subsisting on the military dole.

Although for the past three years Guam has had Carlos G. Camacho as an elected governor (previous chief executives were appointed by Washington), the U.S. federal government still can control Guam. Congress has power to change laws without any say from Guam. Guamanians are U.S. citizens but can't vote in federal elections.

Needless to say, this status often irks the populace. There is constant discussion of the island's political future, and there is a growing realization that its economic efforts are closely linked to that political future.

One popular idea is to create a commonwealth, similar to that of Puerto Rico, and join Guam with the northern Marianas Islands, which include Saipan and Tinian. The 13,000 people of these islands are of the same Chamorro ethnic strain as the bulk of Guam's population. These islands currently are part of a United Nations trust territory called Micronesia, administered by the U.S.

"Guam has been historically part of the U.S., and our people can't see any other form of government," Gov. Camacho says. "The ultimate desire of the people is statehood." But in the interim, the desire is for more home rule, more autonomy. Under commonwealth status, Guam would have political autonomy and make its own laws while the U.S. would handle foreign affairs and defense.

But Guam isn't likely to win home rule if the island, as in the recent past, remains dependent on military spending, says J. S. Leon Guerrero, president of the Bank of Guam. And so Guam realizes now that diversifying the economy is a must. Tourism gets priority, but there are other efforts as well.

Guam wants industry, so it has drawn up a list of tax incentives even more generous

than those offered by most developing countries. For instance, it will rebate to the investor 75% of corporate income tax for up to 20 years and all property tax up to 10 years. It is a duty-free port, so manufacturers can import parts for assembly freely, and because it is part of the U.S., goods can be shipped to the mainland, under certain conditions, without paying duty.

#### WATCHES AND APPAREL

This has been a factor in drawing six companies here to assemble watch movements. Three apparel companies have been established, a government official says, and formation of three more is pending. But businessmen think it unlikely that foreign investors will rush here in droves.

And whatever comes here would just be frosting. The cake is tourist trade, and this is the area in which Guam is beginning to put most of its effort. Many observers say the activity is at best belated, but Gov. Camacho defends the past efforts.

What Guam needs and has been low in providing is something for tourists to do besides soak up the sun. "At the beginning, honeymooners were perfect tourists for Guam, because there weren't any facilities and honeymooners didn't make any demands," says Mr. Uningoo of the visitors' bureau. But Guam also wants to attract the more lucrative trade of tours and families, and these are more finicky visitors.

There are plans to open more beaches (Guamanians concede that the current ones aren't especially attractive), and there are moves to construct marinas for sports fishing. "We'll be spending \$20 million in the next five years to build facilities," says Jose D. Diego, director of the Department of Commerce. And there is private money as well.

Guam would feel more comfortable if some tourists came from somewhere in Asia beside Japan. A Japanese recession—which isn't considered altogether unlikely in the next year or two—could sharply reduce the number of tourists from Japan. Gov. Camacho says: "We see that putting all our eggs in one Japanese basket could be fatal."

Still, affluent Japan is certain to be a major market for years to come. Martin Pray, an associate professor of the travel industry at the University of Guam, sees this island someday becoming Japan's Bermuda, to which richer Japanese will escape for a weekend.

Guam has one great advantage over all the rest of Asia, says Koki Narita, who runs the local office of Japan Travel Bureau, a travel agency. This island is the closest piece of U.S. territory to Japan. In status-conscious Japan, it means a lot to have a U.S. visa in a passport. Some couples even delay their weddings until the ceremonies can be performed here on U.S. soil.

#### LIMIT PRESIDENTIAL WARMAKING POWERS

#### Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, the crisis in the Middle East, and the continuing danger that we might become directly involved, though against our will, underlines the inescapable responsibility of both the President and Congress in matters of war and peace. Passage of House Joint Resolution 542 would have the effect of muddying our mutual responsibility. It could severely handicap

#### EXTENSIONS OF REMARKS

the flexibility of a President to act without giving Congress any responsibility we do not already have.

An editorial in the October 26, 1973, edition of the Detroit News clearly points out the inherent dangers in enacting House Joint Resolution 542, and I commend this article's consideration to my colleagues.

Mr. Speaker, I ask unanimous consent to insert this editorial in the RECORD. The editorial follows:

#### LIMIT PRESIDENTIAL WARMAKING POWERS

"Members of Congress must have known their timing was bad when they sent President Nixon a bill to limit presidential war-making powers in the middle of the Mideast war crisis.

"Imagine the position President Nixon would be in if the other side knew he could commit troops for no more than 90 days and that his decision to do so could be countermanded by a simple majority vote in the two houses of Congress?

"Military leaders contend that this country would be openly inviting the Soviets to engage in military 'excursions' abroad if an American president were limited in this way. The Red Army could dart out from its lair, then withdraw and dart out again while America, in a state of confusion, tried to settle its military and strategic policy in committee.

"The Kremlin is not limited by the Soviet legislative assembly on how it may throw its strategic weight around. Russia does not make these decisions in committee. Russia can move pretty quickly when she wishes.

"Knowing that, why should we deliberately throw away the ability to respond immediately? And if we do, how can we speak convincingly to this adversary on the other side of the Iron Curtain?

"British jurists are fond of saying that it is 'not only important that justice be done, but also that justice appear to be done.' Let us paraphrase that:

"It is not only important that America be strong, but also that America appear to be strong. Otherwise, who will listen when America speaks?"

#### BEEP—BROOKLINE EARLY EDUCATION PROJECT

#### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. QUIE. Mr. Speaker, I wish to bring to the attention of my colleagues a most significant research project being conducted on early childhood education. The Brookline Early Education Project is a project being administered by the Brookline, Mass., public school personnel in cooperation with Burton L. White, director of the Harvard University preschool project, and parents, physicians, and 225 infants.

The \$750,000 project, funded by private foundations, is developing a data bank and information on the effect of a child's home environment during his first months of life. I commend the following article appearing in the November 1973 issue of Nation's School describing this project and a few other preschool projects designed to help mothers develop

the home situation into a more productive learning situation.

#### HOME, SWEET HOME: BEST PLACE FOR EARLY LEARNING

True story. Thirteen-month-old Sandra reaches for a glass of milk on the kitchen table, sips a little, spills a little, then puts it down. She drops a piece of meat into the glass and watches it fall to the bottom. Next, she tries a potato chip and—surprise—it floats.

Enter Sandra's mother. "Oh, you're naughty today," she says and snatches the glass away.

So begins Sandra's education. But, according to one of the country's best-known early learning experts, her Mom just blew it. What the mother doesn't realize, says Burton L. White, director of Harvard University's Preschool Project, is that Sandra's experiment with flotation amounts to a "highly intellectual activity" for a child her age. "By cutting it short, the mother is doing her daughter a real disservice," says White—one that could lead to failure in school and life.

As White sees it, the flotation incident—and hundreds like it recorded by researchers in the Harvard project—points to an urgent need for educators to get involved in the early home life of their students. If education is to have any lasting effect on children at all, White contends, schoolmen first must offer prenatal instruction for parents and institute a new type of informal schooling in which teachers work with parents and preschoolers in the children's own homes.

It is in those homes, say most early learning experts, that children receive their most important intellectual training—training that constitutes the "fundamental requirements for academic success." Yet precious few parents are prepared to provide the skills, guidance and stimulation their children need so early in life.

Parents who are prepared make a huge difference, White believes. Since 1965, he has been studying poorly and well-developed children at home to determine how to structure experiences that "encourage maximal development of human competence." His studies indicate that the period between eight and 21 months of age is a critical one for building linguistic, intellectual and social skills. Successful parents—those with highly competent children—act a particular way during that period, White has found. They consistently make themselves available to their child, usually at the child's initiative. Unlike Sandra's mother, they encourage their baby's experiments and may try to facilitate them as well by giving the child more equipment, for instance. Then they quickly move away and let the baby discover things on his own. Significantly, White notes, successful parents don't try to play a traditional teacher's role or schedule their child's activities in advance.

These are rare parents indeed. The more typical ones, says White, act like Sandra's mother, and their mistakes are all but impossible to rectify later on. "There's a limit to what schools can do," White asserts. "And it's a surprising one."

Better preschools and kindergartens aren't the answer, he and other early childhood experts believe, because by the time children get there, it's likely to be too late. White's research has led him to conclude that youngsters beyond the age of three can only "refine" their skills in areas like language and problem-solving. Moreover, he has found that the three-year-old who's six months or more behind in these areas is unlikely ever to be successful academically, given the current state of remedial education.

Bringing youngsters to school earlier won't help either, the experts agree. Reason: Most pre-threes still have strong dependence needs and aren't emotionally equipped to leave their parents for a formal school environ-

ment. "Except in the case of an intolerable home life," White says emphatically, "the best place for early education is the home."

To make that home the educational force it can and should be, White currently is working with public school personnel, parents, physicians and 225 infants in the pioneering Brookline, Mass., Early Education Project (BEEP). Aim of the project is to help parents in shaping a home environment that will best develop their youngsters' natural abilities.

Initiated by Brookline's superintendent of schools, Robert I. Sperber, and funded with \$75,000 in grants from private foundations, BEEP offers a unique blend of free services.

For the babies, BEEP provides a complete program of medical, psychological and educational testing from birth to kindergarten to make sure none of them get through their preschool years with undetected problems that might hamper their learning abilities. For mothers and dads, the project offers parenthood education classes at the BEEP center and regular home visits from project teachers.

The format and frequency of the classes and home visits vary with different groups of participants. In both activities, however, BEEP teachers generally try to make parents more aware of child development principles, especially those related to learning stages. Teachers also spend time discussing any child-related subject, from diaper rash to discipline, that the parent considers important.

Just as accessible to parents is the project's early education center, which offers a child information library and a loan service of educational toys, records, films and other materials to try out at home.

Brookline school officials are keeping detailed individual profiles on project children and are already meeting with BEEP staffers to consider the best ways the schools can accommodate BEEP graduates. One proposal: Analyze the profiles for learning styles and academic strengths and weaknesses, then structure kindergarten programs around them.

Other less ambitious school programs are also incorporating the findings of early learning researchers, and the results could have dramatic effects on education in the near future. In Compton, Calif., for example, schoolmen recently received \$46,000 in state funds to license 10 to 35 day care homes, where Montessori-type preschool centers will be set up. Plans are to train mothers to use project materials both in the centers and their own homes. Like BEEP, Compton's program also will involve health checks and developmental tests for youngsters. School kindergarten teachers will be trained to handle the project's graduates.

In Oklahoma City, Okla., the private Casady School is trying yet another approach to early education. Along with the Oklahoma City Arts Council, Oklahoma City University, and the state department of social services, Casady school officials supervise the operation of a "magic blue bus," a van that travels to 25 day care centers and 22 licensed day care homes. The driver, a teacher, lends early learning materials to parents and also instructs them in how to use the materials with children. During the driver's subsequent visits, books and toys are exchanged for new and more advanced materials. Aimed at low-income families, the year-old project now reaches about 1,100 preschoolers and plans to add two more "magic buses" next year. "Our goal is to affect the child's disposition to learning, to make him more learning-oriented," explains Robert Woolsey, Casady School headmaster.

All in all, early learning researchers are making an impact on schools—though definitely not as powerful as they'd like. But Burton White, for one, feels certain the day

## EXTENSIONS OF REMARKS

will come when educators will invest heavily in the first years of a child's life and spend less as he moves through elementary and secondary schools.

"Such a radical shift is sure to meet with resistance," White acknowledges, "but it's inevitable."

### GIVE THE AMERICAN PEOPLE A CHOICE

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, the suggestion has been made that there will be a need for a special Presidential election in November 1974, in the event of vacancies in the Office of President and Vice President. Surprising as this may seem at first glance, it is actually a very old idea dating back to the Constitutional Convention, and one that, until a few years ago, was the law of the land.

After a moment's reflection, it seems clear that this is the best solution to the possible question of succession and the cynicism that now pervades the Nation. Let the people decide. What could be simpler, more straightforward or more consistent with our traditions.

I support this proposal and urge my colleagues to give it serious consideration as the fairest and most satisfying way out of the Watergate quagmire.

For the information of my colleagues, I include the proposal for a special Presidential election as it appeared in the New York Times.

#### FOR A SPECIAL PRESIDENTIAL ELECTION

(By Kevin H. White)

BOSTON.—The nation is now facing the most significant political crisis in its history. The crisis encompasses not simply the issue of whether and how the President should be removed but perhaps more importantly the question of how, through the manner of Presidential succession, confidence in the Presidency and the political process is to be restored.

There is a solution to our present difficulties. One that is readily available to us, and one which will give the American public time to debate, and also time to decide their own destiny—the electoral process.

There is no reason why an election could not be held in 1974 to determine national leadership. It is possible through legislative action for the people to elect a new President and Vice President in 1974. The Speaker of the House would serve as interim or acting President until Jan. 20, 1975, when the newly elected administration would commence a full four-year term.

This would require no constitutional amendment, but simply an act of Congress. The idea is not far fetched; ironically enough, it was the intent of our Founding Fathers. It is not a revolutionary concept; it is, in fact, just the opposite for the Constitution was explicitly written to make it possible.

In the Constitutional Convention of 1787 the framers consciously adopted the language of Article 2, Section 1, Clause 6, to allow Congress to provide by law what should happen if the offices of the President and Vice President should both become vacant.

The second Congress of the United States in the Succession Act of March 1, 1792, accordingly provided for a special popular election to fill such a void. That statute remained the law of the land for 94 years.

This system was changed by the Succession Act of 1886 which provided for succession through the Cabinet and dropped the requirement of a special Presidential election in these circumstances. It, however, required Congress to assemble within twenty days of such an occurrence, thus facilitating the discussion of other options. The Presidential Succession Act of 1947 made no reference to this alternative.

A special Presidential election was, then, the required method of succession in the event of simultaneous vacancy of the Presidency and the Vice-Presidency for almost a century.

It was mandated by act of Congress and it can, therefore, be restored by act of Congress.

As President Kennedy once wrote: "Our greatness is based on the final premise that the people themselves, working among themselves, making their final decision, will make a judgment which fits the best interest of our country. If we did not accept that premise, then the whole concept upon which a democracy is based would be hollow."

Rather than living for three years with an Administration unable to instill confidence and lacking legitimacy, a special election would seize the crisis of impeachment and succession as an opportunity to reaffirm the workings of our political process. Rather than resulting in a traumatic confrontation, a special election would serve as a beginning of national renewal—cathartic, salutary and healing.

Rather than entrusting succession to the Congress and leaving it susceptible to partisan jockeying, tactical maneuvers and back-room political deals, a special election would return decisionmaking directly to the people, where it belongs.

Rather than increasing alienation and cynicism about the workings of a closed political system, the special election would bring us together in the process of open and participatory debate.

It would finally not only insure the legitimacy of Presidential power, but a special election run fairly and honestly and openly would answer directly the fundamental issues underlying our current crisis and help to restore confidence not only in the operations of government, but in the resilience and viability of our political system itself.

Watergate and related abuses have cast a long and ominous shadow over the entire workings of Government and the faith our people have in the institutions they are called upon to support and defend.

An untainted and open election would help to heal the nation by reaffirming the very process which was compromised and violated by Watergate.

### ROUSH DISCUSSES FEDERAL HIGHWAY AID

#### HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSH. Mr. Speaker, one of the most widely discussed subjects in the northeastern Indiana press in recent months has been the Federal-aid highway program. Indiana State Highway Commissioner Chairman Richard A. Boehning has visited our area a number of times to speak about it. Newspapers have editorialized about it. Environmentalists have written letters to their editors about it.

Most of this discussion has been precipitated by Congress recent considera-

## EXTENSIONS OF REMARKS

November 1, 1973

tion of the Federal-Aid Highway Act of 1973 and the revelation that Hoosiers were paying more in highway user taxes than they were receiving in Federal highway aid. Unfortunately, much of the discussion has been characterized more by partisan rhetoric than by an objective analysis of the problem and potential solutions.

Like most important questions of public policy, the questions relating to Federal highway policy, the Congress role in setting it, the use of highway trust fund money for mass transit and the rate at which Indiana is returned its highway user tax dollars have no simple answers. To adequately pursue them requires an impartial discussion, beginning with 1956 when the Federal highway program, as we know it today, began.

In passing the Federal Aid Highway and Revenue Acts of 1956, the Congress and President Eisenhower made the following commitments:

First, the Nation needed and would complete a 41,000 mile system of interstate highways to connect the Nation's major population centers and provide a transportation network vital to the Nation's defense.

Second, the Nation needed to and would help keep the primary and secondary roads in both rural and urban areas in this country in adequate condition.

Third, the Federal Government would finance these two prior commitments on a wholly highway-user-supported, pay-as-you-build basis.

With these major commitments, the Congress established a "highway trust fund" which serves as a depository for the excise taxes collected on motor fuels, motor vehicles and associated products. Money from the trust fund is used to support six entirely different programs: the Interstate Highway System, the rural primary road, rural secondary road, urban extension, urban system and priority primary road programs.

It should be understood as well that although Congress and the U.S. Department of Transportation—DOT—determine each State's apportionment of funds for each of these programs before any construction begins, no money is actually distributed to the States until the work is complete and the books audited.

It is also important to remember that by no means is the highway trust fund the sole source of highway and road construction money in Indiana. We have a number of different State and local highway, road, street and bridge programs financed with State road taxes and other non-Federal funds. These State and local programs are responsible for the construction and maintenance of the bulk of Indiana roads and streets. In addition, there are a number of other Federal highway programs which have no automatic apportionments but depend on interested State and local governments to apply for the funds.

With these considerations in mind, I want to address myself to the three most frequently asked questions about the operation of the Federal highway trust fund programs in Indiana.

First. Is Indiana getting its share of highway trust fund money? This is a

more complicated question than it appears. First of all, the Internal Revenue Service does not keep records of highway-user excise taxes by State so no one really knows for sure how much each State contributes. Secondly, there are some serious problems with trying to evaluate the State's "share" for only 1 year of an ongoing program. Thirdly, the difference between the Congress-DOT determined apportionments and the money actually distributed to the states raises problems as to which amount should be used in such an analysis.

Despite these caveats, it is true to say that Indiana last year got considerably less in highway aid than the Federal Highway Administration—FHWA—estimates our highways' users paid in excise taxes. The FHWA estimates that Indiana highway users paid 2.82 percent of all taxes paid nationally to the highway trust fund and received back 2.31 percent of all funds paid out.

Two things that soften these statistics somewhat can be mentioned. It is not entirely the individual Hoosier motorist who contributes to the trust fund from Indiana but also the visiting tourist and the trucker hauling his wares from, to and through the State. In addition, Indiana has not always been in as bad a position in receiving funds. In 1969, for example, we paid 2.88 percent of all taxes paid into the fund and received 3.46 percent of the money paid out.

Second. Who is responsible for the poor return Hoosiers get on their Federal highway tax dollar and why? Again a complicated question with a lot of complicated answers. Let me give you what I perceive to be the two most important reasons that Indiana motorists will be getting back less than they will contribute to the highway trust fund this year: our nearly finished Interstate System and Presidential impoundment policies.

Because the Interstate System in Indiana is 90 to 95 percent complete, we get a much smaller portion of the interstate highway money than do States who are not as far along in building their interstates as we are.

Earlier I mentioned that the highway trust fund provides money for six different programs including the Interstate System. Indiana does better with the five noninterstate programs, where we have been apportioned 87 percent of the national per capita average this year than with the interstate program, which is by far the largest, where we receive only 47 percent of the national per capita average.

What has happened is that our State has completed all but a small number of miles—the official figures vary somewhat; State Commission Chairman Boehning was very recently reported as saying 63 miles—of its 1,129-mile Interstate System. These funds are apportioned on the basis of the relative Federal costs of completing the remainder of the system in each State. Since our interstates are almost complete, our share of interstate funds is now quite small.

Of course, this was not always the case.

In 1968, we received 119 percent of the national per capita average in interstate funds and in 1969 that figure went up to 141 percent.

Thus, while Indiana got a large chunk of interstate money early in the game, other States are only now getting their share.

We could advocate that the entire interstate program be discontinued or substantially modified now that Indiana has pretty much received its share and that the money is going to other States not as far along as ours. This would keep some of our dollars from going to other States.

As a practical matter, however, I do not think that either the Congress or the President will abandon the Interstate System—and I think in the long-run this commitment will benefit our State just as the early completion of our own interstates have. At the same time I plan to pay close attention to the noninterstate trust fund programs to make sure we continue to get a reasonable share of that money.

This is the main reason why Indiana has received the 1974 apportionment it has. However, the Nixon administration's policy of impoundment—preventing the distribution of Federal funds—is likely to mean that we will get even less. State Commission Chairman Boehning has indicated that \$18 million of our \$80 million apportionment, 23 percent, may be withheld this year. He and State Senator Keith McCormick have been reported as having an interest in joining a law suit against the administration for release of the funds, an action in which I would be willing to join.

Third. Will provisions in the new Federal highway law permitting some highway trust fund money to be used for mass transit hurt Indiana even more? This certainly is the easiest of the three questions. The answer is an emphatic and unequivocal "no."

For quite some time transportation experts have realized that in parts of this country the ever increasing use of the automobile is a growing menace. In many of our larger communities, congestion caused by auto usage is creating serious health and safety problems—to say nothing of the gasoline shortage—which cannot be solved by more highways.

These experts have pointed to the highway trust fund as a potential source of help in this crisis. They contend that the fund was established to meet the Nation's transportation needs in the most effective way and that some forms of mass transportation, rather than highways, would have that effect in many communities.

Congress recognized their arguments but also kept in mind that more and safer highways were still needed in many places. Hence the bill we passed—and which I supported—made this provision: Beginning in fiscal year 1974-75, areas over 50,000 in population have the option of using their "urban system"—one of the six trust fund programs mentioned earlier—apportionments for either roads or passenger bus purchases. Beginning the next year, all or part of these large communities' apportionments could be

used for roads, buses, or rail transportation projects. No trust fund money is allowed to be used for mass transit operating subsidies.

It is important to note that no money is being diverted to urban areas from rural areas and that urban areas do not have to use the money for mass transit. They only have the option of choosing whether to use the urban system money they would have received anyway for mass transit or for roads.

I think it fair to conclude that our deficiencies in receiving highway funds in the upcoming year will be due for the most part to our advanced position in interstate construction and Presidential impoundments and that the new Federal highway law's provision regarding mass transit will provide only more flexible transportation possibilities for larger communities and not hurt the other roadbuilding programs in our State.

#### PICKLE LETTER ON ITT-SEC CONTROVERSY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. PICKLE. Mr. Speaker, I place a letter I mailed yesterday to Acting Attorney General Robert H. Bork in the RECORD. The letter speaks for itself.

Today I am sending the letter to Attorney General-designate Senator WILLIAM B. SAXBE.

The letter follows:

Hon. ROBERT H. BORK,  
Acting Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. BORK: On October 10, 1973, the Special Subcommittee on Investigations of the House Interstate & Foreign Commerce Committee referred to the Department of Justice the record of its inquiry into the withholding and transfer of SEC files pertaining to ITT.

Accompanying the records was a letter from the Honorable Harley O. Staggers to the former Attorney General Elliot Richardson.

The last sentence of Chairman Staggers' letter of October 10th states, "Individual members may also contact you with supplemental views concerning the issues which have been raised during the Subcommittee's inquiry."

This letter is pursuant to this part of Chairman Staggers' letter.

I do not write a minority view, nor do I attempt to limit or give a charge to the Justice Department's review of the Subcommittee's referral. I write as an individual who has participated in every hearing with concern and interest.

During the Subcommittee hearings, some evidence was particularly disturbing; and as a Member of Congress and as a citizen, I feel that I would be derelict in my duties if I did not present my particular concerns to the proper officials of the Executive Branch of our government.

My concern can be divided into a general observation and five specific areas.

#### GENERAL OBSERVATION

As a general observation, I must state that the larger overview, which I have of the whole set of hearings, is that Mr. William

#### EXTENSIONS OF REMARKS

Casey, while Chairman of the SEC, with the knowledge and encouragement of certain White House officials, improperly tried to keep certain documents related to ITT away from the public, the Congress, and even the Justice Department (until he received a subpoena might issue from the Subcommittee for the documents). Mr. Casey purposely and willfully refused to deliver the files requested. He did everything in his power to keep these pertinent files away from a Congressional Committee.

Afterwards, in an attempt to mask his actions, and the motivations for those actions, former Chairman Casey made several very questionable statements under oath to the Subcommittee.

A thorough investigation of Mr. Casey's and the White House officials' actions in these matters should be undertaken by your staff.

#### SPECIFIC CONCERN

##### I. ITT transfer of Hartford stock to Mediobanca & Dreyfus

This area can be divided into two parts:

A. There is a possibility that ITT exchanged ITT stock for Hartford stock under extreme misrepresentation to the Hartford stockholders and possibly the Internal Revenue Service. Even though I do not have the exact dates, as this question was not fully developed in the Subcommittee's hearings, I must give a step-by-step tracing of certain developments of the ITT-Hartford merger.

1. ITT obtains approximately 8% of Hartford's outstanding stock shares.

2. ITT proposes to exchange ITT stock for Hartford stock held by Hartford stockholders in order to consummate a merger between the two companies.

3. The Internal Revenue Service, in response to an ITT inquiry as to how the exchange would be treated for tax purposes, holds that ITT must divest itself of 8% of the Hartford stock it had earlier obtained in order to have a tax-free exchange of ITT stock for Hartford stock.

4. ITT submits to the IRS a three-part proposal outlining steps ITT would take to rid itself of the 8% Hartford stock. In a very short time the IRS gives approval to ITT's proposal. Parts 1 and 2 of the ITT submission to IRS stated plans to complete a bona fide selling of the 8% Hartford stock by ITT. Part 3 of the IRS submission was a vague outline of ITT's selling its stock, through its agent Lazard Freres, to Mediobanca of Italy.

5. ITT does not follow Parts 1 and 2 of its submission to IRS, and instead implements what appears to be a bogus sale of the 8% Hartford stock to Mediobanca.

6. The SEC later determined that the ITT-Mediobanca transfer was not a sale, for ITT maintained complete control of the stock while it was on Mediobanca's books, including the dividends the Hartford stock might yield.

The points that I would make about this rather contrived turn of events are two-fold.

First, one can assume the IRS ruled the future ITT-Hartford exchange as being tax-free to the Hartford stockholders because the IRS thought that Parts 1 and 2 of ITT's submission were to be followed by ITT. If this is the case, ITT has committed a fraud or filed a false statement (I use these items in the non-legal sense since I am not an attorney) on the IRS by deliberately misleading the IRS to think that ITT was going to make a bona fide sale of its earlier obtained 8% stock.

Second, if the IRS did know of the plans of ITT to engage in a sham transaction, or if the IRS did not want to know what the rather vague ITT Part 3 proposal entailed because the agency suspected what ITT was planning to do, then I would be very disturbed by the implied compromising of the

IRS in order to facilitate a merger of ITT and Hartford.

No matter how the IRS-ITT situation is viewed, it would seem that ITT's representation to the Hartford stockholders that ITT had divested itself of the 8% Hartford stock appears fraudulent to me.

The Hartford stockholders assumed their taking ITT stock for their Hartford stock would be tax-free since ITT supposedly sold its earlier obtained 8% Hartford stock.

Since ITT had not unconditionally disposed of its Hartford stock, the exchange of ITT stock for Hartford stock should not have been tax-free.

There is strong speculation that the Hartford stockholders would not have agreed to the exchange if they had known the exchange would result in their incurring a tax liability.<sup>1</sup>

In any event, Hartford stockholders acted in good faith on a bad faith ITT representation that it (ITT) had sold its earlier obtained 8% Hartford stock.

B. The second aspect that bothers me about the ITT-Mediobanca transfer is that the 8% Hartford stock was eventually sold to the Dreyfus Fund by ITT's agent Lazard Freres, and there was no evidence presented to our Subcommittee that ITT ever incurred a tax liability, or a tax loss for that matter, on the sale to Dreyfus.

If ITT has never reported this sale on either its 1971 or 1972 tax returns, then ITT could be guilty of income tax evasion.

To conclude this Part I of my letter, it would seem to me that the SEC should have reported the fraudulent or questionable nature of the ITT-Mediobanca transfer, and the tax question of the ITT-Dreyfus sale, to the Internal Revenue Service and the Justice Department. I would think the SEC had a duty to do so, and despite reviewing these matters, I still do not understand why the SEC did not do so.

##### II. The testimony presented by Mr. Charles Colson to our subcommittee

You and your staff can readily see from the record that Mr. Colson clearly left the impression with the Subcommittee that he (Mr. Colson) had no knowledge of certain documents pertaining to the ITT-Hartford merger held by the SEC.

Mr. Colson appeared before our Subcommittee on the afternoon of June 14, 1973, and that morning, at 9:30 a.m., the staff of the Subcommittee had delivered to Mr. Colson's offices copies of the SEC-ITT documents.

On August 1, 1973, a memorandum was made public by the Senate Select Committee on Presidential Campaign Activities. This memorandum was from Charles Colson to Mr. H. R. Haldeman. The memo was dated March 30, 1972.

The general purpose of the memo was to express Mr. Colson's dissatisfaction with a decision to postpone until June 1, 1972, any White House decision to withdraw Mr. Richard Kleindienst's nomination for Attorney General of the United States.

The Colson to Haldeman memo contained the following assertions about certain ITT documents; that he (Colson), Fred Fielding, and John Ehrlichman had fully examined all the documents, and that some of the documents were in the hands of the SEC.

Mr. Colson also described the documents in the memorandum.

Several of the documents Mr. Colson described in the March 30, 1972, memo were in the hands of the Subcommittee on June 14, 1973, when Mr. Colson testified before the Subcommittee.

On June 14, 1973, Mr. Colson, when shown a document that was clearly described in his

<sup>1</sup> Of course, there is the side issue that the IRS should re-examine the exchange with a view to collect that tax liability.

November 1, 1973

March 30, 1972, memo, responded as if he had never seen the document. (Refer to Pages 54-55 of the Committee transcript.)

Three times after Mr. Colson's statement on Pages 54-55, he affirms that he had not seen certain ITT documents until June 14, 1973. (See Pages 70, 72, and 96.)

Comparing the testimony of June 14, 1973, to the memo of March 30, 1972, one must note that the March 30, 1972, memo demonstrated a full knowledge of ITT documents held by the SEC, while before the Subcommittee Mr. Colson demonstrated little or no knowledge of these documents.

Before leaving Part II, which is a general oversight of Mr. Colson's testimony, I want to call attention to Pages 76-87, 87-89, and 97-98. On these pages I questioned Mr. Colson of his knowledge of the original Dita Beard memo as published by Jack Anderson, his knowledge of the rather mysterious sequestering of Mrs. Beard in Denver, Colorado, and the intensive investigation of the authenticity of the Beard memo.

It is obvious to me that Mr. Colson had extensive knowledge of the events surrounding the ITT affairs, particularly those events involving Mrs. Beard's presence in Denver, Colorado.<sup>2</sup> Mr. Colson was either not telling the truth, or his memo to Mr. Haldeman was inaccurate.

I would urge that my impressions be investigated to the fullest by proper officials in the Justice Department.

It is obvious to me that Colson knew a great deal about the ITT affair.

### III. Passing of FBI materials to ITT

In this part, I turn to a discovery that I made during my questioning of Mr. Colson that still disturbs me.

Succinctly, from Mr. Colson I learned that the FBI had obtained the original, or Anderson, Beard memo from Jack Anderson. Then, someone at the White House obtained this memo from the FBI. (Mr. Colson stated he did not know how the White House got the memo, but the implication is strong that John Dean did. Pages 98-102.) Then from the White House, the original Beard memo was examined by Intertel,<sup>3</sup> which had been retained by ITT. (Pages 98-102) In short, ITT gained possession of a document in the possession of the FBI via a White House conduit.

I have since been advised that this chain of events may not technically be illegal because if ITT had been under judicial action, the corporation could have obtained this document through discovery proceedings.

Since ITT at this time was not involved in a Court action, and since this turn of events seems highly improper, I would hope that the ramifications of the circumstances which I learned of during questioning of Mr. Colson, would be reviewed closely.

Frankly, I think that it is reprehensible that the White House passed material in the hands of the FBI to investigators for ITT.

### IV. Ex parte contacts by John Ehrlichman with the SEC

During the June 27, 1973, hearing, former Chairman Casey described a meeting he had with former White House aide John Ehrlichman.

This meeting was held at Mr. Ehrlichman's request, and occurred in March of 1972.

As Mr. Casey described the meeting, Mr. Ehrlichman inquired of Mr. Casey of the necessity of the SEC's subpoenas for ITT documents. Mr. Ehrlichman's questioning came after columnist Jack Anderson published the Dita Beard memo, which led SEC

<sup>2</sup> I do not make reference to several very interesting articles which have appeared in the *Rocky Mountain News* over the past few weeks.

<sup>3</sup> Private investigative firm.

## EXTENSIONS OF REMARKS

staff attorneys to believe ITT had not fully complied with earlier SEC subpoenas.

I would hope that your staff would give a full review of the Ehrlichman-Casey meeting, keeping in mind 18 U.S.C. 1505.

### V. Kleindienst's possession of ITT documents

Also in the June 27, 1973, hearing, former Chairman Casey stated that on August 25th or 26th former Attorney General Richard Kleindienst had been provided with copies of the "politically sensitive" ITT documents (Pages 93-97).

Several things can be noted of this fact. First, Mr. Kleindienst had supposedly reclusive himself from consideration of the ITT case.

Second, Mr. Kleindienst never sent these documents to those in charge of the ITT investigation with regards to the Kleindienst confirmation hearing record, even though one person familiar with these documents stated the documents were proof of perjury was being committed during these hearings.

Third, the whole controversy between Mr. Casey and our Subcommittee was whether or not our Subcommittee could review documents Mr. Casey eventually maintained were sent to the Justice Department in early October, at the request of the Justice Department, when the truth is that former Attorney General Kleindienst had already reviewed the "politically sensitive" documents over a month earlier.

This concludes my recitation of the three areas which particularly bothered me as a result of these hearings.

### SUMMARY

To summarize, I am concerned with:

I. The improper activities of former Chairman William Casey in keeping certain documents from a Committee of Congress.

II. The possible act of fraud and filing of false statements by ITT in the matter of the supposed ITT to Mediobanca transfer of Hartford stock, and the possible tax evasion involved with the ITT to Dreyfus sale of Hartford stock.

III. The possible inconsistencies in Mr. Colson's testimony before the Subcommittee in view of his assertions in a memo to Mr. H. R. Haldeman over a year earlier.

IV. The passing of documents in the FBI's possession by the White House to the party being investigated.

V. The possibility of a very improper contact by John Ehrlichman with William Casey concerning SEC subpoenas.

VI. Certain ITT documents were in the possession of former Attorney General Richard Kleindienst beginning in late August, 1972, and these documents were not turned over to staff attorneys at the Justice Department for their review.

I re-emphasize that my letter is only a statement of a layman who has heard and studied the testimony presented to the Subcommittee.

I do not wish to limit your review of the record to those points that bother me, nor do I intend to give a charge to you and your officers.

For the past two weeks, I have deliberated over the question to whom my letter should be addressed. This was a particular problem since Mr. Henry Petersen had reclusive himself from the ITT matter after the Kleindienst confirmation hearings. Recently, however, I have been assured that the investigation of the ITT matter begun by Mr. Cox is to be vigorously pursued by your office.

I appreciate the Special Subcommittee on Investigations allowing me, as an individual and a Member of Congress, to write a separate view of things that I learned while serving as a member of the Subcommittee.

Your consideration of all these matters is appreciated.

Sincerely yours,

J. J. PICKLE

## THE PRESIDENTIAL CHALLENGE TO ACCOUNTANTS

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HANNA. Mr. Speaker, even the greatest tragedies have some humor. And that humor may itself make more poignant the point which is intended to be made. Imagine for a moment the difficulties which stories of President Nixon's personal finances have created for accountants around the country. Beset by recitals of the President's example, these accountants are likely to be confronted by suggestions of "creative" financial arrangements heretofore unheard of.

In a recent issue of the Saturday Review, Goodman Ace has imagined such a situation by writing a letter to his own accountant, a Mr. Greenwald. To my good-humored colleagues, I commend this witty piece. Place yourself in Mr. Greenwald's position, for a moment, and imagine trying to write a reply.

The letter follows:

TOP OF MY HEAD

(By Goodman Ace)

ONE MAN'S LOAN IS ANOTHER MAN'S LIEN

DEAR MR. GREENWALD: For more years than I care to remember, you have been our accountant—certified, bona fide, deified. Have I ever before written to you complaining about your tax estimates? No! Never!

However, after this year's tax bite, I have finally figured out what is wrong with you. You are honest! I recognized that grievous fault the day you sat for three hours adding, multiplying, with a minimum of subtracting. You rose from the desk and stretched. You gave yourself away when you arched your back. Mr. G., you have been bending over backward to be honest.

Come with me, sir, into our new era of permissiveness. Not one deduction for which I fought last year did you permit. You kept saying, "Dick Nixon won't like that; the government won't pay for those deductions." And you added, "It's not honest!" Man, don't you read the papers?

Listen, somebody buys a ten-room home, with five bedrooms, in San Clemente. The price is \$1.4 million. He gets a loan of \$625,000 from a friend. The friend later creates an investment company, which buys the 23.1 acre tract surrounding the home for \$1,249,000 and, in doing so, wipes out the \$625,000 loan and erases the lien on the home.

Can't you do little things like that for me? Don't you have a pencil with an eraser? No! You keep sticking to your old math. Since you began accounting, Mr. G., a lot of water has flowed under the gate.

Remember last spring? I told you we were planning to landscape the long terrace of our apartment. It wasn't to be a big deal—noting like the \$76,000 landscape caper at San Clemente. Just some flowers I could smell when I'm sitting out there thinking of something to write. I create best when I'm smelling flowers. It's a deductible business expense.

But you said that smelling flowers is not a business expense. The government isn't going to pay for flowers. "If you want to smell," you said, "plant your own garden." So I did. And for the first time in botanical history, tulips came up upside down. And not one bud demeaned itself by walking around to the back door of one of my tulips to beg for a cup of honey.

Let's go now to last June and early July, a "time frame" our President designated as Salute America Week. We had made plans to sit on our terrace, where we were going to install our flag on a pole. Surely the government would allow a deduction for that. Nothing as grand as the San Clemente flagpole, which, according to the General Services Administration, cost \$587, plus \$1853 to install and \$476 to paint. Ours was to be a small pole, complete with a can of paint.

Again you said the government wouldn't pay me to be patriotic and added that Dick Nixon wouldn't like that. But believe me, Mr. G., our President would have thought it a sorry sight to see my wife and me sitting out there, celebrating the Fourth of July with two small flag decals pasted on the terrace windows.

Then this fall I spoke to you about installing an electric heating system in our apartment. No \$13,500 system as in S.C. A model electric system, much needed for our security against the winter and the icy drafts that seep through our twenty-fifth floor windows.

I wasn't too surprised when you told me the government wouldn't pay for that. What hurt me most—and that's why I'm writing you—was when my wife improvised a couple of rasping coughs and you said sternly, "Sorry, you'll have to pay for it yourself." Which sounded to me as if you had said, "Sorry, you'll have to cough up the money yourself."

You make every item I want to deduct seem as if I were asking for \$7515 worth of picture frames, or a \$100,000 golf course, or \$3800 for a couple of golf carts, or \$999 for fertilizer. (I guess they got that at a sale.)

In closing, Mr. Greenwald, as our President has so often said, I think you are out to get me. You are just too precise. I suggest we have a talk about eating higher off the hog—the affluent lifestyle set by our leader. And when we meet, will you please, in your precise manner, stop pronouncing the second *c* in Connecticut. It's driving me up a wall.

And another thing: Please stop referring to our President as Dick Nixon. If you simply have to be familiar—and honest—try Rich Nixon.

## EXTENSIONS OF REMARKS

when we disagree. We have "religious rights". We didn't just have this country, we fought for it!! Like the "Civil War", the southern states fought the northern states, we lost but we're free. Many men gave their lives to win freedom and we got it! Some were kept hostage, but our president got them out. The first few presidents didn't get involved as much as today, but now they pay more attention. Our president is the best ever.—Doug Brown, 8, B-C No. 2.

I love my country because it is beautiful. And in spring the flowers bloom and makes it more beautiful. I love my country because in the summer you can go to the beach. And if we had never had our country we could have not been born and we would have not had pretty flowers blooming and could not go to the beach and swim. I love my country because it is a free country. You have the right to say what you want to say in speech. I love my country because it is a beautiful place to live. Because it has nice houses and nice communities. I love my country because it is clean. I love my country because it has nice schools to go to learn to read and write and spell. I love my country because it has nice stores to go and shop for clothes and food and stuff to go in your house. And that is why I love my country.—Angela Lorick, 8, B-C No. 2.

I like America because it was fought for many times. Many brave men gave up their lives for this country. This country took time to build. People went through strife, agony, and hatred to build this great land. Finally it came, peace. This country was civilized. Our first president came to America. Our population grew and grew. I like my country because we have food, clothing, and a right to free speech. We can go to our own church and have our own religion. You know many people don't have what we have. You can go to wherever you want. You can select your own job and vote for whom you want. I also appreciate America for it is a country where if I work hard I can get all the things I need for my family. We have a fine president, I'm proud of America because it is organized now.

I wish the ones who fought could see what they brought to this land. If it weren't for them this land would not be a land. I think we have a good government who will take care of our problems. And most of all I thank God for America.—Joby Vining, 8, B-C #2.

I love America because it's other country's like Russia make you do what they say.

America is fair to everyone.

I love America's natural beauty. I really like what America's doing. America is trying to save its wild-life. While other country's like Russia don't care about their wild-life.

America will fight for it's right's.

What I am trying to tell you is, the reason I love America is its free, brave, gentle, and that the way I want to be. And that's the reason I love America.—Debbie Crawford, 9, B-C #2.

First of all why I love my country is because of my freedom. I have freedom to worship God. I have freedom to speak. I love my country because there are no wars. I feel safe when I go to bed at night because I live in America. I have good police looking after me. I love my country most of all because it is so beautiful.—Beth Branham, 8, B-C #2.

I like America because it has good schools and good teachers. Because I have gone through three levels and that's not bad, and if it had not been for Mrs. Moody I wouldn't be so smart. And I have a lot of friends in America that care about me. It has lakes where you can get good meat free. America has one of the best presidents that America has ever had. A president that cares about his country. He stopped the war which saved millions of lives. And America has good laws and besides, I think America is great.—Michael Whitener, 8, B-C #2.

### WHY I LOVE MY COUNTRY

#### HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. SPENCE. Mr. Speaker, looking through my files recently to prepare for several Veteran's Day speeches, I came across a clipping which I had cut out of the newspaper last May. The newspaper item consisted of comments from several grammar school students on "Why I Love My Country."

I was so impressed with the efforts of these young people—aged 8 and 9—to express their love for America, that I thought perhaps my colleagues would want to have the opportunity to have them for their own files.

Therefore, Mr. Speaker, with great pride I include the remarks of my constituents, Mr. Doug Brown, Miss Angela Lorick, Mr. Joby Vining, Miss Debbie Crawford, Miss Beth Branham, and Mr. Michael Whitener, as printed in the Journal of West Columbia, S.C., on May 9, 1973, in the RECORD at this point:

### WHY I LOVE MY COUNTRY

When I say "America" I mean freedom to anything I want. We have "free speech"

## FINANCING PRIVATE HIGHER EDUCATION

### HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, from time to time, we, as Members of Congress, must make judgments on legislation that affect both public and private educational institutions.

Private higher educational institutions in the United States constitute a large and important sector of our quality universities. Since the financial condition of the private educational sector continues to decline, it is well that we consider carefully the role of private higher education in our society and its relationship to public institutions of higher learning.

In his recent annual report to the trustees of Carnegie-Mellon University, CMU President Richard M. Cyert offers an insightful view of the current problems of America's private institutions of higher education. I urge my House colleagues to review President Cyert's report and to give full consideration to the thoughtful proposals he offers to some current financial and educational dilemmas.

President Cyert's report to the trustees follows:

### PRIVATE AND PUBLIC HIGHER EDUCATION

(By Richard M. Cyert)

(Note.—To the Board of Trustees: It is a pleasure to present the annual report of the President of Carnegie-Mellon University for the year 1972-73.)

Carnegie-Mellon University closed the fiscal year 1972-73 with a surplus; this indicates a vastly improved fiscal position. Moreover, the freshman class entering in the fall of 1973 will be larger by 100 students than the class which entered in the fall of 1972. These are encouraging results and the Carnegie-Mellon University community can be proud of them. Private higher education, however, continues to be in a critical state, and the essay which follows is, I believe, an important analysis for those charged with anticipating its problems and insuring its welfare.

Upon accepting the presidency, I indicated my commitment to the preservation of the private university. After one year in office, my determination to work toward this end is even greater than it was when I accepted the presidency, and my understanding of the difficulties of the task is much deeper. It is quite clear that our mixed system of higher education—a combination of public universities and private universities—is being threatened by the growing gap between private and public university tuition.

The original role of public universities justified heavy subsidy by the state and federal governments, and as a result the student paid only a token amount of tuition. Thus, in most instances, the tuition in a public university is a fourth to a third of that of the private university.

Today tuition is low in public universities because society wishes to provide an opportunity for higher education for all of its members. The concept extends access to freely available public education from kindergarten beyond high school. One might question, however, the way in which the subsidy to public universities is being utilized. For example, a study of freshmen in 1972 was made by the American Council on Educa-

## EXTENSIONS OF REMARKS

tion.<sup>1</sup> It included 19 public universities from which a sample of 36,636 students was taken. An analysis of the income distribution of the parents of these entering students shows an estimated average income of approximately \$17,000 and an estimated median income between \$12,500 and \$15,000. Indeed 77.9% of the parents of students enrolled in public universities had incomes above \$10,000. In contrast only 51.7% of the 53.3 million families in the United States in March 1972 received an income of \$10,000 or more in 1971.<sup>2</sup>

The effect of the low public university tuition on the private university, however, is a significant negative factor. As the gap between the cost of attending public and private institutions becomes larger, private colleges and universities will begin to fall roughly in reverse order to the size of their endowments, starting of course with those having the smallest endowments. In Pennsylvania, where the mix of universities is fairly typical, students who in the past would have attended private universities will because of the tuition gap move either to the community colleges or the public universities. This reduction in enrollment will lead to an increasing number of private schools in financial trouble deep enough to force them eventually to close their doors. The result will be an excess of total educational facilities at the same time that the state is being pressured to invest public funds to increase the capacity of public campuses. In the long run, unless there is a significant change in the methods of financing public education, all private universities will be affected adversely regardless of quality and size of endowment.

To see the reality of the threat to private education, it is useful to look at some trends in higher education. One striking statistic is the change from 1961 to 1971 in the number of bachelor's degrees conferred by public and private institutions. In 1961 private institutions accounted for about 44% of the degrees awarded nationally. By 1971, when the degrees granted had doubled (402,000 to 840,000), private institutions were awarding only 34% of the degrees. Part of the reason for this drop is the fact that many private institutions did not try to expand, but a more substantial reason is the increase in the number of low tuition public institutions. The opening fall enrollment of students in 4-year institutions in 1961 found about 56% of the total students in public institutions. In 1972 this figure had gone to about 69%. By 1981 it is projected at 74%.<sup>3</sup> Clearly these developments must be of concern to our society if our current mixed system is one we want to maintain.

The trends are, of course, no different from those that could be expected if any private industry had to compete with a government sponsored industry that was subsidized with public funds. Suppose that the government decided to enter the automobile business to produce a low-priced car, and suppose further that the decision was made to subsidize the factories to enable the poor to have cheap automobiles. Thus the government factories would not be required to show a competitive return on investment, nor to account for depreciation, or even to recover all out-of-pocket costs, in the prices that it charged. It would be only a short time before private manufacturers would have to withdraw from the production of low-cost automobiles. Neither the Ford Motor Company nor General Motors could compete with the federal government when it was producing automobiles under these conditions. Private companies would produce only expensive, high quality automobiles. As the gap in price between the high quality automobiles and the low quality, publicly produced automobiles became greater, production by private

companies in the high quality product would have to be significantly reduced.

In education a similar situation is exacerbated because of the difficulties for most people of appreciating the quality of education and because of the deficiencies on the part of private universities in attempting to measure and make clear what quality education is.

## WHY PRIVATE UNIVERSITIES?

At this point it is proper to raise the whole question of why private universities should continue to exist.<sup>4</sup> To those of us who have been in private education most of our lives, it may come as a shock to realize that almost all of the universities of the world are dependent upon various public governments for support. Private universities are in a minority. Even in the United States two-thirds of all faculty employed at institutions of higher education are employed at publicly controlled institutions.

The argument for maintaining private universities is based on their role in providing leadership and high quality in education. It is fair to say that the private universities have been of significant importance in the history of higher education and research in America, particularly as a source of innovation. Private universities have also led in experimentation and curriculum development in undergraduate education. The initial impetus to graduate education and research was given by private universities. And, in each of the five rankings of the quality of graduate education since 1925, the private universities have had a majority of the strongest departments in most fields. Most of the institutions of highest quality have been private universities.<sup>5</sup>

Other kinds of evidence also substantiate the importance of private institutions. In 1970, for example, although fewer than 50% of the graduate degrees were granted by private institutions, roughly 71% of the professors in the five strongest departments in each field were from private institutions. This is, again, an indication that the private institutions are remaining vigorous. An analysis of Nobel prize winners leads to the same conclusion. Sixty-six Americans received the Nobel prize between 1946 and 1971, and of these approximately two-thirds received their most advanced degree at a private university, only 13% in public universities, and 20% in foreign universities (most of the last were naturalized Americans).

Thus the private sector is vital not only to the quality of higher education, but also to the diversity necessary to make further progress in research and education. The United States has been a leader in research because of the quality of its private institutions. It is generally recognized, too, that public universities are of better quality than they would be without the competition of private universities. And they are better because of the great contributions of the private universities to innovate education, to graduate training and to research.

These arguments indicate that, since the quality of education is important, the probability is high that the American education system will be poorer if the private institutions disappear.

## TO STRENGTHEN PRIVATE HIGHER EDUCATION

What then is the answer? There are several that can be given. First, the private universities must manage themselves more effectively. Many of the academic institutions of greatest quality have tended to ignore the concept of efficient management. It has now become critical that private universities move to use all of their resources in the most effective manner possible. Steps in this direction are already being taken, and I predict that within a five-year period private universities will become models of efficient use of

November 1, 1973

resources. But these moves alone cannot solve the whole problem. Over the years it is unlikely that the savings achieved by decreasing cost through improving efficiency can keep up with the pace of inflation. A second step needed is to increase the amount of income from endowments. Again, it is unlikely that increased return on endowments, even with the utilization of capital gains, will enable private universities to make their tuitions competitive.

The third and most decisive change that must take place is in the way that the state finances public education. If we are to maintain a mixed system of private and public education, state governments must move to the concept of giving public funds directly to students and enabling those students to decide upon the university of their choice. A simple form of determining equity in financing would be to give the student the dollar amount of the subsidy students in public universities receive, that is, total cost of public education per student minus the tuition paid, and allow the student to apply that sum against the tuition in a private university. There are other more elaborate formulas that could be developed.

Another, even more appealing, solution to the problem exists.<sup>6</sup> We have shown that the parents of students attending public universities have a significant financial capability. It would be appropriate, therefore, for the state to increase the tuition in public universities to the point where tuition covered one-half to two-thirds of the cost, and to reduce the amount of budget support provided public universities by taxpayers. Such a move coupled with a scholarship program paid directly to qualified, needy students to allow them to attend the schools of their choice would reduce the state budget and hopefully the tax burden. And such a move could provide conditions that would enable our mixed system to survive because any remaining tuition gap would be significantly reduced.

It is clear that much fresh, hard thinking must be done by state governments and by the faculties and administrations of private universities in order to maintain and strengthen our system of mixed public and private higher education in the years ahead.

With these financial pressures on private institutions, and with the clear indication that excellence is required for survival, it is incumbent upon us at this University to continue to make the changes required to improve the educational services that we offer and to increase our efforts and determination to develop new knowledge through our research. Indeed, it is only through such efforts, as I have indicated above, that private education itself can justify its cost.

## FOOTNOTES

<sup>1</sup> *The American Freshman: National Norms for Fall 1972*, ACE Research Reports, Vol. 7, No. 5, December, 1972, p. 35. It is interesting to note that the same study (p. 36) shows that 41.9% of the students entering private universities had an average grade of A- or better in high school as opposed to 25.3% of those entering public universities.

<sup>2</sup> *Current Population Reports—Current Income*, U.S. Department of Commerce Publication, Series P-60, No. 83, July 1972.

<sup>3</sup> *Projections of Educational Statistics to 1981-82*, National Center for Educational Statistics, 1973, p. 42.

<sup>4</sup> For much of the information in this section I am indebted to the "Report of the Committee on Private Universities and Private Giving," published in *The University of Chicago Record*, Vol. VII, No. 5, April 21, 1973.

<sup>5</sup> The most recent of these rankings is: Kenneth D. Roose and Charles J. Andersen, *A Rating of Graduate Programs*, American Council on Education, Washington, D.C. 1970.

*"Higher Education: Who Pays? Who Benefits? Who Should Pay?" The Carnegie Commission on Higher Education, June 1973, pp. 9-13.*

**FULL TEXT OF IMPEACHMENT  
RESOLUTION**

**HON. JEROME R. WALDIE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WALDIE. Mr. Speaker, in the past week there has been an overwhelming request for information concerning the text of the impeachment resolution which I introduced for myself and 30 cosponsors last week.

Mr. Speaker, the full text of the resolution to impeach President Richard M. Nixon follows:

**RESOLUTION**

Whereas the United States Court of Appeals for the District of Columbia Circuit has issued an order that President Richard M. Nixon produce for inspection by the Chief Judge of the United States District Court for the District of Columbia certain tapes, documents, and other materials requested by the Special Prosecutor Archibald Cox, relating to the break-in of the Democratic Headquarters on June 17, 1972, and President Nixon has indicated his intent not to comply with that order of the honorable court;

Whereas, President Richard M. Nixon has dismissed the Special Prosecutor Archibald Cox and abolished the Office of the Special Prosecutor in violation of the order which established that Office and contrary to his promise made to the United States Senate through his Attorney General designate, Elliot Richardson, that the Special Prosecutor would have full authority to pursue all matters relating to the break-in of the Democratic Headquarters, and thereby has obstructed the administration of justice;

Whereas, President Richard M. Nixon has further impeded the administration of justice by forcing the resignation of Attorney General Richardson and by firing Deputy Attorney General Ruckelshaus because they refused to participate in the President's attempt to subvert the order of the Court and to interfere with the administration of justice;

Whereas President Richard M. Nixon knowingly and unlawfully and with the intent to obstruct justice refused to make available to Special Prosecutor Archibald Cox certain tapes, documents, and other materials relating to the investigation which Mr. Cox had been lawfully appointed to conduct, and thereafter ordered Mr. Cox to cease and desist from further utilization of the judicial process to acquire said tapes, documents, and other materials, thereby intentionally engaging in the unlawful obstruction of justice: Now, therefore, be it

*Resolved*, That a committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon,

**EXTENSIONS OF REMARKS**

President of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

**ARTICLE I**

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, and contrary to the Constitution and laws of the United States, did knowingly, and willfully and with the intent to obstruct the process of justice, violate the mandate of the United States Court of Appeals for the District of Columbia Circuit issued under lawful authority commanding the said Richard M. Nixon and any of his subordinates or employees acting under his direction having custody of certain tapes, documents, and other materials, to comply with the order theretofore entered by the Chief Judge of the United States District Court for the District of Columbia, requiring the production of such tapes, documents, and other materials for inspection by the said district court in connection with certain grand jury proceedings then pending.

**ARTICLE II**

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did knowingly and willfully, and with the intent to obstruct the process of justice, issue orders and instructions directing Mr. Archibald Cox not to invoke the judicial process further to compel the production of certain tapes, documents, and other materials then in the custody and control of said Richard M. Nixon or his subordinates or employees acting under his directions, said Archibald Cox having been theretofore duly appointed and commissioned as a Special Prosecutor of the United States with full and lawful authority to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, said Richard M. Nixon is hereby guilty of an impeachable offense while in office.

**ARTICLE III**

That said Richard M. Nixon, President of the United States, unmindful of the high duties of his office, of his oath of office, and of the requirement of the Constitution that he should take care that the laws be faithfully executed, did on October 20, 1973, knowingly and willfully, and with the intent to obstruct the process of justice, issue an order to the then Acting Attorney General of the United States Robert H. Bork, for the removal of Archibald Cox from the Office of Special Prosecutor and the abolition of the said office, the function and duty of such office being to investigate and prosecute certain crimes committed by officials and employees of the executive branch of the Government and other persons in connection with the burglary of the offices of the Democratic National Committee and other burglaries and other crimes, including the misprision and concealment thereof, which order in substance was stated as follows:

"DEAR MR. BORK: I have today accepted the resignation of Attorney General Richardson and Deputy Attorney General Ruckelshaus. In accordance with title 28, section 503(B) of the United States Code and of title 28, section 0.132(A) of the Code of Federal Regulations, it is now incumbent upon you to perform both the duties of Solicitor General, and duties of and act as Attorney General.

"In his press conference today, Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the executive branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force.

"It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate Special Prosecution Force.

"Sincerely,

"(S) RICHARD NIXON."

Further, the said Richard M. Nixon did by such order procure the dismissal on October 20, 1973, of the said Archibald Cox as Special Prosecutor and the abolition of the said Office of Special Prosecutor by then Acting Attorney General Robert H. Bork; and in pursuit of his objective to thwart and obstruct the investigations aforesaid the said Richard M. Nixon did force and bring about the resignation and removal from office on October 20, 1973, of Elliot L. Richardson, Attorney General, and William D. Ruckelshaus, Deputy Attorney General, both of whom had been theretofore duly appointed and commissioned, with the advice and consent of the Senate of the United States; whereby said Richard M. Nixon did then and there commit and was guilty of an impeachable offense while in office.

**DÉTENTE AND RADICAL LEFTIST  
MOVEMENT IN OTHER COUNTRIES**

**HON. EDWARD J. DERWINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DERWINSKI. Mr. Speaker, while we discuss, here in Congress, the true meaning of détente as well as the question of whether or not the radical leftist movement is a motivated one, it is perhaps practical to look at the same questions as they affect other countries.

In this sense, I believe there is a most interesting implication given by the distinguished, international correspondent of the Copley Press, Dumitru Danielopol, who recently returned from a factfinding tour of Europe, in his commentary in the Aurora, Ill., Beacon-News of September 29.

The article delves into the facts toward a logical relationship to events in the United States and other countries:

[From the Aurora (Ill.) Beacon-News, Sept. 29, 1973]

**POMPIDOU ON THE HOT SPOT**

(By Dumitru Danielopol)

**CÔTE-D'AZUR.**—Any Frenchman who recolls at the memories of the May, 1968, student-labor revolt in France must be apprehensive this fall. And that includes President Georges Pompidou.

The "affaire Lip" is a case in point. Lip was an old and reliable watch manufacturer in Grenoble. Its managers branched out but found themselves in financial trouble. They decided to close down.

## EXTENSIONS OF REMARKS

"Not so," decided the workers. They were going to lose their jobs. They seized the factories and ran themselves in a "socialist" way. They stole existing stocks of watches and manufactured new ones, selling them privately at 40 per cent discount. They paid themselves and capitalized the rest by neglecting to pay taxes, social security or to make allowances for purchases of necessary materials.

Lip was a victim of anarchy. The workers under the coercion of "Gauchistes," extreme left wing agitators, vandalized the operation in the name of anti-bossism. True, they had lost their livelihood—but they had taken none of the risks of their bosses.

When they were finally thrown out by the army they moved to other premises and continued to operate on Lip's assets, thus robbing the stockholders who had invested in Lip.

"Had this not happened during the August vacations other enterprises would have gone on strike in sympathy of Lip workers," said one observer.

As it was, the government controlled radio and TV struck for 24 hours in support of the Lip workers.

Another ominous incident that serious Frenchmen must ponder was a demonstration at Larzac where several thousands extreme leftists and antimilitary hoods gathered to oppose government plans for the area.

The government proposes to buy farm land at Larzac to extend its military training facilities. The farmers refuse to sell and move away. They are sheep breeders and want to stay out.

The leftist demonstrators are the same type that nearly brought down the system in France in 1968. They are anti-establishment, nihilists, anarchists and thugs on the rampage. They have seized a local issue in an attempt to fan national indignation.

Too few Americans realize the inroads of this type Soviet inspired anarchy in West Europe as a result of "detente" and automatic respectability conferred on radical socialism. Mixed with modern *laissez-faire* morality, the effects are frightening.

Another symptom of trouble is the action of Lloyds of London and other insurance companies in canceling policies for fire insurance on the elegant mansions and villas on the famous Riviera. The rash of fires in recent years, particularly during the summer season, are deliberately set by leftists, the insurers claim.

Their slogans seem to be "burn baby, burn."

Unless Pompidou asserts authority, an isolated problem on the Riviera could become a national headache this winter.

## MORE FOR IMPEACHMENT

## HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HARRINGTON. Mr. Speaker, after the latest fiasco in the Watergate affair, the incredible claim that two of the tapes do not exist, my office has not received a single correspondence supporting the President. Today's total is 79 in favor of impeachment, none against. The totals since October 20 are: In favor of impeachment, 1,091; opposed to impeachment, 25.

## A CALL TO END THE CONTINUING SHIPMENT OF U.S. HERBICIDES TO PORTUGAL

## HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RANGEL. Mr. Speaker, on June 11 of this year, I proposed a bill that would prohibit the export of herbicides from the United States to Portugal and South Africa. It was referred to the House Banking and Currency Committee where no action has been taken on it yet. It is now November, almost 6 months since I have introduced this legislation and during that time Portugal, with assistance from South Africa, has continued to spray herbicides over large portions of its colonies Angola and Mozambique. The following article from the monthly "Southern Africa" describes the atrocities which are resulting from the use by Portugal of herbicides shipped from the United States.

## ANGOLA

## HERBICIDES—ANOTHER FORM OF MASSACRE—IN ANGOLA

In the wake of publicity on Portuguese atrocities in Mozambique, various witnesses have spoken of similar atrocities in Angola, showing once again that it is all of a pattern—that none of the atrocities can be dismissed as unusual or exceptions to the rule.

Both MPLA and GRAE have also classed Portuguese use of herbicides as equivalent to a face-to-face massacre. GRAE reports more than 2500 cases of diarrhea, of which more than 200 were fatal, during the period of November 1972 through July 1973. Cause: food and water polluted by chemicals sprayed and bombed over the area by the Portuguese. The MPLA estimates 4,000 persons dead from eating poisoned crops in the past 18 months.

A former Portuguese Air Force major, Jose Ervedosa, estimates that between 50,000 and 80,000 Angolans were killed between March 16 and June 30 of 1961, in the reprisals against the African uprising in the coffee plantation area of northern Angola. He served at the time with the Information Section of the Second Air Region in Angola—the office that was compiling the official statistics of the military and police activities in that region. He also participated in some of the bombing.

Ervedosa is now a supporter of the FPLN, the Portuguese Liberation Front, which is related to the Revolutionary Brigades who have claimed various acts of sabotage inside Portugal during the last year.

An MPLA member, now in England studying, has spoken recently of witnessing the total destruction of a small village—about 30 people and their huts—in 1967 in Angola. The Portuguese troops forced the people to dig a hole, then lined them up beside it and shot them, afterward burning the huts. It was during the rainy season in a village northwest of Vila Salazar where he was teaching at the time.

A Belgian Roman Catholic priest, Father Francois Houtart, has said that in October 1970 about 300 nationalists in a village near Luanda were massacred in reprisal for the assassination of a Portuguese. Father Houtart gave his source as Bishop Eduardo Muak, auxiliary bishop of Luanda.

And two Dutch missionaries, in a recent radio broadcast, have reported massacres of 130 persons in two villages east of Luanda. The date is not given. GRAE confirms the report and says one of the villages is Qui-

November 1, 1973

baxe and that the total dead reached 200. (*Vers l'Avenir* (Belg.) July 25; *La Croix* (France) July 25; *Anti-Apartheid News* July-August 1973; *Times* (London) July 28; *The Living Church* September, 1973; *Guardian* (London) July 26; *East African Standard* July 27; *Star* (Johannesburg) July 28, 1973).

With these statistics glaring us in the face, I once again ask this House to consider H.R. 8573 and H.R. 8574 so that the United States will cease its support of these atrocities.

## NEW JERSEY'S STAKE IN WORLD TRADE

## Hon. PETER H. B. FREILINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FREILINGHUYSEN. Mr. Speaker, Mrs. Margaret M. Miller, international relations chairman of the League of Women Voters of New Jersey, has sent me a copy of "New Jersey's Stake in World Trade," a publication she recently compiled for use by the League and other groups concerned about world trade.

As pointed out in this report, New Jersey, while ranking 46th in size among the States of the Nation, also ranks 8th among the States in exports.

As one who is interested in the development of an enlightened U.S. trade policy, I read this article with great interest, and recommend its consideration to my colleagues.

Mr. Speaker, I include in the RECORD the article "New Jersey's Stake in World Trade" at this point:

[From New Jersey Issues, October 1973]

## NEW JERSEY'S STAKE IN WORLD TRADE

(NOTE.—The League of Women Voters believes in a liberal U.S. trade policy. We are convinced that the political and economic interests of this country and of its citizens collectively and individually are best served by such a policy, which paves the way for political harmony with other nations, stimulates economic development at home and abroad, and expands consumer choice. We believe that our trade policy should be flexible, effective and efficient and that it should be based on the public interest, not on special or sectional interests.)

## INTRODUCTION

New Jersey is a small state, ranking 46th in size among the states of the nation. New Jersey, however, ranks among the top ten states as an industrial and trading center.

The state's strength lies in its advantageous geographic location. Within a radius of 250 miles are more than 29 percent of the population of the United States and an effective buying income totalling \$238 billion. New Jersey enjoys the strategic position as a gateway to the rest of the world by being bounded on the east by the Hudson River and the Atlantic Ocean, and on the south by the Atlantic Ocean and the Delaware River Bay.

Although New Jersey is called the "Garden State", actually less than three percent of its work force is engaged in agriculture. In fact, New Jersey is an industrial giant. Its 17,000 plants manufacture products which represent almost 95 percent of all classifications of U.S. industrial goods. Almost one-third of the state's labor force is engaged in manufacturing.

## NEW JERSEY'S PORTS

Located in the greater New Jersey area are two of the largest port complexes in the world—The Port Authority of New York and New Jersey, and the Delaware River Port Authority of Pennsylvania and New Jersey (Ameri-port).

Since the 1950's, the enormous growth of the New Jersey side of the Port Authority of New York and New Jersey has coincided with the parallel growth of container shipping. Containerization may be defined as the shipping of cargo in huge sealed cartons, which function as demountable truck bodies, are usually eight feet in height and width and around 40 feet in length. This system, which is revolutionizing the transportation industry, replaced the more expensive method of shipping cargo in comparatively small parcels.

The giant shipping complex on the west shore of Newark Bay—only eight miles from the open sea—includes the 1,000 acre Elizabeth marine terminals, the adjacent 800-acre Port Newark, and Newark Airport. The Elizabeth-Newark container complex began operating in 1962 and in 1971 it handled 10.3 million tons of general cargo, more than six million of this amount containerized. Port developments will end in 1976 when the two terminals will have the combined capacity to handle 18 million tons of cargo annually. The Elizabeth terminal, devoted almost exclusively to the use of container ships, is already known as "the container capital of the world".

Within the complex is the 2,300 acre Newark International Airport that moves 160,000 tons of air-freight and 6.5 million people annually. In 1972 the airport handled over 347,000 overseas passengers, and this figure is expected to quadruple by 1975. Presently under development are three new passenger terminals, an instrument runway, a 10.6 million gallon fuel storage and underground distribution system, new roads, parking facilities, etc. The master plan for Newark's redevelopment also calls for the expansion of existing cargo building facilities, but this has not yet been inaugurated.

Another strategic area which has been reviving in recent years is the west side of the Hudson River, just across from Manhattan. Two new major terminals are located at Port Jersey and Weehawken. As part of Jersey City's Liberty Harbor redevelopment plan there are 615 acres of land slated for industrial development. Thus far, the major tenant, Global Terminal, occupies a 73-acre facility used by a number of million tons of cargo last year, and a 12-acre expansion is planned.

The Delaware River Port Authority of Pennsylvania and New Jersey stretches from Trenton to Delaware Bay, and includes such New Jersey cities as Trenton, Burlington, Camden, Gloucester, and Deepwater Point. The port complex is served by more than 100 steamship lines, which operate to every part of the world. Growth has been rapid: in 1951 the port's international trade was about 28 million tons; during 1963, this total had reached over 50 million tons. In 1972, this figure rose to over 63 million tons, a 17% increase over 1969. Major imports entering the complex include petroleum and iron ore, which are processed in nearby refineries and mills of New Jersey and Pennsylvania.

## EXPORTS AND NEW JERSEY

In recent years, New Jersey has experienced a remarkable growth in export trade. In 1960 its world-wide commerce was valued at \$782 million. By 1969 this export trade had grown to \$1,113 billion. In 1972 this figure rose impressively, again to a projected \$1,412 billion. Included are \$1,401 billion in manufactured products, and \$11 million in agricultural products. New Jersey ranks eighth in the nation in total and per capita exports.

Based on studies made by the Bureau of Labor Statistics of the U.S. Department of

## EXTENSIONS OF REMARKS

Labor, each billion dollars worth of exports provides jobs for 66,000 workers. For New Jersey, therefore, the employment directly attributable to exports is an estimated 93,200 jobs. It is significant to note further that, according to the State of New Jersey's Department of Labor and Industry, over 300,000 people—ten percent of the state's work force—are involved directly or indirectly with international trade. Moreover, by 1980, it is predicted that two out of every ten jobs will depend on import and export related activities.

Well over half a billion dollars of New Jersey's exports consist of chemicals and machinery, both electric and non-electric. Other important exports include transportation equipment, primary metal products, food products, fabricated metal products, petroleum and coal products, instruments, and rubber and plastic products.

The biggest industrial exporting centers are Newark, the Paterson-Clifton-Passaic area, and the counties of Camden, Burlington, and Gloucester. Other communities whose products are sold abroad include Atlantic City, Jersey City, and Trenton; as well as Salem County and Warren County.

## FOREIGN INVESTMENT IN NEW JERSEY

The other side of the coin in New Jersey, as far as international business is concerned, features reverse, or foreign investment into the state. According to Joseph F. Brady, Chief of the Bureau of International Operations, State of New Jersey, there are now more than 105 foreign plants in the state and at least another 100 foreign installations, such as supply centers, American headquarters, and regional offices. New Jersey ranks second in the nation in foreign investment and the number of companies locating here is growing rapidly.

A number of leading foreign car manufacturers have established U.S. distribution headquarters in New Jersey. They include Volkswagen of West Germany, and Fiat of Italy, Englewood Cliffs; Subaru of Japan, Pennsauken; Volvo of Sweden, Rockleigh; Leyland of England, Leonia; and Mercedes-Benz of West Germany, Montvale. Toyota of Japan established its Eastern regional operations in Lyndhurst.

New Jersey long has been the leading state in chemicals and pharmaceuticals and has attracted a number of foreign-based multinational corporations. They include four Swiss companies: Ciba-Geigy, Summit; Sika Chemical, Lyndhurst; Hoffmann-LaRoche, Nutley; and Sandoz-Wander, East Hanover, German companies such as BASF, Parsippany; and American Hoechst, Bridgewater; and Organon in West Orange, which is owned principally by a Netherlands company.

Products made in or sold through New Jersey by foreign companies include steel, photography, liquor, machine tools, electronic components, typewriters, textiles, printing presses, perfumes, canned food, construction equipment, china, candy, and motorboats.

Countries whose companies operate in New Jersey include Austria, Belgium, Canada, Denmark, England, Finland, France, West Germany, Italy, Japan, Netherlands, Sweden, and Switzerland.

Although there are no estimates available as to the amount of money foreign business has invested in New Jersey, it is believed the figure is in the hundreds of millions of dollars. It is known that current cumulative foreign direct investment in the United States is approximately \$15 billion. Certainly foreign investment has contributed greatly to the economy of the state by providing new technology and in the creation of thousands of jobs for New Jersey people. Also, like exports, foreign investment helps offset the U.S. balance of payments deficit, which has persisted for some years now.

## NEW JERSEY AND U.S. TRADE POLICY

It is estimated that United States exports have risen dramatically since this country began to pursue a liberal trade policy in the 1930's. Total U.S. exports amounted to only \$2.1 billion in 1934. In 1972 they climbed to \$48 billion. In order to protect and expand its export business and jobs, the U.S. must continue its efforts toward trade expansion, not trade restriction. Foreign buyers of New Jersey's big exports include importantly the countries of Western Europe, Taiwan, Korea, Japan, and Latin America—countries which depend on sales of their products, so they in turn, can buy U.S. products. All these countries would be hurt by U.S. unilateral restrictions of their sales, and would be forced to retaliate by limiting U.S. exports into their own markets, and notably those which make up the bulk of New Jersey's foreign sales.

Furthermore, a spiral of retaliation similar to the disastrous Smoot-Hawley years could plunge the world deep into an economic depression and result in dangerous deterioration of relations between the members of the world community of nations.

While it is true that the U.S. balance of trade has reflected a greater volume of imports over exports in 1972, it appears that U.S. dollar devaluations abroad are alleviating this negative trend. To further insure a favorable position in the international market, the United States is expected by the end of 1973 to enter into negotiations seeking a more stable, equitable world monetary system and multilateral negotiations to reduce tariff and non-tariff barriers to trade.

Finally, serious consideration should be given to upgrading U.S. export efforts. Despite its position as a major exporting state, efforts by the State of New Jersey in this area have been minimal, due to budgetary restrictions. The governments of many other countries offer considerable encouragement and assistance to companies entering the export field. Perhaps the federal government should offer increased financial and technical assistance to state governments to encourage expanded trade efforts on a state level.

It is evident that New Jersey has a large stake in world trade. Both exports from and foreign investment into the state have steadily increased in recent years, have created new jobs, and contributed immeasurably to the real prosperity of New Jersey. With cooperative efforts on the part of governmental agencies, business, and labor, New Jersey can become an even more important center of international commerce. New Jersey's economy and the economy of the nation as a whole will be well served by an expanding trade policy.

## A SYNOPSIS

In 1972 N.J. exports are expected to total \$1,412 billion.

N.J. ranks 8th among the states in exports. An estimated 93,200 jobs in N.J. directly relate to exports.

300,000 N.J. jobs (10% of the work force) depend on import/export related activities, number predicted to double by 1980.

Despite great potential, only 5% of N.J. firms export.

In the greater N.J. area are located two of the world's largest port complexes.

N.J. is 2nd in nation in foreign investment into state.

N.J.'s future prosperity depends on U.S. continuing liberal, expanding trade policy.

## "HOW TO" EXPORT

Obviously, exporting is a vital source of employment. It also benefits New Jersey's economy in other ways as well. Exporting provides the manufacturer with additional markets in which to sell his goods. A leading U.S. bank emphasized this fact in an advertisement which read: "Since 1950 world-wide industrial production had almost doubled and the volume of world trade has almost dou-

## EXTENSIONS OF REMARKS

bled... Any businessman who ignores the world market is betting against the future." No more than 25,000 of an estimated 300,000 U.S. manufacturing companies export to any extent. A relatively few large corporations account for most of the exports and the few small and medium sized companies that do export do so at only a small portion of their real potential. It is estimated that only five percent of New Jersey's companies are engaged in exporting. Why are there not more?

According to Theodore S. J. Davi, president of the New Jersey World Trade Committee, "There is a market somewhere in the world for every product made in New Jersey. Unfortunately, many businessmen are not aware of export opportunities abroad, and do not know that assistance is available to help them enter the foreign sales market."

An interesting program designed to help smaller companies export operates as a joint effort on the part of the World Trade Institute, the National Association of Manufacturers, and the U.S. Department of Commerce. Called the Partners in Trade Program, it utilizes the services of 25 major U.S. companies and banks as senior partners to provide specific marketing, product, financial, and legal expertise to the smaller companies that want to break into the export market. In effect, these 25 companies for one year act as consultants to the participating companies in a series of workshops, seminars, and personnel conferences. The World Trade Institute conducts the meetings at the World Trade Center in New York City. Although there is a moderate fee paid by the prospective exporter to cover expenses, the senior partners donate their services. The Port Authority of New York and New Jersey, the parent organization of the World Trade Institute, furnishes information advisors. Further information about the program may be obtained from: Registrar, The World Trade Institute, 1 World Trade Center, 55th Floor, New York, N.Y. 10045 (Telephone: 212-285-4452).

DETROIT FREE PRESS URGES OVERRIDE OF WAR POWERS ACT VETO AND QUOTES REPRESENTATIVE GERALD R. FORD IN SUPPORT OF SUCH LEGISLATION

**HON. JOHN F. SEIBERLING**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

MR. SEIBERLING. Mr. Speaker, the Detroit Free Press, in an editorial of October 27, states that the war powers bill just vetoed by the President is crucial to correct the imbalance of power that has developed within our Government, and goes on to urge Congress to override the veto.

The editorial quotes some very interesting comments made by Representative GERALD R. FORD, the distinguished minority leader, in a speech in July 1971. Mr. Ford, at that time, pointed out that circumstances have undermined the exercise by Congress of its constitutional warmaking powers and that this situation should be corrected by legislation at the earliest possible moment. He went on to say that such legislation would be a responsible way for Congress to exert its power over the deployment of U.S. troops and would "guarantee that the United States will not again be drawn into an undeclared war without the support of the American people." Mr. Ford also stated that—

This legislation would not tie the President's hands. He would still have the freedom to act promptly in an emergency situation.

The full text of the editorial and the excerpts from Representative GERALD R. FORD's speech follow:

[From the Detroit Free Press, Oct. 27, 1973]  
CONGRESS MUST FIGHT VETO TO BALANCE WAR POWERS

The war powers bill just vetoed by President Nixon is crucial to correcting the imbalance of powers that has developed within our government. If Congress is to have any effect on government over the next three years, it must override that veto.

The test comes on the House floor on Thursday. Rep. Clement J. Zablocki, D-Wis., is handling the bill, and he says seven more switches could bring the needed two-thirds majority. Some of those switches should come from the Michigan delegation. Those who voted for the bill when it first passed will also have to hear from the folks back home to encourage them to stand against the heavy pressures the President will bring to bear.

Michigan representatives who voted against the bill and who should reconsider their position are Edward Hutchinson, Gerald Ford, Lucien Nedzi and Robert J. Huber. Rep. John Conyers of Detroit did not vote against the bill but announced his opposition to it. All but Reps. Conyers and Nedzi are Republicans and will feel White House pressures to hold the line.

But one need reach back only to 1971 and for the words of Rep. Gerald Ford, reprinted elsewhere on this page, for some good arguments for overriding the war powers veto. Rep. Ford, speaking to the Pennsylvania American Legion in convention, said:

"The best way to avoid another Vietnam is to develop mechanisms that will bring the people into executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

"The Constitution clearly grants to Congress the power to declare war."

Rep. Ford went on to outline procedures for limiting war powers of the President even more than the legislation just vetoed. Yet when forced to choose between his own views and those of his President, Rep. Ford has voted against limiting war powers.

Should Rep. Ford choose to vote his convictions this time around, that would be one of the needed switches. His action would also free up the other Republicans to vote to override if they see fit.

Rep. Conyers could also find himself among the switch-hitters without sacrificing his previous stands. Rep. Conyers is one of the liberals in Congress who argue that the bill actually gives the President too much power. This group holds that the Constitution gives all warmaking powers to the Congress and that executive wars under several recent presidents have actually been in violation of the Constitution.

Those who favor the bill argue that it will not only return war powers to the Congress but it also will delegate a limited amount of those powers to the presidency. There is a need for some delegation of power in our jet bomber-ICBM-nuclear age. If some future Congress believes too much authority has been delegated, the war powers can be further limited once Congress has reasserted its prerogatives. Right now it has no control. If it did, the American troop involvement in the war in Vietnam might have ended much sooner—if begun at all.

Defining war-making authority is a vital part of the sorting out process that is underway in Washington. The bill, passed by huge margins in both houses, but now vetoed by a power-hungry President, will cut deeply into the power bulge that has accumulated in the presidency.

November 1, 1973

The bill is a reasonable compromise, and even those who oppose presidential war powers can justify a vote in support of it.

## FORD ON WAR POWERS

(Following are excerpts from a speech calling for legislation to limit presidential war-making powers which Rep. Gerald Ford made to the Pennsylvania American Legion in convention in Pittsburgh on July 16, 1971.)

There must never be another Vietnam. We are all determined never to repeat it. The best way to avoid another Vietnam is to develop mechanisms that will bring the people into the executive branch decision making—and the best way to do that is through the people's chosen representatives, the Congress of the United States.

The Constitution clearly grants to Congress the power to declare war, but we are now living in a world where wars are fought but not declared. We are living in an age of limited and undeclared wars. This circumstance has stripped Congress of its war-making power and delegated it solely to the executive. It is this which makes a tragedy like Vietnam not only possible, but likely. This is a situation which should be corrected at the earliest moment. I therefore urge that Congress approve legislation which would create a new and meaningful role for Congress in limited war or undeclared war situations.

Under terms of the legislation, a military action by the President would have to be approved by the Congress within 30 days or U.S. troops dispatched to a foreign station would have to be withdrawn.

This legislation also would create a new joint congressional committee on national security which would consult with the president and his national security advisers on military decisions.

Prior to military action, or no later than 24 hours subsequent to it, Congress would consult with the president or his advisers and obtain information on the circumstances surrounding the military action. The committee would then draft and send to the House and Senate legislation to ratify or alter the president's action.

This legislation would not tie the president's hands. He still would have the freedom to act promptly in an emergency situation. But his action would be subject to immediate review by the Congress—and this is as it should be. This would bring the Congress into the decision-making process in all military actions involving the dispatch of U.S. troops into any foreign theater of operations.

This would be a responsible way for Congress to exercise its power over the deployment of U.S. troops abroad and could help guarantee that the United States will not again be drawn into an undeclared war without the support of the American people.

MORE SOBER THOUGHTS ON PRESIDENT NIXON'S DISMISSAL OF ARCHIBALD COX

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

MR. MICHEL. Mr. Speaker, after the initial round of emotional and, in some cases, almost hysterical press accounts relating to the President's decision to fire Mr. Archibald Cox, it would appear that the time has arrived for a more sober and deliberate examination of the whole affair.

In that connection, I noted two col-

umns by the distinguished and respected columnist for the Washington Evening Star, Mr. Richard Wilson. The first, from the Saturday, October 27, 1973, edition, entitled "Why Professor Cox Had To Be Fired", and the second, from the October 29, 1973, edition, entitled "No Case Yet for Impeachment". I insert both columns in the RECORD at this point.

#### WHY PROFESSOR COX HAD TO BE FIRED

(By Richard Wilson)

The professor was in good form before his awed and appreciative class. He savored the exquisite nuances of his exposition of a classical legal exercise which would go down in the annals of the law for all time to come.

Even indulging a daring "what the hell", Prof. Archie Cox enthralled the amateur law students who then fed him leading questions allowing him to embroider his explication.

But this was not the Harvard law school, nor Prof. Archie Cox. It was a press conference in which special prosecutor Archibald Cox made it unmistakably clear what the trouble was about his attempt to implicate the President of the United States in criminal activity, and why Cox had to be fired.

The trouble was that, with the sure instincts of a law professor of the Kennedy school, Archie Cox was digging himself in for a long tenure which would continually harass if not paralyze the presidency. No amount of self-abnegation or professed detachment could mask the fact that Prof. Cox, himself a Kennedy partisan and solicitor general, had surrounded himself with avid Kennedyite lawyers who fully expected to be gnawing away at the Nixon administration for three and a half years.

The legal exercise so fascinating to them was intolerable to a government which required a much faster resolution of the Watergate affair and could not abide a continual inquisition constantly refueled by leaks of information.

No government could abide that condition of perpetual inquisition. With Cox and his Kennedyites ranging into every wild rumor and false implication far afield from the Watergate break-in the Nixon administration would be kept in constant turmoil. The noose was out for Nixon, to be drawn stranglehold tight from any angle it could be tossed and no matter how long it took.

Cox's fate was predestined even before he defied the President and threatened him with contempt of court. He invited his own execution, surely knowing that his demise might conceivably bring down Nixon, and it nearly did. What he also knew for sure was that his one-time law student, the proper Bostonian Elliot Richardson, would be true blue to the law school tradition, no matter that Nixon had accepted the Richardson compromise on the presidential tapes.

It was a good compromise, a fair and reasonable one which would have supplied the court and the Senate with substantively as much evidence as the court will get under the modified circuit court decision with which Nixon is now complying. Now the court gets it all, and the Senate gets nothing.

So, it is "goodbye, Mr. Cox" without the loving kindness afforded to the professional Mr. Chips in the movie by that name. The result could not have been otherwise under the conditions Cox created. He had to know that from the beginning his independent status was delicate and tenuous. From the first day of his investiture his resignation or discharge was a matter for public discussion.

The whole concept of an independent prosecutor at the pleasure of the President was transparently faulty, with as many contradictions as the forgotten Pat Gray encountered when the FBI was charged with investigating the White House.

Nor is it likely that Congress can create

#### EXTENSIONS OF REMARKS

an effective prosecutorial office. The constitutional responsibility for enforcing the law cannot be taken away from the presidency. This is what the Nixon people have been talking about when they say Cox tried to set himself up as a fourth branch of the government.

That does not lie within Congress' power either, nor is it practical to create an office within the executive department which is not under the President's control. Even if that were constitutional, which is doubtful, such a prosecutorial office could be isolated and rendered ineffective.

The more the whole problem of acting against the President is considered the more its dimension returns to what it was in the first place.

If Congress is determined to act against the President's interest in the Watergate affair, it will in the end find the clearest course in the constitutional remedy of removing him from office. Once removed he could be subjected without question to criminal proceedings.

But this is a course Congress does not take for reasons other than the shock to the country. Congress does not have evidence sufficient to prove Nixon guilty of conspiracy to obstruct justice, nor did Cox have it. An impeachment proceeding so weakly based could end in disaster for its initiators.

#### NO CASE YET FOR IMPEACHMENT

(By Richard Wilson)

Nothing illustrates with more crystal clarity the urgency of a quick and final resolution of the impeachment issue than the public attitudes which ran wild in the recent Mideast crisis.

Every random thought which ran through a congressman's or journalist's head was articulated in living color to feed the fevered imaginations of the prejudiced and irresponsible.

If there is cause for impeachment, let's get it out and done with immediately. If there is not—and this is the rub, there is not yet a clear case for impeachment—then let's bury the thing and get on with what has to be done.

Implications that the President has gone berserk, that he created a phony nuclear crisis, that he tricked up a scheme to justify firing the special Watergate prosecutor are evidences of the irrational fury of those who wish to hang Nixon without a trial.

They demand that he commit political suicide and there are even those so intense that they imagine his physical and mental collapse, to be followed by self-destruction.

This is more than the "crisis of confidence" of which Secretary of State Henry Kissinger spoke. It is a livid hatred demanding punishment and retribution for imagined crimes which have not been proved. Lacking conclusive proof of criminality, Nixon would be rushed to the stake for the "secret" Cambodia bombing, for impounding congressionally appropriated funds, for his opposition to busing for integration purposes and—yes—for settling the Vietnam war on a time schedule not considered fast enough. He would be pilloried for the detente with Russia as a dangerous illusion, and brought to ruin for opposing the obstructive arrogance of a Congress controlled by the opposition party.

Usurpation of power by Congress was one of the earliest fears of the founders of the Republic who had little faith in the ability of the people's representatives to execute national policy. The present affords a vivid illustration of those fears. A runaway Congress is determined to impose its will on the chief executive because it differs with his methods and quarrels with constitutional prerogatives the President deems unimpeachable.

The impeachment issue has thus burst outside the bounds of treason, high crimes and misdemeanors. It has spread into the political morass of how the country is to be governed, what the Constitution meant when it gave the presidency its great powers, whether Nixon's major policies are right or wrong, and, indeed, on subjective judgments of good and evil based on whether or not people like the cut of the President's jib.

A president is to be impeached because he has a legally reasoned and carefully prepared position on the foggy issue of executive privilege? Nonsense. He is to be impeached because he fired a member of the executive department? Unbelievable. He is to be impeached because he claimed war powers which Congress does not have the votes to deny him? Bunk. He is to be impeached because he sought to protect the integrity of national security secrets? Debatable.

Then what can he be impeached for? He can be impeached for the criminal obstruction of justice which hasn't yet been proved and may be no more provable from the White House tapes when they are presented to the grand jury.

This is the issue which needs to be gotten on with quickly and cleared up once and for all. The rest of it is a massive political collision involving windy moralizing about the "capacity to govern" of a President who has just proved that he can govern under the most ominous circumstances.

The blather, fustian and exaggeration—called a "fire storm" in the hyperbole of those who wish to incinerate Nixon—has done as much to limit Nixon's ability to govern as anything he has done.

The symptoms of what has happened to the country, to which Kissinger referred, are those of a fevered, unreasoning patient wildly suspicious of his physician. Not until the fever subsides will the patient's judgment return.

In this case the way to get the fever down is to get to the seat of the ailment, the Watergate collusion, and proceed with radical treatment if justified. That means quick action on impeachment or none at all. The patient can't stand much more of the intermediate political procedure.

#### HUGE WHEAT EXPORTS DETRIMENTAL TO WHEAT SUPPLY IN UNITED STATES

#### HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. WOLFF. Mr. Speaker, I would like to share with my colleagues the resolution that was recently adopted by the members of the American Bakers Association expressing concern over the impending severe wheat shortage facing our country due to abnormally excessive exports of our wheat to other nations. The American Bakers call upon the Congress to regulate the exportation of wheat in order to insure an adequate domestic supply. I agree that we are going to face a real crisis this spring if we do not take steps to control the exportation of domestic supplies, and I have introduced legislation, H.R. 10844, which would set up an export licensing and allocation system in order to insure adequate domestic supplies of agricultural

## EXTENSIONS OF REMARKS

November 1, 1973

commodities at prices the American people can afford.

The text of the American Bakers resolution follows: I urge my colleagues to direct their attention to this critical problem.

## RESOLUTION ON WHEAT SUPPLY

(Adopted by the Members of the American Bakers Association At their Annual Meeting, October 15, 1973, Atlantic City, N.J.)

Whereas the wheat supply in the United States is in great jeopardy due to abnormally large quantities now committed for export to foreign nations, and

Whereas this continuing high rate of exports, encouraged and fostered by the government, does not make adequate provision for domestic requirements including carryovers, and

Whereas the Baking Industry is the largest domestic user of wheat flour, requiring 400 million bushels of wheat annually out of total food requirements of 525 million bushels, and

Whereas a minimal carryover of wheat for blending from one crop year to the next should be maintained at not less than 350 million bushels, and

Whereas the Baking Industry is alarmed and greatly concerned that sufficient wheat flour to manufacture bakery products for consumers will not be available in the spring of 1974, and

Whereas the American Bakers Association has previously expressed its concern to the President of the United States and officials of his Administration as well as the Congress, and

Whereas the Administration claims to be without legal authority to interfere with wheat exports in advance of an actual physical shortage, and

Whereas time is of the essence in resolving this problem of sufficiency of supply, otherwise the Baking Industry and the consumer will be considerably damaged because of a shortage of bread and other bakery products.

Now, therefore, be it resolved that the members of the American Bakers Association in Annual Meeting assembled do call upon the President, the Secretaries of Agriculture and the Treasury, and the Congress to take all steps necessary, including enactment of legislation by the Congress, to assure adequate supplies of wheat and wheat flour for domestic needs during the remainder of the 1973-74 crop year.

Be it further resolved that the Administration and the Congress establish as a matter of policy, by legislation or Executive Order, that domestic wheat needs take precedence over exports and in any given crop year a quantity of wheat of not less than 350 million bushels shall be made available to meet carryover requirements.

## WAR POWERS FOR WHOM?

**HON. JOHN E. MOSS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOSS. Mr. Speaker, next week we will consider legislation that has been presented as enhancing congressional powers in declaring war. A close scrutiny, however, of the contents of the war powers bill, reveals that nothing could be further from the truth. Indeed, in an age when we should be reasserting our constitutional warmaking powers, this bill would grant to the President the unprecedented and unconstitutional right to

conduct war for 90 days without full congressional approval. It implies that the only power Congress has is to insist upon disengagements of conflicts precipitated by a war-hungry Executive. In short, it makes impotent the fundamental constitutional doctrine that Congress has "the power to declare war."

The Constitution ordains that all legislative powers herein granted shall be invested in the Congress of the United States. If anything makes clear the dominant role of the Congress and the limited role envisioned for the President, it is article I, section 8 of the Constitution, entitled, "Powers Granted to Congress":

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

The legislation we are being urged to enact, notwithstanding the veto of the President, would constitute a grant of power to the Executive that is potentially as dangerous as was the Gulf of Tonkin resolution. Rather than seeking to satisfy a grasping Executive, eager to expand its privilege and power, Congress should act to regain and exercise its authority over the disposition of our military power. For a more detailed analysis of this legislation, I insert the following article from the *New Republic* in the RECORD:

## A BAN WAR POWERS BILL

After more than three years of grappling with the subject, Congress has finally passed a compromise bill that seeks to spell out the President's power to commit the country to war. The bill is bound to be vetoed by Mr. Nixon, who has described it as "dangerous bid to erode the constitutional authority of the Chief Executive," and it is doubtful that the House of Representatives can muster the votes to override his rejection. We have long sympathized with attempts to control the Executive's war-making authority, and we disagree completely with Mr. Nixon's efforts to preserve his almost absolute power in this domain. Yet we would welcome his veto, for, in our estimation, the present war powers bill is so riddled with reservations that, in many ways, it defeats its own purpose. Indeed it may give a President more power to take us into war than is granted him in the Constitution.

Except in the event of enemy attack, a President has no constitutional authority to initiate or declare war, a prerogative that belongs to Congress. Even Alexander Hamilton, who favored a strong Executive, held during the Constitutional Convention that the war-making power "is the peculiar and exclusive province of Congress," and, as Justice Douglas pointed out during the Cambodia bombing controversy this summer, that interpretation was further strengthened in the *Prize Cases* of 1863. Nevertheless in practice the legal limitations on Presidents have been ignored time and again within

the past quarter-century. Harry Truman thrust us into Korea in 1950 without congressional authorization, and President Eisenhower bypassed the legislature eight years later when he landed US troops in the Middle East. We began to ooze into Southeast Asia under John F. Kennedy, and Lyndon Johnson escalated the Vietnam conflict, in both instances without any specific authorization by Congress, and Richard Nixon behaved with similar autonomy when he ordered the invasion of Cambodia. Against this background of unilateral military actions by successive Presidents, the need for an explicit definition of the right to push the nation into war had been long overdue. To our regret the current bill does not fulfill that need.

In the first place the bill authorizes a President to get the nation into a fight without the prior legislative sanction in the event of a "national emergency created by attack upon . . . its armed forces"; considering the fact that more than a half million American soldiers are now deployed around the world, many of them as safe as the crater of an active volcano, this would effectively permit the President to escalate a war in those areas on his own initiative. Thus Mr. Nixon could conceivably move fresh forces into Thailand if he estimated that the 40,000 US troops already there were endangered by last week's coup d'état, and, with the same self-generated authority, he could increase our military strength in South Korea on the grounds that our boys in that country are threatened. It is worth recalling in this respect that the Tonkin Gulf Resolution of 1964, which Lyndon Johnson referred to repeatedly as his legislative support for expanding the Vietnam war, authorized him to "take all necessary measures to repel any armed attack against the forces of the United States . . ." Even after the Tonkin Gulf Resolution was repealed, the Nixon administration continued to rationalize its operations in Indochina with the protect-our-boys argument. In April 1972, asked to explain on what authority the President had resumed the heavy bombing of North Vietnam, the then Defense Secretary Laird replied: "It is the protection of American personnel. You don't need any more authority than that . . . That is sufficient, complete and total."

Another feature of the bill that seems to fortify rather than reduce a President's war powers is a clause that requires him merely to "consult" with Congress before introducing US forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." In short that appears to say that a telephone call from the White House to the congressional leaders will suffice. And once troops are committed, the bill goes on to say, a President need only explain "in writing" within 48 hours the circumstances necessitating their intervention, the estimated scope and duration of the hostilities, and the authority under which he acted. Conspicuously absent from the bill is any restraint on a President's authority to use US soldiers to rescue American citizens abroad—the argument, it will be remembered, that Lyndon Johnson used when he intervened in the Dominican Republic's civil war.

More significantly the bill permits a President to commit troops for 60 days simply by keeping in touch with Congress, and he can extend that period for another 30 days by certifying that "unavoidable military necessity" requires their prolonged presence. Criticizing the bill from opposite sides, Senators Barry Goldwater and Tom Eagleton have emphasized that this timetable accords a President powers beyond those in the Constitution. Moreover, it is difficult to imagine that Congress would compel a President to pull US soldiers out, when they had been sent in ostensibly to defend the flag and the honor of America. Here again the Tonkin Gulf Resolution offers a lesson. Passed in

August 1964 it was not repealed until January 1971—and even then it took two more years before US troops were finally withdrawn from Vietnam. It also took until last August to halt the President's bombing of Cambodia, and that came about only after Congress deliberately voted to cut off his funds. So we concur in Senator Eagleton's opinion that this provision is nothing less than "an open-ended blank check for 90 days of warmaking anywhere in the world by the President."

Still another part of the bill appears to us fuzzy. It would allow the President to commit troops under treaties that have been ratified. But treaties are only ratified by the Senate, and thus the House of Representatives, which under the Constitution shares the authority to declare war (not to mention its responsibility for raising and maintaining an army), seems to be excluded. Consider, for example, US allegiance to the Southeast Asia Treaty Organization. As Professor George McT. Kahin recently wrote in these pages, SEATO may be moribund, yet it legally binds the US to assist certain countries militarily, and it allows a President to define whether internal insurgency is really outside aggression, and, consequently, whether US intervention is legitimate.

To a large extent the bill is confused because, in an attempt to reconcile their differences, the Senate and House produced a hodgepodge. Senator Javits, who worked hard to sponsor it, obliquely admitted that the result was less than ideal in his remarks during the Senate debate that "it is a miracle that we got this bill." That raises the question of whether bad legislation is better than no legislation. Eagleton, who has long wanted to curb presidential war-making power, obviously had this question in mind when he withdrew his support from the compromise version, commenting that the baby he had originally helped deliver "has been kidnapped."

The President's expected veto will render this debate and the bill itself academic, and it will take years and perhaps another crisis like Vietnam before better legislation on the subject is brought up. In the meantime, we submit, Congress has ample latitude under the Constitution to restrain a President, as it demonstrated when it forced a halt to the bombing of Cambodia in August. Senator Stennis' project to investigate the Central Intelligence Agency, for instance, could expose what US covert operatives are up to overseas and thereby contribute to curbing their activities. The Appropriations, Foreign Relations and Armed Services Committees in both chambers have authority to sit on other operations abroad. Above all Congress controls the purse. The key question is whether the legislature is going to use its prerogatives responsibly. "It is easy to roll this body because the executive branch comes in with power . . . we are afraid, we are fearful men," confessed Hubert Humphrey during the recent debate. His autocriticism ought to challenge Congress to exercise its authority over the disposition of our military power. That can be done without new legislation.

#### MONSIGNOR ADAMSKI SYMBOL TO POLISH COMMUNITY

**HON. THADDEUS J. DULSKI**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. DULSKI. Mr. Speaker, in the spring I spoke of the commemoration this year of the 100th anniversary of St. Stanislaus, the "Mother Church of Polonia," the oldest Polish church in

#### EXTENSIONS OF REMARKS

western New York. In the century since the founding of St. Stanislaus in Buffalo, three men have served as pastors there, with the Right Reverend Monsignor Peter J. Adamski, P.A., having served since 1945.

"Served" is the appropriate term for Monsignor Adamski's relationship with his parishioners, as I can personally attest.

It has been a great privilege to count him as my friend for the past quarter of a century, and he has provided me with guidance on many occasions and through many trials and tribulations. One of his most admirable traits is his ability to see both points of view—to state the other side of a discussion without seeming to try to convert his opponent.

Recently, the Buffalo Courier-Express ran a series of three articles on the inter-relationship for Monsignor Adamski and the Polish community on the east side. Mr. Wiater has written a most perceptive account of this good man, his great understanding of his people and his tremendous empathy for the character of the Polish immigrants in our country. I am pleased to insert the text of these articles:

##### MONSIGNOR ADAMSKI SYMBOL TO POLISH COMMUNITY

(By Edward S. Wiater)

The heels of an oppressor can dig deep, cruel wounds into a nation and whether that nation survives depends on many factors—factors sometimes varied and complex, sometimes few and simple.

The Poles have survived.

Not only have the Poles survived their calvaries in Europe (so often has Poland been invaded during the past 1,000 years and her soil drenched in blood that one of her flags is a white eagle on a dark red background), but they have contributed handsomely to America through communities such as Buffalo's East Side and Black Rock.

If one was to pin down the indomitable spirit of the Poles, he would find it to be made up largely of an unquenchable thirst for freedom and a burning belief in the Roman Catholic Church.

But what brought the Pole to America? More pointedly, what brought him to Buffalo? And what has he contributed here? And what of the future?

The answers can be found to some degree by researching books in libraries and by poring over documents such as the doctorate dissertation of Felician Sister Ellen Marie Kuznicki, CCSF, Ph. D. (She is a teacher of history and French at Villa Maria College). But the inside story can best be told by such towers of community strength as the 82-year-old patriarch of Buffalo's East Side, the Rt. Rev. Msgr. Peter J. Adamski, P.A., the third pastor of Western New York's oldest Polish parish, St. Stanislaus Bishop and Martyr.

Msgr. Adamski has been the pastor of St. Stanislaus since July 2, 1945. And a patriarch he has been in every powerful sense of the word; a patriarch with an exceptional grasp of history and the ability to learn from it.

Even his physical appearance a deceptive picture of a slight but ram rod straight frame—gives one the feeling that he is in the presence of a man whose intellect is extraordinary, whose vision is unclouded and whose love for his people and religion knows no bounds.

He moves not with the waver of aging persons, but almost as if he were gliding—walking on air if you wish. His bearing is almost majestic and it's easy to understand why the Poles over the years have huddled to him, have found comfort and solace in his advice.

And solace and comfort the early Poles in America needed. For it was because of tyranny, oppression and hunger that they left their mother country, the land that gave birth to Chopin, Copernicus, Paderewski, Pulaski and Kosciuszko, among others and Peter J. Adamski.

When Peter J. Adamski first saw the light of day on August 2, 1891, in Sanok, Poland was not to be found on the maps of the world. She was divided by the three powerful enemies, Germany, Russia and Austria.

"And, although Poland with geographic boundaries was not to be found on the maps of the world, all of us who were born and raised in the areas held by the three partitioning powers knew very well that we were Poles, with a rich heritage and a future," Msgr. Adamski recalls.

That heritage included a strong belief in God. And the idea of serving God touched Msgr. Adamski as a youth at a time when he also recognized the value of education.

"Although Poland was partitioned, religion was not forbidden as some people might think," Msgr. Adamski said. "You've got to remember that Germany always had religion; Austria was a Catholic country and Russia had its Orthodox church. And leaders of these countries recognized the role religion plays in maintaining order. But the economic picture in Poland during the years of the partition was terrible."

In 1909, the Rev. Michael Dyminski, pastor at the time of Holy Trinity parish in Niagara Falls, N.Y., returned to his native Poland and took time out to visit an old school chum, the father of Peter J. Adamski.

"When I learned that Father Dyminski had a parish of his own, there was nothing that was going to hold me back from becoming a priest and from going to America," Msgr. Adamski recalls today with a smile.

And nothing did hold him back.

On Dec. 18, 1909, a train pulled into the railroad station in the Cataract City bearing among its passengers a young man with two years of college studies, Peter J. Adamski.

Father Dyminski took the young Adamski under his wing and shortly after sent him to St. Bonaventure to complete his college study. After his graduation in 1911, he was "adopted" by the late Bishop Charles H. Colton and continued his studies for the Diocese of Buffalo. He was ordained by Bishop John Grimes of Syracuse on June, 1915, at St. Bonaventure and celebrated his first mass at Assumption Church in Black Rock.

His first assignment: Assist the Rt. Rev. Msgr. Alexander Pitass, pastor of St. Stanislaus parish. The impact of Peter J. Adamski on Buffalo was about to be felt.

##### MONSIGNOR ADAMSKI: GOD, EDUCATION

(By Edward S. Wiater)

The Pole that came to America, materially, brought with him only what he could carry on his back—the necessities of keeping the body warm.

The riches he brought were a cultural heritage; riches built on a solid base of earning his bread, an appreciation of freedom and belief in God.

Rare was the Pole who came to America with that added advantage of having an education. And, for that he paid a price; sometimes, a terrible price.

"Keep in mind that the Pole came to America in the late 1800s came with a background that knew only servitude and oppression," Msgr. Adamski relates. "He didn't know the English language and because Poland had been divided by the three European powers he knew fear, and timidity as etched in his soul. This was to hinder the Pole for decades."

"The immigrant Pole found in America freedom, but he also found that a lack of education, the strange language and in many instances hostile people were to impede his

## EXTENSIONS OF REMARKS

November 1, 1973

progress, and indeed rekindle fears learned in Europe, fears which brought on timidity."

When the immigration quotas made it possible for the Poles to come to America they streamed for the established areas, New York City and the larger cities around the Great Lakes—Buffalo, Chicago, Detroit.

"Water was the cheapest mode of transportation and most chose to move by ship and consequently ended up in port settlements," Msgr. Adamski observed.

Ironically, hundreds of Buffalo Poles, according to Msgr. Adamski and Felician Sisters Ellen Marie and Mary Donata, who have made a study of Polonia as the heart of Buffalo's Polish settlement has been known, came to the Queen City because of Germans.

Msgr. Adamski relates that Poles and Germans had intermingled in Europe especially in the Posen district. The Germans who had emigrated to America often wrote to families in Europe telling of the opportunities in America. Hearing the stories, the oppressed Poles asked, "Why shouldn't we go to America too?"

And go they did. And, once in Buffalo they settled near the German neighborhood. They chose to live at first in the Spruce, Walnut, Ash, Pine, Clinton and Genesee St. portion of the city. They worshiped at St. Mary's Church.

"You've got to keep in mind that most Poles in America were from the German-held section of Poland and they could relate a bit to their new neighbors," Msgr. Adamski said. "And, because the language was new to them, they learned English mixing it with the guttural sounds of German, thus the strong accent of first and second generation Poles."

Although the Pole was timid, he displayed a marvelous capacity for self-discipline and thrift.

"The Pole, because of his lack of education and because other nationalities had a foothold in America through early arrival had to take whatever job was offered," Msgr. Adamski said. "The job frequently was dirty and paid poorly. And yet the Pole was able to get food on the table from the meager pay, put away money and even send a dollar now and then to the family still in Europe. If you look at this, it was really an amazing accomplishment."

Msgr. Adamski then pointed out that the goal of every working Pole was to own his own home. He said:

"He was subjected to serfdom in Europe and to own property was a dream. If you want to understand the full meaning of this keep in mind the picture of subjugated Poland where people owned almost nothing."

"And so here you had the Germanic people and the Irish and those of the Jewish faith who came to America early spreading out in business, finance and industry while the Pole was saving his money to buy a piece of land and a home to call his own."

"They were too timid to strike out in bold ventures. They didn't have the education to become professional people. They huddled to the church and in Buffalo they eventually found the Broadway-Fillmore area their Polonia."

The fact that so few Poles were in the ranks of professional people and that so few were in finance left scars in the make-up of Msgr. Adamski. And it seems much of his life has been dedicated to the education of young people, to the goal of pointing out to the Poles that their future is tied up in God and in education.

He has immense pride in Poles who have proven themselves in the world.

"They did it the hard way and have added to the good we find in America," Msgr. Adamski said.

Msgr. Adamski's eyes glow with pride when he talks of Buffalo people and organizations who have contributed to the cultural wealth of the Niagara Frontier.

"You know, there is much more to the

goodness Poles have brought with them than just kielbasa," Msgr. Adamski said.

He pointed out that while kielbasa is now accepted nationally as a fine food, so is "barszcz" (a soup), "golabki" (often referred to in English as pigs in a blanket) and "pierogi" (dumplings).

"The real big contributions our people have made can be found in such cultural areas as music," Msgr. Adamski said. "Polonia here can point to such organizations as the Chopin Singing Society, Kalina Singing Society, Arions, Paderewski Singing Society, Moniuszko, Harmonia, Filaraci and others."

And when one thinks back to the recent performances of the Polish singing and dance group, The Mazowce, at Kleinhans Music Hall, it is easy to understand why pride swells the soul of those of Polish parentage.

But, these are changing times in which we now live. The past is history. What does the future hold? Is there still Polonia? If there is, can she exist?

Msgr. Adamski speaks of the future in most concerned terms.

## CHANGE TEARS AT POLONIA

(By Edward S. Wlater)

The back of Polonia is broken!

There is almost insurmountable tragedy in this phrase. And many refuse to believe it.

To the millions who found a delightful little bit of Poland in the concentration at the crossroads of Broadway and Fillmore, this pronouncement brings on anguish; perhaps even a desire to turn back the clock. But it appears to be true. And, sadly, Msgr. Adamski acknowledges the developments which are tearing at Polonia.

"There was a time when you found more people shopping in the Broadway-Fillmore area than you had in downtown Buffalo," Msgr. Adamski reminisced. "But, it's no longer that way. Things have changed. The back of Polonia has been broken."

The sadness in Msgr. Adamski's voice was unmistakable when he delivered the last phrase. Just as in the areas of Main St. north of Chippewa, empty stores provide undeniable proof that Broadway-Fillmore is in death throes.

Is this a sudden development? Or has it been coming on since the end of World War II, a time when so many changes have taken place?

As far as Msgr. Adamski is concerned, change in the Pole in America has been taking place since World War I. True, Polonia has been growing since World War I days, but there also has been an exodus. What it amounted to is found in the title of the song, "How Are You Going to Keep Them Down on the Farm After They've Seen Paree?"

The title of the song could really be applied to everyone, however. With World War I conscriptions into military service, men got a chance to see the world. When they returned, America had already started to become a nation on the move. The moving was slow, but it was there.

Broadway-Fillmore prospered and, outwardly after World War II, the district was happy. It was a place to see.

But the winds of change were blowing.

On July 2, 1945, Msgr. Adamski was installed as the third pastor of St. Stanislaus. He felt the winds, but he also felt the overwhelming need to provide the best education possible for the young people of his parish.

A year later, Bishop Colton High School for girls and Bishop Ryan High School for boys were opened to serve the youth of the East Side. He was going to do everything possible to see that more Poles were to get the education necessary to become professional men and women, to be competitive, to be able to throw off the shackles of timidity.

But the winds of change have been relentless.

Msgr. Adamski points with pride to "our people" when he recounts the roles Poles have played in international, national and Western New York developments.

"In this year of Copernicus, it is easy to do so," he said. "But, we have had Poles who played major roles in other years and whose accomplishments weren't really fully appreciated."

Msgr. Adamski had in mind such accomplishments as Poles who said the Niagara River could be bridged and helped to do so, that the Delaware between Philadelphia and Camden could be bridged and helped prove it, and that a monument could be carved in a mountain as a tribute to the Indians and are proving it.

And, while Msgr. Adamski stressed the importance of education, he toiled tirelessly to keep Polonia from disintegrating.

Mass at St. Stanislaus once attracted some 3,000 persons to church at one time. Now, the total is at best about 1,000.

The exodus into the suburbs has been general. Whether it's been for the good is debatable. The winds of change have caught everyone.

The East Side is changing in Buffalo. But so are the West Side, the South Side, the North Side and the core.

And so are the suburbs changing. The mixture is becoming complete.

Is there a comeback in the future for Broadway-Fillmore? Where does Polonia fit in the picture?

Even the most optimistic observer has difficulty generating any enthusiasm at present for a vibrant Broadway-Fillmore shopping district.

The smell of kielbasa is there, the "ski" can still be found on names of store signs and "dzien dobry, pani" (good day, madam) and "dziekuje" (thank you) can still be heard. But, the smell of sausage is not as strong, the "ski" is on signs showing wear and tear and the Polish language is not THE language.

There is a rebirth in downtown Buffalo. But the ember of hope for Broadway-Fillmore, as Buffalonians once knew it, is a weak flicker.

Msgr. Adamski today still counsels his flock. And he speaks of it in endearing terms.

"They are my people," he says proudly.

St. Stanislaus this year celebrates its 100th anniversary. Parishioners have much of which to be proud: the impressive stone church, the modern elementary school and the bright and much-needed athletic center. And Msgr. Adamski has much of which to be proud. "His" children have done well, his drive to provide quality education has paid off.

Although a shadow of darkness seems to be spreading over Polonia, there are recognizable flickers that Poles are capturing the imagination of others. There are Polish chairs of culture in our universities, the Polish language is being taught in more and more schools and Poles and non-Poles are learning, by going to Poland and returning with enthusiasm over their discoveries.

There is a sign over the doors on buildings at St. Stanislaus that reads "Sto Lat." It means 100 years. It is in Polish, also a wish of warmth. Roughly translated it means, may you live to be 100, may you live in good health and good cheer.

With Msgr. Adamski, now in the warm glow of the 80s, it is fitting to say, "Mon-senor, sto lat."

Polonia is not what she used to be. But, there are embers, thanks to Msgr. Adamski. It may take another 100 years, but Polonia will rise again. It could produce another Msgr. Adamski. And, if it does, all Buffalo will benefit.

"Sto lat."

## BOOM-AND-BUST SCIENCE

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the training and effective utilization of those dedicated to the pursuit of science is an important national resource that cannot be ignored. To solve many of our major problems, the abilities of engineers and scientists are not only important but essential. Further, adequate support for the research and development to foster the necessary technology in solution of many of our national problems requires a constant support of research and development in our country. A recent editorial of Monday, October 15, 1973, outlines the significance of adequate and stable support for science and technology. This important editorial follows:

[From the New York Times, Oct. 15, 1973]

## BOOM-AND-BUST SCIENCE

Spokesmen for the American science community claim that the United States is falling behind other industrial nations in "the rate of growth and application of new scientific findings." The predictable response to such warnings is to view with alarm only the impact of the lag on competitive military strength. In reality, far more is involved, as Dr. H. Guyford Stever, director of the National Science Foundation, suggested by citing the decline of new patent applications.

Science advocates are not above the suspicion of acting in the manner of special interest lobbyists. Dire predictions are a familiar technique whenever any group loses Federal funds and favor, especially if partisan purposes can be served by accenting the negative.

In this case, however, all the surrounding circumstances lend both credibility and urgency to the scientists' warning. Dr. Lee A. DuBridge, who joined the appeal, was until recently one of President Nixon's close advisers. What bothers the scientists, without regard for party identifications, is the long-term trend toward allowing scholarly priorities to be determined by a curve which rises and falls in direct relationship to real and imagined national crisis which ought not to affect a nation's academic or scientific commitments.

Thus, if it was inexcusable to let science, mathematics and foreign-language studies languish in the post-World War II era, there was a touch of the absurd in the return to academic rigor purely as a defensive reaction to the launching of the first Soviet *Sputnik* in 1957.

Now, academic enterprise has once again slipped downward on the scale of public and official concern. The National Science Foundation reports a decline in science enrollments in two successive years. The number of federally supported graduate students in science is down by 10 per cent—and by 20 per cent in mathematics alone.

Scholarship and research are caught between the penny-pinching of economy-minded conservatives and the hostility of those, at the other end of the spectrum, who equate science expenditures with support of the military. A more realistic view of national needs should make it evident that none of the nation's and the world's critical problems—from environmental issues to the urgent need for food, energy and transportation—will be solved without the innovative contributions of trained minds. The continued boom-and-bust cycles in support of

## EXTENSIONS OF REMARKS

education and research constitute a costly waste of the nation's human resources. Perhaps the President's recent presentation of the National Medal of Science to eleven top scientists—the first such awards since 1970—represents a signal of Administration desire for a sounder approach.

## SERIOUS QUESTIONS ON PUBLIC FINANCING OF FEDERAL ELECTION CAMPAIGNS

## HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HEINZ. Mr. Speaker, as a result of Watergate, Congress is devoting much time and consideration to legislation that would curb the abuses of campaign spending.

The Senate has already taken action on legislation that promotes public financing of elections. However, I would urge my colleagues in the House to exercise restraint before enacting any measure that would use taxpayers dollars to pay for campaign expenses. We must understand completely the implications of public financing before we—as a result of strong public demands growing out of Watergate—approve any legislation of this type.

"Politics and Public Financing" is the subject of two articles, one written by Philip M. Stern and the other by George Thayer, which appeared in the Washington Post on October 7, 1973. Stern and Thayer carefully analyze the pros and cons of paying Federal election campaign expenses from the Federal Treasury.

Since there seems to be hot debate but little public understanding of this issue, I recommend that all my colleagues closely consider these two thoughtful pieces:

## TOO MANY LIMITS

(By George Thayer)

What can be done to improve our campaign financing practices? The first thing we must do is to ask ourselves what kind of a political system we want. Presumably, it should be dynamic and flexible, open to all comers, competitive, capable of attracting the best minds and candidates and provide a forum for debate, new ideas and national reconciliation.

Campaign financing reforms should be molded around this ideal. We should work toward creating a broad-based financial system in which the bulk of all contributions come in sums of \$500 or less.

One scheme that will probably not improve matters is the \$1 checkoff plan, a provision of the Revenue Act of 1971 which does not go into effect until the 1976 elections. A revival of an old idea previously introduced by Sen. Russell Long in 1966, the plan would allow a taxpayer to earmark \$1 of his tax payment to the party of his choice. Once the party picks its presidential nominee, the money would be turned over to him to spend as he chooses. If the candidate accepted this form of fund raising, he would have to forgo other forms of financing. Indeed, if a contributor gave more than \$1, the excess amount would be deducted from the total the candidate could receive from the checkoff fund. Tax authorities believe that over \$20 million will be available for each presidential candidate in 1976 from this scheme.

## LIMIT ON SPENDING

At best the plan is of dubious value. In the first place, if private funds are spent independently on behalf of a candidate, can such money be applied against the candidate's total allowable limit without a bitter fight—indeed, chaos—breaking out? Is not such a scheme an abridgement of First Amendment rights for those citizens who wish to express their support for candidates in more substantial ways?

Second, it puts a limit on presidential campaign spending that is totally arbitrary. The amount to be spent is determined by taxpayer whim rather than the needs of the democratic process. Suppose, for instance, taxpayer interest in the scheme waned and only, say, \$10 million was raised for a particular presidential election. Is that the amount we should be spending to elect a President? Most Americans undoubtedly would say no.

Third, the money is to be contributed to parties prior to nominees being selected; thus a \$1 donor might find himself having contributed to a party whose nominee he does not support. Furthermore and fourth, Americans have historically supported *individuals*, not parties, with their money. This plan would enshrine the two big parties as permanent bodies on the political scene.

Fifth, such funds will tend to perpetuate the incumbents in power. The 1968 Democratic debt, in retrospect, has had a revitalizing effect on the party and, as such, is a healthy development; had its leaders been guaranteed huge sums every four years, yesterday's losers would probably still be running the party.

Sixth, such a scheme will undoubtedly wreak havoc on state and local parties because, without a fund-raising role, they will be downgraded in importance and deprived of one of their major functions. Party control will become centralized in the candidate with the money, the faithful will feel less needed, and volunteers would probably become difficult if not impossible to find.

## PUERTO RICO'S WAY

Another frequently suggested solution to our campaign financing inequities is federal funding, in which all or part of the money needed in presidential, House and Senate races would be simply appropriated from general tax revenues.

Puerto Rico has had such a subsidy system since 1957. It allows each of the three major political parties (Popular Democratic, Statehood and Independence) to draw against a fixed allotment in off years and a larger fixed allotment in election years. A party is allowed to harbor its financial resources in off years by accumulating unspent balances of up to 50 per cent of the yearly allotment. The private solicitation of additional funds is not prohibited.

The trouble with this and other similar schemes is that guaranteed money tends to entrench politicians in power; it strengthens the power of the existing parties and guarantees that they will remain on the scene for years, regardless of how spiritually and politically bankrupt they may become; it hinders the rise of new talent to the top; and it makes life difficult for splinter parties that cannot compete financially.

Partial government subsidies used for specific purposes are not necessarily regressive, however. Many Western European governments underwrite costs like election-day expenses, television time and free mailings.

Eliminating such partisan political expenses as pollwatching, "walking-around money," babysitting fees and so forth could reduce the costs of some campaigns by as much as 30 to 40 per cent. The costs could be picked up by the local, state or federal governments out of general revenues. Of course, there would be stiff opposition to such a plan from local leaders whose politi-

## EXTENSIONS OF REMARKS

November 1, 1973

cal power derives in part from their financial clout on election day.

The British government also assigns during elections a certain number of free hours of television and radio time to the major political parties. Each can use its time as it sees fit.

A similar plan would be beneficial in the United States. The major television and radio networks should give a prescribed number of free hours each election year to Republican and Democratic candidates for President, Vice President, the House and Senate, governor and mayor of cities over 200,000 in population. Minor political parties should also be given some free time, perhaps basing the amount on the number of signatures each collects. Furthermore, a bonus plan should be available to those who use their time for public debates and presentations of 15 minutes or more.

The private purchase of time should not be prohibited (to do so might be an abridgement of First Amendment rights), but the free time made available should be close enough to the saturation point so that large amounts of additional purchased time would be deemed unnecessary.

A similar scheme could be worked out for the primaries: Each candidate for office would be given a small amount of free television and radio time which he could supplement with his own funds. The purpose in both instances would be to guarantee a basic access to the broadcast media, to help relieve the financial pressures of broadcast campaigning, to promote rational political discussion and to stimulate citizen participation.

The British government also underwrites one free mailing for every parliamentary candidate. Such an idea should be adopted here in the United States right down to the local political level. Every announced candidate for office should be allowed one free mailing throughout his election district. (Rules limiting an individual's mailing to one sheet of paper, to be sent third class, the addresses broken down by the candidate by zip code and street number, all of which would have to be delivered to the post office by a certain date prior to the election, would surely cut down on the postal overload.)

## DISCLOSURE IS CORE

Adopting some of the good ideas from other countries, however, will only partially ameliorate the problem. What is needed most of all is sufficient conviction to use the homegrown ideas already available.

More than anything, we must work to secure the vital centers of our campaign financing law. The fact that we do not, and probably will never have, a perfect law should not be of particular concern, because if we strengthen those vital centers the peripheral inadequacies, loopholes and inconsistencies will fade into insignificance.

Disclosure is the vital core of campaign finance law. The provision of the 1971 act, as written, are quite comprehensive and only minor loopholes remain.

One of the loopholes that could be closed is that which allows, through lack of clarity in the law more than anything else, foreign corporations or nationals to contribute, as happened technically in the Mexican and Luxembourg laundry operations.

Another loophole that should be closed is that which tacitly allows corporations and unions to lend their jet aircraft to candidates. There should be a flat ban accompanied by stiff fines for any candidate for federal office, or federal officeholder, using corporate or union transportation, or any other costly "courtesies."

Another vital area is the one that guarantees, and indeed encourages, dynamic, open and freewheeling elections. In this regard, several sections of the law are in need of revision. One is Section 315 of the Com-

munications Act, known as the "Equal Time Provision," which hinders debate between serious candidates for a particular office because all candidates, no matter how frivolous, for the office are required to be given equal air time.

If this section were repealed, minor party candidates would not necessarily be denied access to the media. On the contrary, the Federal Communications Commission has encouraged stations to offer free time to minor party candidates as part of their community service function. In fact, in 1972, many minor party candidates received free exposure, but at the same time there were no debates or public discussions between Nixon and McGovern or even their surrogates.

A further provision of the law that needs eliminating is that which limits media expenditures to 10 cents per voter. Although the law appears to curb profligate television and radio spending, it is in fact an invitation to break the law, despite the cost-of-living escalator clause, because of the competitive nature of American politics. There should be no laws limiting how much can be spent, but only the manner in which money can be raised. Candidates will spend every cent they can get their hands on, and to set a limit, as the old Corrupt Practices Act attempted to do, is to make lawbreakers of every person running for office.

## CONTROL FUNDS AT SOURCE

Another vital center is the one that seeks to clamp down on the power and influence of special interests. The most effective way to do this, in addition to complete disclosure, is, as has been noted, to control campaign funds at their source. While it would be distasteful, and probably unconstitutional, to legislate a monetary limit on total contributions, the influence of "fat cats" could be diminished somewhat by requiring that all cumulative gifts over \$3,000 be subject to the gift tax, regardless of how many political committees the money passes through.

The ban on contributions from business and union general operating funds should also be rigidly maintained. The problem here is less with a weakness in the law and more with a weakness of government officials to prosecute violators.

The personal spending limitations in the Federal Election Campaign Act of 1971 placed on candidates for the presidency and vice presidency (\$50,000), the Senate (\$35,000) and House (\$25,000) on their face appear unconstitutional and should be repealed. If it is legitimate for one person to contribute unlimited sums to another (even if the gift tax applied), why should a candidate not be able to spend as much on himself? Surely this abridges a man's freedom of speech.

The sentiment is right: the law seeks to bar rich men from buying office. But have rich men bought their way in? History has told us, in the words of stockbroker Fergus Reid, that "the graveyard of American politics is strewn with the bones of rich guys who didn't make it," and that those wealthy individuals who have succeeded in politics through the use of their own money have gone no farther than they deserve. There should be a ceiling on contributions only if large funds pose a direct and substantial danger to our political process which cannot be controlled by alternative measures, and it has never been proved that such a danger exists.

The danger of rich men in politics is not a general one, but is specifically limited to primary elections. There, a rich man whose only qualification for office is his money can do particular damage, because he does not have to compete in the political marketplace for his funds (which in itself is a winnowing process), and he forces the voter to give him attention which he might not otherwise merit. The time spent examining his qualifi-

cations, or lack of them, inevitably reduces the amount of time the voter could spend analyzing the assets of more qualified candidates.

As a result, a "fat cat" candidate's money can distort the process, as John F. Kennedy's did in the 1960 presidential primaries and as Richard Ottinger's did in the 1970 New York primary. But in the general election, a rich man's money becomes less important because traditional party sources are tapped for the bulk of the necessary campaign funds.

The problem, therefore is to balance the influence of wealthy candidates with less wealthy ones in primary elections. One way this can be done is by offering certain free services, such as television and radio time and election-day expenses, to all comers, both rich and poor alike. Another way to equalize the imbalance without abridging individual rights (through arbitrary spending and contribution limits) would be to require an even stricter accounting of funds prior to the primary election day. For instance, the law might be expanded to require disclosure reports on the 25th and 35th, in addition to the 15th and 5th, days preceding the primary. In our zeal to give every break to a candidate of average financial means—a worthy goal—we do not want to end up taking away rights from others.

## MATCHING FUND PLAN

Yet another vital center and perhaps the one best suited to minimize the influence of the rich and the powerful, is that body of law which encourages small, broad-based contributions. The provisions of the Revenue Act of 1971, which allow up to \$100 in campaign contributions to be deducted from a joint tax return, appear to be the best means to achieve this goal.

Although there are critics who argue that democracy should not be tax deductible, such a scheme has been used successfully in the past to finance many worthy causes. This provision of the law could be improved, however, by periodically increasing the limit to cover the full cost. A tax-deduction limit today at \$300 per couple, for instance, would not empty the U.S. Treasury, yet it would free candidates from heavy dependence on "fat cats" and the real or implied debt that comes with their large contributions.

The federal government should also institute a matching fund plan, in which every dollar raised from small broad-based solicitations such as the tax-deduction device would be matched by an additional dollar. Bonus money could also be offered in addition where expenditures are channeled toward activities that promote vigorous debate and discussion. Such a plan would further reduce both the inequities between the wealthy and the not-so-wealthy, and the power and influence of "fat cat" contributors.

The most vital element of all, of course, is American society itself. Nothing in the realm of campaign financing will change substantially unless we change some of our habits and attitudes. Adherence to our campaign financing laws will never improve until we change our attitude toward the enforcement of all our laws. It should not be surprising that our lax attitude toward enforcing many of our laws spills over into the manner in which we enforce our campaign financing laws.

Any attempt to curb the power and privileges of special interest in politics will occur only when we curb such interests throughout society. Until monopolies, polluting industries, price-fixers, closed-shop unions, lobbyists, elitist professions and the like are brought to heel, it is unreasonable to expect them to be brought under control in our political process.

**A GREAT BARGAIN**  
(By Philip M. Stern)

With remarkable rapidity, public financing of elections has suddenly become an enactable and widely debated program. It won 38 votes in the Senate on July 26 (not counting seven announced proponents who voted nay on procedural grounds); it was the subject of Senate hearings in September, and it is attracting new adherents who heretofore have been cool or opposed to the idea—ranging from the AFL-CIO to George Spater, the former chairman of American Airlines who admitted responding to Nixon fund solicitation with a \$55,000 illegal contribution of corporate funds.

As the debate proceeds, new facts and arguments for public financing are being advanced and some old objections are being answered. For example, some new calculations by the Center for Public Financing of Elections may allay one of the main fears about federal aid to campaigns: the potential cost to the taxpayers, especially if the lure of federal assistance produces a deluge of candidates in primary contests. The Center has calculated that, even under the broadest and most generous plans thus far proposed, the cost of federal assistance in all elections—primary as well as general—for the House, Senate and the presidency, would not exceed \$262 million a year, or \$1.88 for each of the 140 million eligible voters in America.

**TWO ASSUMPTIONS MADE**

Seeking to build its cost overruns into its projections, the Center's \$1.88-per-voter figure assumed a trebling of the number of congressional primary candidates over those who filed in 1972. But the Center also found that even if the number of candidates were to quadruple, rather than merely treble—that is, even if an *average* of 14 House candidates in each congressional district and 26 Senate candidates in each state were to enter the primaries and qualify for federal assistance—that would merely add 30 cents per eligible voter to the annual cost of public financing of elections.

Even then, the cost per voter would be little more than \$2 per year. That is about one-hundredth the projected cost over the next decade of cleaning up the environment—surely not an excessive price for cleaning up American elections.

**BARGAIN OF THE DECADE**

Indeed, public financing of elections would be the greatest bargain of the decade for taxpayers and consumers, since it would remove the hidden costs of financing elections, which mount into the billions every year.

Take, for example, just two governmental decisions that were hugely expensive to the public. The first involves the \$500 to \$700 million in higher milk prices that apparently resulted from the contributions to the Nixon re-election campaign by the major milk producers. Prior to the dairymen's display of generosity, the Secretary of Agriculture could find no evidence to justify an increase in the government support price of milk. But after the dairymen had met personally with the President and after they had begun pouring what became more than \$400,000 into the Nixon campaign chest, the Agriculture Secretary discovered new "evidence," and announced a boost in the support price of milk that is now costing millions of milk buyers some \$500 to \$700 million a year in higher milk prices—twice to three times the maximum annual cost of federal campaign assistance.

Secondly, in 1970, Mr. Nixon refused to abolish oil import quotas, as recommended by his own Cabinet task force, and thereby deprived tens of millions of oil consumers of a \$5 billion annual saving—20 times the

**EXTENSIONS OF REMARKS**

yearly cost of public election financing. That is, the President sided not only against his own Cabinet's portrayal of the national interest but against tens of millions of consumer-voters and in favor of a single industry whose members had contributed at least \$500,000 to his 1968 election campaign.

If the existence of public financing of elections could have prevented (or reversed) just those two governmental decisions that would have netted the taxpayers a 200-300 per cent return on their public-financing "investment" in the case of milk and a 2,000 per cent return in the case of oil.

Is it reasonable to suppose that public financing could have that effect? I think so. In the milk and oil cases, the influence of big contributors was potent enough to prompt a President, faced with the task of raising millions of dollars from private sources, to risk angering millions of voters. But suppose, in both cases, that public financing had been in effect, with the campaign fund assured in advance, and with the President beholden equally to every voter for it. Under those circumstances, wouldn't a politically-sensitive President be far more inclined to side with the millions of voters rather than with the handful of donors?

**CAPITAL GAINS TAXES**

Certain tax preferences, whose benefits are confined to the very rich, represent an even more blatant flouting of the one-person-one-vote principle—at enormous expense to the average taxpayer who contributes little or nothing to political campaigns. For example, the favored taxation of capital gains costs the taxpayers \$14 billion a year. Who benefits from that tax preference, and who foots the bill? Hard Internal Revenue Service statistics provide the answer: 90 per cent of all taxpayers receive no capital gains and are thus wholly excluded from the blessings of this tax favor; only 1 per cent receive a significant amount of capital gains each year. That means that the lowest 99 per cent of the people are footing a \$14-billion bill for the top 1 per cent.

Now, given that astounding 99 to 1 ratio, why aren't more candidates for office clamoring for the repeal—or at least the substantial tightening—of this preference-for-the-rich-only? The answer lies in the universal dependence of candidates on large contributors.

An illustration will show that this is more than pure surmise on my part: in 1970, Joseph Duffey, then a candidate for the U.S. Senate from Connecticut (as well as national chairman of ADA), had the temerity to propose repealing the capital gains preference. And what happened? First, a businessmen's fund-raising lunch in New York was abruptly canceled; then, many of Duffey's wealthy (albeit liberal) contributors descended upon him in indignation. Such a reaction hardly encourages a candidate with a million-dollar campaign budget to espouse causes offensive to the wealthy, from whom the bulk of his campaign funds emanate.

But, if all candidates for federal office could be assured in advance of a minimum campaign budget, supplied equally by all the voters, reforms that offend the wealthy would no longer be politically "out of bounds," far more candidates would be willing to debate them, and, as candidates' silence was broken and the public became educated as to who was benefiting and who was paying the bills, I believe that many of these preferences for the rich would soon be repealed or substantially tightened. To the extent that is true, then the billions that now are affected by these preferences must be reckoned as part of the cost of the present system of private, fat-cat-dominated financing of campaigns.

Public financing would net far more than a dollars-and-cents return. It would open up politics not just to new ideas but to new faces. In his forthcoming book, "Who Shakes the Money Tree," George Thayer argues that federally provided campaign funds would merely serve to entrench those already in power. But a new study of the 1972 elections by Common Cause shows that it is the present system that favors the incumbents and deters their challengers. In the 1972 congressional campaigns, incumbents raised more funds than challengers, on the average by 2 to 1. They were especially dominant over challengers in attracting the funds of organized groups of contributors.

This, of course, merely compounds the advantages inherent in officeholding (greater public renown, better access to the mass media, government-paid staffs and mailing etc.). Little wonder that, since 1954, more than 90 per cent of House incumbents who have sought re-election have successfully fended off challengers.

**UNCONTESTED ELECTIONS**

Even those figures don't tell the whole story, for they do not speak of the remarkable number of congressional elections that, under the present system, are uncontested. In 1972, fully half of all House primary elections were uncontested. Even in the general election, the winning candidate had no opposition in 53 congressional districts. Lack of money is of course not the sole cause, but it is surely a major factor.

But the heart of the problem lies in the universal candidate dependence on large contributors—and by large contributors, I do not mean solely the super-rich like W. Clement Stone, who has bestowed no less than \$4 million on the 1968 and 1972 presidential efforts of Richard Nixon. It goes much deeper than that.

After all, only a tiny fraction of the population can afford to give \$100 or more to a single political candidate. And yet, two-thirds of all congressional campaign funds raised in 1972 came from \$100 and over contributors. Even in the case of Sen. McGovern, whose direct-mail solicitation of small gifts was remarkably successful, \$21.3 million of his 1972 presidential campaign funds came in gifts of \$100 and more.

Tighter disclosure laws will not reduce that dependence on large givers; neither will ceilings on campaign spending, which still leave candidates faced with the need to raise large amounts of money. It's doubtful, too, that tax incentives alone will solve the problem: such incentives were in the law, in 1972, yet nearly two-thirds of all congressional campaign funds still came from a small segment of the population.

The only way to do away with the large contribution is to make it unnecessary; and the only way to do that is to assure each candidate a minimum campaign budget, for which he will be beholden equally to all his constituents—that is, from tax-supported funds.

And why not? Election campaigns are, after all, very much the public's business—and one of the few examples of the public's business not financed by tax-supported money. Every other aspect of elections—registration, printing and counting of ballots, purchase of voting machines, etc.—is paid for by the taxpayer, in the interest of honest elections. Private financing of those activities would be unthinkable.

Yet campaigns are an integral part of the election process; why should they be entirely privately financed, especially in the face of the overwhelming evidence that the present system badly warps the entire democratic process, giving vastly more weight to the big giver than to the average voter?

## METRIC SYSTEM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, the House Science and Astronautics Committee has approved legislation to start the United States on the way to conversion to the metric system. The bill is now pending before the House Rules Committee.

The legislation would create a special board to report a plan for implementing the changeover within a year. If Congress agrees, the plan would go into effect during the next 10 years on a voluntary basis.

As an indication of the attention the metric system is getting around the Nation, I offer for the Members' attention the following excellent article by Emer E. White, of the Michigan Press Association:

## METRIC SYSTEM

(By Emer E. White)

Americans might as well get used to the idea. It won't be long before you'll be going to the store for a couple of liters of milk and a half kilo of butter.

The metric system is going to come to this country. The only question is when.

At present, we are the last major industrialized nation on the earth to measure distance by inches, feet, yards and miles; weight by pounds and tons; bulk by pints, quarts, gallons and bushels. That puts us in company with such nations as Southern Yemen and Tonga.

The metric system can sound very complicated to someone who never had to deal with it, but it actually is much simpler than what we have. In it, all units are based on increases or decreases of one decimal point.

The basic unit of length is a meter—a little over 39 inches long. But instead of being divided into three parts (feet) or 36 parts (inches) like a yard, it is divided by tens. Thus one-tenth of a meter is a decimeter, one-one hundredth is a centimeter and one-one thousandth is a millimeter. The same goes for liters, which measure bulk, and grams, which measure weight.

Americans already have begun letting metric terms slip into their language. The huge influx of foreign cars, for example, has quite a few Americans talking about "two liter" engines or "five liter" engines where a few years ago cubic inches were the only measurement used to describe displacement.

For many people who grew up with our current system, the changeover could be traumatic. Some may never really feel comfortable with it. But if your children are young enough, they may grow up with the metric system wondering how on earth anyone ever understood all that gobbledegook about inches, pounds, ounces and all that.

The Michigan Department of Public Instruction already set up requirements to insure that all math and science textbooks sold in Michigan after June, 1976, use the metric system as their dominant form of measurement.

All this means instead of a grammar school math book having a story problem about how much candy Sally has if she buys eight ounces in one store and seven in another, it will ask how much she has if she buys 500 grams in one store and 450 in another.

To help people confused by the conversion, the department is developing a pocket card on metric transition for use by anyone who wants it.

While it may look imposing, after a few

## EXTENSIONS OF REMARKS

weeks or months with it, most people should get along quite well.

And with the rest of the industrialized world using the metric system, and the United States needing to increase its trade with other countries, the changeover can help greatly.

The major corporations are already working on the change. In fact, Ford has built a \$100 million plant in Lima, Ohio, to build engines which will be based on the metric system.

## CITIZEN'S RIGHT OF PRIVATE PROPERTY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ROUSSELOT. Mr. Speaker, Columnist and Editor Dick Tracy, of the San Gabriel Valley Tribune, in my 24th Congressional District in California, has called attention to the fact that pending land-use legislation threatens to establish total Government control of all lands in the United States. H.R. 10294—a successor to H.R. 6894, the bill Mr. Tracy discusses—is currently being marked up by the House Committee on Interior and Insular Affairs. This bill would require the States to establish comprehensive land-use planning programs, with an associated bureaucracy which would have a veto over local land-use policy actions. The State plans would have to be acceptable to the Federal Government, or else the Department of the Interior could impose its own plan and cut off large amounts of Federal grant funds.

While the supporters of this bill claim it is to protect the environment, it actually contains several provisions which would interfere with the ability of localities to establish and enforce their own environmental standards. For example, section 105(e) requires the State master plan to "assure that local regulations do not unreasonably restrict or exclude development and land use of regional or national benefit." This is an antienvironmental provision if I have ever seen one, and it is antilocal government, as well.

The fifth amendment provides that:

No person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Since H.R. 10294 would subject private property to unprecedented State and Federal controls without providing either due process or just compensation to the owners, I believe it is unconstitutional.

As I stated before this House on September 19, "if we pass the land-use bill we will be foregoing this very basic right in return for a vague promise of environmental preservation, regulated by the Government."

I submit for my colleagues' attention the full text of Mr. Tracy's column of October 21, 1973, as it appeared in the San Gabriel Valley Tribune. I hope this extremely cogent discussion of proposed land-use regulation will be carefully reviewed.

The article follows:

November 1, 1973

## FEDERAL LAW MAY END PRIVATE LAND CONTROL

(By Dick Tracy)

Under all is the land and he who controls it has wealth greater than gold.

It has been an accepted tenet since the days of feudal serfdom that man has a right to the ownership and control of the land he can acquire.

Yet we know that the freedom to own land and control its use is, in modern society, a limited freedom.

We may be on the verge of losing even that limited freedom.

We may be on the verge of total government control of all land in the United States.

Of course, we may have a title. Certainly we will pay taxes. But government will control the land, totally.

It will be done, naturally, in the guise of promoting the national interest by protecting our environment. The result will be the same, federal control.

Establishment of a federal "land czar" is well along the way to completion in Senate Bill 268, passed 64-21 on June 21, 1973, and entitled "Land Use Policy and Planning Assistance Act."

The next 15,000 or so words in the bill spell the end of the traditional concept of private ownership of land as conceived and understood under the American system of Constitutional government.

A similar bill, H.R. 6894, is before the House of Representatives for action.

At the other end, states are falling into line with the federal intent by approving their own land use commissions, which would, in effect, carry out the dictates of the federal government.

Under Pre-Print Assembly Bill No. 1 by Assemblyman Paul Priolo, a state land use commission would assume authority over all matters involving real estate from the current Real Estate Commission and all local government agencies.

If a pattern seems to emerge, it's because there is one.

The states would carry out the land use wishes of the federal government or—as we might have suspected—they would be denied federal grants and revenue sharing funds.

In asking for land use control under S.B. 268, President Nixon echoed the call heard in Washington for years by proponents of regionalized government who hold no brief for the tradition of states' rights and the premise that local government is the best government.

Former HUD Chief Robert C. Weaver was quoted as having said: "Regional government . . . would supersede state and local laws. Through this authority, we seek to recapture control of the use of land, most of which the government has already given to the people."

More moderately but no less ominously, Los Angeles Mayor Thomas Bradley said recently: "Americans have always felt the ownership of land somehow gives them the right to do with it what they want. We are no longer able to do that. There have always been some controls, but we are going to have to take them a few steps further."

There has been, to this point, little press attention given the federal land use law. Watergate and war have been too much to the fore.

And, quite honestly, many people in this country are convinced that federal controls is the best—if not the only control if the environment is to be preserved. They view additional federal control as desirable, not despicable.

At the opposite pole stand those who are convinced that land use control is not only socialistic but derives from communism through the evil United Nations.

It may be significant that one of the original sponsors of S.B. 268, Sen. Paul Fannin of Arizona, awakened suddenly to the dangers inherent in it.

Sen. Fannin says the land use policy "would do great violence to our traditional American rights" and warns that through it property owners can be reduced to landless serfs beholden to the lord of the manor in Washington.

The key element which clinches government control under S.B. 268 is its ability to prescribe areas of "critical environment concern" and subject them to severely limited uses.

According to Sen. Fannin, "It is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition." And he points out that lands already owned by the federal government are exempt from the act.

So obviously S.B. 268 intends to control only private and state land, not federal land.

#### SENIOR CITIZEN'S TAX PROBLEMS

##### HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. FISH. Mr. Speaker, we are all aware of the special problems senior citizens confront as they struggle to maintain an adequate standard of living in the face of continuously rising prices. We, in the Congress, have responded to their pleas for help in a variety of ways, including reform of the social security system and expansion of medicare coverage.

Yet, an issue that remains untouched at the Federal level of Government, and that increasingly is brought to my attention by the elderly in my district is the property-based school tax.

Many of our older Americans pay out a large percentage of their incomes for property-based taxes, incomes that are often too small to warrant the payment of State and Federal taxes. This is becoming an increasingly harder burden for the elderly to bear, given our inflationary economy.

No governmental entity has yet come forth with a satisfactory solution to this problem because, as a practical matter, a State cannot eliminate school taxes without insuring another source of revenue. For example, in my own State of New York, while most localities grant a 50 percent property tax abatement for senior citizens who meet certain age, income, and residence requirements, the result is that any taxes lost to the community must be made up through increased levies on the other property owners within a particular community.

While the property-based school tax has generally been held to be matter that each individual State should deal with, I think it would be unrealistic for us to deny that the States are going to need Federal assistance if a workable alternative is to be developed. Further, I believe that a viable alternative must be found because of the hardship that the property-based tax inflicts on our senior citizens.

On September 26, a meeting of the Region 3—New York State Wide/Senior Action Council was held in Newburgh, N.Y. The delegates, representing Dutchess, Orange, Putnam, Rockland, Sullivan,

#### EXTENSIONS OF REMARKS

Ulster, and Westchester Counties, adopted a resolution relating to this problem. At this point in the RECORD, I would like to insert the full text of this resolution because I think it points up the severity of the problem, as well as the need for a comprehensive study of possible solutions.

##### RESOLUTION

The following resolution was presented at a regular stated meeting of Region 3—New York State Wide/Senior Action Council, held on Wednesday, September 26, 1973, at Newburgh New York and approved by the duly elected delegates representing Region 3 from the seven participating Counties, namely Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster and Westchester.

Whereas senior citizens as a group are opposed to the present system of school taxation based on real estate to support schools and

Whereas the majority of the voters at school budget hearings and elections are Senior Citizens, many retired and

Whereas the only income many Senior Citizens have today comes from their retirement or social security and

Whereas one school budget after another has been and are still being voted down, because Senior Citizens cannot afford, in our present escalating economy to pay for school services, and

Whereas the tax structure is driving many Senior Citizens from ownership of property in New York State, to seek living quarters in other States, thereby leaving beloved families and homesteads, and

Whereas this results in the breakup of the family structure, and nurtures despondency and loneliness, now therefore be it resolved

That the support of the schools be based on income and not on real estate holdings and be it further resolved

That the schools be supported through a State and or Federal Income Tax structure, and be it further resolved

That a copy of this resolution be forwarded to the Governor of the State of New York and to each legislator, by our membership and be it further resolved

That we would welcome any support the legislators could and would give to proposals in law, that may be submitted along these lines.

#### HOT AIR VERSUS CLEAN AIR

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

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, on September 27, in the course of reporting the findings of a recent medical profession symposium on air pollution, I mentioned that the Governor of California has written to every Member of Congress from our State, urging us to weaken the Clean Air Act of 1970.

The San Francisco Examiner, which printed an article describing Governor Reagan's lobbying efforts, subsequently printed a commentary on the subject written by Edward Groth III, Ph. D., a research fellow in the population program at the California Institute of Technology in Pasadena. Dr. Groth recently moved to Pasadena from northern California, where he served as chairman of the advisory council to the Bay Area Air Pollution Control District while working in the biological field at Stanford Uni-

versity. His statement should be of interest to all of us, since we may be called upon to vote on efforts to weaken the Clean Air Act, and I, therefore, submit the article, from the Examiner of October 10, for inclusion with my remarks in the RECORD at this point:

[From the San Francisco Examiner, Oct. 10, 1973]

#### HOT AIR VERSUS CLEAN AIR

(By Ned Groth)

The amendments of 1970 to the Federal Clean Air Act (CAA) have been hailed by environmentalists as perhaps the strongest and most progressive piece of conservation legislation ever enacted by the Congress. Now, three years after the amendments took effect, an unprecedented political drive is being mounted to cut the act.

Governor Ronald Reagan has now joined the chorus clamoring for "modification" (read: emasculation) of the law, by sending a message to California's congressional delegation, urging the adoption of a nine-point plan to make the CAA more "workable."

Reagan's intent, it seems clear, is to cut out the muscle and sinew, indeed the very heart, of the nation's most important air pollution law.

Reagan would like to see air quality standards lessened, whenever their implementation meant high cost or economic disruption.

He is opposed to the 1975 target date and feels the states should have more freedom to design their own control strategies, rather than have to follow guidelines set down by the federal Environmental Protection Agency (EPA).

These, and other elements that the Governor objects to, are the essential core of the changes adopted by the 1970 Congress—changes which transformed the national effort to combat smog from an uneven, often ineffectual attack into a strong multi-front campaign.

Previous federal clean air laws had required the states to adopt air quality standards. But the old laws had no teeth, and fewer than half the states took the required action.

Under the 1970 law, EPA set national air quality standards and drew up a plan that will work. As a direct consequence of the CAA, many significant new measures to fight smog have been enacted in California in the last three years.

Though much has been done, the tasks still remaining are mind-boggling. The CAA calls for innovative approaches to the control of pollution—regulating land use to control the growth in numbers of sources, and controlling automobile use in order to curb the emissions of the number one pollution source, the private car.

Under the law, such measures must be adopted—but California, and the Bay Area smog board, have moved into this new field of rule-making most reluctantly and gingerly.

The reason is obvious—this approach to smog control runs head-on into some of our biggest social and economic sacred cows: unregulated economic and population growth; transport systems based almost entirely on the auto freeway alliance; oversized, overpowered, gas-guzzling cars; spiraling energy consumption; and accelerating squandering of our finite fossil fuel reserves.

The five-year time span for compliance allowed by the CAA was probably unrealistic for some areas of the country. In smog-shrouded Los Angeles, for example, EPA estimates that present levels of auto traffic must be reduced by more than 80 percent if the oxidant standards are to be attained.

The state Air Resources Board, unwilling to attempt any drastic measures that could achieve such a reduction, has done virtually nothing to this end in three years. At pres-

## EXTENSIONS OF REMARKS

ent, EPA is debating whether to impose severe gasoline rationing in the L.A. air basin, the only method likely to work, given the short time remaining.

The problems of Los Angeles and other heavily polluted regions are not insoluble, if the political will power exists to take the needed steps. Reagan clearly lacks that will power; he'd rather ride herd on his sacred cows.

Reagan's proposal to Congress, if accepted, would be a national disaster. The air quality standards that the Governor would like to see relaxed are not arbitrary numbers. They are designed to protect the health of the public, and to prevent the further erosion of the aesthetic quality of life.

The current standards were adopted after a lengthy political process, in which the difficulty of achieving them was weighed carefully, along with the potential health hazards of tolerating higher smog levels. The national standards are in a number of cases less strict than California's own standards, adopted in 1969.

Too much is at stake to throw in the towel the first time the bill comes due for the costs of cleaning up the air.

Reagan's objectives also include removal of the firm compliance dates and the EPA back-up authority from the CAA. These are the heart and soul of the law.

It has been shown time and time again that, without a specific, unavoidable target date, major programs are very often procrastinated into oblivion.

And the most effective spur to state action yet devised is the certain knowledge that failure to act will lead to the imposition of a "solution" from above, one which might be hard to live with.

Some of the more drastic proposals now coming out of EPA, such as gasoline rationing, are potential political dynamite which, in the hands of irresponsible leaders, could be used to blast air pollution control efforts back into the (pre-1970) stone age.

Reagan and his think-alikes hope to capitalize on the certain unpopularity of such measures to rally public support for their campaign to destroy the effective portions of the CAA.

The Clean Air Act is basically sound. It is strong, forward looking, and the most effective law of its type this country has ever had. It is essential that the integrity of the CAA be maintained.

Mr. Speaker, so that my own position on this issue may be quite clear to all interested, I will also include at this point the text of the letter which I sent to Governor Reagan in response to his lobbying efforts:

OCTOBER 9, 1973.

DEAR GOVERNOR REAGAN: On September 20 of this year, you wrote to each member of the California Congressional delegation to urge them to support your proposed changes in the Clean Air Act Amendments of 1970. I have been actively involved in encouraging strong and effective air pollution controls since the 1950's at virtually every level of government. I was one of the Congressmen who urged the adoption of the 1970 amendments to the Clean Air Act. Those amendments established the principle that the federal government would enforce air pollution laws if local and state governments failed to act. After watching your response to this law, I am disappointed, but not surprised that you now ask the Congress to support changes in the law that would, in essence, "gut" the Clean Air Act.

Your recent veto of the South Coast Air Basin APCD bill (AB 2283) demonstrated your lack of concern about cleaning up the air. The reason the Clean Air Act gives the U.S. Environmental Protection Agency the authority to act when states fail to act is

because we, in Congress, do not intend to let the citizenry of the U.S. or California suffer because of mistaken inactions by any particular state.

Your letter asks the Congress to remove from the EPA the power to enforce air pollution control strategies. That reserve power is necessary for the protection of the health and welfare of the people. This is especially true when politicians, such as yourself, fail to do their duty and protect the health and welfare of their constituents.

Your letter asks for the Clean Air Act to be rewritten to restrict any standards and controls by the innocent sounding but insidious philosophy of technologically and economically feasible goals. This philosophy invariably means inaction because any changes in the status quo can be called technologically and/or economically infeasible. The health related air quality standards are the only criteria that should be considered in legislation that affects what everyone must breathe.

Your letter called for an extension of the deadlines of the Clean Air Act Amendments of 1970. We may eventually need some extensions, but we will not know what type of extensions to consider until we make a genuine, good-faith effort at compliance with the air pollution control strategies. I have yet to see any good-faith efforts emanate from your office in this field.

I would like to end my response to your letter by challenging you to put the resources of your high office towards solving the continuing air pollution crisis that we have in the Los Angeles Air Basin. I would like to see your office devise an air pollution control strategy which includes transportation and land use controls that would give us clean air. Furthermore, I would like to see you support the federal, state and local financing that would be necessary for any effective control strategy to work. I would like to see you recognize that the oil dependent, pollution plagued internal combustion engine is obsolete. I would like to see you support the efforts to "bust" the state and federal highway trust funds. In addition to these suggestions, I would like to see you direct the state government to be the leader in the implementation of the various pollution reducing suggestions that exist and set an example for the rest of the nation. Once you, as the Governor of California, demonstrate that you can do a better job at air pollution control than the U.S. Environmental Protection Agency is doing, then I, as a Member of Congress will be ready to believe that your proposed changes in the Clean Air Act are justified and in the best interests of the health and welfare of the people of California.

Sincerely yours,

GEORGE E. BROWN, Jr.  
Member of Congress.

BRONX RESIDENTS HELP THEMSELVES COPE WITH GOVERNMENT REDTAPE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BINGHAM. Mr. Speaker, on several occasions I have had the pleasure of rising to describe the cultural and civic accomplishments of Bronx County, N.Y. Today, I would like to advise my colleagues of a most unusual service available to residents of the Bronx. The Citizens Advice Bureau, which operates out of a storefront in my district, is a

November 1, 1973

private, nonprofit organization providing free counseling and information services for people having problems with Government. The service is unique, first because it centralizes information about Government needed to cope with bureaucratic redtape, and second, because it helps its clients to use that information to solve their problems.

The "problem solvers," as the CABers call themselves, see between 650 and 750 persons in need of help each month. For the elderly, and others unable to travel about town to deal with the various governmental agencies, the need for such a service is obvious.

As the article below, which appeared in the October 30 New York Post, makes clear, the CAB has had a great deal of success. I congratulate the bureau on its efforts, and commend the idea to my colleagues for consideration:

A POOR FOLKS' ADVICE BUREAU  
(By Peter Freiberg)

They come into the storefront at 2103 Grand Concourse for a variety of reasons: a tenant claims harassment by his landlord, an elderly couple wants senior citizen transit passes, a widow needs help in filling out a Medicaid application. Sometimes, they come in simply because they are lonely or frightened.

Although information or help might be found elsewhere, obtaining it would usually mean a trip out of the neighborhood and a battle with government red tape.

But since July 1972, West Bronx residents have been able to take advantage of a unique storefront operation—a Citizens Advice Bureau, reported to be the only one of its kind in the country.

A BRITISH PROGRAM

The idea for the CAB came from Mildred Zucker, a veteran New York social worker who had studied the British network of advice bureaus and concluded New Yorkers could benefit from them also.

The Bronx CAB was established with financial support from the Greater New York Fund under the co-sponsorship of the West Federation and the Federation of Protestant Welfare Agencies.

Heading the CAB is Edward Kaufman, a 30-year-old social worker. Working with him are Hilda Pagan, his assistant, two graduate social work students and a half dozen volunteers from the Ethical Culture Society of Riverdale.

The CAB is partly a "middleman," giving the citizen enough information to get a needed service without wasting time and energy going from agency to agency.

But it is also an advocate—calling, writing and badgering agencies on behalf of individuals seeking help. It is open weekdays from 9 a.m. to 5 p.m.

"PROBLEM-SOLVERS"

"Most other organizations and agencies that give information don't specialize in it, like we do," said Kaufman. "We see ourselves as problem-solvers."

About 8300 people visited the bureau in its first year, and they are still coming at the rate of 650 to 750 a month. More than 60 per cent are elderly, and the majority are white. Most are poor.

"People don't know where to get a service," Kaufman said. "And if something comes along, and you've never gone through the bureaucracy, it's a difficult thing to do. Even people with good education, people with money—have problems."

Sometimes a person is relatively easy to help, like the woman who had been trying for three years to get \$500 the Social Security Administration owed her."

"We started calling around," Kaufman said, "and two weeks later she came in smiling and holding her check."

Often, more effort is required for success. Max and Miriam Schwadron came to the CAB for assistance after they received what they considered an illegal rent increase.

#### A REDUCTION INSTEAD

The bureau advised them on how to protest the increase. "So instead of a rent hike," said Mrs. Schwadron, "we got a reduction, and now we're due for another reduction."

One day last week Hazel Shackelford, 60, who has been on the city Housing Authority's waiting list since 1970, asked the CAB if it could get the city to move faster on her apartment request.

Harriet Buyon, a CAB volunteer, called the Housing Authority, as she had once before on Mrs. Shackelford's behalf. She was told the woman had been placed on the "emergency waiting list." "If you don't hear soon," Mrs. Buyon advised Mrs. Shackelford, "come back and we'll call again."

But in some cases, there is nothing the CAB can do. Kaufman tells of one widow in her '70s who has \$203 on which to live. After she pays her \$100 rent, she is left with about \$25 a week to spend.

"She comes in here and cries and cries and we can't do anything," says Kaufman. "But it's something that a humane society would never allow to happen. She's worked hard, been a good citizen, and she's just thrown to the dogs . . . and she's not an isolated case by any means."

#### CONCERN IS CRIME

The "overriding concern" of residents in the Concourse area, according to Kaufman, is crime. "Until steps are taken to correct the housing crisis and ensure the safety of residents in the area, the neighborhood cannot be stabilized," Kaufman said. Without such steps, the West Bronx is certain to become a ghetto, he predicted.

Kaufman would like to see CABs in neighborhoods throughout the city. He says his experience in the Bronx has also reinforced his views about the need for decentralization and some degree of community control over services.

"If services were decentralized, without people having to go downtown to Manhattan or elsewhere, it would solve a great deal of the problem," he says.

#### WEAPONS SHORTAGE: SHORTING PETER TO SUPPLY PAUL

#### HON. ANDREW J. HINSHAW

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HINSHAW. Mr. Speaker, I believe the war now going on in the Mideast between Israel and the Arab States has created a situation for this country which deserves the urgent attention of this Congress.

The situation to which I refer is our decision to provide additional military supplies and materiel to the Israeli Government so as to keep the balance of power in the Mideast as it was prior to the outbreak of the current hostilities.

I am confident that we are primarily concerned with bringing the hostilities to a halt. At the same time, however, I believe we need to concern ourselves with replacing the Department of Defense stocks which are presently being transferred to the State of Israel. This

#### EXTENSIONS OF REMARKS

concern is doubly important at this point in time in that our weapons reserves have already been seriously depleted, because of our long involvement in Southeast Asia.

It is with this thinking in mind that I have sent the following identical letters of this matter to Chairman MAHON, of the Appropriations Committee, and Chairman HÉBERT, of the Armed Services Committee:

DEAR MR. CHAIRMAN: I have, with a good deal of interest, followed the attitudes of many of our colleagues urging that we undertake the resupply of military materiel to Israel.

I have also noted the actions which have been taken by the Administration to keep the present balance of power in the Middle East—which includes some replacements of weapons lost by Israel in the fighting in that area. In this regard, I have been particularly impressed with the competence demonstrated by the men and women of the Department of Defense in meeting these demands both in the shortest period of time and with the highest degree of professionalism.

At the same time, I feel that you share my view that we now want to take the necessary steps to assure that these supplies are not being provided at the expense of our own Department of Defense resources to meet both our present needs as well as our capability to meet future contingencies.

I strongly feel, to the extent the stocks have been drawn down from our own reserves, that prompt action needs to be taken to restore them with equipment and the materiel required.

It is my understanding that the materiel being supplied to Israel is being provided as a cash sale and the funds made available through this sale will be provided to the Department of Defense to replace items drawn from its inventory. However, I think it likely that the receipts from these sales will, in many cases, be inadequate to cover the costs of replacement items. I expect that this will be true, first, because the elapse of time between the original procurement of these items and the procurement of their replacements will be such that inflation alone will increase the replacement costs above the amounts charged to the Government of Israel. Secondly, it is possible that some of the items provided to Israel were costed on the basis of used rather than new equipment. If this is true, this will be another source of a deficiency in funds for the procurement of replacement items.

In both of the cases cited above, all the Members of the Congress should be alert to this new need for increased funds for the Department of Defense and we should also be prepared to support legislation to provide these funds just as quickly as we have been to support the transfer of this materiel to the Government of Israel.

I recognize that both authorization legislation and appropriations for the Department of Defense may, and should, draw increased support from Congress merely as a result of a broader recognition that there is a continuing and urgent need for Congressional action to provide strong support for our national security. However, I question whether the regular authorization and appropriation measures which had been prepared and considered by the Congress before this recent action to resupply Israel can be expected to meet the concerns I have discussed above.

I will strongly support any actions that you feel should be taken to meet the unique requirements placed on the Department of Defense as a result of the resupply action and stand ready to assist you in any way that I can.

#### NORTHERN IRELAND

#### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, I am pleased to bring to the attention of my colleagues and the public at large the following articles on Northern Ireland by a constituent of mine, Mr. Fred Burns O'Brien of Boston:

[From the Irish People, Feb. 17, 1973]

#### THE IRISH POLICE STATE

(By Fred Burns O'Brien)

A series of measures has been taken recently by the Government of Ireland directed against so called terrorist elements, more specifically, they seek to silence the Irish Republican Army, which has abstained from any act of violence in the Republic. The only reason Prime Minister Lynch has taken the repressive course against his own people is that he has made a deal with the British Government and has advance knowledge of what the British will publish in their upcoming White Paper on the future of the North. In order to risk the displeasure of his people, Mr. Lynch has to have assurances from the British that they will announce the eventual reunification of Ireland and make John Lynch the hero. For this, the Irish Prime Minister has taken steps that in reality remove basic protections within the administration of justice from the Irish people.

In the first instance, the headquarters of Sinn Fein, a legal political party in Ireland, was closed by the Government of John Lynch. Sinn Fein is the oldest party in Ireland, North or South. The mission of Sinn Fein is political. It is to use its political persuasion to convince the people of the validity of Republicanism and to offer dissent towards the Government. The Constitution of Ireland is premised on the basis of Republicanism which is the goal of Sinn Fein—a united 32-County Irish State. Sinn Fein has served to remind the Government of their pledge to unite Ireland. Sinn Fein does support the IRA Campaign in the North because they do not draw the line that peaceful means are the only ones to be utilized in fulfilling the mission of the Republicans.

Peaceful means have been attempted and their failure brought violence in their wake. When the Government has to resort to such tactics as the elimination of its opposition then it is in fear of itself and makes an admission of its failures. The words of dissent must ring true if a state must prevent free speech, as its own rebuttals fall short of belief. The Government has not taken its measures for the protection of the people as it would have the outside world believe. Instead, it has forged a policy to rid itself of concrete dissent.

Article 40(1) of the Constitution of the Irish Free State gives citizens the right to express freely their convictions and opinions. It is reasonable to assume this applies to all citizens not just those approved by the Government. The words of Sinn Fein obviously have an adverse effect on the Government and they are feared all the more for being true. Normally a state fears the truth, because a Government can always weather any false allegations, but the truth is difficult to escape and to suppress it sets the state involved on the path of a police state.

The Government may consider the policy of Sinn Fein seditious and therefore punishable by law, but the Sinn Fein Party only follows consistent policy laid out over fifty years ago that set guidelines of what Irish

## EXTENSIONS OF REMARKS

November 1, 1973

Independence is all about. Each successive Irish Government since the institution of The Irish Free State has professed an allegiance to the very policy of Sinn Fein, but the party itself, the purveyors of the policy, is now considered seditious. To consider Sinn Fein seditious is to defeat the very essence of the foundation of an Irish Republic.

Article 40(3) further states the right of citizens to form associations and unions. Sinn Fein, formed before the Constitution itself, certainly qualifies as an association. The state considers it has the right to regulate and control in the public interest, the right of exercising the right to form associations. Counteracting this, Article 40(2) provides that even laws regulating the association in question shall contain no political discrimination. The closing of Sinn Fein headquarters was the government's fear of a political organization evidencing its own inadequacies.

The Government's general policy of repression is in itself unconstitutional. The closing of Sinn Fein headquarters sparked the Government's general crackdown of any supporters of the IRA Sinn Fein and the IRA in their pursuit of a united Ireland are only following Articles 2 and 3 of the Irish Constitution which recognizes the whole island of Ireland as the true historic nation; anything short of this is unacceptable.

The hierarchy of Radio Telefis Eireann RTE, the Government owned television network, were dismissed by the Government for allowing controversial people to appear and give their views on Irish Television. This was aimed at preventing the IRA from giving their views on the North. This act on the part of the Government was to establish a precedent for preventing future dissent against the Government's policies.

The Government in their effort to railroad members of the IRA to prison and away from the public, sought to coerce Mr. Kevin O'Kelley to testify in court that a taped interview he had in his possession was in fact with Mr. Sean Mac Stiofain, Chief of Staff of the IRA. Mr. O'Kelley, much to his credit, refused to break a confidence and was held in contempt of court and sentenced to prison. If a newsman were to reveal all his sources, news would be hindered and only limited selective stories would ever get printed. People have to rely on the word of newsmen in order to feel free to divulge information. It is quite obvious that the Irish Government wishes to prevent this.

At the trial of Sean Mac Stiofain, there was no jury and he was appearing after having been on hunger strike. He was weak, but made very pertinent objections at the most opportune times. Without reservation, it can be said that no lawyer could have done any better objecting to the discrepancies put forth by the Government's counsel. Mr. Mac Stiofain only offered objection to the legal discrepancies raised in the Government's case, but would not defend himself, as he did not recognize the court. His trial was a sham and in the class of a kangaroo court. It was disgraceful for a country to offer such a slur to the legal system. Instead of trying him at all, they would have been better off just to incarcerate him which was the intention of the Government.

At the end of 1972, the Irish Government passed a bill amending The Offenses Against The State Act that at the least can be called repressive. By its very nature, it is designed to curb individual rights and projected over time to prevent meaningful dissent.

The Irish Republic had been critical of Britain when Her Majesty's Government permitted the Provincial Regime at Stormont Castle in Belfast to impose internment without trial under the Special Powers Act. The Act was used solely against the Minority as they were contrived to be the sole culprits for all the violence that occurs in the North of Ireland. Regardless of what Community or people this Act was designed to repress; it

is a denial of basic rights under law and abridges due process under law. For this same offense, Ireland brought an action against Britain in the European Court of Human Rights, as the Special Powers Act is in violation of the Convention on Civil Rights in Europe of which Britain and Ireland are signatories.

Ireland seems to have just cause in bringing the British Government to account on this matter. Now Ireland in its self-righteousness has passed parallel legislation that is as offensive as the Special Powers Act. It can be expected for the Irish to drop their case against Britain as part of the deal bringing about Ireland's repressive legislation which Britain has pressured Ireland to pass. What this does is for one oppressor to pat the other on the back while each is absolved of guilt by the other. As two established Governments, no nation is going to question their actions.

According to the new legislation in Ireland, any senior Irish policeman can have an individual incarcerated on his word alone. This law is so far reaching that if a given policeman observes a newspaper article that alleges that a certain individual is a member of the IRA, then the policeman may assume that this article is correct and report his contentions which are taken as valid without verification. On this absurd evidence, a special court may find the defendant guilty and pass sentence. The defendant is deprived of a jury of his or her peers and the full burden of proving innocence rests with the defendant. The accused will find it extremely difficult convincing a court of his or her innocence when that court was established for the purpose of rubber stamping a pre-judged conclusion of guilt.

How can a government expect its people to accept such treacherous legislation? Any lawyer must reject this Act as totally abhorrent to the very basis of a legal system. This administrative practice is reprehensible as a complete violation of the European Commission on Human Rights and it is in a class with the Special Powers Act. With such legislation in effect, no citizen can feel free to live unhindered in a day to day society as an aura of parranoia will shortly set in. The Irish Government can extend their jurisdiction at will under this broad power. Any person that is a vocal dissenter can be put away.

For instance, a prospective defendant might travel to the States to visit a relative and it might be mentioned that the visitor was a member of the IRA. By some wild coincidence, if the information is made known and a United States policeman hears the rumor and by further fantastic coincidence it reaches the U.S. Department of State; what then happens? The State Department may become perturbed that such a "terrorist" is present in the United States. The State Department feels obligated and then informs Dublin of the whereabouts of their errant terrorist who upon touching down at Shannon Airport is then taken into custody. He is then found guilty on the testimony of a senior police official whose reliable proof is the word of the U.S. State Department and their contrived rumor. This situation is so far fetched yet it truly faces every Irish citizen.

The legislation, as offensive as it is to the legal system, is passed and it has to be asked—how was it passed? It did not have the consent of the Irish People "since it was never presented to them." They would most certainly have rejected a blatant infringement on such a precious rights as free speech and assembly. Then one might ask—if the people wouldn't stand for it, how was it put into effect?

There were reliable reports that when this legislation was introduced it would be defeated by a 71-70 margin. Fearing this rejection, the Government just might have resorted to extraordinary tactics. They key

question is, who stood to lose from the defeat of this bill?

Prior to the passage of this amendment to the Offences Against The State Act, there was an explosion that killed two people in Dublin. There had never been any IRA violence in the Republic of Ireland, since they stood to lose by initiating any such action. They would not perpetrate violence in their so-called heaven from the British in the North. This would have jeopardized their whole operation and in no way would they have been responsible for the explosion. If and when the IRA commits a violent act they admit it even if it is detrimental to their cause. They are at least that honorable. Their word is binding, since the whole freedom movement depends on it.

Then if the IRA did not plant the bomb, who did? There are only two explanations to consider. The timing of the explosion was strategically planned to go off during the vote on the bill. It had to have the acquiescence of either the Irish Government, the British Government or both. This is not to say that either intended for anyone to die. On the other hand, death is such an extreme measure that its effect would be profound and insure the desired result. The British wanted the bill to pass, since they had been pressuring Dublin for just such legislation.

The Irish Government cognizant of their entry into the Common Market had to appease the British pressure and therefore needed passage of the bill. Both the British and the Irish were set to receive massive pressure from the Common Market countries to settle the conflict. The Common Market is obliged to help depressed areas within its jurisdiction and the North of course is such an area. If the Dublin Government participated in planting the bomb, it would be consistent with their recent policy of total appeasement of the British.

As it turned out, the Bill was passed 70-23 with its main opposition abstaining, solely as a result of the well timed explosion. The Government carried the day and put into effect one of the most repressive laws anywhere in the world. Ireland took the first step on the road to a police state.

Whoever planted that bomb assisted the Government in a power crisis. It could have been the British intelligence squad with the complicity of Dublin or someone authorized by Dublin itself. This is a horrible thought to think established Government would participate in such an enterprise, but who else stood to benefit from that well placed bomb. The answer to that will tell who set it. Had it not gone off, the new legislation would have been defeated. The culprits knew the opposition to the bill would automatically assume it was the work of the IRA. They are the one group who definitely did not set that bomb.

[From the Irish People, July 28, 1973]  
BRITISH VIOLATIONS OF THE HUMAN RIGHTS DECLARATION

(By Fred Burns O'Brien)

There was a study in 1932 concerning the Special Powers Act of Northern Ireland and that unequivocally denounced it as unbenefiting a democratic society. It was deemed a degrading piece of legislation designed and implemented to curtail the political activity of Irish Nationalists in the six counties in the Northeast corner of Ireland. From its inception, Nationalist politicians in divided Ireland have made lengthy appeals for its abolition; first of all, as it violates international agreements, and secondly, since its primary function is directed on a discriminatory basis at only a portion of society (with a token exception now and again), making it selective in application.

One could hear British politicians for the better part of fifty years berating the necessity for such diabolical measures, but their reverberations remained only words, lacking

the transformation into the actual repeal of the Act. The law, *per se*, only applies to Northern Ireland and not Britain proper, so that the pressure of constituents is not an overbearing factor to contend with the abrogation of the Special Powers Act remained elusive.

Nine of the twelve Members of Parliament from the North itself are vociferous supporters of the Special Powers Act as long as it is applicable only to the Nationalists, yet they offer mild condemnation when it is threatened on militant loyalists. With its singular application (until very recently) against the Nationalist Community there were only three consistent M.P.'s steadfastly in opposition to the legislation, for it does directly affect their constituents.

In 1972, the British Government finally relented and instituted the Diplock Commission to study the Special Powers Act and make its pertinent suggestions as to its rectification. The Commission was the result of pressure from international circles and not the consequences of deep humanitarian feeling. The mass media around the globe found it interesting that an alleged democracy could employ such undemocratic legislation to curtail political and in some cases military activity (implemented to bring an end to discrimination). The European Economic Community was not elated that one of its new members (Britain) adhered to such practices, and the European Court has agreed to hear complaints of prisoners who had been tortured during internment without trial under the auspices of the British Government which is a blow to Britain's international reputation.

The British Government by its utilization of the Special Powers Act on the Nationalist Community (with recent exceptions) has devolved upon herself the condemnation of world humanitarians who view her flagrant disregard of human rights as reprehensible. There are many specific points that must be noted, whereby the Special Powers Act contravenes the United Nations Universal Doctrine of Human Rights. There are thirty articles in The Declaration and Britain is blatantly in violation of fifteen of them; quite a serious violation as perceived by the impartial eyes of the world community. Article 3 states that every person has the right to life, liberty and security of person. The selective detainment of citizens occupying the streets of the North by walking on them, the unannounced invasion of private homes, and the shooting and maiming of individuals is in illicit contradistinction of these stated natural freedoms. If an individual cannot feel secure in his or her home and on the street without the fear of harassment from soldiers of a foreign nation, then the society has embraced the atmosphere and physical presence of a police state.

In article 5, no one shall be subjected to torture or cruel, inhuman or degrading treatment, or punishment. International committees of inquiry have clearly established that many of those incarcerated under The Act have been brutally beaten and tortured and the status of coerced degradation has been evidenced substantially. This is a blatant violation of people's rights and subverts human decency as well as international law.

All people mentioned in Article 6 have a right to recognition everywhere as a person before the law. In other words, no individual shall be prevented from obtaining due process of law and no person shall be deprived of liberty without the same. The very fact of the Special Powers Act subrogates this internationally recognized right as its primary purpose is to detain and imprison without trial.

Article 7 holds that all are equal before the law and are entitled without any discrimination to equal protection of the law. The State of Northern Ireland was created by Britain as a sectarian haven for Ireland's Protestants thereby having this pervading

## EXTENSIONS OF REMARKS

factor inhibiting the state through fifty-three years of its history. To seek to alter this after allowing it to flourish is a task of dimensions not truly contemplated by the British Government.

The Government of Ireland Act of 1920, technically the Constitution of the North, sets forth principles assuring fundamental rights to all citizens, yet remedies for contesting the violation of the rights remain stagnant relegating complaints to having no effectual remedy at all, thus violating Article 8 which states that competent national tribunals must be made available so abused citizens might avail themselves of their legal comfort. The word competent has to be interpreted to mean fair and impartial, words lacking in the British vocabulary as applied to Northern Ireland.

No one shall be subjected to arbitrary arrest, detention, or exile states Article 9, but Britain has completely violated this in the implementation of internment without trial which contravenes accepted international legalities and encarcerates (usually innocent) people after an arrest and detention based on no founded charges or concrete evidence, only arbitrary sweeps of neighborhoods arresting any person whose politics might suggest a desire for reunification of the Irish nation.

In conjunction with Article 9, Article 10 states that every person is entitled in full equality to a fair and public hearing by an independent and impartial tribunal to elucidate the charges against a person and provide a forum for rebuttal and the opportunity to formulate a defense. This has been denied to those political prisoners arrested in Northern Ireland and detained without charges. A Bill of Rights emulating that of the United States Constitution would ensure a protection of these rights of the individual, or perhaps just adherence to the Declaration of Human Rights.

In most criminal systems, regarded as free, the accused is presumed to be innocent until proven guilty beyond any reasonable doubt. Under the internment process utilized in the North, there is guilt with no chance to prove one's innocence. The accused is categorically declared guilty with no opportunity for defense under the system of internment without trial, just by being arrested. With the complete disregard for the fact of a person's innocence, Britain finds herself in violation of Article 11, which holds "the presumption of innocence may be deemed a principle of justice 'so rooted in the traditions and conscience of our people as to be ranked as fundamental.'"

The language of Article 12 protects in theory against the arbitrary interference with an individual's privacy, family, home, or correspondence and against attacks upon honor and reputation. It recommends the protection of the law against such intrusions and violations. In the North, it is difficult for them to evolve a protection of the law, when the forces of law and order and the law itself is aimed at certain selected portions of the community to in fact deprive them of their rights under democratic law, which is absent from Northern Ireland by design of the London Parliament.

The British Army in Northern Ireland has violated the privacy of the citizens, broken up families causing undue hardships, destroyed the homes of many and confiscated correspondence as many who have written to the North can attest. The victims are afforded no chance of defense and are arbitrarily detained for indefinite periods of time without due process of law. While in concentration camps, the detainees are subjected to mental abuse and physical torture which has been substantiated by concrete evidence in the form of testimony of those abused and the doctors treating them.

By her insistence in maintaining colonial authority in the North, Britain denies a nationality to all citizens, both those desiring

Irish nationality and those claiming to be British or Irish British. Article 15 declares that no nation can prevent another's citizens the right to a nationality. This article was specifically designed to protect the nationals of small nations from subjugation by "great powers." It is a crime to display the effects of Irish nationalism, especially the Tricolour of Sinn Fein in the North, which is the symbol of a united Ireland.

When other rights have been denied, it is an accepted fact that the right to freedom of thought, conscience and religion are assumed to be abrogated as well. This is ever so true in Northern Ireland where the sectarian government with the full complicity of the British Government has prevented free access to all phases of society (housing, employment, politics) due to a person's religious persuasion. The issue has been employed to polarize the Nationalist and Loyalist Communities to complement the power structure which could never survive a vote of the laboring class which makes up the overwhelming majority of both communities. The elite class divides and conquers and maintains political and economic dominance. Article 18 forbids this and calls for freedom to think and express one's thoughts publicly in opposition to the existing ruling class. If one is a Nationalist, and now if one is a Separatist (calling for an independent Ulster), then he or she is suspect and if public expression is considered potentially detrimental to the politicians in power, there will result internment without charge. Nationalists cannot express their true thoughts for fear of encarceration and certain elements cannot stand for election. This is in violation of this Article of the Declaration.

Hand in hand with this is the guarantee of the right to freedom of opinion and expression without interference as guaranteed in international law by Article 19. One cannot be free to express one's opinion and impart information with full freedom if there is a risk of imprisonment as there is in the North.

To foster one's opinions publicly there must be the right of peaceful assembly and association as specified under Article 20. These were the methods used by Irish civil rights people in the 1960's, but violently prevented which only set off further violent confrontation. When troops were called in to protect the established government, the soldiers sided with those who prevented peaceful civil rights activity calling it a danger to the peace and security of the society of Northern Ireland. This attitude on the part of the troops in protecting the sectarian government was another spark that put Northern Ireland into a state of war.

The interpretation of Article 21 is clear as it succinctly holds that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives. Britain allowed the puppet government in Northern Ireland to distort the electoral process into a debacle of debauchery. To claim that a free election might be held in so far as all might be permitted to cast a vote is misleading, since the result could be predicted before any ballots were cast because of the blatant gerrymandering process. This gives an outward appearance of all people participating in an election, but in effect denied systematically any possible chance at gaining control prior to participation.

If all these rights are attained on paper, there must be a force that those denied rights might turn to for an effective remedy. Article 28 calls for a social and international order in which the rights and freedoms set forth by the other Articles of the Declaration can be fully realized. The people of Northern Ireland have no hope for appeal to the logic body—the United Nations, since a complaint as attempted by the Irish Republic, can be and has been vetoed by Britain by claiming domestic jurisdiction

under Article 2(7) of The United Nations Charter.

The only way those in the North could appeal would be as a nation with a provisional government in exile recognized by the United Nations as an entity of its people. The U.N. agencies might then be able to give proper attention to a nation of people in pursuit of self-determination from a foreign power. Many national groups, lacking in military capability utilize this method attaining international recognition for their plight. The people of Northern Ireland might consider uniting their divided community by seeking to develop their own nation free of Britain with long range possibilities of integrating with the rest of Ireland.

The civil rights movement was started in Ireland to attain the basic human rights as set out in the previously discussed declaration. The categorical denial of these rights has led the Irish people on the path of insurrection and actually forced them to confront the British over the right to govern themselves and more important the right to be first class human beings, not chattels of the state. British legislators always respond to Irish unrest with an affirmative plan, but its implementation is stalled and finally ignored and its contents are deleted so as to be made ineffective. Now the implementation of human rights is not enough without the right to self-determination which is where the crisis has evolved to in recent years. In 1969 human rights effectively enforced was the solution; in 1973 a new nation is necessitated by the historic indifference of Britain toward her conquered colony allowing its deteriorating into an undemocratic province ruled by a landed elite who use religious differences as a tool for maintaining power by polarizing two Irish Communities against one another.

#### HOBBYISTS AND COLLECTORS NEED ADDED PROTECTION AS ANTIQUE MARKETS EXPAND

**HON. HENRY HELSTOSKI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. HELSTOSKI. Mr. Speaker, during the past decade more Americans than ever have taken up the hobby of collecting antiques. Many people seek interesting and unusual items of eras past to add to the decor of their homes. Some antique collecting becomes a hobby in itself—that is, just the sheer fun of taking long drives in the country and rummaging through secondhand stores looking for the old and hard to find. Others, more serious, search the world over for additions to their rare collections. And many are now collecting antiques as a hedge against inflation and as a means of building their financial estates.

The sharp increase in demand for all kinds of antiques has quite naturally brought about sharp increases in price—and unfortunately sharp business practices among unscrupulous sellers. This growing problem has already been brought before the Congress in an attempt to protect antique purchasers from those who fraudulently "reproduce" political items and numismatic items—H.R. 5777, the Hobby Protection Act of 1973.

The question now appears, however, if in fact we must broaden the scope of

#### EXTENSIONS OF REMARKS

protection to include other forms of collecting; such as glassware, china, and metal objects d'art, which are as easily copied and sold as originals as coins and political artifacts.

And aside from the "antique factory" menace the growing profit motive in everything antique has created a very disturbing situation wherein some dealers and hustlers find it enormously profitable to create markets for items that otherwise have no intrinsic value. These bogus markets are often fueled by the periodic publication of price guides which purport to set the current price for any given antique item.

All collectors, regardless of their reasons for collecting have one common bond. They are all concerned with price—what to pay when buying, what to ask when selling. This is the common concern of all antique hobbyists and even more so to all antique dealers.

This factor gave birth to the price guide. It is unknown how many unsuspecting hobbyists and collectors have been the victims of the antique price guide scheme over the past 20 years.

It works something like this: You go into a charming little roadside antique shop while on a weekend drive. You see a piece of cut glass that matches the one given to you by your grandmother. Should you buy it? You just came in to browse, but now you have a decision to make—to buy or not to buy. The dealer helps you by producing a price guide. He may bring to your attention that the price of this pattern of cut glass has gone up 15 percent from the price listed in previous editions of the price guide. Now, assured that you are buying at a better than current price and assured that the value has steadily increased, you make the purchase. Pride of ownership and human nature never lets you doubt that you got anything less than a bargain.

Was the information given in the price guide really valid and reliable? Unfortunately the purchaser has no way of knowing. With few exceptions price guides are homespun products, without research staff or expertise. Some price guides tend to be basement products suited to being peddled through the mail with no objective standard determining the listed prices. Usually the price guide is the opinion of a single person bent on arbitrarily raising prices with every new edition.

There is one and only one way of determining the current price of an antique. That single foolproof method is the price at which the seller is willing to part with an item and a buyer is willing to pay to acquire the item. Such information pertaining to an actual sale should be recorded in every published price guide.

Thus price guides for antiques or objects d'art can be helpful if they list an accurate description of the item, especially markings or characteristics that will help in deciding if it is authentic. Also listed prices of a bona fide price guide will give evidence of date and place where such an item was sold for the listed price. Such price guides are generally a labor of love by a serious collector or

November 1, 1973

club and are nearly always limited to a selected subject. Often legitimate auction houses will publish a catalog of available objects d'art to be sold at auction and give reference to the price paid by the previous owner or prices paid by buyers of similar objects at recent auctions.

Consequently price guides can be invaluable to both purchaser and dealer when they reflect actual current transactions, but they can also be fraudulent—and cheat the purchaser or the dealer—when their listed prices are used for the purpose of inflating the market.

#### U.S. FOREIGN POLICY SUFFERS METTERNICH SYNDROME

**HON. JOHN R. RARICK**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. RARICK. Mr. Speaker, the reaction by Dr. Kissinger to our allies in Europe because of their failure to support U.S. policies and actions in the Middle East must certainly be considered as grave a threat to the United States and the American people as is the potential of a Middle East holocaust itself. Reports that Secretary of State Kissinger is disgusted with NATO and that President Nixon and top Cabinet members criticized Western European leaders for their abstention from Middle East involvement certainly does not give us the assurance of free world solidarity.

The world is again in a state of flux with much of the problem having been caused by the new Nixon policy of détente and application of Metternich theories to the 20th century.

Staunch allies of years past, such as England, France, Spain, and West Germany, to name a few, have refused to allow the United States to implicate their countries in the Middle East situation through use of their ports and airfields for U.S. military action. The increased exposure of American men to hostile action in making deliveries of aircraft and other military to Israel have been greatly increased because of the hands-off attitude of our European friends.

On the other hand, 26 nations of the black area of Africa have severed diplomatic relations with Israel—nine preceding the current war—Guinea, Uganda, Congo—Brazzaville, Niger, Chad, Mali, Burundi, Togo, and Zaire—and 17 since the war started—Dahomey, Upper Volta, Rwanda, Equatorial Guinea, Cameroon, Tanzania, Malagasy, Senegal, Gabon, Kenya, Central African Republic, Ethiopia, Nigeria, Gambia, Zambia, Sierra Leone, and Ghana.

How can this but jeopardize U.S. foreign policy in Africa as well as at the United Nations?

Of the 41 nations in Africa, only 8 continue to have diplomatic relations with Israel. Among these eight we find the Republic of South Africa.

And in Holland, it is reported that starting next week there will be a Government ban on Sunday driving because

of the gas shortage resulting from the war. The Netherlands people apparently will not even be able to use their automobiles to drive to church on Sunday. Because of the détente and the free trade program with Russia, we can expect that the Dutch will blame their situation on the United States and not on other trading patterns.

If the existing foreign policy of our country is being made and carried out for the benefit of the American people, then something is wrong. Right now it appears to be the United States and Israel against the rest of the world. And if what we read is correct, even Israel is not behind us.

The related newscutting follows:

[From the Washington Post, Nov. 1, 1973]  
U.S. CRITICISM BRINGS ANGRY RESPONSES FROM EUROPEANS

(By Dan Morgan and Michael Getler)

American displeasure with the neutral Middle East policies of its closest allies provoked a number of angry European responses yesterday, as the dispute showed signs of spreading into other areas affecting Atlantic relationships.

In Paris, French President Georges Pompidou proposed a summit meeting of the nine Common Market countries to seek a joint European policy on the Middle East.

Pompidou noted that Western Europe had been left out of the American and Soviet moves even though its vital interests had been at stake.

In Washington, high-level European-American consultations on trade policy and future tariff reductions ended with both sides admitting that they were far from any agreement.

At the same time, Europeans who spoke with Secretary of State Henry A. Kissinger earlier in the week said he was "very angry" about a wide range of Atlantic matters, not all of them directly connected with the Middle East.

One of the few bright signs in the otherwise dissension-ridden atmosphere was a cautious resolution drafted here yesterday by American congressmen and European members of parliament. It calls for the two sides to avoid trying to outbid each other in the scramble for oil supplies which have suddenly been restricted by Arab countries.

Far less harmonious, according to European sources, were talks held this week between Sir Christopher Soames and top administration economic officials. Soames, representing the Common Market countries, met with Treasury Secretary George P. Shultz, Under Secretary of State William Casey and the special White House representative for trade negotiations, William D. Eberle.

"After Sir Christopher's talks here there is broken china all over town," said one European. He said that Soames had refused to accept extremely tough administration criticism of European trade policy and had "given back what he got."

U.S. officials are angry over the refusal of European members of the General Agreement on Tariff and Trade, meeting in Geneva last week, to set up working groups pending passage of a U.S. trade bill that would give the administration authority to negotiate tariff cuts.

But the Europeans are equally angry over signs that the U.S. trade bill may not be passed until March—and could conceivably be vetoed by President Nixon if Congress succeeds in inserting restrictions on trade with the Soviet Union.

In talks with European legislators this week, U.S. officials reportedly blamed Zionists, isolationists and labor unions for stalling the trade bill by demanding restrictions on Soviet trade.

## EXTENSIONS OF REMARKS

At a meeting with reporters yesterday, Soames said that he had noticed "no signs of strain," but added that there is "no sweet harmony." He said, however, that this was "not such as to cast doubt on the good intentions of either partner."

The Europeans and Americans are trying to draft a joint declaration of economic principles. European sources said this week that Kissinger had blamed the Europeans for stalling on this.

A visiting member of parliament said, "He is very angry that the whole thing is hung up because the French and the British can't agree on the word 'partnership' as it refers to the United States."

He said Kissinger was also angry that Britain refused to submit a proposal for a Middle East cease-fire in the U.N. Security Council, "even though he knew very well that the British thought it was too early for an initiative."

These developments came amid indications that a difference of opinion is developing within the Nixon administration over the way it has directed criticism at U.S. NATO allies for their failure to line up behind this country in the Middle East crisis.

Last Friday, the President, Secretary of Defense and the State Department all joined in leveling unprecedented criticism at the Europeans for their role.

However, some senior U.S. officials say the Pentagon would prefer that the State Department tone down its strong public chastisement of the Europeans in favor of more quiet discussions.

It is the Pentagon that must deal with the allies most directly on military matters, and the Defense Department's top official—Defense Secretary James R. Schlesinger—will have to confront the Europeans face to face next week at a previously scheduled NATO meeting at the Hague.

Though Pentagon officials have criticized the Europeans, much broader criticism has come from the State Department. Yesterday, a State Department spokesman denied published reports that Kissinger had gone so far as to express "disgust" on Capitol Hill over the NATO countries' neutral stance in the Middle East crisis.

[From the Washington Star-News, Oct. 31, 1973]

### ALLIES BLASTED BY KISSINGER

(By David Binder)

Secretary of State Henry A. Kissinger has reportedly said he is "disgusted" with the North Atlantic Treaty Organization because its European members did not support U.S. policies in the Middle East crisis.

Testifying Monday at a closed session of the House Foreign Affairs Committee, Kissinger advanced the administration's criticism of the Western Europeans, begun publicly Friday, when President Nixon chastised them, as did the Defense and State Departments.

After Kissinger had finished his testimony, a congressional aide said, the secretary remarked in an aside heard by a committee member, "I don't care what happens to NATO, I'm so disgusted."

Kissinger is also said to have voiced his irritation yesterday at a meeting with a group of Western European members of parliament.

Chancellor Willy Brandt of West Germany sent a letter to President Nixon Sunday voicing "understanding" for American actions in the Middle East as "a world power," but also chiding the United States because it failed to advise its allies fully and swiftly on its estimate of the nature and degree of the Middle East crisis.

Complaints were also voiced in London that the United States had been remiss, and Prime Minister Edward Heath pointedly refrained from endorsing Nixon's decision last week to put American forces around the

world on alert. Heath was speaking in the House of Commons.

Brandt emphasized in his letter that he considered alliance solidarity to be as strong as ever, but he said that the latest events showed that there is a pressing need for better and closer consultation among the allies, especially in moments of crisis.

A congressional source said Kissinger had selected Britain and West Germany for special criticism, reminding the House members of his statement on April 23 that "our European allies have regional interests," but "we cannot hold together if each country or region asserts its autonomy whenever it is to its benefit."

Monday Kissinger was quoted as having said, "It is sad to relate the last three weeks bore out that description."

At the State Department press spokesman Robert J. McCloskey yesterday reiterated the criticisms he and Secretary of Defense James R. Schlesinger made Friday about the lack of Western European cooperation, saying, "this was not done lightly or casually."

McCloskey said the criticism he and Schlesinger had voiced last Friday had been intended to apply to "the time we sought for a cease-fire in the United Nations."

Officials said McCloskey had been referring to the British in this instance, as had Kissinger, who was upset because Britain had declined a U.S. request to sponsor a cease-fire resolution in the U.N. Security Council in the first week of the Arab-Israeli war, which began Oct. 6.

An official said that Britain had sounded out the Egyptians on the possibility of a cease-fire in that week and, being told Cairo was not interested at the time, decided "not to play the fall guy for the United States."

Diplomats said that on Kissinger's instructions the U.S. delegate to NATO Donald Rumsfeld, had strongly demanded of the European allies in the first week of the war that they take steps to chill their trade and political relations with the Soviet Union as a means of pressure.

According to the diplomats, however, the Europeans balked, saying that they had not received information indicating that they together with the United States had entered a major East-West confrontation.

[From the Washington Star-News, Oct. 27, 1973]

### UNITED STATES BLASTS NATO ALLIES

The Arab-Israeli war and this week's worldwide U.S. military alert apparently have strained relations between the United States and its European allies.

Government officials in several North Atlantic Treaty Organization nations were said yesterday to be upset because President Nixon did not consult them about the alert and because of comments he and the State Department made about the allies' behavior in the Middle East crisis.

Nixon said at his news conference last night: "Our European friends hadn't been as cooperative as they might have been in attempting to work out the Middle East settlement."

He noted that Europe gets 80 percent of its oil from the Middle East while the United States gets only 10 percent from there. He declared that Europe "would have frozen to death this winter unless there had been a settlement."

Earlier, State Department spokesman Robert J. McCloskey said America's allies had "separated themselves publicly from us" during the crisis when "we would have appreciated support."

Much of the American concern apparently centered on the unwillingness of the European allies to allow bases inside their territories to be used as relay points for arms shipments to Israel. U.S. officials said yesterday that West Germany formally protested such use of the bases on Tuesday.

Only one NATO ally had provided the necessary backing for the United States, McCloskey said, apparently referring to Portugal.

But a British diplomat in Washington said his country was not asked for assistance. "It would have been a mistake to assume that we would have refused such a request," the diplomat said.

West Germany on Tuesday protested the United States' using bases in the country as relay points for supplies going to Israel. Secretary of Defense James R. Schlesinger said two days later that the German protest could force the United States to review the depth of its military and diplomatic commitment to Bonn.

Secretary of State Henry A. Kissinger and West German Ambassador Berndt von Staden discussed the matter yesterday, and Von Staden said afterward the talks had "a friendly atmosphere."

Nixon said last night he ordered the worldwide military alert Thursday because of indications of possible Soviet troop movements toward the Middle East.

Prime Minister Edward Heath of Britain, President Georges Pompidou of France and Chancellor Willy Brandt of West Germany reportedly were informed of the alert after it was in effect but their advice was not sought beforehand, even though some of the alerted bases were in Europe.

When asked to comment on the matter, a European at NATO headquarters in Brussels said an alerted U.S. base is a potential Soviet target and host governments should be consulted about base operations.

"If you have an American base in your country, and the Americans suddenly put it on alert, you might decide you wanted to take a long ride away from the neighborhood," the European said.

Other European diplomats were concerned about the big-power consultations on the Middle East between the United States and the Soviet Union.

[From the Washington Star-News, Oct. 31, 1973]

#### SUNDAY DRIVES BANNED IN HOLLAND

The Netherlands, coping with an Arab oil cutoff, announced a ban on Sunday driving. The ban, which starts next week, is the second to affect Dutch motorists as a result of Mideast tension. In 1956, they were forbidden to drive on Sundays for 10 weeks because of Anglo-French intervention in the Middle East which resulted in the closure of the Suez Canal.

There will be exceptions, and Dutchmen have been lining up for special permission to drive on Sundays, but for most people the Sunday pleasure trips will be out for a while, except for bicycle rides.

The Arab oil nations have said they are boycotting the Netherlands because of its pro-Israel stand in the mideast war.

The ban will apply to cars, motorbikes and motorboats, but not to taxis, emergency vehicles or buses taking fans to sports events, economic affairs minister Ruud Lebbers said yesterday. Small motorized bicycles will also be exempt.

Algeria, Iraq, Kuwait, the United Arab Emirates, Qatar, Oman, Libya and Saudi Arabia have banned oil exports to the Netherlands.

The oil boycott against Holland was expected to affect other countries, too, because the Netherlands re-exports about two-thirds of its refined oil.

The Netherlands also is restricting heating fuel deliveries and has a standby gasoline rationing plan ready if other measures are needed.

In Beirut, meanwhile, Arab oil sources said there would be no policing of the boycott of petroleum shipments to the United States.

One official said the Western oil companies operating in the Arab world would

## EXTENSIONS OF REMARKS

avoid secret shipments to the United States since they then would have to explain to other "countries they are shortchanging where the oil has gone."

Arab nations also have ordered partial cuts in shipments to other Western nations.

Saudi Arabia, for example, will cut its oil production by another 5 percent Nov. 1 in accordance with the plan agreed among most Arab oil producing nations, a Saudi spokesman said yesterday.

The reduction will bring total Saudi production cuts since the beginning of the fourth Middle East war to 26½ percent.

#### ABRAHAM S. LEVINE RETIRES AS MAYOR OF MOUNT CLEMENS, MICH.

#### HON. JAMES G. O'HARA

OF MICHIGAN

#### IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. O'HARA. Mr. Speaker, on November 8, 1973, the people of Mount Clemens, Mich., will pay special tribute to a very special man—the Honorable Abraham S. Levine, who is retiring after having served for the last dozen years as the city's mayor.

Abe Levine is the kind of man any American community would be proud to have as its chief executive—a man who has helped his city keep pace with changing times; a man who has given tirelessly of his time, energy, and imagination in the development of his city; a man who has carried out his responsibilities without partisanship or factionalism.

For 16 years, Abe Levine has served the people of Mount Clemens—first as a city commissioner and then, since 1961, as the city's mayor. Despite the enormous amount of time that public service demands, Mayor Levine has still found time to serve his fellow men through a variety of other activities—as a member of the lay board of the St. Joseph Hospital in Mount Clemens; as a member of the Board of Trustees of Congregation Shaarey Zedek in Southfield, Mich.; as a member of the City Employees' Retirement Board of Trustees; and as a vice president and member of the board of directors of the First National Bank in Mount Clemens.

In addition, Abe Levine has been a concerned, active, and involved member of a number of citizens' committees, including the Housing and Redevelopment Committee, the Downtown Rehabilitation Committee, the Insurance Study Committee, the Investment Advisory Committee, the Parking Study Committee, and the Central Macomb Development Area Council.

In short, Abe Levine has had a total devotion to the community in which he lives and the people whom he has been privileged to serve. There is a quotation from the works of George Bernard Shaw, which comes strongly to my mind when I think of Abe Levine.

Shaw wrote:

You see things: and you ask "why?" But I dream things that never were, and I say "why not?"

Abe Levine has dreamed these dreams of better things—for the community and

November 1, 1973

the people he loves—and has done his share, and more, to make these dreams come to pass. The people of Mount Clemens, Mich., are infinitely the better because Abe Levine dreamed his dreams, and the fruits of his labors are visible to all who have watched the city of Mount Clemens march forward.

Now, at age 70, Abe Levine is retiring from public office. Those of us who have seen him move successfully through two careers, as businessman and public servant, know that, even in retirement, he will continue to be a powerful influence for progress for a long time to come.

#### CLAREMONT HOSPITAL PIONEERS NURSERY CARE

#### HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

#### IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. CLEVELAND. Mr. Speaker, at a time of great concern over the quality of health care in this country, Claremont General Hospital in my district has developed specialized application of the team nursing concept to the particular needs of the victims of various categories of illnesses.

Building on successful establishment of a coronary care unit, this small community hospital has developed coordinated and specialized nursing teams in the areas of cancer, diabetes, stroke, and respiratory illnesses. Local physicians who have monitored its development attest to the resulting improvement in care and enhancement of patients' recovery.

Response to this innovation is reflected in the comments of Dr. Hanford L. Auten, M.D., of Claremont, who has closely followed the evolution of the specialized nursing teams:

I have felt that they contributed greatly to the morale and recovery of the patients for whom such coordinated efforts are available, and it has seemed to me that this is a splendid idea which supports my contention that worthwhile ideas can come from any source, even such a relatively small community hospital as ours.

Specifically evaluating performance of the cancer team, Dr. Robert G. Maxfield, M.D., also of Claremont, comments that "from a physician's standpoint, this approach has been of great help in the management of cancer patients at our hospital."

Added Dr. Maxfield:

I practiced at this hospital for about 15 years before this plan was instituted. This "team approach" has upgraded the quality of our care while, at the same time, increasing the satisfaction of the patient. This has been accomplished by a cooperative effort which delegates and defines certain responsibilities to each of the members of the hospital team.

I consider this a significant indication of the innovation of which one community general hospital is capable, reflecting a dedication by members of the nursing staff to upgrade care and expand their skills, and the essential support by the medical staff and hospital administration.

The director of nurses at Claremont

General, Patricia Waite, R.N., was encouraged to write an article on the program by two members of the Board of Surveyors of the Joint Commission on Accreditation of Hospitals. Their experience in evaluating care at 60 hospitals led them to regard the Claremont program as a pioneering improvement worthy of adoption elsewhere.

I ask unanimous consent that the following excellent article, being adapted for publication in monthly magazine RN, be inserted at this point in the RECORD.

The article follows:

A UNIQUE NURSING PLAN TO IMPROVE  
PATIENT CARE

(By Patricia Waite, R.N.)

In our small community hospital consisting of 84 beds and a medical staff of 21 members, we recently initiated an innovative plan of nursing care for our patients. Prior to instituting this new plan, we used the traditional, functional nursing approach, common in most hospitals, with individual nursing units of approximately 25 patients each. In this traditional setting, the "head nurse", or "charge nurse", was expected to coordinate total care of all the patients on the unit. It was standard procedure to hold conferences once or twice a week to discuss certain patients, but there was no structured program or planned and shared coordination of care for each individual patient. However, the nursing care rendered at that time was considered adequate and of average quality for a small, closely-knit hospital.

In 1968, we were fortunate in obtaining a grant from the Federal government to open a Coronary Care Unit of 4 beds. This was our first introduction to the "expanded role of the nurse." The Coronary Unit is now successfully established, and we have been able to develop a very well prepared Coronary Care Team. There is a systematic, on-going teaching program within the unit, including lectures and television conferences, provided by the expert staff Cardiologist and/or the nearby 400 bed Dartmouth-Hitchcock Medical complex. As the program developed in this area, it was noted that the Coronary Care Team Nurses were particularly competent, knowledgeable, well read in their specialty and highly motivated toward continuing education and professional development. Having worked so effectively as a team, they were able to administer a truly high quality of patient care. As a result of the enthusiasm generated by these Coronary Care Team nurses, we were encouraged to expand the basic framework of this system to other clinical units.

In the fall of 1970, members of the Nursing Staff (consisting of 63 RN's, 31 LPN's, and 40 nurse aides, divided between full and part time) were approached with the idea of developing various nursing teams to "specialize" in caring for patients within the different categories of illness. After considerable exploration by the nurses, the Director of Nursing approached the Executive Board of the Medical Staff, of which she is an ex officio member. They were very receptive and cooperative. Consequently, four additional nursing-care teams were established. These are identified as follows:

1. Cancer Team
2. Diabetic Team
3. Stroke and Rehabilitation Team
4. Respiratory Team

Once these four care-teams were identified, the next task was the "appointment" of nurses and other vital care providers, who were specifically competent or personally interested in one of the four team categories. Each team was composed basically of a registered professional nurse, licensed practical nurse, and a physician, acting as a team member and medical consultant. Representa-

## EXTENSIONS OF REMARKS

tives from various other hospital departments were invited to join teams of specific concern to them. The dietitian was chosen to serve on the Diabetic Team; the physical therapist on the Rehabilitation Team; and a Reach-to-Recovery worker on the Cancer Team.

Organization meetings of each team's members were held in order to develop their own objectives, teaching program and overall system of functioning. Some teams developed at faster rates than others, depending upon the extent of each member's enthusiasm and the opportunities for action. The Diabetic Team seemed to move the fastest, as they had more basic background on Diabetes on which to build. Since their medical consultant had also helped to develop the guidelines for the Coronary Nurses, he was much more aware of the Team-building approach.

By the beginning of 1971, each team had requested participation by the local Visiting Nurse Association as a much-needed asset to their patients' continuity of care, especially in the discharge planning. Currently, it is a standard procedure for the nurses from the VNA to come to the hospital each day and team members are able to relate accurately and frequently with them about the individual patients and the plan for care.

Scheduled meetings for the combined teams are held every other month. At this time new ideas are generated and problems which relate to patient care in all areas are presented for general assistance and possible solution.

Each individual team schedules its own meetings in accordance with its own needs. The medical consultant is informed of new developments and progress reports are kept up-to-date on a daily basis. At the time of admission to the hospital, a special identification card is prepared for each patient. The following are examples of the way this is accomplished for a diabetic, and a rehabilitation patient:

Name: Brown, Donald, Catholic, Doctor Jackson.

Address: Maple Street, Claremont, N.H., Tele. 2-4325.

Adm. Date, 3-19-72, (36 yrs).

Insulin or P.O. medication, Insulin to scale on admission.

Diet, 1,500 Cal. Diab.

3-30-72: Discharged on NPH 35u daily.

3-19-72: Admitted & Diagnosis of Diabetes—New Diabetic Placed on Insulin (Regular) to scale.

3-20X72: Changed to NPH 50u daily. Given literature and instruction begun by diabetic teaching nurse.

3-21-72: Record "Getting Started" played to patient. Urine testing and insulin administration explained.

3-22-72: Insulin reaction and diabetic coma discussed. Patient testing own urines and injecting own insulin. Very intelligent, adjusting well to his diabetes. Instruction in diet begun by Dietician. Wife present for this day of teaching.

3-26-72: Information about Joslin Clinic given patient. Teaching and reviewing of problems continued.

3-29-72: Appears well adjusted and ready for discharge.

3-30-72: Given list of necessary equipment to purchase along with sample copies of records to keep.

Name: Mars, Joe; Doctor: Short; Date: July 26, 1971.

Address: 127½ Sprig Ave. City. Sex: Male, Age: 67.

Adm. Diagnosis: Cerebral Vascular Accident (Left hemiplegia).

Date of Onset: May 5, 1972.

Vital Signs on Adm: Blood pressure 210 over 100; temperature, 98; pulse, 100; quality, good; R. 24.

Present alertness: Semi-coma, yes.

Speech: Slurred no, Aphasia, no.

Extremities: left upper, flaccid; left lower, flaccid.

Incontinent: Bladder, yes; bowel, no.

Speaks English yes, foreign language no.

Religion: Protestant.

Attends church: yes.

Past health: Old CVA, no; hypertension, yes; blackouts, no; mental confusion, no; previous coronary, no.

Previous physical handicaps: None.

Hearing difficulty prior to stroke: None.

Sight difficulty prior to stroke: Wears glasses.

Speech difficulty prior to stroke: No.

Personality changes prior to stroke: No.

Degree of independence: Lived with others, yes; relationship, wife.

Degree of self-care: Walked alone, yes; total self-care, yes.

Educational background: Elementary, yes; high school, no; college, no.

Working status: Retired 2 years ago.

Hobbies: Fishing, making bird houses, repairs lawn movers, gardening.

Personality: Happy, easygoing

### PROGRESS

5-5-72: 8 a.m., responding when spoken to by gesture only; blood pressure 210 over 100; pulse, 100. Color good skin warm and dry. Left arm and leg appears flaccid, incontinent. Urine: foley catheter inserted.

12 noon: blood pressure 160 over 90; pulse 96; responding verbally.

Eight p.m. appears more alert; blood pressure 140 over 80; pulse 88; left arm and left leg flaccid.

5-6-72: Blood pressure 130 over 80; pulse 80; speech appears normal; R.O.M. exercise to arm and leg show resistance, able to swallow liquids well. Placed on bladder training program.

5-8-72: Patient sent to physical therapy, dangle for 15 minutes, to 1. well.

5-10-72: Sitting in chair, daily physical therapy, foley catheter removed, progress good on bladder program; diet increased to mechanical soft.

5-15-72: Walking with assistance of a cane, doing fairly well in dressing himself.

5-20-72: Doing well. A.D.L. Partial use of left arm and hand and left leg.

5-21-72: Discharged to home walking to cane. Physical therapy as out-patient.

These are individual patient cards which are kept in a central file at the nurse's station on the unit. These are used as cumulative reference cards, and progress notes are continued on this card should there be subsequent admissions. These patients are followed in this manner even though a subsequent admission may be for a different diagnosis. These reference cards are used for information to fill out and build on the patient's nursing care plan in the Kardex.

Each Nursing Unit has a supply of these special admission cards, and the team is notified if a patient is admitted with a diagnosis in any one of the four specialty areas. One of the team members then visits with the patient, fills out the admission card, and starts a planned program of nursing care.

For clarification, our team members are all full time personnel, are on regular staff duty and are assigned a typical patient assignment. Their team duties are in addition to this schedule.

Each team has developed its own manual, consisting of over-all objectives and policies for functioning, teaching instructions, and descriptions of equipment and nursing procedures. Team members have worked many hours on these manuals and continue to devote much time to improving them, keeping them pertinent, and highly effective tools. On examining these manuals, everyone is very much impressed with the expertise as well as the thoroughness of this work. Each manual includes:

1. Purpose

2. Objective  
3. Function

Each team has contributed to better patient care through new techniques learned, the use of better appliances and/or equipment through evaluation. With greater knowledge they are more effective in teaching patients, family members and other nursing personnel.

In April 1972, the hospital employed a Social Worker on a part time basis. This person consults with each team and has been a real asset to all of them. As she is also social worker part time at the nearby nursing home, she is able to continue to be involved with many of the patients formerly in the hospital.

Another outgrowth of the Specialized teams, was the forming of a general Patient Care Committee. This includes three Registered Nurses and one Licensed Practical Nurse. They all assist with general orientation and give instruction and demonstration of new procedures or changes in procedures; assist with nursing care conferences, contribute to development of nursing care plans and assist in correlating the specific efforts of all the teams. This committee works closely with the part time In-Service Educational Director.

The Patient Care Committee members have frequent meetings, and each individual has conferences with Head Nurses and Staff Nurses to discuss the proper use of nursing mechanisms, nursing care plans and related patient care problems. Once a month the committee holds a joint meeting with each specialized care team. As this report is being written, it can be validly judged that all nurses on these teams have approximated the ability and competence of "Nurse Clinicians." They have consistently demonstrated increasing competence and a true expertise in their field of nursing service. This fine performance did not happen by chance! They have assiduously grasped every opportunity for continued learning and skill development. Time has been spent in clinical practice in other settings, such as the Orthopedic Unit of the 400 bed, Mary Hitchcock Hospital and Dartmouth Medical Center at Hanover, New Hampshire; the Crotched Mountain Rehabilitation Center in Greenfield, New Hampshire; the Joslin Clinic for Diabetes at Boston, Massachusetts; and the Memorial Hospital in New York City for specialized experience in Cancer nursing and chemotherapy. We also utilize a closed-circuit television from the University of Vermont and Dartmouth Medical Center. Eight of these television sessions were specific to Cancer nursing. Team members attend seminars, in the immediate area, that are relevant to their specialty. Some are members of and attend State meetings of the American Cancer Society and the New Hampshire Heart Association and have participated in the programs offered by these groups. In addition, the team members must carry on their own individual research and study through reading of nursing periodicals and other related literature.

This unique approach to patient-care in our hospital has increased the quality of nursing substantially; and developed the nurses' competence and capabilities in addition to strengthening the effectiveness of communications among the nursing staff itself, as well as with physicians, and members of all other concerned departments and agencies within and without the hospital walls.

We view this innovation as an example of what one small community hospital, geographically distant from the variety of resources of the complex medical and health centers can do to maintain the highest quality of care in at least one segment of the total health system.

## EXTENSIONS OF REMARKS

## BETTER LIBRARIES CREATE BETTER CITIES

## HON. JOHN BRADEMAS

OF INDIANA

## IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BRADEMAS. Mr. Speaker, as the sponsor of House Joint Resolution 766, a bill to authorize a White House Conference on Libraries and Information Services to be held in 1976, I wish to bring to the attention of my colleagues an excellent study of the needs of urban libraries prepared for the Urban Library Trustees Council.

As the study points out, Mr. Speaker, urban libraries, large and small, are faced with an increasing demand for services from diverse and ever-changing populations.

Yet, urban libraries are faced with this increased demand at a time when local funds for libraries are, as a percentage of urban budgets, decreasing.

I need hardly remind my colleagues that this increased demand for services also comes at a time when the administration has proposed that Congress terminate all Federal funds for our Nation's libraries.

Mr. Speaker, I insert "Better Libraries Create Better Cities" at this point in the RECORD:

BETTER LIBRARIES CREATE BETTER CITIES  
THE FUTURE OF URBAN LIBRARIES

When it comes to the programs deemed necessary for urban living, an increasing number can neither be developed nor maintained on a strictly local basis. The federal government is already responsible for a great deal having to do with the future shape of urban America with such federally supported urban projects as transportation, pollution control, hospital and health facilities, housing and urban renewal projects. The city can no longer provide adequate financial support for the urban library from its declining tax base. Additional funds are imperative to support the urban library's efforts to serve the residents of disadvantaged, inner city neighborhoods and to continue the urban library's service as reference and research center for the metropolitan region.

*The changing environment of the urban library*

Cities of over 100,000 population are the home of 27.7 percent of the U.S. population on .37 percent of the land. The character of nearly all these major cities has been changed by recent shifts in population. They are increasingly beset by poverty, inadequate schools, slums, crime in the streets, pollution, insufficient transportation systems, and inadequate services.

As a rough approximation, it appears that at least one-sixth of the urban population, or over five million families, live in a slum environment. Of the 22.7 million blacks in the United States, 74 percent live in metropolitan areas and 78 percent of that number live in central cities. In 1970, more than 80 percent of the ten million Spanish-speaking population lived in an urban environment. During the 1950-60 decade, the white population of the central city increased by 5.7 percent while the non-white population increased 50.6 percent. During the 1960-70 decade the white population of the central city decreased by .2 percent and the non-white population increased 32.1 percent. These bare statistics can convey very little of

November 1, 1973

the human problems represented by the vast movements in population and drifting of millions of people into crowded and poverty-plagued ghettos.

*Serving the new city-dweller, the disadvantaged*

It is obvious that the future of urban public libraries is inextricably interwoven with these groups who are forming an increasingly large sector of the cities. Libraries can no longer afford to have a policy of business as usual plus a fringe of outreach service to the disadvantaged.

Three strategic information functions for the public library have been suggested: reducing barriers of access to already-existing information, collecting the much-needed information which does not now exist, and effecting the widespread dissemination of crucial information which is not now being distributed so that ghetto people and the groups working with them can be reached. In this last regard libraries should coordinate the proliferation of information from various city agencies about programs, benefits, employment, and training opportunities. Libraries should also serve an important referral function of directing inquirers to the agencies in the city which deal with their problems. A reference service of a highly personalized and specialized form would help to solve the problem.

There is also a need for the urban library to function as a cultural institution, but with materials representing differing cultural orientations than has been traditional in the past. Unlike previous immigrants to American cities, today's ethnic groupings have not melted into a larger society, but prefer to emphasize their own differing outlook and cultural heritage. Neighborhood library centers in black areas have been able to provide a variety of black materials for their communities. Providing cultural material for the Spanish-speaking community involves more problems since materials in Spanish are not as readily available, and Mexican, Puerto Rican, and Cuban groups each have their own history, customs, and attitudes. In addition to books, where money has been available, urban libraries have experimented with the use of non-print materials—records, cassettes, films.

Even with a well-organized, information system and a variety of cultural materials, the single most important ingredient in a successful outreach program is staff. One barrier which often separates librarians from inner city residents is the profession's largely white and middle-class composition. The slum individual's habits and values may seem shiftless, delinquent, or unmotivated from a middle-class point of view, while in actuality they may be a perfectly realistic response to the physical, economic, and cultural conditions of slum life. A white librarian finds it difficult to respond with sensitivity to a community of which he has never been and will never be a part. In turn, slum residents are likely to respond with distrust or hostility toward attempts by an outsider to offer help, especially in an institutional form. There is the additional problem of communicating with these people in their own language which is most often not standard English or standard Spanish but the vernacular of the slums.

Another key factor in urban library work with the disadvantaged is the desirability of small neighborhood library centers. These can offer the person-to-person approach for uncertain ghetto residents and can specialize in the needs and wishes of the neighborhood.

Library service for the aged is often mentioned in the context of library service for the disadvantaged. In 1970 over 19 million people in the United States were 65 years or older and that number is increasing by over 1,000 a day. It is true that the group called

"the aged" includes people of all races and various income and educational levels. However, in the words of Ollie Randall, founder of the National Council on the Aging:

"At the same time we should recognize that the senior citizens are people with some special social, psychological, economic, and biological needs resulting from the process of aging, and that libraries have a responsibility and a concern for helping to meet these needs."

The greatest problem in carrying out any specialized program for disadvantaged groups is the matter of funding. The majority of programs for the disadvantaged have been financed by federal funds, but the lack of stability in the receipt of these funds has interfered with the effectiveness of the programs. There is a need for a redesign of federal funding for urban libraries that will not just support innovative projects but will support sound ongoing services.

#### *The present user of urban libraries*

In order to understand present clientele and to sense potential user groups, several urban libraries have conducted user studies. In these studies different variables have been used to describe the users: different age groupings, educational groupings and occupational groupings.

In addition to user characteristics most surveys have branched into such areas as user satisfaction with library services, reason for the visit, type of material used, whether assistance is sought, and other related topics. It is possible to make some generalizations from these studies about the types of people now using urban libraries.

#### *Age of library users*

With respect to age, it is impossible to make exact comparisons, however, in most cases the percentage of use drops off after about 40 years of age and is about 5% or lower by the age of 60.

Generally, the heaviest percentages of use fall in the middle years, from the young adult age group to the 40 years group. Usually the groups showing library use from the age of about 14 or 16 to about 20 or 21 have the highest percentage.

#### *Occupations*

Occupations of library users were also studied. Where occupational groupings in individual studies were very detailed, groups were combined to facilitate comparisons with other studies. In all cases, student use is higher than use by any other group, varying from 32.4% to 64.2% of total library use.

Library use by the retired shows the same low percentage as use by the oldest age group, never more than 5% of main library use but higher use of branch libraries. Housewives never show more than 4% use of central urban libraries, but may account for as much as 18% of total use of branch libraries. Both of these cases underline the need for readily accessible libraries.

Considering only employed adults, the professional, managerial category represents the largest user group in each survey. The professional, managerial group represents from 17%-27% of all library use, while the sales, clerical group represents 5.3%-8% of all library use. Those in the craftsman, laborer category represent the smallest group of employed users, 3.5%-5%.

#### *Education*

Related to the pattern of occupational use is the pattern of use by educational level. Surveys show consistently that the higher the level of education, the heavier the use of the library. Only 2.4% to 8.3% of library users did not have some high school education. From 22% to 28% of library users graduated from high school. Education above the high school level is reported by 57% to 74% of the users, with 22% to 64.9% of users being college graduates or holders of advanced degrees.

## EXTENSIONS OF REMARKS

### *Urban library as area resource center*

There is an increasing tendency to ignore jurisdictional distinctions in urban areas. Students, in addition to using school and academic libraries, are major users of urban public libraries. Researchers, whether academic, industrial or professional, use the library most convenient for their purposes. This places the central city library in the role of reference and research center for the outlying area.

Only the urban central library has the variety of material required for research. While the metropolitan area may abound in partial collections in small public libraries, businesses and schools, only in the city library are found specialized materials, bibliographical information, and subject specialists. Therefore the small neighboring libraries or their patrons depend upon the metropolitan libraries to answer difficult reference questions from materials not available in their community. In some cases this relationship has been formalized in the shape of legal designation of the city library as regional resource center with state funds for that purpose. In many cases there remains an informal arrangement without adequate financial support from sources other than local government. This is an expensive service in terms of cost of materials and specialized staff, and libraries find that the financial base which made possible the development of the collection is now largely outside the taxing area of the library.

While most urban libraries do not record the frequency of assistance given to other libraries, information on direct use of the urban library by nonresidents is often available. Figures given in user studies include: 38 percent of the use of the Detroit Public Library is by nonresidents, Enoch Pratt Free Library (Baltimore) reports 20.3 percent of their total users are nonresidents and 12.7 percent of users of the central library in San Francisco live outside the city. Letters in response to a questionnaire from the Urban Library Trustees Council report the following figures. Chicago: 25 percent of Central Library users do not live in Chicago; Hartford, Connecticut: 50 percent of walk-in and telephone reference service is given to nonresidents (outside funding for this service amounts to only 2 percent of operating costs); Los Angeles: 20 percent of central library users reside in the county; Mobile, Alabama: 1 of 4 reference users at the main library is not a resident or taxpayer of the service area; New Haven, Connecticut: 1/3 of the in-person and telephone reference use is by nonresidents with no reimbursement to the library; Rochester, New York: 42 percent of the borrowers using the main library lived outside of Rochester.

These figures emphasize the city central library's function of serving the reference needs of the whole area, often with inadequate funding. It is becoming increasingly clear that the legal boundaries of a city are meaningless dividing lines as far as public library service is concerned. It is imperative to the whole region that central library collections should be kept strong, current and well staffed. Money is the crucial stumbling block to achieving this end. Without funds in addition to local city funds supplied from a declining tax base, no urban library can adequately continue their vital function as an area resource library.

### *Statistics of urban libraries*

#### *A 1-YEAR VIEW OF LIBRARIES*

A comprehensive view of public library statistics in the areas of budget, staff, holdings, and transactions for libraries of various sizes has been compiled from *Statistics of Public Libraries Serving Areas With at Least 25,000 Inhabitants*.

The following discussion focuses on those libraries serving populations of 25,000-99,999

(to be referred to as small libraries) and those serving populations of 100,000 and over (to be referred to as large libraries). All items have been listed as totals and per capita amounts.

The small library group shows a slight advantage in holdings and transactions per capita. They hold 1.67 books per capita in comparison to the large libraries' 1.57, and each hold approximately .03 bibliographic volumes of serials per capita. However, in terms of average books per library, each small library would have a collection of 80,823 books and each large library would hold 524,763 books. This gives the large city patron access to a collection over six times the size of the collection available to the small city patron.

Library operating and capital expenditures for 1968 were \$3.71 per capita for the small library group and \$4.40 for the large library group. The major reason for the difference is evident in the break-down of operating expenditures by purpose. Expenditures for salaries show a large variance between the two groups, while the other items vary only slightly. The higher percentage of professional librarians employed by large libraries is reflected in a larger expenditure for salaries.

Federal funding provided 6.2% of the total operating and capital budget of the small library group and 4.3% of the total budget of the large libraries. Translated into per capita amounts, the small libraries received 23¢ per capita in federal funds and the large libraries 19¢. If these amounts had been equalized and the large libraries had received an additional 4¢ per capita, it could have meant in 1968 an additional \$3,310,188 for libraries serving over 100,000 population. The difference in federal funding is even more pronounced when the libraries are further subdivided by size:

*Population served by libraries and Federal funding per capita*

	Cents
25,000 to 49,999-----	25
55,000 to 99,999-----	22
100,000 to 499,999-----	23
500,000 and over-----	16

This indicates a severe lack of federal funding in the largest libraries.

#### *CITY FINANCE AND LIBRARIES, 1961-70*

How have libraries fared in their competition with other city services for a share of limited city income?

Expenditures for libraries have not kept pace with the growth of the city budget. General expenditures for cities of all sizes increased 150.9% from 1961-1970/71, but expenditures for libraries only 111.9%. This 39% difference could have meant an additional \$82 million for city libraries in 1970/71 if their income rate of growth had equalled that of general city expenditures.

The difference in growth rate is even more striking for the 48 largest cities. While general expenditures increase 147% from 1961 to 1970/71, expenditures for libraries increased only 99.6%. If expenditures for libraries had grown that additional 47.4% and kept pace with general expenditure, each of the 48 largest libraries would have had an average of slightly over \$1 million additional funds for 1970/71.

However, this has not been the case and expenditures for libraries for 1970/71 amounted to 1.39% of the city budget for cities of all sizes and 1.2% of the total budget for the 48 largest cities. In the words of one urban library director, "Because a library's budget is a tiny fraction of expenditure for public service, budgetary cushions are seldom possible in the way that they are for larger departments. A difference of as little as ten percent in a library budget can measure the distance between luxury and disaster."

## LEGISLATION PROVIDING FOR SPECIAL PRESIDENTIAL ELECTION INTRODUCED

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Ms. ABZUG. Mr. Speaker, today I introduced a bill that provides for scheduling a special national Presidential election under certain circumstances which may soon become a reality.

Before discussing the details of the bill, I would like to allude to the events of last week, which were among the most dramatic and nerve wracking in the history of our Nation.

In 1 week we went from the unprecedented spectacle of President Nixon defying a Federal order and breaking a solemn commitment to the U.S. Senate by firing Special Prosecutor Archibald Cox to an international crisis in which we appeared to be on the brink of nuclear war.

In the intervening days a dam of popular resentment broke that has been building up with each successive revelation of corruption and unlawful acts by the Nixon administration. We in Congress have been inundated with a reported quarter-million telegrams, as well as phone calls, from all over the country, demanding that the President resign or be impeached. The credibility of President Nixon lies in ruins about us, and despite his turnabout on the tapes, the fact is that the American people can no longer believe what Mr. Nixon says or does.

It is tragic that the President chose to precipitate a national crisis over the issue of the firing of Mr. Cox in the midst of the ominous military situation in the Middle East. While the people of Israel were fighting for their survival, their strongest supporters, the American people, were forced to turn their attention to the survival of our democratic institutions.

We saw a worldwide alert of our Armed Forces, including planes carrying nuclear bombs. I believe that many Americans are prepared to accept the declaration of Secretary of State Kissinger that it was necessary, and not an overreaction, as some people suspected. But I think we must all share Mr. Kissinger's view that "it is a symptom of what is happening to our country that it could even be suggested" that this alert may have been motivated by domestic reasons.

The real tragedy is that Mr. Nixon has cried "wolf" so often—invoking national security as a coverup for his own lawless acts—that when a genuine crisis arises, the American people do not know whether they are being tricked or told the truth. The American people do not deserve to be placed in that kind of dilemma. We cannot exist in a continuing crisis atmosphere created by a President whose actions are suspect. Certainly in this nuclear age, we need a President who has the confidence and support of the American people.

I believe the events of last week, including his appalling attack on our free

## EXTENSIONS OF REMARKS

press at his news conference, demonstrate that the highest patriotic act Richard M. Nixon could perform right now would be to resign as President. If he should not do so, then I think the Congress should place itself on alert and act expeditiously and responsibly to process the impeachment charges that have been brought against Mr. Nixon so that he may be tried before the Senate.

The articles of impeachment that I presented to the House last week are consistent with the view held in the House in 1868 when it was said that:

An impeachable high crime or misdemeanor is one in its nature or consequences subversive of some fundamental or essential principle of government or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted, or, without violating a positive law, by the abuse of discretionary powers from improper motives or for an improper purpose.

I believe there is sufficient evidence at hand to warrant prompt impeachment proceedings on these grounds against the President without waiting on lengthy committee deliberations. I appreciate that many of my colleagues believe the Committee on the Judiciary should move very cautiously and deliberately on this matter, which for only the second time in the history of our Nation involves such grave charges against a President. I would only remind the House that impeachment is comparable to indictment, not to a finding of guilt, and that it is in the interests of the stability of our Nation to present this case to the Senate for trial as soon as possible. Certainly we can all agree that if the President should be brought before the Senate the trial would be conducted with the utmost concern for judicial process, the law, and the rights of the defendant.

If, as appears more likely every day, the President is impeached, then it would also, in my opinion, be improper for the Congress to proceed with the confirmation of the President's nominee for Vice President. The 25th amendment did not contemplate, in proposing that the President should fill a vacancy in the Vice Presidency with the approval of the House and Senate, that the President himself would be in an impeachable position.

The role and duties of the Vice President have been the subject of controversy throughout the history of our constitutional democracy, as has been the problem of how to handle the succession to the Presidency. In an article in the Fordham Law Review, March 1964, entitled "The Vice-Presidency and the Problems of Presidential Succession and Inability," John D. Feerick, a noted attorney and authority on this question, discusses in detail the evolution of the office of Vice President, and I would commend it to your attention.

Mr. Feerick recalls that the late President Truman, who served without a Vice President for more than 3 years, sent a special message to Congress on June 19, 1945, in which he declared:

By reason of the tragic death of the late President, it now lies within my power to nominate the person who would be my im-

November 1, 1973

mediate successor in the event of my own death or inability to act.

I do not believe that in a democracy this power should rest with the Chief Executive.

Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters of the country.

The Speaker of the House of Representatives, who is elected in his own district, is also elected to be the presiding officer of the House by a vote of all the Representatives of all the people of the country. As a result, I believe that the Speaker is the official in the Federal Government, whose election next to that of the President and Vice President, can be most accurately said to stem from the people themselves.

In placing the speaker ahead of the President pro tempore, Mr. Feerick reports:

President Truman stated that the Members of the House are closer to the people than those of the Senate since they are elected every two years and thus the Speaker would be closer than the President pro tempore. He recommended that whoever succeeds after the Vice-President should serve only until the next Congressional election or a special election to elect a President and Vice-President.

If Mr. Nixon should resign or be removed from office and the office of Vice President should remain vacant, under the Succession Act of 1947 the Speaker of the House would become acting President.

It has been widely assumed that the next Presidential election could not take place for another 3 years, until November 1976.

However, an examination of the Constitution and the Statutes of 1972 and 1886, dealing with the succession, indicate very clearly that President Truman knew whereof he spoke when he recommended a special Presidential election.

In a case in which the President and Vice President—including a Vice President chosen under the 25th amendment—leave office, whether by death, removal, or resignation, the Constitution permits Congress to provide by law for the election of a new President, even though the former President's term has not yet expired.

Article II, section 1, clause 1 of the Constitution provides that the President and Vice President "shall hold—office during the Term of four Years," and clause 6 provides that:

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

In its initial form, the provision which ultimately became clause 6 provided that:

The Congress may declare by law what officer of the U.S. shall act as President in case of the Death, Resignation, or Disability of the President and Vice-President; and such Officer shall act accordingly until the time

of electing a President shall arise. (J. Madison, Notes of Debates from the Federal Convention of 1787, 594.)

However, Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute "until such disability be removed, or a President shall be elected." *Ibid.* Madison's motion was agreed to, and remains in the Constitution to this day.

The second Congress of the United States, which included some of the framers of our Constitution, passed the Succession Act of March 1, 1792. 1 Stat. 239, section 9 provided that:

In case of the removal, etc., of both the President and the Vice President, the President pro tempore of the Senate (or, if there were no such official, the Speaker of the House) for the time being shall act as President of the United States until the disability be removed or a President elected.

I Stat. 240, s. 9, section 10 provided:

That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be, published in at least one of the newspapers printed in each state, specifying that electors of the President of the United States shall be appointed or chosen in the several states within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December; and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within thirty-four days preceding the last Wednesday in December in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act, 1 Stat. 241, s. 10.

Finally, section 12 of the 1792 act provided that a President so elected would serve for a full 4-year term. In the view of Prof. Paul Freund of Harvard University, it is possible that a President elected by such an "interim" election must be given a full 4-year term because he would fall under the provision of clause 1 of the Constitution that the term of a President shall be for 4 years.

The 1792 provision was repealed in 1886, 24 Stat. 2, c. 4, s. 3, and it was never used because there has never been an instance in which both the President and the Vice President failed to serve out their terms of office. Partly because of doubt as to whether the Speaker and the President pro tempore were "officers" within the meaning of clause 6, the 1886 act removed them from the line of succession and substituted the cabinet officers. 24 Stat. 1, c. 4, s. 1. The act also provided that a cabinet officer could not succeed to the presidency unless: First, he had been confirmed in his cabinet office by the Senate, second, he was otherwise eligible for the presidency, and third, he was "not under impeachment

## EXTENSIONS OF REMARKS

by the House of Representatives of the United States at the time." 24 Stat. 2, c. 4, s. 2.

The 1886 act also provided that Congress should meet within 20 days of the accession of the new acting President, thus leaving it up to Congress to determine then whether there should be a special election.

The Presidential Succession Act of 1947 reinstated the Speaker and the President pro tempore after the Vice President in the line of succession, on the theory that preference should be given to having an elected official as President. 61 Stat. 380, c. 264; H. Rep. 817, 80th Cong., 1st Sess. (1947). Both the committee which reported the legislation and the Acting Attorney General were of the opinion that it was constitutional to have the Speaker and the President pro tempore in the line of succession. H.R. 817, 80th Cong., first session, 1947.

The 1947 act continued in force the prohibitions on succession contained in the 1886 act, including the disqualification of anyone under impeachment. 61 Stat. 380, c. 264, s. 1(e). Except for amendments to reflect changes in the composition of the Cabinet, the 1947 act continues in force, and has been codified as section 19 of title 3 of the United States Code.

It is interesting that following President Truman's message to Congress in 1945, and before the final adoption of the Succession Act of 1947, the question of providing for an interim election of a President and Vice President was seriously considered by the Congresses.

The President's recommendations, including his proposal for a special election, were incorporated in a bill introduced by Representative W. Summers of Texas on June 25, 1945. The Summers bill provided for a special election to fill vacancies in the offices of President and Vice President if such should occur 90 days or more before the midterm congressional elections. This provision was eliminated before the bill was passed by the House and forwarded to the Senate, where it became pigeonholed in committee.

In the debate on the Succession Act of 1947, an amendment was also proposed by Senator McMahon regarding a provision for a special election, but it was defeated.

It is clear, however, from this review of the precedents, that the framers contemplated and the Constitution permits Congress to provide for an interim election of a new President, should the President leave office before a new Vice President is confirmed by Congress. This was, indeed, the law from 1792 until 1886, and even from 1886 to 1947 it was up to Congress to provide for such an election under existing law.

Accordingly, the bill I introduced today amends title 3, United States Code, relative to Presidential succession, to provide that if the elected President and Vice President both leave office, the Speaker of the House would act as President only until a new election for President and Vice President was held.

This new election, which would be for a full 4-year term, would take place on the first November election day occurring

more than 120 days after the double vacancy occurred.

Conceivably, such an election could be held in November 1974, when a new House of Representatives and a third of the Senate are elected. If less than approximately 1½ years remained in the current Presidential term, the Speaker would serve out the rest of the term and no special election would be held.

We have seen what happens to a nation when a President seeks to violate the Constitution and assumes extraordinary and unlawful power. Under our system, the ultimate power resides with the people and under the bill I am introducing that power would be restored. The confidence of our people in government has been badly damaged by the revelations that have been stunning the Nation since the Watergate scandal broke. It is important that they should not feel that in the current crisis the question of who will lead this Nation will be subject to political manipulation and decided outside the will of the electorate.

In closing, I would recall that during the 1964 debate over the Presidential succession, former President Eisenhower said in an interview on CBS Reports—January 8, 1964—that if the Presidency went to a member of the Cabinet and that man had more than 1 year to serve in the Presidency, then he believed a special election might be called and, he added, "let the people decide this thing." That is the basic principle upon which our democracy operates—"let the people decide"—and it is a rule which should guide us in the crisis we now face.

Text of bill follows:

H.R. 11230

A bill to amend title 3, United States Code relative to Presidential succession

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 19 of title 3, United States Code, is amended to read as follows:

"(c) An individual acting as President under subsection (a) or subsection (b) of this section shall continue to act until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, except that

"(1) if his discharge of the powers and duties of the office is founded in whole or in part on the failure of both the President-elect and the Vice-President-elect to qualify, then he shall act only until a President or Vice-President qualifies;

"(2) if his discharge of the powers and duties of the office is founded in whole or in part on the disability of the President or Vice-President, then he shall act only until the removal of the disability of one of such individuals."

Sec. 2. Paragraph (2) of subsection (d) of section 19 of title 3, United States Code, is amended to read as follows:

"(2) An individual acting as President under this subsection shall continue so to do until the expiration of the then current Presidential term or until a President shall be elected, pursuant to subsection (f) hereof, but not after a qualified and prior-entitled individual is able to act, except that the removal of the disability of an individual higher on the list contained in paragraph (1) of this subsection or the ability to qualify on the part of an individual higher on such list shall not terminate his service."

Sec. 3. Section 19 of title 3, United States Code, is amended by relettering subsection

(f) as subsection (g) and by adding a new subsection (f), to read as follows:

"(f) Whenever the powers and duties of the office of President devolve pursuant to this section and more than one year and one hundred twenty days remain before the next scheduled appointment of electors, the Secretary of State shall forthwith cause a notification of such event to be made to the executive of each State, and shall specify in such notification that electors of a President and Vice-President shall be appointed in the several States on the Tuesday next after the first Monday in November which shall occur more than one hundred twenty days subsequent to such devolution. Electors appointed pursuant to such notification shall meet and give their votes on the first Monday after the second Wednesday in December following their appointment, at such place in each State as the legislature of such State shall direct. Except as otherwise provided in this subsection, all provisions of federal law relating to the choosing of a President and Vice-President at a regular quadrennial election shall apply with respect to the choosing of a President and Vice-President to fill a four year term as provided in this subsection; and the terms of the President and Vice-President so chosen shall begin on the 20th day of January immediately following their election.

SEC. 4. Section 1 of title 3, United States Code, is amended by striking out the first word and inserting in lieu thereof the following: "Except as provided in section 19 of this title, the".

SEC. 5. If any provision of this Act, or the application thereof to any person, office, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provisions to other persons, offices, and circumstances shall not be affected thereby.

SEC. 6. This Act shall be known as "The Presidential Succession Act of 1973."

#### ON THE CONSTITUTIONALITY OF A SPECIAL ELECTION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. MOAKLEY. Mr. Speaker, the question of special Presidential elections is one to which we must give considerable attention. The Constitution charges Congress with specific responsibility for enacting statutes which will provide for the orderly, democratic transition of power in the event that the President resigns or is impeached while the Vice Presidency remains vacant.

In an effort to utilize this power to provide for special elections, I introduced H.R. 11214 yesterday, a bill which would, in essence, reinstate the 1792 Succession Act.

Boston Mayor Kevin H. White has taken an active role in presenting the possibility of such legislation to the country. In his investigations, he sought the opinions of three of the Nation's most distinguished experts on constitutional law, Harvard Profs. Paul Freund, Abram Chayes, and Raoul Berger.

They have offered their considered opinion on the constitutionality of the step being proposed. In order to provide my colleagues with the fullest possible

#### EXTENSIONS OF REMARKS

background on this position, I am pleased to offer the comments of Professors Freund, Chayes, and Berger.

The comments follow:

LAW SCHOOL OF HARVARD UNIVERSITY,  
Cambridge, Mass., November 1, 1973.

Hon. KEVIN H. WHITE,  
Mayor of Boston,  
City Hall,  
Boston, Mass.

DEAR MAYOR WHITE: You have asked if, under the Constitution, Congress has the power to provide by statute for a special election to fill the office of President in the event that both the offices of President and Vice President become vacant. In our opinion, Congress has such power.

Article 2, section 1, clause 6 of the Constitution provides:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

The matter was expressly considered in the Constitutional Convention and the debates show conclusively that the Framers intended to empower the Congress to call a special election in those circumstances.

On September 7, 1787, it was moved in the Convention that the Legislature should designate by law which officer of the United States would act as President in the event of vacancies in the offices of both President and Vice President and that "such officer shall act accordingly until the time of electing a President shall arrive. James Madison objected to this language on the ground that it would prevent the vacancy in the Presidency from being filled by a special election. He therefore moved to change the language to read that the officer who was designated to "act as President" do so "until such Disability be removed, or a President shall be elected." Madison's amendment was carried and with minor stylistic changes was incorporated in the final text of the Constitution.

The Second Congress, of which Madison himself was a member, exercised this very power when it enacted the Succession Act of March 1, 1792, providing for a special election in the event of a simultaneous vacancy in both Presidential and Vice Presidential offices. 1 Stat. 239. Actions of the First and Second Congresses are traditionally given great weight on questions of Constitutional interpretation. *Myers v. U.S.* 272 U.S. 52, 175 (1926).

The text of the relevant sections of the Act of 1792 is attached to this letter. You will note that the Act provided for the special election to be omitted if the double vacancy occurred within six months of the expiration of the Presidential term. It also stipulated that the president pro tempore of the Senate (and if there was none the Speaker of the House) should act in the interim until the special election; and that the person elected should serve for a term of four years from the next inauguration day following the special election. These features are remarked here not to suggest that they are Constitutionally required, but to indicate the flexibility that is available to the Congress in dealing with the practical questions involved in a special election.

The Act of 1792 remained law for almost a century. Then the mechanism of Presidential succession was changed to provide that in the event of the vacancy of both the offices of President and Vice President, one or another member of the Cabinet in the order therein provided should "act as President."

November 1, 1973

But the statute went on to provide that Congress should assemble within twenty days, presumably to consider what further action to take.

The 1886 statute was in turn replaced in 1947 with the present law providing that in the event of the vacancy of both the offices of President and Vice President, the Speaker of the House of Representatives would act as President to be followed by the President pro tempore of the Senate to be followed by ranked Cabinet officers for the remainder of the then Presidential term. 3 U.S.C. 19.

These subsequent enactments are further evidence of the broad and flexible authority available to Congress in fulfilling its Constitutional mandate to provide for continuity in the office of President in case of "removal, death, resignation or inability of both the President and Vice President."

In our view, the Constitutional text, the debates at Philadelphia and the practice under the Constitution leave no doubt that the Congress has the power to provide by statute for a special Presidential election in the event the offices of President and Vice President both become vacant.

Yours very truly,

PAUL A. FREUND,  
ABRAM CHAYES,  
RAOUL BERGER.

FORTY YEARS OF SERVICE—A MILESTONE IN THE DISTINGUISHED CAREER OF CHIEF SIDNEY A. JONES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. BROWN of California. Mr. Speaker, I asked to have this time set aside from our busy schedule here today because I want to focus some attention on the distinguished career of Police Chief Sidney A. Jones of Rialto, Calif. In the course of legislative debate here on the floor of the House of Representatives, during consideration of bills that will affect the law-enforcement profession, we often speak of the many fine men and women throughout the Nation who serve as peace officers, but rarely do we refer to any individual by name. I would like to take just a moment here, however, to pay tribute to Chief Jones as he approaches his 40th anniversary of service to the city of Rialto.

Chief Jones was born in Arkansas, but his family moved to Rialto when he was only 5 years old and he has lived in Rialto ever since. After getting his formal education in Rialto, Sidney Jones worked in the local citrus industry for a while, and then, at the age of 21, began his service to the city in 1943. He began with the department of public safety, working as both a fireman and a policeman, but the two functions were split a short time later and in 1945 young Sidney Jones was appointed chief of police.

But Chief Jones has not just sat back and taken it easy, just because he made it to the top so quickly. The Rialto Police Department has grown and improved under his leadership, and Chief Jones has grown and improved as well. He has kept up with current developments in

police science—in 1959 he graduated from the FBI Academy—and not too many years ago he was awarded the advanced certificate by the California State Commission on Police Officers Standards and Training. He is highly respected by those who know and work with him as a top law enforcement man with a warm and understanding heart and a good-will ambassador for the city of Rialto, and I am pleased to be able to join today in paying him my highest respect.

**OBJECTIONS TO SONNENFELDT CONFIRMATION MUST BE ANSWERED—PART XI**

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ASHBROOK. Mr. Speaker, starting on May 23 of this year, I inserted in the RECORD documents, newspaper articles, letters, and commentary on the case of Helmut Sonnenfeldt, whose nomination as Under Secretary of Treasury has now been reported out by the Senate Finance Committee. The House Internal Security Committee has scheduled hearings for November 7 on the Federal civilian employee loyalty-security program which may have bearing on the Sonnenfeldt case.

In this connection, Mr. John Hemenway, who testified against the nomination of Mr. Sonnenfeldt, has written the Department of Justice calling for an investigation into the possible violation by Mr. Sonnenfeldt of criminal statutes including perjury. He also has informed Senator MANSFIELD of his communication to the Acting Attorney General.

In addition, I have written to Acting Attorney General Bork regarding the identity of the FBI agent who interviewed Mr. Stephen Koczak on the Sonnenfeldt case in 1959 concerning the alleged leaking of highly classified information to a foreign power.

I insert at this point the press release I am issuing on the need for strict implementation of regulations concerning the reliability and good conduct of Federal employees to prevent future Watergates at all Government levels. Also inserted is a copy of my letter to the Acting Attorney General along with the letters from Mr. Hemenway to Mr. Bork and Senator MANSFIELD:

**NEWS RELEASE FROM REPRESENTATIVE JOHN M. ASHBROOK**

Congressman John M. Ashbrook (R-Ohio) ranking minority Member of the House Internal Security Committee announced today that hearings on the Federal Civilian Employees Loyalty-Security Program will be continued on Wednesday, November 7. The principal witness that day will be Stephen A. Koczak who has already provided testimony to the Senate Finance Committee in connection with hearings on the nomination of Helmut Sonnenfeldt as Under Secretary of Treasury.

Ashbrook has written to Acting Attorney General Robert H. Bork asking the Department of Justice to identify the FBI agent who interviewed Koczak in 1959 in connection with the Sonnenfeldt case. According to

**EXTENSIONS OF REMARKS**

Koczak this agent subsequently stated that the Department of Justice had been prepared to prosecute Sonnenfeldt but had been frustrated by the State Department refusal to declassify the telegrams and make them available to the prosecutor as evidence.

The purpose of the Committee hearings is to examine the existing security and suitability procedures in the Federal government and to propose such legislative reforms as may appear necessary. The Committee is currently considering HR 8865 which would establish a Central Security Review Office for the coordination of loyalty and security programs administered by Federal executive agencies.

The Sonnenfeldt case is only one of a number of cases under study by the House Internal Security Committee.

Cong. Ashbrook stated that "one of the issues in the Sonnenfeldt case concerns the peculiar circumstance that so many facts are still a matter of unresolved controversy. I am most disturbed that relevant security information at the FBI, CIA and the State Department appear to have been withheld from the Congress and from responsible officers in the Executive Department. If Executive Order 10450, which seeks to provide reliable, trustworthy employees in Federal employment, public servants of good conduct and character, is to be nothing more than a joke and a fraud, strict observance of the Order's requirements and restrictions must be employed. If nothing else, the Watergate case demonstrates this."

CONGRESS OF THE UNITED STATES,  
Washington, D.C., November 1, 1971.

Hon. ROBERT H. BORK,  
Acting Attorney General,  
Justice Department Building,  
Washington, D.C.

DEAR MR. BORK: Enclosed is a copy of my letter of October 10 to the FBI which Director Kelley informs me has been referred to the Justice Department for action. As Mr. Koczak is scheduled to appear before the House Internal Security Committee on Wednesday, November 7, I would appreciate receiving by Monday, November 5, a reply as to the identity of the agent involved in the Sonnenfeldt case.

Also enclosed are two replies from the then Acting Director of the FBI, Mr. Ruckelshaus, one of which confirms that Mr. Koczak was interviewed by an FBI agent in 1959 on the Sonnenfeldt case. The other letter, that of May 29, 1973, indicates that over a year transpired before I received an answer to my initial inquiry concerning this case.

Your consideration of this matter will be, needless to say, much appreciated.

Sincerely,

JOHN M. ASHBROOK,  
Representative to Congress, 17th District.

WASHINGTON, D.C.,  
November 1, 1973.

Hon. MICHAEL J. MANSFIELD,  
Majority Leader of the Senate,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MANSFIELD: As you know, the nomination of Mr. Helmut Sonnenfeldt, to be Under Secretary of the Treasury, was reported out of the Finance Committee for Senate action. Public hearings were held on May 15, October 1, and October 2, 1973.

The confirmation hearings have been protracted. However, I have evidence that several key witnesses were not called. Thus, the evidence and/or information available to Senator Long and the Finance Committee is incomplete. This makes possible a cover-up of Mr. Sonnenfeldt's past activities. For example, clear evidence suggestive of perjury exists.

Information in the record available to senators expected to vote on this important matter, therefore, is incomplete. How can

any official, even a U.S. senator, vote intelligently when he has only partial information? If nothing else—the question of other criminal actions notwithstanding—the issue of perjury remains unsettled.

Mr. Sonnenfeldt will handle matters involving billions of dollars; he will be the senior U.S. official charged with checking on the financial implications of the judgements of his personal friend, mentor, and protector, Secretary of State Kissinger, regarding credits involved in East-West trade, special financial arrangements facilitating the so-called "detente" policy of Mr. Kissinger, and other sensitive matters of lasting importance to this nation, such as peace in the Middle East. American taxpayers will have to fund any errors of judgement made by the Treasury Dept.

For this reason, today I wrote a letter to the Acting Attorney General with a view toward possible prosecution of any party established by the hearing testimony to have violated criminal statutes. Mr. Sonnenfeldt may be such a person. A similar letter was directed to the United States Attorney for the District of Columbia today for action.

Recent revelations that high administration officials may have committed perjury has attracted much attention in the Senate. Have we reached such a curious state of morality that, while attention of individual senators is fixed on certain other "perjuries", the U.S. Senate as a body can confirm to a high position a nominee whose confirmation hearing transcript indicates a great deal of evidence that perjury has been committed?

Sincerely yours,

JOHN D. HEMENWAY.

WASHINGTON, D.C.,  
November 1, 1973.

Hon. ROBERT H. BORK,  
Acting Attorney General of the United States,  
U.S. Department of Justice, Washington,  
D.C.

DEAR GENERAL BORK: The purpose of this letter is to report to you the violation of criminal statutes of the United States including, but not limited to the crime of perjury. I am reporting this matter to you because I understand you are currently the senior official in the U.S. Government charged with the enforcement of federal statutes.

Specifically, Mr. Helmut Sonnenfeldt, an employee of the U.S. Department of State and NSC, stands accused of "leaking" highly classified information to foreign agents with whom he had frequent and close associations and to other persons. These charges were made in the public record before the Senate Finance Committee on May 15, October 1, and October 2, 1973. They were reported, somewhat inaccurately, in the press. The charges were specific, capable of being decisively proved or disproved, and were made under oath by a number of responsible citizens including Mr. Otto Otepka, retired member of the Subversive Activities Control Board, and Mr. Stephen Koczak, retired US diplomat who currently holds a responsible position with the AFGE of the AFL-CIO. Many corroborating witnesses are available and have been named in the record.

Mr. Sonnenfeldt has denied the charges under oath. At the very least the crime of perjury may well have been committed. In pre-published form, the Hearing Transcript amounts to slightly more than 250 pages. The transcript is available and part of the public record. Senator Russell Long, Chairman of the Finance Committee of the Senate, can supply you with a copy. I understand that the record is being published today.

Highlights of the testimony on Helmut Sonnenfeldt include the following:

October 1, 1973: Under oath, Mr. Stephen Koczak charged Mr. Helmut Sonnenfeldt with giving highly classified information to agents of the State of Israel.

Under oath, Mr. Helmut Sonnenfeldt denied the charge. However, Mr. Koczak named witnesses who could support his charges who were not called by Senator Long.

October 2, 1973: Under oath, Mr. Otto Otepka charged that Mr. Helmut Sonnenfeldt violated US criminal statute by "leaking" classified information to representatives of Israel and to others not authorized to receive it.

Under oath, Mr. Sonnenfeldt testified in a manner to convey the impression that he denied Mr. Otepka's charges. However, Mr. Otepka named individuals who would support his charges, under oath, in detail.

It is obvious, even to a layman, that, at the very least, the crime of perjury is established by this testimony.

Chairman Long has claimed that the above matters have been investigated, but it is clear that the investigation, such as it was, was far from complete. For example, the FBI files were not complete, when summarized for Senator Long; neither has the FBI contacted Mr. Koczak or me in connection with recent testimony.

The testimony of many other witnesses is not yet in the record—in the FBI files or elsewhere. This testimony includes that of Mr. Lampe of State Department Security (named by journalist Paul Scott), Mr. Niland of Justice (named by Mr. Otepka) and other witnesses, such as those named by Mr. Koczak.

I have been told that the statute of limitations does not apply to some of the criminal aspects of the matters discussed at this hearing. Whether this is true or not, the evident perjury discernable in the transcript is of a recent date.

Your attention to this matter is invited with a view to determining your own duty to prosecute any violation of statutes concerning perjury or other crimes. I would appreciate an early report from you concerning the procedures you intend to take to move forward in this matter.

Sincerely yours,  
JOHN D. HEMENWAY.

#### EMERGENCY MEDICAL SERVICE SYSTEMS

#### HON. MARVIN L. ESCH OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 1, 1973

Mr. ESCH. Mr. Speaker, last week I voted in support of H.R. 10956, the Emergency Medical Services Systems Act. This bill, which except for the provisions of

the Public Health hospitals, is identical to the bill vetoed by the President earlier this year. I chose to override the President's veto, because I firmly believed that we needed an emergency medical system that can reach out to the millions who could be helped and many of whose lives could be saved if such a system were established.

Even without the Public Service hospitals, this is a good bill and at an authorization of \$185 million, not a very expensive one.

First I would like to congratulate the members of the Health Subcommittee and full Interstate and Foreign Commerce Committee for moving so expeditiously in reporting a bill, despite the veto. It is clear the members of the committee, unlike a few on the Education and Labor Committee who are sitting on the minimum wage bill, are more concerned with passing laws for the good of Americans than playing politics.

When this bill becomes law, as I am sure it will, it is estimated that the lives of between 60,000 and 100,000 Americans can be saved through the use of trained personnel and insured ambulance service.

## SENATE—Friday, November 2, 1973

The Senate met at 10 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

*The Lord is nigh unto all who call upon Him, to all that call upon him in truth. He will fulfill the desire of them that fear Him; He also will hear their cry, and will save them.*—Psalms 145: 18, 19.

O Lord our God, look upon this Nation and bring to it cleansing, renewal, and fresh power. Deliver us from coldness of heart, from indifference to Thy laws, from moral numbness, and from neglect of the things of the spirit. Make us ever ready to confess our sins and even more ready to accept Thy forgiveness. Replenish us with the grace, the wisdom, and the power Thou hast promised to those who love Thee and seek to do Thy will. Support and strengthen all who bear the burdens of government. May we pray for one another, work with and for one another as sons of the great redemption in a nation under God.

In Thy holy name we pray. Amen.

#### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 30, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had

agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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 for each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to 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; had agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ROONEY of New York, Mr. SLACK, Mr. SMITH of Iowa, Mr. FLYNT, Mr. SIKES, Mr. MAHON, Mr. CEDERBERG, Mr. ANDREWS of North Dakota, and Mr. WYATT were appointed managers of the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 1570) to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes, disagreed to by the Senate; had agreed to the conference re-

quested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. STAGGERS, Mr. MACDONALD, Mr. VAN DEERLIN, Mr. BROWN of Ohio, and Mr. COLLINS of Texas were appointed managers of the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the amendment of the House to the bill (S. 2410) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems.

The message further announced that the House had passed the bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to 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 in which it requests the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the bill (S. 11) to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. METCALF).

#### HOUSE BILL REFERRED

The bill (H.R. 9456) to extend the Drug Abuse Education Act of 1970 for 3 years was read twice by its title and referred to