

BRONX BOROUGH PRESIDENT ROBERT ABRAMS CALLS FOR MASS-TRANSIT FARE FREEZE TO SAVE FUEL

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. RANGEL. Mr. Speaker, the borough president of the Bronx, Robert Abrams, has made an excellent sugges-

tion to encourage the use of mass transit and thus conserve dwindling fuel reserves during the current energy crisis. He has called upon the Congress to adopt a nationwide freeze on all mass transit fares for the duration of the current fuel emergency to encourage the public to use mass transit in greater numbers.

We have had the sad experience in New York City over the past decade of a spiraling mass transit fare which has resulted in a loss of riders with each increase. Now we are threatened with

another, due largely to the fact that the Federal Government has not provided the subsidies that are needed to operate our mass transit system at a fare that can be afforded by the working people in our city and which will encourage the use of the system over the family car.

Even before the fuel crisis our cities were being choked to death by the automobile and we recognized the need for a greater emphasis on mass transit. Now with the national fuel emergency, this emphasis becomes imperative.

## SENATE—Wednesday, November 21, 1973

The Senate met at 10 a.m. and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, we thank Thee for all the blessings of life, but today we thank Thee especially that we are citizens of this good land, conceived in liberty and dedicated to the proposition that all men are created equally free under God. We thank Thee for the produce of the soil, the untold riches of the Earth, the opportunities for work and play and healthful living, for freedom to speak and write, for public education and regard for every man's welfare.

We thank Thee, too, for prophets, patriots, and pioneers, for parents, pastors, and teachers, for heroes in war and in peace, for philosophers, artists, and musicians. We thank Thee for the comradeship of service in this place.

We pray, O Lord, that as we thank Thee for all these good gifts, Thou wilt continue Thy providential care over us and make our Nation great in the qualities which are pleasing to Thee, even the righteousness which is doing Thy will.

We pray in Thy holy name. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, D.C., November 21, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tues-

day, November 20, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Raymond C. Anderson, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations placed on the Secretary's desk on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations placed on the Secretary's desk on the Executive Calendar will be stated.

### NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President

be notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I call up a nomination at the desk which was reported earlier today, and ask that it be stated.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

### UPPER GREAT LAKES REGIONAL COMMISSION

The second assistant legislative clerk read the nomination of Raymond C. Anderson, of Michigan, to be Federal Cochairman of the Upper Great Lakes Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

### WOMEN IN COAST GUARD RESERVE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 525, H.R. 9575.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The second assistant legislative clerk read as follows:

H.R. 9575, to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, may I say that I am happy a bill of this nature, extending equality to women so far as the Coast Guard Reserve is con-

cerned, is before the Senate today. I hope that the difficulties which women are having in being admitted to the military academies will shortly be overcome because, if we believe in equality, they should have the same rights that men have in this area, as well as in all other areas. So that this difficulty which they seem to be having at the moment, I hope will be done away with.

May I say it was my pleasure this year to nominate a young woman from Montana for the Merchant Marine Academy. If any others come along, they will be given the same consideration as their male counterparts.

Mr. HUGH SCOTT. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HUGH SCOTT. Having served in the merchant marine, I can think of nothing better in the forecastle than to have as members of the crew a number of lady members of the merchant marine, or, as the British call it, the merchant navy. Maybe I will go back to the merchant marine if this eventuates.

Mr. MANSFIELD. That sounds pretty good, Captain.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill (H.R. 9575) was ordered to a third reading, was read the third time, and passed.

#### SENATOR DANIEL INOUE AND WATERGATE

Mr. MANSFIELD. Mr. President, Parade magazine for November 11, 1973, which, I think, reaches a circulation of between 14 and 15 million readers, contains a most interesting article about Senator DANIEL INOUE. The article is entitled "Senator DANIEL INOUE: Watergate Changed His Life," and was written by Lloyd Shearer. It is worth placing in the RECORD.

It is my belief that Senator DANIEL INOUE, one of the shining lights in this Chamber, would make a very, very acceptable candidate for Vice President of the United States on the Democratic ticket.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From Parade magazine, Nov. 11, 1973]

SENATOR DANIEL INOUE: WATERGATE CHANGED HIS LIFE

(By Lloyd Shearer)

WASHINGTON, D.C., and HONOLULU.—This past summer when the Watergate hearings reached their apogee, a group of schoolboys ran up to Sen. Ted Kennedy and Dan Inouye.

"I stepped back," explains the diminutive (5 feet, 6 inches) Democratic Senator from Hawaii, "because I knew from experience that everybody wants Ted's autograph. But this time it was different. The kids didn't want his autograph. They wanted mine. I knew then that Watergate had changed my life."

Ironically, Inouye (pronounced—in-aw-way) vehemently refused to accept a place

on the Watergate committee when it was first offered to him. "I tried every way I knew to get out of the assignment."

But the Democratic leadership insisted. They wanted someone with a Mr. Clean image to investigate the Republicans' dirty tricks, and Inouye has a spotless record in politics. Until Watergate, however, national limelight escaped him.

In 1959, when he arrived in Washington, a freshman Congressman to represent the new state of Hawaii, he was introduced to the venerable and veteran Speaker of the House, Sam Rayburn, then 77.

"It's a very great honor for me," acknowledged Inouye, "to meet the most famous, widely recognized member of the Congress."

Speaker Sam took optical inventory of Inouye. "Don't worry," the Texan assured him. "You'll soon be the second most widely recognized member in the Congress."

Inouye, 35, raised a quizzical eye-brow. "How do you figure that, Mr. Speaker?"

Rayburn replied quickly, "We don't have too many one-armed, Japanese Congressmen here."

#### PROPHECY FULFILLED

Today, 14 years later, after three years in the House of Representatives and almost two terms in the Senate, Daniel Inouye has virtually fulfilled the prophecy of Speaker Sam Rayburn, who died in 1961. He has become one of the most widely recognized members of the U.S. Senate.

Owing to his ethnic background (Japanese), the loss of his right arm (in World War II) and his membership in the Senate Watergate Committee, Senator Inouye is instantaneously recognized these days.

Prior to Watergate, he was known mostly in the Senate and within the borders of his own state where he's always been exceedingly popular. (In 1968 he was reelected by a staggering 83.3 percent of the ballots.)

"Now," he says, "it's a different ball game. When I get off the plane in San Francisco, going to or coming from Honolulu, people come up to me and shake my hand. Perfect strangers. They've seen me on TV. I've appeared on all the networks. I'm constantly called for interviews and speeches. Before Watergate, my exposure quotient was almost zero, at least on the Mainland."

#### MORE MAIL, MORE WORK

"Watergate added five hours to my workday, every day. The mail load increased from 200 to 1000. The peak was something like 4000 a day."

"From a family standpoint," Inouye continues, "Watergate also made a difference. My home telephone numbers in both Washington and Hawaii are listed. My son Dan, 9, used to enjoy answering the phone. But since Watergate I grab the phone, because although most of the phone calls are courteous, there are now some that are rather hateful. I don't want Danny picking up the receiver and getting barraged by obscenities. Until Watergate I never got obscene calls."

Before Watergate, however, Inouye was never considered a possible Democratic Vice Presidential candidate; now he is. There is no mentioned Democratic Presidential hopeful—Kennedy, Mondale, or Humphrey—who does not hold Inouye in a favorable running-mate light.

A war hero, a Methodist, a minority ethnic member, a superb campaigner who has never lost a race, a politician unsullied by the slightest stain of scandal, Inouye is regarded as a political plus. At 49 he is young, vigorous, growing, an exemplary U.S. Senator. The largest campaign contribution he ever received was donated by Mary Lasker, widow of the advertising tycoon, Albert Lasker.

"It was in 1959," Inouye narrates, "Right after Hawaii was accorded statehood, and I announced my candidacy for the House of

Representatives. One day I received a \$5000 check from New York City from Mary Lasker. I had never met a woman named Mary Lasker."

"But there was her check and a one-line letter. It said, 'I wish you all the best.' That's all. I wrote a letter thanking her, but I never got a response. Three years later I finally met Mrs. Lasker, and I thanked her. 'Oh, don't mention it,' she said. Incidentally, she never asked me for a single favor."

#### WHAT I WOULD LIKE

Inouye insists, "I do not want to be Vice President of the United States. I have never in my wildest dreams seen myself in that role, and I don't see it now. What I'd like are two more terms in the Senate. Nothing more. By that time I would be 62. My son would be 22, capable of earning his own living."

"I'd like then to go back to Hawaii with my wife Margaret, perhaps teach a seminar in political science, maybe write a book on government. I've seen a lot of books on government, but I've yet to see one that would give a real insight into what goes on around here. For example, just look at how I got appointed to the Watergate Committee."

Originally, Mike Mansfield, the Senate Democratic Leader, decided that no Democrat who was a lawyer should be assigned to the Watergate Committee. Immediately that eliminated half the Democrats in the Senate. His second restriction was that no senior Senator who chaired a committee, Fulbright of Foreign Relations, Eastland of Judiciary, McClellan of Appropriations, Jackson of Interior, should be assigned, because these Senators already carried too heavy a workload. A third restriction held that if any Democratic Senator had ever aspired to the Presidency or had been mentioned seriously for it, then he, too, was disqualified.

"It finally came down to four of us," Inouye says half jokingly, "myself, Montoya, Talmadge, and Sam Ervin. And even then, Mike Mansfield had to scrap the lawyer restriction, or he couldn't have gotten anybody."

#### ALL FOR THE BEST

Inouye, of course, is now happy that he accepted the Watergate chore. It not only afforded him maximum TV exposure and new prestige during his start-up campaign for a third term, but, he says, "I believe what the committee disclosed will have a lasting effect on future Presidents and their advisers. It will help reform the campaign practices of the nation."

The Senator, who spent \$60,000 in his first Senatorial race in 1962 and \$70,000 in 1968, says that he personally has learned a great deal from the Watergate hearings.

"Having been in politics since 1954," he explains, "I wasn't particularly naive about big money, but I never dreamed that so much—\$60 million of Republican funds and about \$37 million of Democratic funds—was involved in the '72 campaign."

"I was also not aware of the dirty tricks, the espionage, the arm-twisting, the shady, scummy tactics, the corruption of young men by older men who preached law and order. And this bugging of telephones! It's been shocking! And what a horrible commentary on our democracy!"

"I'm sad to say," he asserts, "that many of us in the Senate just assume that our phones are tapped. I operate on that basis. You notice that the doors to my office are always open. If you come into my file room, you'll notice a whole bank of filing cabinets. They're all open. No one has to jimmy them. The only time we lock our doors is at night. In Honolulu, the same thing. My desk is set up in such a way that as soon as one opens the door they can see me. I make myself accessible, and if your discussion is unfit for my secretary's ears, I don't want to hear it."



## NAMES AND AMOUNTS

"I recently had a campaign fund-raising dinner in Honolulu. I released all the names and addresses of the contributors and the amount each had contributed, and I'm going to insist upon that procedure."

"At a time when the Vice President of the United States has resigned and the President himself is under fire and the whole political system is under a dark cloud of suspicion, I believe that legislators, politicians have to reassure the people that honesty and openness and decency are still the character ingredients of the men they elected."

Daniel Inouye, the first Nisei ever elected to the U.S. Senate, feels a very special obligation to the American way of life even though he has been a victim of its prejudices.

Pre-war Hawaii, run by the descendants of the American missionaries who had stolen, connived, and intermarried into Hawaiian property, was full of bias. It was only through the intervention of Franklin D. Roosevelt that the War Department after Pearl Harbor permitted 1500 Nisei volunteers to join the U.S. Army, form the 442nd Regiment combat team and die in Italy in horrendous numbers to prove their loyalty. Eventually some 33,000 Nisei saw action in Europe.

## WHAT PRICE GLORY?

In 1946, Capt. Daniel Inouye was returning to Honolulu. Heavily decorated with rows of campaign ribbons, the Distinguished Service Cross, the Bronze Star, the Purple Heart—small compensation for the loss of his right arm in a gallant assault against a German machine-gun bunker in Italy—Inouye walked into a San Francisco barber shop, his empty right sleeve pinned to his tunic. He asked for a haircut.

"We don't serve Japs here," the owner snapped.

Twenty-seven years later, Inouye was again to hear the "Jap" racial slur; this time from John J. Wilson, the Watergate lawyer for President Nixon's two closest advisers, Bob Haldeman and John Ehrlichman, the latter now under indictment for perjury and conspiracy. Subsequently, attorney Wilson apologized, and Inouye generously accepted the apology, attributing the "Jap-crack" to the hot climate generated by the Watergate hearings, in which the Senator had muttered under his breath, after hearing Ehrlichman's testimony, "What a liar."

Dan Inouye was born in Honolulu on Sept. 7, 1924, the son of poor Japanese immigrant parents. His mother was the orphaned daughter of a Hiroshima family whose members had signed up for contract labor on the sugar plantations of Hawaii. His father came to Hawaii from Japan with his parents at the age of 4.

Named after a Methodist minister, young Dan was raised in poverty. He attended Honolulu public schools, was graduated from McKinley High School, then named "Tokyo High," because most of its students were Japanese.

## AFTER PEARL HARBOR

When Pearl Harbor erupted, Inouye was 17. At the outset of the war, all Americans of Japanese ancestry were discharged from National Guard units in Hawaii and rejected by the Selective Service system. Sometime later, President Roosevelt declared, "Americanism is a matter of the mind and heart; American is not, and never was, a matter of race and ancestry." He ordered the War Department to accept a limited number of Americans of Japanese descent. Dan Inouye, 18, a freshman in pre-med studies at the University of Hawaii, was one of those. Sent to Italy where he won a battlefield commission as a second lieutenant "because I learned how to kill well," he was seriously wounded by a German rifle grenade at close

range, spent 20 months in various Army hospitals after losing his right arm.

## MEETS FUTURE WIFE

Returning to Honolulu, he abandoned hopes of becoming a surgeon and entered the U. of Hawaii as a pre-law student. There he met Margaret "Maggie" Awamura, daughter of a Honolulu jeweler who had done her undergraduate work at Hawaii and had also taken a master's degree at Columbia University.

"I met him via a phone call," Mrs. Inouye says of her first date with her husband. "He called to say hello and asked me for a date, a dinner-dance at Fort Shafter with some of his veteran friends. I said yes, and on the second date he took me out to dinner and proposed. I said yes again."

"We got married in 1949 and went off to Washington, D.C., where I worked as a secretary in the Navy Department while Dan went to George Washington University Law School. Then we returned to Honolulu where Dan practiced law and went into politics. It was a very propitious time. For years the Republican Party had dominated politics in the islands, but after the war the Democratic Party opened its arms to the returning Nisei and other underprivileged groups, and Dan ran into them."

Inouye ran for the territorial House of Representatives in 1954, was elected majority leader at age 30, held the position until 1958 when he was elected to the Hawaii Senate.

A year later when Hawaii became a state he won election to the House of Representatives and then re-election to a full term in 1960. In 1962 he ran for the U.S. Senate against Benjamin Dillingham II, son of a prominent Hawaii family, and won by nearly 70 percent of the vote. In 1968 he won by an even greater margin. And in 1974 his third-term victory seems assured.

The Senator and his wife have only one child, 9-year-old son Danny, "who came late in our lives, when we both were 40," Inouye points out, "and I try to spend as much time with him as possible. We live in Bethesda, Md., and we feed tropical fish and look after squirrels, chipmunks and birds together."

## ENTERTAIN LITTLE

"My wife and I don't entertain very much. In the eight years we've had our Bethesda house, we've had two receptions, both of them neighborhood receptions. I don't give parties for ambassadors or other Senators or visiting dignitaries. I need time to be alone with my family, to collect my thoughts, to think things through."

When asked how he would describe himself politically, the Senator says he's a moderate Democrat. He regrets having supported the Vietnamese war, attributes it in large part to his friendship with Lyndon Johnson "and the conditions of the times."

He used to wear an artificial arm "when I first got out of the hospital," and asks, "Did you know that Phil Hart [Democratic Senator from Michigan] and Bob Dole [Republican Senator from Kansas] and I were all in the same veterans hospital in Battle Creek, Mich., after the war? Prosthetics weren't very well developed back then. Wearing an artificial arm in tropical Hawaii was uncomfortable and sticky and smelly. And I didn't need it to practice law, so I took it off; and I just haven't worn one since."

## LEADS POLL

This past August, a survey by the Gallup Poll people revealed that all seven members of the Watergate committee were favorably regarded by a majority of Americans, with some achieving a nationwide name awareness.

In that same survey, the Gallup pollsters asked their subjects to rate the seven com-

mittee members on a 10-point attitude scale. Daniel Inouye came in first with a 84 percent favorable rating. Sam Ervin was second with 81 percent, Howard Baker third with 78.

Those statistics faithfully reflect the sensational popularity climb of Daniel Inouye in the past six months from island Senator to national celebrity.

Where he goes from here he declines to speculate. His reelection in 1974 seems a certainty. The Republicans in Hawaii may not even offer token opposition. Inouye maintains that U.S. Senator is as high an office as he cares to achieve. Certainly he has brought great honor to his native state by his Horatio Alger rise. But politics has an insidious way of infecting men with its ambition virus. And it would surprise few people if the Democratic National Convention in 1976 nominated him as its candidate for the Vice Presidency.

# AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF SENATE HEARINGS ON NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. HUGH SCOTT. Mr. President, I submit a resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 206

*Resolved*, That there be printed for the use of the Committee on Rules and Administration additional copies of its hearings on the nomination of Gerald R. Ford to be Vice President of the United States in such quantity as shall not exceed the statutory \$1,200 limitation under a simple resolution.

Mr. HUGH SCOTT. Mr. President, the nomination has been favorably reported by the distinguished chairman of the Committee on Rules and Administration (Mr. CANNON), on whose behalf I submit the resolution, and in his words. The statement is to be taken as though read by Senator CANNON. It is a proposal to save a part of the taxpayers' money by printing the additional copies at this time.

I ask unanimous consent that Senator CANNON's statement be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## STATEMENT BY SENATOR CANNON

This resolution would authorize the printing for the use of the Committee on Rules and Administration of additional copies of its hearings on the nomination of GERALD R. FORD to be Vice President of the United States in such quantity as shall not exceed the statutory \$1,200 limitation under a simple resolution.

This nomination has been favorably reported by me today. In view of the wide public interest in Mr. Ford's nomination, the committee will inevitably need more than its normal complement of this document. In order that a portion of the taxpayers' money may be saved by printing the additional copies at the same time, I strongly urge that the Senate now consider and approve this resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution? There being no objection, the resolution (S. Res. 206) was considered and agreed to.

# AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF COMMITTEE REPORT ON NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

Mr. GRIFFIN. Mr. President, I submit a resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 207

*Resolved*, That there be printed for the use of the Committee on Rules and Administration additional copies of its report on the nomination of Gerald R. Ford to be Vice President of the United States in such quantity as shall not exceed the statutory \$1,200 limitation under a simple resolution.

Mr. GRIFFIN. Mr. President, the resolution will make available additional copies of the committee report on the nomination of GERALD R. FORD to be Vice President of the United States within the limitation in the Senate rules.

I ask unanimous consent that a statement by Senator CANNON be printed in the RECORD.

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

## STATEMENT OF SENATOR CANNON

This resolution would authorize the printing for the use of the Committee on Rules and Administration of additional copies of its report on the nomination of Gerald R. Ford to be Vice President of the United States in such quantity as shall not exceed the statutory \$1,200 limitation under a simple resolution.

This nomination has been favorably reported by me today. In view of the wide public interest in Mr. Ford's nomination, the Committee will inevitably need more than its normal complement of this document. In order that a portion of the taxpayers' money may be saved by printing the additional copies at the same time, I strongly urge that the Senate now consider and approve this resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 207) was considered and agreed to.

# AUTHORIZATION FOR PRINTING OF CALENDARS

Mr. GRIFFIN. Mr. President, on behalf of the chairman of the Committee on Rules and Administration (Mr. CANNON), I submit a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 208

*Resolved*, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed \$10,300 for the purchase of 20,600 calendars. The calendars shall be distributed as prescribed by the committee.

Mr. GRIFFIN. Mr. President, on behalf of the chairman of the Committee on Rules and Administration (Mr. CANNON), I report an original resolution

which would authorize the committee to expend not to exceed \$10,300 for the purchase of 20,600 1974 wall calendars for the use of the Senate—200 per Member. The calendars are published by U.S. Capitol Historical Society, and for several years have been made available to for distribution to their constituents. Members of the House of Representatives

Mr. President, I ask unanimous consent that the Senate proceed to consider the resolution.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 208) was considered and agreed to.

## A TIME FOR THANKSGIVING

Mr. HUGH SCOTT. Mr. President, at this time of the year in many of our churches, it is the custom to bring to the altar the fruits of the land and of the sea and of the sky, in order that we may recognize our debt to our Creator in fructifying the land for our blessing and sustenance. At this particular time there is added significance, I think, because we have been amidst perilous ways, nevertheless enjoying an affluence which is given to few nations and to few peoples to receive.

Our ills, it seems to me, stem in considerable part from our abundance and from our affluence and from our well-being. We have been living beyond our means, perhaps, in the use of energy. We have been living in our productive life for the use of others; some of these usages must continue.

But I think it is time, at this period of thanksgiving, to note that we are indulged by the beneficence of the creative forces which sustain us and that we are indeed a blessed people.

Elizabeth Barrett Browning wrote:

Happy are all free peoples, too strong to be dispossessed;  
But blessed are those among nations who dare to be strong for the rest!

## JOHN FITZGERALD KENNEDY

Mr. MANSFIELD:

### JOHN FITZGERALD KENNEDY A REMEMBRANCE

What is ten years remembered:

Is it shots of infamy in a Dallas street?

A clinical report of a murder.

Is it a dress dark-spotted with blood?

The swollen faces of grief.

Is it a rain-filled sky over Washington?

A silent throng under the Capitol's dome.

Is it two children and a child's single cry?

A riderless horse.

An intonation in a cathedral.

The flickering of a flame.

What is ten years remembered:

How much rain beating on a gravesite?

How much snow falling and filtered sunlight?

How many mind-flashes of a man?

Of his humor and humanity.

Of his sense and sensitivity.

Ten years after, it is all remembered and more:

An assertion of human decency.

A trust of freedom.

A confidence in reason.

A love of country.

A kindled hope for the Nation.

This was John Fitzgerald Kennedy.

This is John Fitzgerald Kennedy.

Ten years after.

Mr. RANDOLPH. Mr. President, the passage of time often lessens the pain of a dreadful event, but it can never erase the memory of such an occurrence. There are persons, of course, who are closer to a tragedy than others; but as the tides of the ocean, they ebb and flow and come to touch the lives of many persons, perhaps millions. In a sense, my brief words today may express the thoughts of those who are far removed from this Chamber.

Mr. President, I recall vividly those first shattering moments of a decade ago when word of the happening in Dallas came to the Senate floor. Tomorrow, millions of Americans, and perhaps millions and millions of people throughout the world, will take a further personal inventory of their recollections of the date when the news flashed that President John Fitzgerald Kennedy had been the victim of an assassin's bullet.

In reviewing the tragic events of November 22, 1963, we have collectively asked ourselves, "What manner of people are we, that such violence is bred in our midst?" This question and the self-appraisals that I think it must engender have served, hopefully, to make us a better Nation, a better people.

But, Mr. President, in justice to the American character for which John Fitzgerald Kennedy held such high hopes, let us also acknowledge that the same Nation, the same people, which fostered his assassin gave birth to John Kennedy and responded to his call—his repeated calls—for finer ways and higher deeds for mankind everywhere.

Those who write the judgment on this era will not appraise us solely on the basis of that insane moment in Dallas but on the extent to which we, as a Nation and a people, live up to the ideals for which John Kennedy labored.

For those of us who had the privilege of knowing and working with John Kennedy in this body, I think our lives have been enriched by that cherished experience. It has been for me. It was my good fortune to stand by him in many important matters. I was, with him, a member of the Senate Committee on Labor and Public Welfare.

I remind my colleagues and the country today that perhaps a little glimpse of his character in helping people was expressed by the fact that he sought membership—he was not assigned to—the Committee on Labor and Public Welfare. He served as chairman of the Subcommittee on Labor on which I serve. At that time and later, he was articulate clearly and effectively the concerns of what many people call the downtrodden, the disadvantaged, the handicapped, the helpless, and, yes, sometimes those who were really hopeless.

I can recall the very moment on the Senate floor when we learned that this



great voice for people, for oppressed people, had been silenced. We were involved in the Senate, on November 22, 1963, with an amendment to the Library Service Act. Senator Wayne Morse, of Oregon was floor manager of the bill.

I have often thought of John Kennedy standing, as a Senator, behind his desk, presenting his thoughts, his views, from the desk to my left near the door.

I remember him so very well as the manager of legislation when he brought it to the floor. He was an entirely different person, expeditious, when legislation from a subcommittee of which he was chairman was brought to the floor.

It was my privilege to cosponsor that legislation. I recall how much it meant to West Virginia and the libraries there; \$301,682 in Federal funds for that fiscal year coming up of 1964.

I had just inserted in the RECORD a letter I had written to Dora Ruth Parks, executive secretary of the West Virginia Library Commission at Charleston. I remember I commented on the Book of the Month Club presenting a \$1,000 check to the Charles W. Gibson Public Library in the little community of Buckhannon, W. Va.

Now, Mr. President, where you, my colleague from Idaho, sit today, at that moment TED KENNEDY was sitting. Very few people know this as a fact. Senator Morse was on the floor, as I have said; Frank Carlson of Kansas was here; the late Olin Johnston of South Carolina was in attendance; Harrison Williams was present, and our late colleague Winston Prouty. They formed the group of Senators in the Chamber.

I remember what happened at the time of the announcement of President Kennedy's brutal shooting. I shall never forget that through the door to the left, the doorkeeper on duty, Richard Riedell entered. Many of us in the Senate remember him. He was a large man; he moved very quickly that day as he stepped up to the steps to the desk where Senator TED KENNEDY was presiding; and he whispered to him the tragic news. Senator KENNEDY's face became ashen gray, and he covered his face with his hands for a moment. Then, he rushed from the desk and out of the Chamber.

It was then we were informed of the terrible event which had happened in Texas. I remember also our late colleague Senator Spessard Holland of Florida. He slipped into the Presiding Officer's chair and I recall the comments then of Senator Morse:

Mr. President, I should like to interrupt a moment to say that if ever there was an hour when all Americans should pray, this is the hour.

Senator MIKE MANSFIELD, the majority leader, had entered the Chamber by this time and moved that the Senate recess, which it did at exactly 1:55 p.m.

Then, at 2:10 p.m. we reconvened and we were led in prayer by the late Chaplain of the U.S. Senate, Dr. Frederick Brown Harris. The prayer is as follows:

Our Father, Thou knowest that this sudden, almost unbelievable, news has stunned our minds and hearts as we gaze at a vacant place against the sky, as the President of the Republic goes down like a giant cedar green

with boughs goes down, with a great shout upon the hills, and leaves a lonesome place against the sky. We pray that in Thy will his life may still be spared.

In this hour we cry out in words that were uttered in another hour of deep loss and bereavement: "God lives! And the Government at Washington still stands."

Hold us, we pray, and the people of America, calm and steady and full of faith for the Republic in this tragic hour of our history.

God save the State and empower her for whatever awaits for the great world role she has been called to fill in this time of destiny. Amen.

Mr. President, of all of the tributes spoken for this great American, in my memory, I think the finest occurred during the national and official mourning following his tragic death. Many of us remember those hours. The body of the President lay in state in the great Rotunda of the Capitol, to my right, approximately half way between the two legislative chambers in which he had labored for many, many years.

During that brief period when John Kennedy was once again among us in the Capitol Building, I observed that more than one-third of the persons who passed reverently by his bier were boys and girls in their teens. I watched them closely as they moved slowly past and later viewed them by television.

Citizens from every walk of life were there, expressing their sincere admiration, their genuine love, their real affection for a fallen leader. There were people of high office and esteem in the lines, generals and admirals, scholars and statesmen. But always, and in increasing numbers, there were the young people.

The President certainly was a gallant man. Gallantry appeals to the youth of the United States and of the world. Youth sensed in the career of John F. Kennedy something that was good and noble.

I remember nine young men who drove 400 miles from Marshall University at Huntington, W. Va., to express their reverent respect for the slain President of the United States. My colleague, Senator ROBERT C. BYRD, remembers this well, too.

I ask those young men, "Why do you come?"

Tearfully, they replied, "We came because we just had to come."

I recall, as does my colleague, Senator ROBERT C. BYRD, another group of five young men from Fairmont State College at Fairmont, W. Va. They drove through the night to join the long line of grieving thousands.

They moved slowly along in line for 8½ hours, before they, those young people from Fairmont could reach the bier to express their respects.

Again, I asked them why they had come. "Because," one of them replied—I will never forget the choke in his voice—"he was our President and we, as young people, felt that he was concerned with our future."

Yes, Mr. President, I think he was concerned with their future, and the future of all people; and no man, I believe, in public service can expect or hope to earn a more glorious tribute.

Mr. HUMPHREY. Mr. President, I want to compliment and indeed highly commend the distinguished Senator from West Virginia (Mr. RANDOLPH) on a beautiful statement here in the Senate today about our beloved and our greatly admired and talented late President John Fitzgerald Kennedy.

I sat here and listened to the words of the Senator from West Virginia and kept saying to myself, "He speaks for all of us." It would be really unworthy for anyone now to try to add much to what has been said.

I had the privilege of knowing President Kennedy as a friend, as a competitor, as one of the then leaders in the Senate, the majority whip of the Senate, visiting with him from time to time, both in official matters and matters that were private and social. I am sure that my thoughts and reactions are characteristic of those of so many who knew him.

He was an exciting man, an engaging man, a person of both humor and humility, of honor and courage, of vision and practicality.

The happiest days of my public life were the days when I was privileged to work with him, to be one of his legislative leaders here in the Senate, and to share in his fellowship.

I might add that I think one of the most interesting Presidential primary campaigns was in 1960, in the campaigns of West Virginia and Wisconsin. I mention this because out of those primary contests, in which the then Senator Kennedy and I were engaged, came programs for the future. We did not merely talk about each other; we talked about policy and program. It was in those primaries that we hammered out the Peace Corps program, the arms control program, Federal aid to education, and a number of other items that have now become public policy and public law.

May I say to my colleagues, I remember that tragic hour of his assassination. Mrs. Humphrey and I were visiting at the Embassy of Chile. We were guests at a luncheon there, and I received a call from the White House. I went to the telephone and was told by Mr. Fred Dutton, who was one of the Presidential aides at the White House, that the President had been shot. I can remember the feeling of shock and trauma that came over me. I asked whether he was still living, and was told, yes, that he was, but that the wounds had been severe and possibly fatal. I went back to the table, stunned, and had no more than arrived there when the call came again and I was told that he had been killed.

I had to announce to that luncheon gathering the tragic news.

I recall, Mr. President, going back to the White House after that luncheon, really unable to believe that the tragic news was a fact. I have written down my thoughts on this matter and I have kept them as a record. I did so within the day after his burial, because I wanted to put down on paper what had flashed through my mind, the emotions that I had experienced, the feelings that had come over me; and all of this I have preserved for my family and my friends.

I also recall the night that the Vice President became President as he took his oath of office. Lyndon Johnson came back to Washington. Many of us were at Andrews Air Force base when the new President arrived. I remember that first meeting in the Vice President's office, with the man who had become President, when he said to some of us that his aim, his goal, and indeed his pledge, was to see to it that every major item of legislation that President Kennedy had proposed which as yet had not passed would become public policy. And in those remaining days of the Kennedy years, filled by then President Johnson, up until January 20, 1965, the new President labored long and hard to accomplish or to achieve a living memorial to President Kennedy, namely, the enactment of the legislative program of the fallen President.

Today it is not my purpose to once again stand here and eulogize out of heart and mind President Kennedy. We all have our thoughts. We all have our memories. And to me they are wonderful thoughts and beautiful memories.

What I remember most of all was that he was a leader. I remember that he inspired people. I recall that he asked of us our best and that the theme of the day was excellence not mediocrity, and performance not merely utterance. And those are the themes and the standards which this great Nation needs.

Again I want to thank the Senator from West Virginia for his beautiful statement and for bringing it so close to us and bringing his memories back to us. He recalled the reactions of the people of the great State of West Virginia, the people of which State had a special affection for President Kennedy. And might I add it is a State for which I have a special affection.

#### THE DESOLATE WILDERNESS

Mr. AIKEN. Mr. President, I ask unanimous consent to have printed in the RECORD the lead editorial in the Wall Street Journal of this morning entitled "The Desolate Wilderness."

This editorial starts out by reading:

Here beginneth the chronicle of those memorable circumstances of the year 1620, as recorded by Nathaniel Morton, keeper of the record of Plymouth Colony, based on the account of William Bradford, sometime governor thereof.

I wish this editorial could be required reading for all those who spend so much time lamenting the possibility that they are going to be deprived of some of their luxuries and field trips throughout America and abroad for the coming period. I hope everybody who is lamenting today will read this editorial.

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

[From the Wall Street Journal, Nov. 21, 1973]

#### THE DESOLATE WILDERNESS

(Here beginneth the chronicle of those memorable circumstances of the year 1620, as recorded by Nathaniel Morton, keeper of the records of Plymouth Colony, based on the account of William Bradford, sometime governor thereof:)

So they left that goodly and pleasant city of Leyden, which had been their resting-place for above eleven years, but they knew that they were pilgrims and strangers here below, and looked not much on these things, but lifted up their eyes to Heaven, their dearest country, where God hath prepared for them a city (Heb. xi, 16), and therein quieted their spirits.

When they came to Delfs-Haven they found the ship and all things ready, and such of their friends as could not come with them followed after them, and sundry came from Amsterdam to see them shipt, and to take their leaves of them. One night was spent with little sleep with the most, but friendly entertainment and Christian discourse, and other real expressions of true Christian love.

The next day they went on board, and their friends with them, where truly doleful was the sight of that sad and mournful parting, to hear what sighs and sobs and prayers did sound amongst them; what tears did gush from every eye, and pithy speeches pierced each other's heart, that sundry of the Dutch strangers that stood on the Key as spectators could not refrain from tears. But the tide (which stays for no man) calling them away, that were thus loath to depart, their Reverend Pastor, falling down on his knees, and they all with him, with watery cheeks commended them with the most fervent prayers unto the Lord and His blessing; and then with mutual embraces and many tears they took their leaves one of another, which proved to be the last leave to many of them.

Being now passed the vast ocean, and a sea of troubles before them in expectations, they had now no friends to welcome them, no inns to entertain or refresh them, no houses, or much less towns, to repair unto to seek for succour; and for the season it was winter, and they that know the winters of the country know them to be sharp and violent, subject to cruel and fierce storms, dangerous to travel to known places, much more to search unknown coasts.

Besides, what could they see but a hideous and desolate wilderness, full of wilde beasts and wilde men? and what multitudes of them there were, they then knew not: for which way soever they turned their eyes (save upward to Heaven) they could have but little solace or content in respect of any outward object; for summer being ended, all things stand in appearance with a weatherbeaten face, and the whole country, full of woods and thickets, represented a wild and savage heu.

If they looked behind them, there was a mighty ocean which they had passed, and was now as a main bar or gulph to separate them from all the civil parts of the world.

#### THE ENERGY CRISIS

Mr. HUMPHREY. Mr. President, I wish to address myself to a matter that is much more mundane, a matter that I think is of great importance.

We face a major crisis in this Republic and it is not Watergate, important and distressing as that is. We face a threat in this republic that is ominous as a nuclear threat from a determined enemy. I speak of the oil crisis, and I speak also of its twin, the food crisis.

Mr. President, from time to time I have spoken throughout the Nation and in this body on the subjects of fuel, food, and foreign policy. Today in the few minutes that are mine, I want to tie down two or three reflections or observations which I believe are necessary or that at least need to be understood and hopefully fully comprehended.

We generally associate the current

problem of the oil shortage with the embargo imposed upon shipments of crude oil from the Arab States. My point is that there was an oil crisis and a food crisis without any embargo from the Arab States. We were facing this crisis and were yet unwilling to recognize the dimensions.

The Arab embargo was but the straw that broke the proverbial camel's back. And might I say that simile is most appropriate in light of the fact that much of the oil we need comes from the Middle East and much of the problem we face today is the result of actions taken in the Middle East. However, the point I seek to make as one Senator is that the fuel crisis and the energy crisis were with us before October 6 when the war in the Middle East flared up once again.

It was with us before the King of Saudi Arabia decided to cut back on the shipments of crude oil to the United States and other countries. And it will be with us even if tomorrow morning the Arab States say that the embargo is over.

I repeat, this Nation faces an energy crisis for at least 5 years under the most favorable of circumstances, and for at least 3 years even with the wholehearted cooperation of the countries of the world that are today punishing us with their embargoes. Were those same countries to lift those embargoes this very morning, were the crude oil to flow from the wells of the Arab States into the tankers and into the boats of the United States, we would still have a critical shortage of fuel. Why?

First of all, we have inadequate refineries.

Second, we have inadequate pipelines.

Third, we have inadequate transportation to move oil from the pipelines.

Fourth, we have inadequate port facilities.

In other words, Mr. President, we have drifted along, unwilling to plan, unwilling to look ahead, looking at day by day, letting the major oil companies set the policy rather than having a national fuel policy.

So, my first point is that there is no escape from the energy crisis quickly or in a short period of time.

Having said that, Mr. President, I think it is important that we recognize as a country that our entire economic system depends upon energy. It always has. Sometimes that energy was in the form of human power. We use a similar phrase many times today when we speak of our automobiles in terms of horsepower, because at one time in our history as a world people it was the animal, the horse that gave the energy for the plow, for the field, for transportation.

Energy is but another form of power. And when we use fossil fuels or other kinds of fuels or energy to propel our machines, it eases the human burden and makes possible what we call an industrialized society.

The United States is the greatest industrial society in the world. We use vast amounts of energy.

With 6 percent of the world's population, we use 35 percent of the world's energy. With 6 percent of the world's population, we use 40 percent of the



world's natural resources. That is why we have a high standard of living.

We have in a sense been gluttons, or to put it more kindly, we have been wastrels. Wasting and consuming has been the pattern of our life.

We have wasted our natural resources, our land, water, timber, and minerals. We have polluted our environment. We have consumed these things in abundance and wastefully.

We have wasted our resources of fuel. And now the hour of decision has arrived.

In many ways we owe a debt of gratitude to those who would punish us today by their oil embargo, because their action forces us to come to grips with a problem that was there even before the Arab leaders took action.

Today we are compelled to face reality. And fortunately for us, we have the means with which to come to grips with these problems.

Let me lay it on the line. This Nation cannot afford to be dependent upon other nations for the fuel, power, and energy that is needed for our economy and for our national security.

We cannot afford to be a hostage to other peoples for our survival.

We cannot permit ourselves to be blackmailed. To put it in the positive, Mr. President, we must become self-sufficient in energy and fuel, just as we are self-sufficient in food.

The margin of American strength in the 20th century has been found in its industrial and agricultural capacity. Far more important than our armies or our navies has been the fact that we had a tremendous economy—growing, modern, efficient. We have had a powerful and ever-expanding labor force—skilled, talented, and hardworking. We have had competent management. We have had a great agricultural system based upon the family farm.

These have been our assets, along with a people who believe in education, who possess a sense of idealism, and who are willing to accept any challenge. Now the challenge is here, and I want our country to look upon the present fuel crisis or energy crisis as an invitation to greatness.

We have been able to do things that others have never been able to do. That is the margin of difference between the United States and other countries. In the years of the late 1930's and the early 1940's we were fortunate to receive in our country men from Germany, Italy, and other parts of Europe, with names like Einstein, Fermi, Bohr—the great atomic scientists and physicists—theoreticians, as they said. Men who were driven out of Europe by Mussolini and Hitler. They came to America as great and talented men of science and technology.

With these men and others, and through a commitment by the Government of the United States, a massive research program known as the Manhattan project was established to release from the atom the energy that was there, to make possible what we call atomic energy and the development of the atom bomb, and subsequently the hydrogen bomb.

How did we do it? We did it by organization, by commitment of resources, by putting the best minds of the country to work, by using the talent that was available throughout the country. And we did it because we had to do it, because we faced a crisis. We split the atom and released the power of the atom. Only a small fraction of that power was released, but it produced weapons of unbelievable destructive power, and it also produced a new form of energy called nuclear energy, which today can be harnessed in ever-increasing amounts to meet our energy needs.

Then someone said, "But the atom bomb is dirty," just as they say today, "Coal is dirty."

So this Nation set itself to the task of producing, Mr. President, what we call the clean bomb. A country that can produce a clean bomb, a bomb that does not contaminate the Earth with radioactivity, ought to be able to produce a clean fuel. A country that can split the atom ought to be able to do something about harnessing the power of solar energy. After all, atomic energy is nothing more nor less than solar energy itself. A country that could clean up a fission bomb and make it into a fusion bomb, a clean bomb, ought to be able to develop the technology that will take our vast and unlimited supplies of coal and make those supplies of coal a nonpollutant, clean source of fuel. A country that can achieve these great objectives can certainly unlock the mysteries of geothermal, nuclear, hydroelectric, and other sources of energy for the use of generations of Americans to come.

Mr. President, we had to do it in terms of our national security when it came to the nuclear power, and we did it.

Second, I remember another incident: the Russian sputnik, that missile that flashed across the skies. I was here in Washington in those late years of the 1950's. I remember the shock that fell upon this country when we read that the Russians were in advanced stages of space technology, that sputnik was in orbit. I remember the advantage that the Russians had in space technology, and I remember the Senate seizing that challenge. I remember the then majority leader, Lyndon Johnson, rising on this floor and saying that we would accept the challenge.

We established NASA. We appropriated the money and got the program moving. Then I remember John Kennedy addressing the Nation and saying to the whole world that within the decade of the sixties, the United States of America would send a man to the Moon, that he would land on the Moon, walk on the Moon, work on the Moon, and then leave the Moon and come back to the Earth safely—all within the decade of the sixties.

There were those who said it was impossible. There were those who reminded us that we were 5 to 10 years behind the Russians in space technology. But there was a President who said, "We will do it," and there was a Congress that responded. There was a nation that was challenged.

Mr. President, I was in the Kremlin

in Moscow on the very day that Neil Armstrong stepped forth on the Moon. I was there the week that our Apollo space operation to the Moon was launched, and I remember seeing Russian leaders surprised and amazed at the success of the American achievement.

We decided that we had to do something, and we did it. I sat across the table from Premier Kosygin of the Soviet Union on the very day that Neil Armstrong put foot on the Moon, and saw in Mr. Kosygin his respect and admiration for American competence.

Mr. President, any country that can split the atom, any country that can make a clean bomb out of a dirty weapon, any country that can put a man on the Moon not once but again and again—that country can do what it needs to do in developing the technology that is required to find sources of energy in this country that will meet our needs.

So I rise in the Senate today to say, "Let's quit wringing our hands. Let's quit complaining and moaning. Let the word go forth from this place that we accept the challenge."

I would hope the whole world will unite, because it is important that it unite, in a common program, with our friends in Europe and Japan and elsewhere, and that we tell those who would seek to use oil as a weapon that it will have a short life, that we do not intend to let that weapon destroy us, that we intend to find ways and means to no longer be reliant upon the capricious decisions of those who would punish us. To do anything less would be unworthy of us.

Mr. President, what does it take to do this? A commitment. Not this band-aid, piecemeal stuff, but a massive commitment. The American people think in big terms. They need a big challenge. They need someone to say what the task is, to outline its dimensions, to point up its difficulties, and then to mobilize the resources to get the job done.

That is what the space program was about. That is what the atomic energy program was about. We can do it. We need to signal to the whole world that we will do it. In the meantime, we will take whatever steps are necessary in the way of conservation and sacrifice, to buy the time we need to make this country self-sufficient in energy and fuel.

Now, Mr. President, one other aspect. We are not a helpless people. I said that I have addressed myself from time to time on the subject of fuel, food, and foreign policy. Food and fuel are tied together. It takes energy—fuel and power—to bring about food production. Maybe this is one of the reasons the United States is one of the greatest food-producing nations in the world. We are a food reserve producing nation.

There are four major nations in the world that are what we call food reserve producing countries. By that I mean producing much more than just their own domestic needs. They are the United States, Canada, Argentina, and Australia.

But in order that we may understand how important we are as a nation in this

matter, the United States produces more food for export than all the other three countries I have just mentioned put together.

For example, 50 percent of all wheat exported in the world comes from the United States.

Sixty percent of all feed grains exported in the world come from the United States.

Eighty to 85 percent of all the soybeans exported in the world come from the United States. In other words, Mr. President, the availability of an adequate food supply in the world is, in large measure, dependent on the production of the United States of America. This assumes that other countries are doing their best. The margin between disaster and survival is what happens in the United States. Let me repeat that: The margin between disaster for millions of people in the world—starvation for millions of people in the world—and survival for those same millions of people is the production of the American agricultural economy. That is not a boast. That is just a fact.

So, Mr. President, when the Arab nations put a boycott on oil to the United States, what they are really doing is reducing American agricultural production, because it takes oil or petroleum to make fertilizer. That is the base for fertilizer. Fertilizer is necessary for adequate food production here and abroad. Thirty percent of the feed grain production in the United States is the result of fertilizer.

Mr. President, we have opened up over 60 million new acres of land in the past 2 years. Much of that land needs fertilizer. If it is not available, it will not be productive. If fertilizer is not available, future land production will be down. Fertilizer needs oil. To plant the crops we need fuel. To harvest the crops, we need fuel. To dry the corn, we need fuel such as propane and heating oil.

Mr. President, food and fuel are partners, so when the Arab States cut back on oil to the United States, they need to be reminded as to where the injury will really fall.

I spoke in Munich last week, addressing the World Soy Protein Conference. Forty-five nations were represented. I stated there what I am about to state here; namely, that the Arab oil boycott is an inconvenience for America but it is not a catastrophe. The Arab oil boycott will cut our agricultural production. Make no mistake about that. All the agricultural production estimates of 3 months ago, 2 months ago, must be revised downward. With the Arab boycott there will be less fertilizer. There will be a shortage of fuel supplies for American agriculture. Therefore, there will be less production, which means there will be less food in the world. However, Mr. President, we are not going to be short of food in America.

Here is exactly what I told the 45 nations represented at that conference—many of them were from Africa and Asia: "I want all African and Asian brothers here to know that when the Arab nations boycott oil to the United States, all they are doing is signaling to

you that you will starve. Or, to put it quite candidly, if this embargo persists, I can predict that the estimate of food production in the United States will have to be revised and revised downward sharply. And, should that be the case, the poor nations will go without food both in commercial markets, in concessional sales and in food grants. For the American people this food shortage will be an inconvenience, but for the developing nations it will be a catastrophe with many people suffering from malnutrition and dying of starvation."

Mr. President, it is not our wish as a nation to use food as a political weapon, but as I have noted, petroleum is the base for fertilizer and fertilizer is essential in feed grain production. So we have to face up to the fact that if there is a shortage of food production for U.S. reserves, the people who will suffer will be the poor. The people who will suffer will be those in food deficit countries, with food prices skyrocketing.

Mr. President, as one Senator who abhors export embargoes and export controls, if the choice is between the American people going without food and someone else going without it, then I am going to protect the American people.

So, Mr. President, the Arab oil embargo may be an inconvenience for America, but it is starvation and death to millions and millions of people in Africa, Asia, and Latin America.

Let the Arab leaders know what they are doing.

I say to the representatives of Africa and Asia, "Speak to your Arab brothers, because there will be no food to purchase; there will be no concessional sales in which we have put out billions of dollars worth of food at low interest and on long-term credit, there will be no food grants and there will be no charity, because there will be no surplus."

So the Arab embargo on oil directed at the United States has a way of developing its own backlash. It will lash back upon millions of the poor in Africa and Asia, those who have received from America over the past decade billions of dollars in food relief—the hundreds of millions of bushels, and millions of tons of food that have gone from America to relieve human suffering.

Thus, the Arab States stick their dagger not into the heart of America but into the hearts of those whom they say they love.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Post today, written by Joseph Alsop, entitled "Oil Blackmail Threatens U.S. Independence."

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

[From the Washington Post, Nov. 21, 1973]

**OIL BLACKMAIL THREATENS U.S. INDEPENDENCE**

(By Joseph Alsop)

The energy crisis is in danger of becoming the other horror story of the second Nixon administration. The Arab oil embargo on this country is proving all too successful. Its enforcement is even being policed by the big American-owned oil companies.

Available supplies are therefore close to

20 per cent short of total U.S. demand for oil fuels before the embargo. As any fool can see, this kind of supply-demand relationship must soon cause acute shortages. New England will pretty certainly be freezing before Christmas. Soon thereafter, the whole country will feel the full effects of the biggest, most painful single problem ever met with by the U.S. in peacetime.

Yet this enormous problem finds the U.S. government divided and irresolute, and the Congress rather more footling and feeble than the executive branch. In the administration, the chief immediate bone of contention is whether to have some sort of rationing.

As is well known, both Secretary of the Treasury George Shultz and the President's Council of Economic Advisors are strongly opposed to rationing. They want more allocation, plus higher prices, to serve instead. Secretary of the Interior Rogers Morton, meanwhile, is strong for rationing. But the real swamp of indecision is among the President's energy specialists, headed by Gov. John Love.

Governor Love is a handsome, amiable fellow who has notorious difficulty making up his mind about anything. It is pretty obvious the White House already hankers to replace this impossible substitute for the energy czar who is now so badly needed. As to Governor Love's staff, it is enough to say that his chief staff member is the author of President Nixon's energy message of last January, Charles DiBona.

A tough, forthright January message could have made the President the hero of the energy crisis, in contrast to a "do-nothing Congress." Instead, the message was watered down to a damp squib by DiBona and John Ehrlichman. The latter also chose both DiBona and Governor Love to be put in charge of the energy problem. Even in the Watergate horror, Richard M. Nixon has rarely been worse-served.

The result, in fact, is that the politically beleaguered President has been left in the wrong posture to deal with this appalling crisis and with no real instrument for the purpose, and with conflicts of view among the highest policy-makers.

Furthermore, the argument about rationing may dominate the energy scene at the moment, but is far away from the central point of the energy crisis. The central point is both grim and simple. Whether or not we have rationed oil fuels, we have got to begin paying much, much higher prices for energy in all forms.

The only alternative to much higher energy prices was suggested at a recent meeting of state officials from Colorado, Wyoming, and the other Western states which contain the largest U.S. reserves of easily mined coal as well as oil shale. These states now have to face being literally excavated. They do not like the prospect. Hence one official, currently running for the Wyoming governorship but to be kept nameless, actually made the all but incredible statement:

"Maybe the time has come for the U.S. to destroy Israel, in order to safeguard American oil supplies from the Arab countries."

The monstrous anecdote serves to dramatize the real American stake in the energy crisis. The stake is nothing more nor less than the political and strategic independence of the United States.

To preserve American independence, surely any decent American ought to accept gasoline at a dollar or even \$1.25 a gallon—which is the current gas price in West Germany. Much higher energy prices are unavoidable, in turn, in order to make it profitable to exploit the huge alternative energy-sources the U.S. luckily possesses. The main ones are oil shale and coal, of course; and if these are not exploited to the utmost, we cannot be independent.



For this purpose, the needed investments may easily run above \$100 billion in the next 10 years. Obviously, moreover, investments on this scale are never going to be made, without some sort of guarantee of long-term price stability at the new high level. There will never be a huge American oil-shale industry, for instance, without solid protection by import taxes or in other ways. The Arab states have to be prevented from destroying this novel competition overnight, by arbitrarily cutting their own oil prices for a while.

Meanwhile, however, with national independence quite clearly at stake, no one seems to worry about anything but the Watergate horror. And this is even true of the President.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

#### NOMINATION OF HELMUT SONNENFELDT TO BE UNDER SECRETARY OF THE TREASURY

Mr. HARRY F. BYRD, JR. Mr. President, I had not planned to speak this morning, but since some of the news accounts of the pending nomination of Mr. Helmut Sonnenfeldt to be Under Secretary of the Treasury are not completely accurate, I wanted to make my position on this matter clear.

My concern about the nomination of Mr. Sonnenfeldt to be Under Secretary of the Treasury deals only with his qualifications for the position to which he has been appointed.

I have reached a conclusion, following his testimony before the Committee on Finance, that he is not qualified for the position of Under Secretary of the Treasury.

That is not to say that he is not qualified for other positions, high positions, in Government. It is only to express my judgment that, insofar as the position of Under Secretary of the Treasury is concerned, he does not have the qualifications. My prediction is that the administration will reach that conclusion, also, if, indeed, it has not already. My guess is he will not stay long in the position for which the Senate is asked to confirm him.

For that reason, I have great reluctance to cast an affirmative vote for him for this very important position. I will not go into the details today. I will speak at some length later, giving my reasons in this regard.

Other Senators are concerned about other aspects of the Sonnenfeldt appointment. I am not involved in that, and as to the charges that have been made, I understand that testimony will be taken by a committee of the House of Representatives in December.

My only reason for rising today is to make clear that my opposition to Mr. Sonnenfeldt rests entirely on the fact that, in my judgment, he does not have the qualifications for the particular job to which he has been appointed; namely, that of Under Secretary of the Treasury.

Mr. MATHIAS. Mr. President, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) has outlined for the Senate the basis for his objections to the confirmation of Mr. Helmut Sonnenfeldt. As I listened to his remarks I was, of

course, impressed with the conscientious and serious way in which he approached the duty of the Senate to pass on Executive nominations.

I would like to add at this point that I have known Mr. Sonnenfeldt for a number of years, and I have observed him in the discharge of very responsible duties on the part of the U.S. Government in meetings both in this country and abroad. I have always felt he discharged those responsibilities with distinction and honor to the United States.

I am hopeful that any questions that have been raised about his confirmation may soon be laid to rest.

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THE ENERGY ILLUSIONS

Mr. PROXMIER. Mr. President, this morning's edition of the New York Times carried a column by former Secretary of the Interior Stewart Udall about the energy crisis. Stewart Udall is a highly qualified expert on our energy resources. Mr. Udall points out that we have been operating, and are still operating, under a number of illusions about the energy situation. Mr. Udall described the situation with which few Americans are familiar and which needs greater emphasis.

He said that these illusions are:

Illusion One is the misconception that the crisis is a "temporary emergency." The crunch is, in fact, a deepening long-term impasse that is certain to escalate and send shock waves through our economy for at least a decade.

Illusion Two is the misconception that we have "reserve" resources which can bail us out in the near term. The hard truth is that for the last five years U.S. consumption has increased much faster than production. All of the energy industries need six- to ten-year "lead times" to produce big results—and these lead times have already been irretrievably lost. The President grossly misled the American people on this point: there is no way we can become energy-sufficient by 1980.

Illusion Three is the presupposition that the U.S. is so rich and powerful (and so capable of pulling off quickie "technological miracles") that any serious long-term "energy gap" is unthinkable. Yet the unthinkable has already happened, as a cocksure nation has allowed gargantuan shortages to develop. The hard reality is that the era of abundant, cheap oil has ended—and there have never been any short-cut substitutes in sight for this versatile commodity.

Illusion Four is the misconception that radical, mandatory conservation measures are not necessary. Despite the ominous indicators, until this month the Nixon winter conservation program has been largely hortatory. The sooner mandatory across-the-board rationing and waste elimination programs are imposed the better. Our energy economy is bloated and profligate. At least one-third of the energy we use is wasted.

Illusion Five is the assumption that the U.S. oil depletion policy is still sound. Depletion was probably wise several decades ago when oil was an infant industry. Now that U.S. oil production has peaked and begun its long decline, rigorous conservation must become our new oil policy.

Illusion Six is the wishful thinking that the Arabs would not dare to use their "oil weapon" against us. Events have rudely shattered this mirage. The oil weapon has a sharp edge, and the Arab oilmen are wielding it with relentless skill. From now on they will call the tune for the global oil game.

In spite of the debate we have had in the Senate, in spite of the action we took on Monday, which certainly was essential, it seems to me that neither the Senate nor Congress, certainly not the American people, and especially not the President of the United States appreciate the very, very serious economic situation that confronts this Nation.

Mr. President, it is rapidly becoming clear that these are indeed illusions. Gas rationing now appears to be inevitable—as unpalatable as it may seem, all the other possible solutions would be worse. And we cannot simply pass this off as a "temporary emergency"—it is clear that major, permanent changes in our national life style are going to be required.

I hope to hold hearings in the Joint Economic Committee in the coming weeks to provide an idea of the types of changes in our life style that will be required—not only by the energy shortage, but also by the other shortages we face as well.

Mr. President, I ask unanimous consent that the article by Stewart Udall entitled "The Energy Illusions" be printed in the RECORD.

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

#### THE ENERGY ILLUSIONS (By Stewart L. Udall)

BETHESDA, Md.—A nation that bases a vital national policy on illusions is inviting trouble. The energy crisis—which is worsening each week—is a classic example of policymaking by myth. For the past two years we have seen monumental miscalculations both by energy executives, and the Nixon Administration—and the President's latest special message (his fourth on energy since April) essentially applies a band-aid to hemorrhage.

In my opinion, the President and the energy industries have been floundering because they have been unwilling to push aside their 1950-vintage illusions and face the grim facts. Most of the script for the nineteen-seventies has already been written—by gluttonous increases in U.S. consumption—and not by the new uncertainties about Arab oil supplies. Consequently, we cannot come to grips with the real issues until we first face the urgent need to make drastic changes in our energy economy.

The illusions that are paralyzing bold action are these:

Illusion one is the misconception that the crisis is a "temporary emergency." The

crunch is, in fact, a deepening long-term impasse that is certain to escalate and send shock waves through our economy for at least a decade.

Illusion two is the misconception that we have "reserve" resources which can bail us out in the near term. The hard truth is that for the last five years U.S. consumption has increased much faster than production. All of the energy industries need six- to ten-year "lead times" to produce big results—and these lead times have already been irretrievably lost. The President grossly misled the American people on this point: there is no way we can become energy-sufficient by 1980.

Illusion three is the presupposition that the U.S. is so rich and powerful (and so capable of pulling off quickie "technological miracles") that any serious long-term "energy gap" is unthinkable. Yet the unthinkable has already happened, as a cocksure nation has allowed gargantuan shortages to develop. The hard reality is that the era of abundant, cheap oil has ended—and there have never been any short-cut substitutes in sight for this versatile commodity.

Illusion four is the misconception that radical, mandatory conservation measures are not necessary. Despite the ominous indicators, until this month the Nixon winter conservation program has been largely hortatory. The sooner mandatory across-the-board rationing and waste elimination programs are imposed the better. Our energy economy is bloated and profligate. At least one-third of the energy we use is wasted.

Illusion Five is the assumption that the U.S. oil depletion policy is still sound. Depletion was probably wise several decades ago when oil was an infant industry. Now that U.S. oil production has peaked and begun its long decline, rigorous conservation must become our new oil policy.

Illusion Six is the wishful thinking that the Arabs would not dare to use their "oil weapon" against us. Events have rudely shattered this mirage. The oil weapon has a sharp edge, and the Arab oilmen are wielding it with relentless skill. From now on they will call the tune for the global oil game.

In a moment of exasperation a few weeks ago, Treasury Secretary George Shultz asserted that we would have to crank up a "crash plan" to develop our own resources (Illusion Two) to "cool the swagger of the Arab nations." Yet it is we who are the swaggers—and the energy pigs as well. We are consuming nearly one-third of the world's petroleum even though we have only a dwindling 9 per cent of the world's oil reserves. This is the situation that sets the stage for a painful, overdue comeuppance.

We have ridden our illusions of omnipotence into a long-term impasse. The crunch this winter is but a preview of things to come. The President must stop pretending there are easy, painless solutions. Billions and bold changes in our policies are needed to build excellent public transportation, to legislate a 25-miles-per-gallon compact car, to squeeze out the scandalous waste in industrial energy uses and to force individuals to make permanent changes in their lifestyles.

The oil companies (with the President acting as their echo) have led us into a cul de sac that is bound to cripple our economy. Their fatuous slogan, "A nation that runs on oil can't afford to run short," reveals their disastrous philosophy. The energy conservation imperative now dictates a new credo: "A nation that is running out of oil must stretch its supplies as far as it can." From here on, the making of national energy policy is too important to be left to the oilmen.

#### THE NEED FOR PRIORITIES IN THE ALLOCATION OF FUEL RESOURCES

Mr. MATHIAS. Mr. President, the so-called energy crisis presents us with very

many serious choices in America. So far a lot of the public debate on this subject has been at the level of whether or not we are going to give up a Sunday afternoon drive in the country or reduce by a few degrees the temperature in our living rooms. There are much deeper and more serious levels of concern with the energy crisis.

As one example, I have in my hand a dialysis unit, which is better known as an artificial kidney. For many Americans, this device is the difference between life and death. In the literal meaning of the words, it is a lifesaver.

The energy crisis that now besets us has, in its own way, affected and to some extent imperiled the lives of many persons who depend on these artificial kidneys. These devices are manufactured of products that are petroleum-based. The manufacturers are reporting that they are having difficulty obtaining the component parts because of the crunch on petroleum and other oil products; yet it would certainly seem that this is the type production that must have priority in the allocation of our petroleum resources.

I bring this to the attention of the Senate today to assert the need for priorities in the allocation of our fuel resources as we get into the details of the program that will be established as a result of our energy shortage.

We must clearly comprehend the depth and the urgency of the decisions being made and that will have to be made. It is imperative that the Government recognize the need for priorities for petroleum products and keep in mind the very urgent requirement for products like this artificial kidney, which is a lifesaver, when we go about the difficult and distasteful job of trying to decide what comes first in passing around the available supplies.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 2735. A bill to increase the availability of urgently needed mortgage credit for the financing of housing and other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MOSS:

S. 2736. A bill for the relief of Guillermina Yolanda Abadillo. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2737. A bill to establish controls on the export of certain energy producing commodities. Referred to the Committee on Banking, Housing and Urban Affairs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (for himself and Mr. Tower) (by request):

S. 2735. A bill to increase the availability of urgently needed mortgage credit for the financing of housing and other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, today I am introducing, along with the distinguished Senator from Texas, the ranking minority member of the Banking Committee, the Emergency Mortgage Credit Act of 1973. We are introducing this bill primarily for the purpose of dealing quickly with some of the very serious problems that have cropped up in the mortgage market over the past few months. I do not have to deal at any great length with the severe problems that lack of mortgage money and extraordinarily high mortgage interest rates have caused housing. Suffice it to say that housing starts during the month of October were down to a level of 1,613,000 on an annualized basis, the lowest since October 1970. Even more serious, the building permits rate for October was down to 1,310,000 units, the lowest since April 1970. All indications are that matters will get much worse before they get better.

Mortgage credit shortages are just as bad in connection with the financing of the sales of existing housing. All over the country prospective buyers of homes are finding that they cannot finance these homes because of the high cost of mortgage money, or nonexistence of mortgage money at any price. In many States there are usury limits on the maximum amount of mortgage interest that can be charged. Yet the market rate exceeds this State usury ceiling and therefore there is no mortgage money available at any price.

The provisions of the proposed Emergency Mortgage Credit Act will help to rectify some of the problems that today face the prospective home buyer, or renter, as well as the home seller and the homebuilder. It will increase the mortgage limits on Federal Housing Administration single family and multifamily loans in recognition of the substantial cost increase since these limits were last raised in 1969. It will raise the mortgage limits applicable to savings and loans and the secondary market operations of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. It will expand the ability of commercial banks to make mortgage loans and to finance the construction of housing. It will encourage greater flows of funds into thrift institutions as well as commercial banks by permitting 100 percent Federal insurance on deposits of public bodies as well as increasing the regular insurance limit on savings accounts from \$20,000 to \$50,000.

There are, of course, many things which need to be and can be done to prevent the precipitate ups and downs in the availability of mortgage credit. The proposals contained in this bill do not contain all the answers. However, they will ease matters considerably and represent a first step toward dealing with the recurrent crisis in the supply of mortgage money.

As the Senate is aware, the Banking Committee has been working for a month and a half now on omnibus housing legislation. Many of the matters covered by this bill are also covered within this legislation. However, there is concern that this omnibus legislation will not be com-



pleted by both the House and the Senate soon enough to deal with today's crisis situation. That is why I felt obliged to offer this bill as an interim step pending enactment of broader range, omnibus housing legislation.

At the same time, as chairman of the Banking Committee, I intend to push forward as quickly as possible with the completion of our markup of that bill. It is my hope that we can complete the markup and bring to the floor of the Senate, before the end of this session, omnibus housing and community development legislation which will improve upon and simplify our present complex housing and community development situation.

In addition to the mortgage credit provisions of the bill, I have added a title to provide needed authorizations or extensions for the various HUD housing and community development programs through fiscal year 1975.

Not only is it necessary for the Congress to take action to stimulate the availability of mortgage money for housing, it is also essential that the housing programs for the Nation's low- and moderate-income families have adequate funds to meet housing needs. Regardless of the amount of mortgage money available, these lower-income families cannot afford decent housing at today's prices without Government assistance. It is also essential that there be adequate funds available to keep going such important programs as urban renewal, model cities, and the other HUD community development programs.

We all know about the totally unjustified moratorium that has been placed by the administration on the HUD programs and how serious the suffering has been by those who would normally benefit from them. I am hopeful that this moratorium will soon be ended, either voluntarily, by the administration or, if necessary, by the courts. If and when such an ending occurs, it is important that there be adequate authorizations available to get the programs moving again. These authorizations when appropriated would do just that.

Under the bill, authorization would be provided for the programs through fiscal year 1975. In two cases, for the public housing and the 236 rental housing assistance programs, additional authorization would be provided for this fiscal year, 1974. In some cases, no new moneys would be provided, but the authority to continue the programs would be extended through June 30, 1975.

I am fully cognizant of the fact that many of these programs are presently under study by the Banking Committee, which is in the process of marking up an omnibus housing and community development bill. However, there is concern that such a bill would not be passed by both the Senate and the House before late next spring. Furthermore, once such a bill becomes law, it will be necessary to provide funds for the new or revised programs, as well as for HUD to gear up with new regulations and procedures. All this will take time, many months in fact.

I am, therefore, introducing these provisions in order to insure that the existing

HUD programs will continue until such time as the new or revised programs are enacted into law and become operational, with adequate funding. Thus, if there were a long delay in enacting new legislation so we would not reach the point when the new programs would become operational until some time during fiscal year 1975, I would expect that the existing programs would be phased out at that time to be replaced by the new programs. In fact, there is a preamble to this new title which specifically states that as the intention of Congress.

Mr. President, the needs of our low- and moderate-income families and of our cities are too great to be allowed to suffer a hiatus. Many of the programs designed to meet unmet needs have been under suspension too long, and it is essential that we get them going again with adequate funds and authority to operate.

Mr. President, Senator Tower and I are introducing this bill by request because we have not had time to study all the provisions of the bill and, furthermore, we are still hopeful that the omnibus bill the Banking Committee is marking up will move rapidly toward passage and thus eliminate the necessity for interim legislation. The omnibus bill contains provisions which will form the basis for new approaches to federally-aided housing and community development programs. It is a complex bill, covering a broad range of subjects and will require more time to complete. However, it is very important that it become law, and I would not want any prior action with respect to an interim bill to detract from its passage and early implementation. I realize the difficulties facing the housing field and have agreed to introduce the interim bill so that it can be studied and, if conditions so require, have it enacted into law at the appropriate time.

Mr. President, I ask unanimous consent that the section-by-section explanation of the bill be printed in the RECORD at the conclusion of my remarks.

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

#### SECTION-BY-SECTION SUMMARY OF "EMERGENCY MORTGAGE CREDIT ACT OF 1973"

##### TITLE I—DEPOSIT INSURANCE

##### Sec. 101. Full deposit insurance for public units

It is estimated that there are more than \$30 billion in deposits of state, county, and municipal governments in financial institutions throughout the country. Of this total sum, approximately 98% is deposited in banks and only 2% in savings and loan associations. The reason these funds are not distributed on a more equal basis is that most public funds custodians are limited by law, regulation or custom to maintaining such deposits within the insured \$20,000 ceiling or requiring the depository to pledge government bonds as collateral. Since savings and loan associations are not permitted to pledge collateral, they are able to hold only token amounts of these public fund deposits.

Passage of legislation permitting 100% insurance of public funds would have the effect of providing freedom of choice, greater convenience and complete safety for public officials in choosing depositories. In addition, an increase in public funds deposits in savings and loan associations would help to

provide urgently needed funds for the residential housing market, which has been hit hard by recent savings rate increases causing substantial outflows of savings.

By providing 100% insurance of public fund deposits, a substantial segment of the economy would be benefitted without adversely affecting the reserves or operations of the FSLIC and the FDIC.

##### Secs. 102 and 103. Increased FDIC and FSLIC insurance limits

These sections would increase FDIC and FSLIC insurance limits on individual accounts from the current \$20,000 to \$50,000 partially in recognition of past inflationary trends. An important effect of this change will be to attract more money to savings and loan accounts and thus make more funds available for home mortgage loans. The increase will alleviate the need for frequent, inconvenient upward revisions in the insurance limit, as has been the practice in the past. The favorable history of defaults in insured institutions, combined with recently tightened supervision by the regulatory agencies, suggest that the insurance limit increase will pose no threat to the insurance reserves.

##### TITLE II—LENDING AND INVESTMENT POWERS FEDERAL SAVINGS AND LOAN ASSOCIATIONS

##### Sec. 201. Construction loans

Federal savings and loan associations are unnecessarily hampered in making residential construction loans in that they are restricted in methods of payment and types of security that require a complicated, time-consuming and needless series of recordings. The amendment would permit federal associations to make line-of-credit loans to builders which would be generally limited to situations related to the financing of construction of primarily residential real property as distinguished from loans to finance non-residential commercial real estate. This new lending flexibility would help to create a more competitive construction loan market and would assist in reducing closing costs.

##### Sec. 202. Single family dwelling limitations

This section would increase the present \$45,000 limitation on the amount of the loan which a federal institution may make on a single family residence to \$55,000. This is necessary if home lending is to take account of present day inflation. Real estate values have traditionally been on the ascent. Recent studies show that the cost of both existing and new housing has increased over 100% in the last 20 years. The cost of building materials, particularly lumber, has risen substantially over the last ten years. Accordingly, this amendment would conform the lending capacity of federal associations to the present housing market.

In addition, the amendment would allow an association to allocate only the excess over the limit to the 20% of assets requirement, where before the whole amount of the loan, including the amount under the limit, had to be counted.

##### Sec. 203. Lending authority under the Home Owners Loan Act

This section would permit a Federal Savings and Loan Association to make loans respecting real property or interest therein used primarily for residential purposes without regard to the limitations and restrictions otherwise contained in Section 5(c) of the Home Owners Loan Act in an amount not in excess of 10% of its assets. This authority would be subject to such conditions as the Home Loan Bank Board may prescribe.

##### TITLE III—MORTGAGE CORPORATIONS

##### Sec. 301(a) FHLMC loan-to-value ratio

Would allow purchase of a conventional mortgage with the outstanding balance exceeding 80% of value when the excess over 80% is insured by a qualified private insurer.

Under existing law, such mortgages may be purchased only where the outstanding balance exceeding 75% of value is insured by a qualified private insurer.

**(b) FHLMC percentage limitation on 1-year mortgages**

Would remove a limitation now in the law limiting the purchase of conventional mortgages over one year old at time of purchase to 10% of conventional portfolio. However, the seller would have to agree to relend such funds within 180 days after the date of purchase by FHLMC.

**(c) Maximum principal amount**

Provides that the limitations governing the maximum amount of a conventional mortgage purchased by FHLMC be comparable to the limitations contained in the first sentence of section 5(c) of the Home Owners' Loan Act of 1933 (\$45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25% with respect to mortgages on property located in Alaska, Guam, and Hawaii. With the enactment of section 202 of this bill, the single-family limit would increase to \$55,000.

**Secs. 302(a)-(e) Investment in FHLMC obligations**

These subsections make clear that national banks, state-chartered banks which are members of the Federal Reserve System, Federal Home Loan Banks, federal savings and loan associations, and federal credit unions have statutory power to purchase mortgages, obligations or other securities which are sold or ever have been sold by the Federal Home Loan Mortgage Corporation without regard to limitations which might be otherwise applicable to purchase of such mortgages, obligations or other securities.

**Sec. 303(a) FNMA loan-to-value ratio**

Amends section 302 of the FNMA Charter Act to allow purchase of a conventional mortgage with the outstanding balance exceeding 80% of value when the excess over 80% is insured by a qualified private insurer. Under existing law such mortgages may be purchased only where the outstanding balance exceeding 75% of value is insured by a qualified private insurer.

**Sec. 303(b) Percentage limitation on 1-year mortgages**

Removes the 10% limitation on purchase of conventional mortgages over 1 year old. However, the seller would have to agree to relend such funds within 180 days after the date of purchase by FHLMC.

**Sec. 303(c) Maximum principal amount**

Amends such section 302 to provide that the maximum amounts of conventional mortgages purchased by FNMA shall be comparable to the limitations contained in the first sentence of section 5(c) of the Home Owners' Loan Act of 1933 (\$45,000 in the case of single-family dwellings and the dollar amounts contained in section 207 of the National Housing Act for multi-family housing), except that such limitations may be increased by 25% with respect to mortgages on property located in Alaska, Guam, and Hawaii. With the enactment of section 202 of this bill, the single-family limit would increase to \$55,000.

**Sec. 303(d)**

Amends section 309 of the FNMA Charter Act to provide that employees subject to the Civil Service retirement law who became employed by FNMA prior to January 31, 1972 may continue under such law.

**Sec. 304. GNMA purchase limits**

This amendment increases the maximum mortgage purchase limit for the Government National Mortgage Association from

\$22,000 to \$33,000. This applies to GNMA's regular program as well as the Tandem Plan.

**Sec. 305. Conflicts of interest**

This provision would prohibit officers or directors of a financial institution or other mortgage lender engaged in the organization of mortgage loans, some of which may be insured by private mortgage insurers, from owning an interest in a private mortgage insurance company.

**TITLE IV—DOWNPAYMENT REQUIREMENTS AND MAXIMUM MORTGAGE AMOUNTS UNDER FHA PROGRAMS**

Section 401. The loan-to-value ratios (which determine downpayment schedules) for the FHA programs are changed as follows:

**Section 203(b) single-family homes:**

Current	
97% on the 1st \$15,000	
90% on amounts between \$15,000 and \$25,000	
80% on amounts above \$25,000	
Proposed	
97% on the 1st \$20,000	
90% on amounts between \$20,000 and \$30,000	
80% on amounts between \$30,000 and \$40,000	
70% on amounts above \$40,000	

The same loan-to-value ratios will apply to single family homes under the section 220 insurance program in urban renewal areas and the 234 program for mortgage insurance for condominium units.

The loan-to-value ratios are also changed for the section 222 program for mortgage insurance for servicemen as follows:

Current	
97% on the 1st \$15,000	
90% on amounts between \$15,000 and \$25,000	
85% on amounts above \$25,000	
Proposed	
97% on the 1st \$20,000	
90% on amounts between \$20,000 and \$30,000	
85% on amounts between \$30,000 and \$40,000	
70% on amounts above \$40,000	

**Section 402. Increase in maximum mortgage amounts under FHA's 1 and 4 family mortgage insurance programs**

This section increases the maximum mortgage amounts for the section 203(b), the section 220(d), the section 222, and 234 programs from \$33,000 to \$45,000. Under the section 203(b) and 220(d) programs maximum limits for 2 and 3 family units are increased from \$35,750 to \$48,750, and for 4 family units from \$41,250 to \$56,000.

**Section 403. Increase in maximum mortgage amounts under FHA's multifamily mortgage insurance programs**

The per-unit mortgage limits for multifamily structures under section 207, the regular FHA multifamily insurance program, the section 213 cooperative housing program, and the section 220(d) program for multifamily housing in urban renewal areas are increased as follows:

	Current	Proposed
Efficiency	\$9,900	\$13,000
1 Bedroom	13,750	18,000
2 Bedroom	16,500	21,500
3 Bedroom	20,350	25,500
4 or more bedrooms	23,100	30,000

For elevator-type structures under these programs, the limits are increased as follows:

	Current	Proposed
Efficiency	\$11,550	\$15,000
1 Bedroom	16,500	21,000
2 Bedroom	19,800	25,750
3 Bedroom	24,750	32,250
4 or more bedrooms	28,050	36,465

For the section 221(d)(4) multifamily insurance program for modest income and displaced families, the per-unit increase is as follows:

	Current	Proposed
Efficiency	\$9,200.00	\$12,300
1 Bedroom	12,937.50	17,188
2 Bedroom	15,525.00	20,525
3 Bedroom	19,550.00	24,700
4 or more bedrooms	22,137.50	29,038

For elevator-type structures under this program, the limits are increased as follows:

	Current	Proposed
Efficiency	\$10,525.00	\$13,975
1 Bedroom	15,525.00	20,025
2 Bedroom	18,400.00	24,350
3 Bedroom	23,000.00	31,500
4 or more bedrooms	26,162.50	34,578

**TITLE V NATIONAL BANKS**

**Sec. 501. Real estate loans by national banks**

This section would extensively revise section 24 of the Federal Reserve Act to authorize broader lending and investment powers for national banks relative to real estate. Under this revision banks would be authorized to make real estate related loans as follows:

1. Make real estate loans secured by other than first liens provided said lien when added to prior liens does not exceed the applicable ratio of loan to value. Loans of this type would be limited to 20 percent of unimpaired capital and surplus.

2. Make loans against unimproved real estate up to 66% percent of appraised value and if improved with off-site improvements up to 75 percent of appraised value.

3. Continue to make loans against improved real estate up to 90 percent of appraised value for a maximum term of thirty years, but with no required amortization on any type of real estate loan except when it exceeds 75 percent of appraised value or is improved with a dwelling for one to four families. Amortization, where required, would be based on a maximum of a thirty-year pay-out, with no requirement that the loan be fully amortized by maturity if the term is less than thirty years.

4. Classify all loans, insured under the National Housing Act or by the Secretary of Agriculture, or where guaranteed by HUD when the guarantee is backed by the full faith and credit of the U.S., or fully guaranteed by a state agency or instrumentality thereof or by a state authority for the payment of which the faith and credit of the state is pledged, or at least 20% of which is guaranteed by the Veterans Administration as non-real estate loans and not subject to any of the limitations of conventional loans or included in the aggregate amount of real estate loans that may be made or in the aggregate of subordinate liens that may be made.

5. Continue the practice, where loans are secured by real estate and other collateral, to subtract the value of the non-real estate collateral from the loan and consider the balance only as a loan against real estate.

6. Consider a loan secured by a lien on real property, where there is a firm take-out from a financially responsible party to advance the full amount of the loan within sixty months, as a non-real estate loan.

7. Continue to consider loans, with a maturity of not more than sixty months made against a building under construction secured by a firm take-out to advance the full amount of the loan and loans to finance the construction of residential and farm buildings for a term not in excess of sixty months, as commercial loans and limit such loans to 100 percent of unimpaired capital and surplus.

8. Make construction loans up to 75 percent of appraised value without the necessity of a firm take-out.



9. Continue to classify loans, where the lender looks to the borrower's general credit standing, or an assignment of rent where a mortgage is taken as a precaution against contingency or where the bank agrees to participate with the Small Business Administration, as commercial loans.

10. Permit up to 10 percent of the maximum amount that may be invested in real estate loans to be placed in loans secured by real estate without the necessity that said loans conform to any of the individual loan limitations of the revised section.

The Comptroller of the Currency would be authorized to prescribe by rule or regulation such additional conditions and limitations on real estate loans as he deemed necessary.

#### TITLE VI—AUTHORIZATIONS FOR COMMUNITY DEVELOPMENT AND HOUSING PROGRAMS

##### Sec. 601. Statement of purpose

This section would make clear the intent of the Congress that the authorizations and program extensions set out in this Title for the various community development and housing programs of the Department of Housing and Urban Development for the remainder of fiscal year 1974 and for fiscal year 1975 are being provided in order to permit continued activities under these necessary programs until new or revised programs are enacted into law and operational with adequate funding. It expresses the intent of Congress that once these new or revised programs are thus operational, the present programs herein extended through fiscal year 1975 are to be phased out in favor of the new or revised programs.

##### Sec. 602. Urban renewal authorization

This section provides an additional authorization for the urban renewal, neighborhood development, and other programs funded under Title I of the Housing Act of 1949 in the amount of \$1 billion for fiscal year 1975.

##### Sec. 603. Model cities authorization

This section provides additional funding authorization in the amount of \$400 million for fiscal year 1975 for the model cities program. It also extends the authority to expend or appropriate funds authorized for previous fiscal years through fiscal year 1975.

##### Sec. 604. Rehabilitation loan authorization

This section would continue the authority for the Secretary of the Department of Housing and Urban Development to make rehabilitation loans under section 312 of the Housing Act of 1964 through June 30, 1975.

##### Sec. 605. Basic water and sewer facilities grant and neighborhood facility grant authorization

This section would permit funds for the water and sewer and neighborhood facility programs authorized for appropriation in previous fiscal years to be appropriated through fiscal year 1975.

##### Sec. 606. Comprehensive planning authorization

This section would authorize an additional \$75 million for fiscal year 1975 for the comprehensive planning assistance program authorized by section 701 of the Housing Act of 1954.

##### Sec. 607. Homeownership assistance authorization

This section would provide additional contract authority, subject to approval in appropriation acts, for the homeownership assistance program authorized by section 235 of the National Housing Act. An additional \$15 million would be provided for fiscal year 1973 to coincide with the actual amount of contract authority authorized in the HUD appropriation act for that fiscal year and a new \$100 million in contract authority would be authorized for fiscal year 1972.

##### Sec. 608. Rental housing assistance authorization

This section would provide additional contract authority, subject to approval in appropriation acts, for the rental housing assistance program authorized by section 236 of the National Housing Act. An additional \$50 million would be provided for fiscal year 1973 to coincide with the actual amount of contract authority authorized in the HUD appropriation act for that fiscal year, a new \$100 million for fiscal year 1974 and \$200 million for fiscal year 1975.

##### Sec. 609. Rent supplement authorization

This section would provide an additional \$50 million, subject to approval in appropriation acts, for fiscal year 1975 for the rent supplement program authorized by section 101 of the Housing and Urban Development Act of 1965.

##### Sec. 610. Public housing authorization

Additional contract authority for the public housing program authorized by the U. S. Housing Act of 1937 will be provided for fiscal years 1974 and 1975. For fiscal year 1974 \$210 million in authority would be authorized in addition to the \$140 million previously authorized. This new authority for fiscal year 1974 would be available for operating subsidies and modernization as well as the provision of additional dwelling units. For fiscal year 1975 an additional \$250 million of contract authority would be provided.

By Mr. HARTKE:

S. 2737. A bill to establish controls on the export of certain energy-producing commodities. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HARTKE. Mr. President, the administration has called on the American people to conserve energy by asking millions to suffer inconvenience and economic distress in order to conserve energy sources. Americans understand that the Federal Government demands that our thermostats be turned down, that our cars be driven slower and less frequently, that our schools and factories and farms be operated shorter hours. What they do not understand is the fact that the Federal Government continues to permit the export of vital domestic supplies of fuel oil, coal, natural gas and propane.

The bill which I am introducing today would correct this error of judgment on the part of our Government. The purpose of this legislation is to stop all unnecessary exports of No. 2 fuel and heating oil, coal, propane and natural gas. I believe that there is no excuse for our Government permitting the export of these scarce energy resources during a time of domestic energy shortage.

##### EXPORTS OF NO. 2 FUEL AND HEATING OIL

The Cost of Living Council projects that 53.3 million gallons or 1.5 million barrels of heating oil will be exported from the United States during 1973. This represents a 284-percent increase in heating oil exports over those of 1972.

Last month alone, exports of this heating oil increased by a whopping 350 percent over the previous month. Heating oil exports climbed from 200,000 barrels in August to 642,000 barrels in September. The largest shipments during September were to Great Britain, the Netherlands, and Venezuela.

The 642,000 barrels exported in September received a payment of \$7.28 per barrel. This represents a 158-percent increase in the average price per barrel over last year's price. If the heating oil had been sold domestically, it would have brought only \$6.50 a barrel.

Apparently the lure of bigger profits abroad is persuading the major oil companies to export desperately needed heating oil despite the shortage.

##### EXPORTS OF COAL

While coal exports this year are just slightly less than in 1972, the significance of these exports now is much greater because we are now reconverting our electrical generating plants from oil to coal. This will mean increased American production of coal which is possible.

The problem is that most of our coal is already tied up in long-term export contracts with the Japanese and Canadian steel industries. The result will be a continued shortage of a commodity of which we have rich and plentiful sources, if we do not pass this export control legislation.

Bituminous coal accounted for 98 percent of total coal exports in 1972. In 1972, Japan and Canada received 64 percent of the total bituminous coal exports, and Canada received about 64 percent of the total anthracite coal exports.

##### EXPORTS OF NATURAL GAS AND PROPANE

In the first 10-month period of 1973, our exports of natural gas have increased almost 20 percent over the same period in 1972. By September 1973, we had already exported 67.2 billion cubic feet compared with 57 billion cubic feet for the same period in 1972.

Natural gas is the cleanest form of energy that the United States produces. I see no reason for shipping such large amounts abroad without some kind of surveillance which these controls would provide.

Canada, Mexico, and Japan are our major export markets for natural gas. Canada and Mexico received natural gas via pipeline transmission, while Japan, starting in 1969, received liquefied natural gas shipments from Alaska. Japan was our largest export market in 1972, received over 50 percent of our total natural gas exports.

The export of propane is also up over the 1972 figures. By September we had exported over 2.5 million barrels of this commodity which is in great demand in our country. Over the same period in 1972, we exported 2.3 million barrels.

The Midwest farmers are absolutely dependent upon this source of energy. If exports increase, we may have crop shortages. The American plywood industry has already begun to shut down many of its plants because it cannot get this precious commodity to dry its wood.

##### FLEXIBILITY OF THE HARTKE APPROACH

The export controls which I advocate would not disrupt the international market and, therefore, would not invite retaliation. They are designed, however, to protect our own national interests.

I would have the Secretary of Commerce estimate the domestic production

of fuel oil, coal, propane, and natural gas quarterly, in the case of emergencies or shortages. He would then determine those amounts necessary for domestic consumption in the United States including a reasonable amount for a carry-over to build up U.S. stocks and the remainder would be allocated for export to foreign countries.

The Secretary of Commerce then would allocate such exports among countries on a quota system, based upon past exports and such other criteria as are necessary to produce a fair and equitable quota.

Based upon what is available for export, the Secretary would set up a system for the sale of export licenses through an auction system. Licenses would be sold to the highest responsible bidders with special exceptions for the developing countries. The fees collected would be used to set up a trust fund for the research and development of present and new sources of energy.

The Secretary would be able to lift this licensing system on any of the above energy fuels that he determines is produced in sufficient quantities to meet both U.S. demand and normal world requirements from the United States, without any quota system.

Exception to this quota system is any shipment of these energy fuels for temporary export for processing abroad and reshipment back to the United States. This is necessary because some high sulfur content fuel oil is sent abroad to be mixed with less polluting low sulfur oil and then shipped back to the United States.

#### CONCLUSION

In a time of nationwide emergency, we cannot countenance the export of these vital and essential energy resources. Without legislation these exports could increase. Their absolute amounts may not be gigantic, but they are in dire need in this country and should be utilized here in keeping our factories and schools in operation and our homes heated.

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

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

S. 2737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Export Control Act of 1973".*

#### DEFINITIONS

SEC. 2. As used in this Act—

(1) "Secretary" means the Secretary of Commerce; and

(2) "energy producing commodity" means coal, fuel oil number 2, propane gas, and methane gas.

#### DETERMINATION OF QUALITY

SEC. 3. (a) At least quarterly during any period of nationwide energy emergency, and at least annually during any other period, the Secretary shall determine the quantity of each energy producing commodity, if any, that will be available for export during the succeeding quarter or year, as the case may be, and shall cause such determination to be published in the Federal Register.

(b) Such determination shall be made by estimating the total quantity of domestic

production of each energy producing commodity and subtracting from each such quantity the sum of—

(1) the quantity of each such commodity the Secretary estimates will be necessary to meet domestic needs; and

(2) the quantity of each such commodity the Secretary estimates will be necessary for a reasonable carryover, taking into account any current or possible future national and international emergencies and the need to maintain adequate inventories.

The quantity of any such commodity which remains, if any, shall be the quantity available for export.

#### LICENSING AND ALLOCATION OF EXPORT AUTHORITY

SEC. 4. (a) No energy producing commodity may be exported to any foreign country unless the exporter has been issued a license by the Secretary for the export of a quantity of such commodity to such country, or unless such export is exempt under the provisions of section 7 or section 8(3).

(b) The quantity of any commodity available for export shall be allocated among foreign countries by the Secretary on the basis of—

(1) the quantity of such commodity exported to such country during a representative base period; and

(2) such other factors as the Secretary determines to be fair, equitable, and sufficient to protect the interests of traditional trading partners of the United States.

#### ISSUANCE OF LICENSES

SEC. 5. (a) Upon establishing allocations under section 4, the Secretary shall publicly announce such allocations, and shall announce the time, manner, and place for the submission of bids for the purchase of licenses to export specified quantities of such commodities to specified countries.

(b) Licenses shall be issued under this section to the highest responsible bidder unless the Secretary determines that no bid is sufficiently high or that there has been collusion among the bidders.

#### ADMINISTRATIVE ADJUSTMENTS

SEC. 6. The Secretary may make adjustments in quantities determined under section 3 and of allocations determined under section 4 if he determines on the basis of new information that original determinations were erroneous.

#### EXEMPTIONS

SEC. 7. (a) The Secretary may exempt from payment of any license fee an export which he determines involves—

(1) the export of an energy producing commodity to a developing foreign country with a serious need for such commodity; and

(2) such action would be in the best interests of the foreign relations of the United States and would not have an adverse effect on the energy needs of the United States and the program provided for under this Act.

(b) The Secretary may exempt from the application of this Act or any requirement under this Act the export of any energy producing commodity which he determines—

(1) involves a temporary export for processing purposes to a foreign country and will result in a subsequent import of such commodity to the United States; or

(2) such export will be offset by a subsequent import of another energy producing commodity or other matter essential to the energy needs of the United States.

#### ADMINISTRATION

SEC. 8. The Secretary is authorized to issue such rules and regulations as may be necessary including rules and regulations—

(1) providing for the reduction, suspension, or termination of the allocation of any commodity made under this Act to any foreign country if the Secretary finds that such country is reexporting all or any portion of

such allocation under circumstances that tend to disrupt the regulatory program established under this Act;

(2) limiting or prohibiting the sale or transfers after issuance of export licenses issued under this Act if the Secretary finds such limitation or prohibition necessary to the orderly administration of the regulatory program established under this Act; and

(3) exempting from application of this Act any commodity the domestic production of which the Secretary determines will equal or exceed domestic and foreign demand.

#### USE OF FUNDS

SEC. 9. Fees received by the Secretary under section 5 shall be deposited in a special account in the Treasury and shall be available without fiscal year limitation for the purpose of conducting research with respect to the more efficient use of existing energy sources and the development of new energy sources.

Mr. HARTKE. Mr. President, in the energy crisis that has gripped the industrial potential of our country, little attention has been given to coal. It has been accepted as an almost unlimited source of energy. In my legislation I ask that the export of this so-called plentiful commodity be put under surveillance and that controls be applied where necessary.

A close examination of the coal industry indicates unequivocally that we are headed for a shortage of this energy commodity as well. Production this year is expected to fall 5 million tons short of last year's 595 million tons, but consumption is expected to rise 6 percent to 609 million tons. The difference will have to come from rapidly dwindling stockpiles.

Coal operators and brokers have indicated that a shortage may already exist for this winter and spring.

A larger and more significant question looms. Will the coal industry be able to triple its production to the 1.5 billion tons that energy analysts say the country will need annually by 1985 to supply proposed coal gasification and liquefaction plants and to meet the Nation's growing electricity needs? My proposed legislation would help answer this question.

I am submitting for the RECORD an article which appeared in today's, November 21, Wall Street Journal by Bob Arnold which sets out some of the more salient issues involved in the production of coal. The coal industry is plagued with problems which will not be solved easily, as indicated in this article.

I should point out that I do not necessarily agree with the antilabor bent of the author. I also disagree with him on the consequences of the Federal Coal Mine Health and Safety Act of 1969, which I feel is absolutely essential legislation needed for the protection of mine workers who risk their lives daily when they go down into the deep mines to bring out their now very precious energy resources.

Mr. President, any time lost in repairing a faulty ventilation system, moving high voltage cables or making roof supports in mining areas more safe for the miners is time well spent as far as I am concerned.

In spite of this divergence of opinion between Mr. Arnold and myself on these issues, I believe the article will help to explain to my colleagues the problems



within the coal industry and the possibility of shortages in the near future.

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

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

**NO EASY OUT: COAL INDUSTRY'S WOES BE-  
CLOUD "BEST ANSWER" TO THE ENERGY  
CRISIS—THEY INVOLVE LABOR, SAFETY, POL-  
LUTION AND INEFFICIENCY; CAN OUTPUT  
TRIPLE BY 1985? "STILL THE PICK AND THE  
SHOVEL"**

(By Bob Arnold)

HERNDON, W. VA.—Beneath the rocky slopes of Appalachia, the stubby hills of southern Illinois and the mesas of the West lie what many believe to be the best, perhaps the only, answer to the nation's energy crisis—at least 300 billion tons of recoverable coal.

But, at the moment, it seems far from certain that enough coal can be brought to the surface each year to fulfill that promise.

Consider the problems faced by Fred Hill, superintendent of Eastern Associated Coal Corp.'s Keystone No. 2 mine here. On an average day, one in five of his 560 workers is absent or injured. Through September, he had lost 8,488 man-days—equal to more than three weeks' production—to wildcat strikes. His mine's productivity has plummeted to between six and seven tons per man per day from a high of 11 in 1969, and output so far this year is down 32%. Keystone No. 2 has incurred a loss of about \$700,000 since the first of the year.

#### LAWS AND INEFFICIENCY

Talks with coal-company executives and officials of the U.S. Bureau of Mines indicate that Mr. Hill's problems are typical of the industry's—especially in underground mines, where two-thirds of the nation's coal miners work. Because of ever-tightening federal health and safety rules, rampant wildcat strikes that the industry calculates will cost it 540,000 man-days this year, inefficient company management and stagnant technology, the industry's productivity, or output per man-day, has dropped 17% since 1969. Underground, where 52% of the nation's coal was mined last year, productivity has dropped about 25%.

One result, industry observers have said, is that the country may already face a coal crisis. Production this year is expected to fall five million tons short of last year's 595 million tons, but consumption is expected to rise 6%, to 609 million tons. (The difference will come from dwindling stockpiles.) Coal operators and brokers say a shortage may already exist for this winter and spring.

Perhaps more important, it is an open question whether the industry will be able to triple its production to the 1.5 billion tons that energy analysts say the country will need annually by 1985 to supply proposed coal gasification and liquefaction plants and to meet the nation's growing electricity needs. Bureau of Mines officials say that new safety rules yet to be implemented could cut underground productivity by as much as another 10%. And while energy analysts believe that any stepped-up coal production will have to rely heavily on strip mining, industry executives say a tough federal strip-mine bill expected to be passed by Congress early next session could substantially slow development of surface mines.

#### SULPHUR AND STACKS

Moreover, current and proposed air-pollution laws clamp strict limits on sulfur emissions from coal-burning electric utilities. But machinery to remove sulphur from smoke-stack gases won't be available on a wide scale for perhaps three to five years. The impact of this, says John Corcoran, president of Consolidation Coal Co., is that virtually all of his

company's production east of the Mississippi—46 million tons last year—could be "outlawed" by 1977.

Those problems—combined with price controls, which governed even long-term contracts until early this fall—have depressed earnings to the point where few companies are willing, or able, to risk expansion. (Most operations are divisions of other companies, so profit-and-loss figures aren't reported, but bankers and industry sources say that with few exceptions coal companies are teetering between profit and loss). Openings of underground mines in the predominantly high-sulphur seams of the Eastern and Midwestern coal fields have slowed to a trickle.

"We're heading toward a shortage and we're not making the moves that will keep us from being in a deep hole 10 to 15 years from now," warns William N. Poundstone, executive vice president of Consolidation Coal. But if the future is problematic, the present is clear: The industry has myriad problems that aren't going to be solved easily.

#### LABOR'S ALLEGIANCE

The most obvious and least predictable among them is labor. Company officials complain that they are steadily losing control over their employees and that for the most part miners today feel allegiance only to their union. "We don't have the power to make them work" says Keystone No. 2's Mr. Hill. Coal companies, he adds, "need to instill pride in the men, and we aren't doing it yet."

A major handicap, many observers agree, is the miner's style of life, especially in West Virginia. "He likes hunting and fishing. He lives very practically—doesn't want a big, fancy house. He can afford to miss a day now and then and still live in the style he wants" on union wages ranging between \$42 and \$50 a day, says John Higgins, Eastern Associated's vice president for production.

Moreover, "a few years in the mines has its effects physically," says Louis Antal, president of United Mine Workers District 5. "Some days you just don't feel like going underground." Whatever the causes, industry absentee rates are estimated at 10% to 15%, with resulting annual production losses of several million tons.

Turnover is similarly high. No estimates exist for the industry, but at Keystone No. 2, about 570 men, a number equal to the entire work force, have been replaced in the last four years. This is especially significant because underground miners work in seven-man teams called section crews. The longer a crew works together, the greater its efficiency.

In some cases, turnover can be attributed to such human desires as a wish to work in a newer, safer mine or in a mine closer to home that may offer a chance to work days instead of nights. Be that as it may, mine operators say the fact that a miner's pension is set by the length of his union membership, rather than by the length of his company service, doesn't help in maintaining a stable work force.

The most vexing labor problem, however, is wildcat strikes, which will cost the industry between seven million and 10 million tons of production this year. This has especially been a problem in West Virginia. Through the first seven months of this year, the state, which produces about a third of the nation's deep-mined coal, has accounted for 57% of the industry's wildcat strikes.

"They'll go on strike just about any time," says Keystone No. 2's Fred Hill. Last month, for instance, pickets from the mine union's welfare and retirement fund, who were striking against the union, showed up at Keystone No. 2 and Mr. Hill's miners walked out for one shift in sympathy.

Of course, miners also walk out for much more serious reasons. After a fellow miner is injured or killed, they frequently strike to protest against unsafe working conditions or

against a foreman who they feel contributed to the accident.

#### A GENERATION GAP

There are other, more subtle production impediments from a labor standpoint. During the late 50s and early 60s, mechanization and sagging coal demand combined to interrupt the flow of new workers into the industry. Employment has since picked up, but many operators say the resulting generation gap has brought with it tensions between young and old miners and slowed the transfer of knowledge necessary to maintain peak productivity. And traditionally, middle-aged miners have been the industry's most productive workers.

But if labor difficulties hamper output, so does anemic company management. For instance the rail sidings at Keystone No. 2, where loaded cars are put until a motor is free to pull them to the surface, were designed to accommodate only five cars, fewer than half the number modern motors can pull. And the sidings are so cramped that a fully loaded car can't squeeze under the mine's roof.

A faded schedule on Mr. Hill's wall reveals that maintenance on some machinery at Keystone No. 2 is behind schedule. As a result, his miners say, at least some equipment is operating less efficiently than it should. Furthermore, the cars in which the men ride into the mine are kept outside—uncovered. When it rains, the miners must ride two or more miles to their underground stations with their feet in water. It is a situation that could easily provoke a wildcat strike, Mr. Hill feels, and one that he plans to remedy.

Also contributing to the industry's troubles are the indirect effects of the federal Coal Mine Health and Safety Act of 1969. Although regulations passed under it have helped to sharply reduce mine deaths, they have also taken a heavy toll in productivity.

#### NUMBERS IN SAFETY

Today a superintendent can't make a change in his mine-ventilation system, move a high-voltage cable or begin installing roof supports in mining areas without prior federal approval. The law also provides for periodic inspections that can result in time-consuming repair work. For example, Mr. Hill displays a three-inch stack of violations—104 in all—from one recent inspection of Keystone No. 2's electrical system.

While even the most crusty mine operators concede that the law has resulted in safer operations, they complain about the paperwork the law requires and the time the superintendent must spend escorting inspectors around the mines. U.S. Steel Corp. estimates that its superintendents and foremen spent 4,000 man-hours last year guiding inspectors—and its mines are recognized by the Bureau of Mines as among the safest in the industry.

Another industry complaint: The need for expert inspectors under the health and safety act has siphoned off a number of its experienced foremen and superintendents at a time when the industry badly needs additional managerial talent. Consolidation Coal says it has lost 600 foremen to the ranks of federal inspectors.

There are a few glimmers of optimism in the industry: Price controls on long-term contracts were lifted this fall; energy analysts say that if the strip-mine law Congress approves turns out to be less restrictive than the bill the Senate has already passed, surface mining could boost production quickly and significantly; Arnold Miller, the new president of the mine union, is willing to meet with operators in an attempt to smooth relations at problem mines; and Eastern Associated, which owns Keystone No. 2, is giving foremen week-long courses in what it calls "labor relations, work planning and how to handle people."

## STRESS ON TECHNOLOGY

There is also a new, albeit still minimal, emphasis on technology. Sophisticated machines currently in use underground can chew coal out of the earth at 600 tons an hour. But the companies' tasks of keeping the roof from falling and of hauling coal away from the automatic miners are so time-consuming that 600 tons is an entire section crew's production for an eight-hour shift—under perfect conditions.

"In effect, we're still mining with a pick and shovel," says Consolidation's Mr. Corcoran. "We've improved both the pick and the shovel," but the method remains the same.

Consolidation spends between \$2 million and \$3 million a year on research in mining technology, a figure Mr. Corcoran says is equal to that spent by the rest of the industry. The federal government, which increasingly is looking toward coal as an important energy source, has allocated \$7 million for mining technology for 1974 (the funds haven't been released yet). And the recommendations for a five-year, \$10 billion energy program that are scheduled to be submitted to President Nixon on Dec. 1 by Dixy Lee Ray, the chairman of the Atomic Energy Commission, who is coordinating several presidential task forces on energy, are expected to include \$25 million to \$50 million a year for coal-mining technology.

Even at that rate, however, industry experts say it will be at least five years before new technology will increase coal-mining productivity.

## ADDITIONAL COSPONSOR OF A BILL

S. 2730

At the request of Mr. MANSFIELD (for Mr. EAGLETON), the Senator from New Mexico (Mr. MONTROYA) was added as a cosponsor of S. 2730, a bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970.

## ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 205

At the request of Mr. Moss, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of Senate Resolution 205, to designate a room in the Capitol the Alben W. Barkley Room.

## AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 701

(Ordered to be printed and referred to the Committee on Finance.)

Mr. ROBERT C. BYRD (for Mr. CHURCH) submitted an amendment intended to be proposed by Mr. CHURCH to the bill (H.R. 3153) to amend the Social Security Act to make certain technical and conforming changes.

## COMPENSATION OF THE ATTORNEY GENERAL—AMENDMENT

AMENDMENT NO. 702

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD submitted an amendment intended to be proposed by him to the bill (S. 2673) to insure that the compensation and other emoluments attached to the office of Attorney General are those which were in effect on January 1, 1969.

## NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD, Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, November 28, 1973, at 10:30 a.m., in room 2228 Dirksen Office Building, on the following nominations:

William C. Conner, of New York, to be U.S. district judge, southern district of New York, vice Edmund L. Palmieri, retired.

Richard Owen, of New York, to be U.S. district judge, southern district of New York, vice Edward C. McLean, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA).

## ADDITIONAL STATEMENTS

## INFLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Inflation, With All Cards Wild," written by Walter W. Heller, and published in today's Wall Street Journal.

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

[From the Wall Street Journal, Nov. 21, 1973]

## INFLATION, WITH ALL CARDS WILD

(By Walter W. Heller)

The closer one looks, the worse it looks. The shadow cast by the oil crunch is darkening the inflation outlook for 1974. Oil is just the latest—and perhaps the most treacherous—of the villains in the drama of inflation forecasts gone wrong.

Time was when inflation forecasting was relatively straightforward: Project demand conditions and unit labor costs, make marginal adjustments for unusual developments in food or other commodity prices, and crank out the answer. Except for wars, tolerably good inflation forecasts resulted.

But the '70s have been a period of rude awakening for inflation forecasters. Defying economic slowdown and slack in 1969-71, inflation took off in a self-propelling spiral. Price forecasts had to make room for the forces of the wage-wage spiral and of self-fulfilling expectations. Beginning in 1971, the twists and turns of wage-price controls added another dimension of uncertainty.

But it is 1973 that will go down as the year of infamy in price forecasting. Never have so many been so wrong by so much. Prices have raced ahead at twice the consensus forecast rate of 3½ to 4% inflation. Surprises have been legion.

Within ten days after the year began, the sudden dropping of Phase 2 controls in favor of the ineffectual voluntarism of Phase 3 knocked out an important prop of the moderate-inflation forecast.

Next, the food price explosion took us unawares. While few forecasters accepted White House statements that food prices would be lower at the end of the year than at the beginning, none expected a 25% leap.

Powered by a world-wide economic boom, the run-up in world commodity prices went

beyond all expectations. The Reuter's Commodity Index doubled within a year.

Unforeseen dollar devaluations boosted import prices and contributed to shortages by stimulating exports.

Indexes of industrial capacity (now revised) turned out to be deceptive. Demand-pull was upon us faster than we figured. (In a lonely but welcome compensating error, cost-push was muted by remarkable wage moderation.)

The oil crisis, a late starter among the perils of price forecasting this year, is making up for lost time.

Conditioned by the turbulent experience of the past four years, the forecaster now goes well beyond the traditional demand-pull and labor-cost-push analysis to consider such factors as the state of expectations, the outlook for controls, the course of farm prices, the condition of world commodity markets and the oil crunch. What are the portents for 1974?

## DEMAND PULL

Under the impact of restrictive monetary and fiscal policy, excess demand is ebbing. In measuring demand pressure, we have traditionally emphasized the degree of tightness of the labor market. This time around, limited plant capacity and materials shortages have loomed much larger and look considerably more stubborn. Some will evaporate as the boom subsides. But retarded expansion of industrial capacity in the past few years, short supplies of some primary products and the energy crisis will plague us with more bottlenecks and their associated pockets of inflation than is usual in a softening economy.

## LABOR COST-PUSH

As output gains recede and the rising cost of living is increasingly reflected in wages, the good performance of unit labor costs in 1971-73 will progressively erode. That the turn is already underway is suggested by the course of pay, productivity, and cost figures in the first three quarters of this year compared with the corresponding quarter a year earlier:

The rise in compensation per man-hour has been steadily edging upward, from 7.3% in the first, to 7.4% in the second, and 7.7% in the third quarter.

Productivity advances in the meanwhile have receded from 5.3% to 3.6% to 2.7% in the first three quarters.

This combination has pushed the rise in unit labor costs from 1.9% in the first quarter to 3.6% in the second and 4.8% in the third.

With such steady advances occurring in a year of wage moderation, it's hardly surprising that the prospects of rising labor militancy and dwindling wage-price controls lead to apprehensions about 1974. If, in addition, the energy shortage superimposes sizable cutbacks in production on an already softening economy—as it seems destined to do—output per man-hour will falter, and unit labor costs will rise sharply. Part of this will impact on profits, but much of it will appear as cost-push inflation.

Will rising prices and rising costs chase each other up the spiral staircase of inflation as they did in 1969-70? As John O'Reilly reminded us in "The Outlook" Monday, first-year wage-and-fringe increases in negotiated labor settlements exploded from 9% in the first quarter of 1969 to 16% in mid-1970.

Nothing this drastic seems in store for us in 1974. Neither the price-wage nor the wage-wage catch-up pressure is as intense as in 1969-70. And the new look in steel-aluminum-cans bargaining is on the side of moderation.

To be sure, labor will be a lot tougher in 1974 than in 1973. And cost-of-living escalators will fatten the recorded settlements. But starting from last quarter's averages of 7.8% for first-year increases and 6.4% per year



over the life of the contracts, wage escalation has a long way to go before its role in inflation shifts from erosion to explosion.

#### EXPECTATIONS AND CONTROLS

In part, this conclusion depends on avoiding bad turns in the state of price expectation and the management of Phase 4 and its aftermath. If people have little hope that prices will ebb, they will project the prevailing rate of inflation into the future and strike their wage and price bargains at terms that protect them accordingly. That's how price-wage spirals are born. In the remaining months of its life, Phase 4 has the difficult task of de-escalating not only price rises but price expectations and then giving way to a wage-price monitoring system that will help curb the post-controls flare-up in prices. Failure would invite a new self-propelling wage-price spiral.

#### FOOD PRICES

One of the brightest spots on the 1974 inflation horizon is the prospect of a drastic slowdown in food prices, a development that will curb the rise in price indexes and shorten the price peg on which labor, understandably, hangs its bargaining hat. After the 25% jump in food prices during 1973, prices will be high. But with reasonable luck in next year's growing and harvesting weather, a further rise of as little as 5% from December to December looks like a good bet.

After the disaster of 1972 when world grain output dropped for the first time in a decade, farm output is back on the growth track in 1973. Both the U.S. and Russia are having very good crop years. Farm and wholesale food prices are about 10% below their August peaks. Lower and less volatile grain prices are creating a more viable environment for expansion of broiler, hog, and cattle production.

As to processed foods, one major processor reports that net increases in raw material prices have been digested and that unabsorbed labor and transportation costs will add only 2% or 3% to final product prices. "In a growing number of cases, it's competition, not Phase 4, that's holding our prices in line."

According to the estimates of John Schnitter, the world will need to add 30 million tons to its grain output in 1974 to meet the average increase in demand. With the aid of extended acreage and the incentive of high prices, farmers are likely to meet this target, weather willing. But one should never leave the subject of farm prices without the caveat that, with demand up sharply and stockpiles down to wafer-thin levels, the world food situation is still close to the razor's edge.

#### OTHER COMMODITY PRICES

Echoes of the world's commodity price explosion in 1973 will still be heard in 1974, especially in the first half. Leaving aside oil for the moment, one finds that world spot prices of primary products rose nearly 30% in the first half of 1973 and, even with some easing in the current quarter, will have risen another 20% in the second half. As the worldwide economic boom subsides, spot prices should drop perhaps 15% to 20% during the coming year.

Actual transactions prices are not only much less volatile but lag well behind the spot price changes. Thus, even when spot prices recede, average import values of primary commodities will continue to rise for a time:

—In 1973, their rise was on the order of 15% in the first and 12% in the second half.

—In the offing for 1974 is a delayed-action rise of at least another 5% the first half before leveling off in the second.

Even with some price increases still in the pipeline, the easing of price pressures of primary products, excluding oil, will have a moderating influence on the rate of inflation in 1974.

#### THE OIL CRUNCH

The more deeply one probes the dark recesses of the oil and energy problems, the plainer it is that there are nothing but hard ways out. Even if King Faisal relents in a few weeks or months, the supply crunch, and especially the price crunch, won't.

Caught with its guard down, the White House is only now—through Governor Love—owning up to the severity of the energy shortage even aside from the Arabian embargo and the gravity of that crisis if the embargo continues. The oil sheik-down, coming on top of the rising cost of short supplies of U.S. energy, seriously imperils the 1974 inflation outlook. We need not wait for computer printouts to recognize the grim contours of the problem:

Even before the sheiks posted their huge price increases and choked off supplies in October, the price index of "fuels and related products and power," representing 7% of the U.S. Wholesale Price Index, had risen 20% from September 1972 to September 1973. (Refined petroleum products rose 35%.)

Given leaping crude oil prices and the tightening energy noose, a further price rise of 30% to 40% in the fuels category between September 1973 and September 1974 seems a reasonable conjecture.

Since perhaps half of this price rise will pass through to the consumer level and since fuel and related items comprise about 6% of the CPI, one arrives at a rough approximation of a one percentage point increase in the cost of living in 1974 from the direct effects of the oil and energy crisis. Secondary effects, especially through shortages in key petrochemicals and plastics where inelastic demand can send prices zooming, could materially enlarge this impact.

Finally, much depends on whether the White House follows its nose and depends largely on higher prices and taxes to allocate energy or holds its nose and resorts mainly to government controls and rationing. In the short term, the former approach would lead to considerably greater price rises.

The foregoing exercise leads to a forecast, excluding oil, of a 5% to 6% rate of increase in living costs in the first half, and 4% to 5% in the second half, of 1974 (with a somewhat slower rise in the GNP deflator). The energy shortage will add a percentage point or more to these numbers. But with so many unknowns still clouding the price picture, all forecasts of 1974 inflation, including this one, should be taken for what they are at the moment: subject to change without notice.

#### GOOD NEWS

Mr. HUGH SCOTT. Mr. President, there is some good news to be found despite some of the headlines to the contrary.

The Philadelphia Inquirer has taken note of this in an editorial of November 19. I agree, and as the editorial says, "there'll be more later."

I ask unanimous consent to have the editorial printed in the RECORD.

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

#### WANT GOOD NEWS? RIGHT HERE

Readers ask us from time to time why we don't print more good news. All right, by popular demand, here's some good news.

About energy. It may take you a little longer to get there if you slow down to 50, but you're more likely to get there in one piece. The National Safety Council says a driver's chances of survival in an accident are four times better at 50 than at 70. And this is especially important in Pennsylvania, since the potholes are getting deeper and wider

because the legislature has argued all year on how to pay for repairs.

About Watergate. Consider the great boost it's given to employment—of lawyers (but most of them, ironically, Democrats who won spurs in the Justice Department under Robert F. Kennedy).

About unemployment. The rate is down to 4.5 percent. Also, hourly compensation in the private sector is up 8 percent. Unfortunately, real income this year is down due to inflation.

About inflation. World output of wheat is soaring, and the price is coming down. Sorry to add, though, that the farmer gets only one cent out of seven in the price of bread. And what with the energy shortage, prices of other factors involved from farm to table—production and distribution—are likely to keep rising.

Well, that's our good news for today. But stay tuned—there'll be more later.

#### CARPOOLS—THE UNDERUTILIZED MODE

Mr. HUMPHREY. Mr. President, Monday the Senate passed my carpool promotion amendment to S. 2589. I believe that the program called for will substantially reduce gasoline consumption, environmental pollution and transportation congestion. It should be insisted upon by our conferees and implemented as rapidly as possible.

The importance of the car pool in meeting our gasoline scarcity problem is fully discussed by Mr. Lew Pratsch, an expert on carpooling, in an article soon to be published in Civil Engineering magazine. Civil Engineering and Mr. Pratsch have kindly consented to making this article available to the Congress at this time.

I ask unanimous consent that "Carpools—The Underutilized Mode" by Lew Pratsch be printed in its entirety at this point in the RECORD.

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

#### CARPOOLS—THE UNDERUTILIZED MODE

(By Lew Pratsch)

AUGUST 1973.

The President's June 29, 1973, energy statement stated various ways to conserve energy resources. Among the approaches to save transportation fuels the President suggested, "Use carpools and mass transit more frequently." Likewise, carpooling figures prominently in the Environmental Protection Agency's (EPA) proposed strategies to meet the 1975 air quality standards set forth in the 1970 Clean Air Act. EPA's strategies include motor vehicle limitations in 28 urban areas.

Faced with mounting pressures to limit inefficient automobile use, new approaches are underway to alleviate urban congestion. The thrust is twofold: (1) to move more vehicles per highway lane and, (2) to increase the occupancy of highway vehicles. With the greatest disparity between demand and capacity occurring during the commuter rush hour, typically, less than 2 or 3 hours per day, it is natural to focus considerable attention on this time period. At this time, the public's preference for one mode—the single occupant automobile—creates a disproportionately higher share of the social disadvantages attributed to the automobile. This is largely due to the fact that the automobile is greatly underutilized. At the present national average of 1.4 persons per car for work trips over two thirds of the automobile seats are unused.

**Key advantage: Impact of increased carpool use can be immediate**

Frank Turner, recently retired Federal Highway Administrator stated late in 1972: "In all but a handful of cities the only practical solution to this problem is to divert commuters from private autos to higher capacity vehicles, namely buses and carpools, and thereby, increase the people-moving capacity of our urban highways. And this is the only solution that can be applied in the immediate future—in a matter of a year or so."

Commuter carpooling offers the strongest and most feasible tool available to cut the vehicle miles of travel (VMT) in the short time frame so critical to both energy and air pollution reduction programs. Already more passengers are carried in carpools than all other forms of mass transportation combined. By raising the auto occupancy 30 percent from the current 1.6<sup>1</sup> to 2.1 the commuter VMT can be reduced 22 percent. A 30 percent increase is believed to be a realistic goal, considering that all successful carpools programs have exceeded this goal. It is important to recognize that carpooling requires communication and cooperation, but no additional equipment. Unlike most other alternatives, carpooling can be implemented within a matter of weeks and with no significant capital expenditures.

Assimilating this same 22 percent reduction in auto trips by 1975 will be difficult for transit systems already operating at near capacity levels at rush hour. Significant additions to capacity would require added equipment, next to impossible to obtain in a few years. For instance, in the Washington, D.C., metropolitan area where 80 percent of work trips are traveled in the auto, the bus fleet would have to be doubled. This one urban area alone would require over half of the nation's bus production for one year, not to speak of other urban area needs.

**Relieving highway congestion—  
extremely critical**

The benefits of reducing or eliminating rush hour congestion (many authorities question whether congestion can be eliminated) far exceeds the proportionate reduction in urban VMT traveled at this time. Relatively minor reductions in VMT during congested traffic flow can yield significant increases in average speeds. The sensitivity of speed to travel demand is greatest during congested periods when over 0.8 of the capacity (level of service D & E) is being utilized. When highways are most congested, relatively small decreases in overall demand can yield proportionally larger increases in overall travel speeds.

Another benefit of higher average speeds on a given facility is the reduced probability of frequent or major speed changes. Speed changes, whether a moderate deceleration-acceleration cycle or a complete stop-idle-start cycle, adds significantly to energy consumption and emission production. While improved traffic controls can aid in eliminating the speed variations allowing the automobile to travel at efficient steady state speeds, concern has been expressed that merely creating better travel conditions will encourage more travel. As a result, both traffic control improvements and efforts to reduce vehicular demand should proceed simultaneously.

**EMISSION REDUCING POTENTIAL**

Urbanwide carpool programs implementable by 1975—the year which clean air standards must be met unless granted an extension by the EPA—can produce reductions in emissions far exceeding the absolute re-

duction in vehicle miles of travel. This potential arises from a combination of factors including emission timing, less highway congestion, and fewer engine starts.

The EPA has established that the hydrocarbon production between 6 and 9 a.m. had the most critical effect on daily, ambient, oxidant pollution concentrations. This emission time is critical to air quality because the most significant impact of hydrocarbons is its role in the photochemical process that generates smog. Essentially hydrocarbons must be airborne within this time frame according to the EPA to create peak level photochemical oxidants or smog. During this critical time period, vehicle travel for work purposes accounts for approximately 85 percent of the total. Any major decrease in vehicular travel is not likely to be supplanted by travel increases for other purposes due to the earliness of the morning rush hours. As a result, the most pollution critical portion of the day for hydrocarbons coincides with the period in which carpooling would be most effective.

The relationship between speed and emission rate per vehicle mile for carbon monoxide and hydrocarbons is similar. A relatively small increase in overall travel speed resulting from reduced congestion can effect a proportionately higher decrease in emissions per vehicle mile of travel.

A case in point is Washington, D.C., where in 1972, the Metropolitan Washington Council of Governments reported 35 percent of total peak hour travel was on congested arterial streets operating below 15 miles per hour.

If a comprehensive vehicle-pooling program reduced arterial vehicle travel 20%, average arterial speeds could jump to 27 miles per hour for an 80 percent increase. This increase would result in a 40 percent drop in CO emissions, from 85 to 51 grams/vehicle mile. As a result, a decrease of only 20 percent in travel on congested arterials would result in a 52 percent drop in CO emissions. While this drop in CO emissions will be most effective in critical CBD locations it may not be representative of an entire highway network.

Preliminary data have shown that the emissions generated during a cold-start/hot-soak cycle represent a large and increasing portion of total emissions from pollution controlled automobiles. Cold-start/hot-soak cycles, essentially the first few minutes of vehicle operation and the period after a hot engine is stopped, will account for an increasing portion of emissions as advanced control devices limit emissions under average, over-the-road, running conditions. Pollution control strategies which envision increased transit usage through the development of "park-ride" and "kiss-ride" facilities would only decrease the over-the-road duration of trips where emissions from controlled vehicles are already the lowest, leaving the large volume of cold-start/hot-soak emissions intact. Vehicle pooling is not subject to this limitation because by eliminating large numbers of vehicle trips, both over-the-road vehicle travel miles and the number of cold-start/hot-soak cycles would be reduced.

**ENERGY CONSERVATION**

Clearly reductions in VMT will result in reduced levels of congestion allowing traffic to flow more freely and efficiently. As in the case of emissions smoother flowing traffic conserves energy since the steady state speeds are more economical than varying speeds or average speeds.

Steady state or uniform speeds of 30 m.p.h. are the most economical on fuel consumption while steady state speeds of 15 m.p.h. or 52 m.p.h. consume 19 percent more fuel according to Robley Winfrey's Economic Analysis For Highways. The optimum steady state speed for some highway vehicles may reach as high as 40 or 50 m.p.h. In addition, fuel consumption increases dramatically

when stops or speed changes break up steady state speeds. For example, just one stop-start cycle requires 19 percent more fuel per mile than a steady state driving speed of 30 m.p.h. The 19 percent added fuel consumption does not include idling time frequently associated with stop-start cycles. Idling requires approximately one gallon fuel for every 20 minutes of idling using best data available. A generalization on fuel consumption versus traveltime can be so stated: A 50 percent increase in driving time on a given highway results in a 100 percent increase in fuel consumption. Unfortunately, a distinct understanding of fuel consumption during congested travel is not available to compare with non-congested flow.

While the single occupant automobile is quite inefficient, carpooling is quite respectable. Adding 2 or 3 more people with similar time-origin-destination needs dramatically reduces the energy consumed per passenger mile.

For the Nation as a whole, the transit buses are estimated to produce only 6 passenger miles per bus mile traveled. This low rate is due primarily to extensive deadheading and the low occupancy of off-peak travel. Throughout the day, buses at 4 miles per gallon are equivalent to the average automobile carrying 1.6 persons at 15 miles per gallon.

Evaluating the energy consumption per person mile of travel at peak periods, the carpool is competitive with the commuter bus. Using the ideal situation, which neither mode currently attains, the bus including deadheading and carrying 20 passengers per mile is estimated to be equivalent to an automobile with five persons.

Also, carpools compare favorably to fixed rail. Considering all energy requirements, the Bay Area Rapid Transit System (BART) says it will be four times as energy efficient as the automobile carrying 1.3 occupants. As the automobile occupancy increases, the energy differential will close. Needless to say, BART's claims are contingent upon achieving its predicted ridership. Empty trains could be the most energy wasteful of all.

While many approaches to conserve fuel have been discussed, carpooling appears to have the greatest potential. Increasing the auto occupancy 30 percent at rush hour can save 5 percent of the total highway fuel consumed and 3 percent of the Nation's total transportation fuel needs. The 5 percent savings are based on the percentage reduction in VMT and does not include the benefits of reduced congestion as outlined previously. It is estimated that carpooling can accomplish a significant reduction in fuel consumption at less inconvenience or loss of traveltime than other approaches. Let's compare:

Little progress in attaining a 50 mph speed limit is expected short of Congressional action. It will require change of signs, strict enforcement, and lost traveltime while creating economic hardship on the trucking industry. A reasonable expectation of the 50 mph speed limit goal is a savings of 2.5 percent of the highway users fuel needs.

Shifting 10 percent of the auto trip mileage to the walk or bicycle modes would save 7.1 percent of highway fuel. This would be equivalent to each person in the United States walking or bicycling an additional 1.5 miles per day. This is quite a goal when considering the average person walks far less than that today.

A similar shift of 10 percent of the auto mileage to buses would save an estimated 3.5 percent of highway fuel. This would require a 100 percent increase in bus patronage, if the buses were available.

The same 10 percent shift to motorcycles averaging 75 miles per gallon would save 4.5 percent of highway fuels. However, aside from the inconvenience of inclement weather in much of the Nation and the safety record

<sup>1</sup> The 1.6 is based on passenger miles per vehicle mile whereas the 1.4 represents the occupants per trip. This difference results from increased carpooling on longer trips.



of motorcycles, the Environmental Protection Agency has placed stringent limitations on motorcycle use due to their emission rates. In the Environmental Protection Agency plans for transportation controls for the Los Angeles area, motorcycle registrations are held at 1973 levels on the grounds that the technology for controlling motorcycle emissions is currently lacking. Starting May 1974, two stroke motorcycles, "the worst polluters" would be totally barred during "smog prone daylight hours."

Increasing average fuel consumption rates from 13.6 miles per gallon to 15 miles per gallon for 10 percent fuel savings can be accomplished in essentially two ways. One would be an improvement in the autos efficiency through more efficient engines such as diesel, smaller cars, or less power accessories. However, the current trend is more gas consumed in light of increased use of anti-pollution devices, air conditioning, and other power options. The second method to increase miles per gallon is to reduce the commuter congestion which may consume as much as 100 percent more gas. A combination of traffic flow improvements and increased carpooling provide a ray of hope for reversing miles per gallon trends.

#### COMMUTER RIDE SHARING

To obtain widespread user support for ride sharing of any type, solutions which meet commuter needs and desires are paramount. Various successful carpool and buspool programs, studies, and surveys have shown that improved service is the number one factor for encouraging ride sharing. Acceptable service commonly includes door-to-door traveltimes comparable with the best alternative available and convenience at a reasonable cost. When ride sharing has these amenities, the impact has been substantial. Such is the case in special buspool programs which attract growing patronage while carpool programs typically exceed two persons per car.

The Charles River Associates' study, "An Evaluation of Free Transit Service," concluded, "The evidence indicates that transit ridership is more responsive to improvements in service than reductions in fares; and reductions in access times to and from the transit station as well as transfer and waiting times, are likely to be particularly important in this regard." In practice, this statement is well supported. In the Reston, Virginia, area, a chartered buspool program has grown from 1 to 26 bus routes in 5 years. Their riders, surveyed in November 1971, ranked the reduction in traveltime as the number one improvement necessary to expand ridership.

Likewise, progress in carpool programs is attributed to providing the commuter highly personalized service which is both convenient and excellent on traveltimes. The service is typically door-to-door, no transfer, low cost, avoids waiting in inclement weather, provides a guaranteed comfortable seat, requires fewer driving days, and provides service to the handicapped and nondrivers. Frequently, to form convenient carpools, the potential matching universe must extend beyond friends and associates to virtually all employees at a specific location. By enlarging the universe, the probability of locating partners within reasonable proximity is greatly enhanced. To provide optimum carpool locator service, computer programs are recommended for any group exceeding 200 persons.

To date, all successful carpool programs have provisions for carpool matching, thus eliminating the information gap.

In Washington, D.C., the National Aeronautics and Space Administration (NASA), typical of many Government agencies, allocates a limited parking permit to carpools ranking highest on a point system.

NASA's continuing well-managed program, initiated in 1964, now commands an average of 3.85 persons per car.

In St. Louis, Missouri, the McDonnell Douglas Corporation promoted carpooling among their 47,000 employees when parking availability became critical. By designating close in parking areas for cars containing three or more, a short walk to a car can permit a carpooler to "beat the evening rush." Results, 2.8 persons per car double the national rate.

In Pasadena, California, the Burroughs Corporation and Operation Oxygen, a local environmental organization, established a carpool program to assist in the abatement of air pollution and traffic congestion. Backed by Burroughs' management, an effective public information campaign was mounted. The carpool program reduced parking demand by 35 percent, from 659 to 427 cars. This program is a notable example of carpools being formed where parking was both free and plentiful, in contrast to priority parking incentives used in most successful programs.

In contrast to successful carpool programs, a much publicized "Share a Ride" day in Los Angeles occurred on October 6, 1971. The public responded with classical indifference. Vehicle occupancy rates were virtually unchanged and three special bus lines carried a total of seven persons. The brief effort could have been enhanced by providing assistance in carpool matching.

To optimize carpool formation a comprehensive carpool program consisting of three phases: carpool matching, public information, and incentives is recommended. To provide carpool locator service, computer programs such as the Federal Highway Administration's computer carpool program are recommended for any group exceeding 200 persons. The sheer volume of compiling lists for each applicant including name, address, work time, destination, and optimal data are required, makes manual matching a challenge. In addition to the initial matching, a continuing service is extremely beneficial in maintaining or increasing the occupancy rates derived from the initial matching effort. Vacancies will still exist in carpools while others will develop quickly due to personnel turnover and changing living patterns. Such changes represent a source of empty seats and require maintenance of a readily available master list to answer inquiries.

Through a public information campaign, the advantages to the individual, employer, and society should become clear. Not only can many commuters be matched with conveniently located travel partners, but amenities frequently superior to driving alone are possible. Some considerations to stress are traveltime, dollar savings, convenience, environment and social interaction.

In combination with the public information phase, special incentives should be provided where feasible. By far the most successful incentive is parking privileges for carpoolers utilizing two techniques: (1) where parking is limited, the parking spaces are allocated to the largest carpools; and (2) where parking is plentiful "close in" priority parking for carpools is designated. By utilizing parking incentives, employers can simultaneously promote carpooling as an employee service while increasing the productivity of the organization's parking facilities.

Highway departments have an incentive to encourage high occupancy vehicular use to demonstrate the highway's flexibility in meeting rush hour demands. Priority freeway lanes for buses and carpools can provide a distinct incentive for ride sharing. By doubling the current 1.4 persons per car, the highway's person moving capacity could clearly eliminate the rush hour congestion—

a thorn in the highway builders' and users' back.

It is noteworthy that of the urban public transportation annual revenue passengers between 1960 and 1970 only the taxicab industry increased. It appears that the taxicab industry, because of its typical door-to-door personalized service, has grown because it provides the type of service which is more attractive to the riding public. The 31 percent taxicab growth contrasts dramatically with the 20 percent decline in the other urban public transportation modes. The taxicab industry transported more passengers than all rail mass transit and nearly 60 percent as many passengers as the bus industry. The annual taxi revenues in 1970 exceeded the revenue of the total mass transit, even though they haul less than half as many revenue passengers on shorter trips. In many communities, where bus service has disappeared taxicabs are the only form of public transportation available.

#### CARPPOOL PROGRAM DEVELOPMENT

While pooling represents the single most powerful and feasible tool available to reach our 1975 air quality goals and conserve energy, there is much to learn. The magnitude of occupancy increases certainly will be related to the sophistication of efforts to encourage ride sharing. To truly develop, gauge, and utilize ride sharing potential, various comprehensive carpool-buspool programs including, in addition to carpool matching, public information and effective incentive phases are vital.

Considerable discussion on carpool potential has emerged recently and a number of urbanwide pooling programs are in the planning stages; such is the case in the Washington, D.C., area now planning an urbanwide carpool and buspool locator system in conjunction with meeting clean air goals and conserving fuel. By compiling the successful techniques into a complete working model, the necessary guidance will be at hand.

A comprehensive carpool program is also very inexpensive. The estimated annual benefit/cost ratio of a comprehensive carpool program which increases vehicle occupancy 10 percent is an astounding 47 to 1. With no capital costs required in carpool programs, the only operating cost is estimated at 1.00 per auto commuter. Approximately 20 cents is required for data processing with the remaining funds for overhead, public information and incentives. Although the benefit/cost ratio is astronomical, it is conceivable that the costs will decrease and the benefits of reduced VMT will increase in subsequent years as more commuters join in carpooling. No attempt was made to assign a dollar value to the reduced pollution levels attributed to a 10 percent increase in auto occupancy.

#### CONCLUSION

The immediate challenge is to provide adequate urban mobility while reducing air pollution and the demand for petroleum fuel. Relatively minor reductions in VMT during rush hour return high potential rewards in lowering automobile emissions and conserving fuel. By combining carpooling with traffic control advances, it is conceivable that the urban rush hour can be delegated to the history books.

Although extensive PRT systems have drawn praise for flexibility which approximates the attributes of the private automobile, they are years away. In the meantime, by increasing the person moving capacity of the highway system through carpools which have proven their ability to serve commuters' desires and needs, an answer is at hand. Certainly any sincere effort to clean the air by 1975 and conserve fuel will demand comprehensive carpool programs.

# NATIONAL BANK OF NORTH AMERICA PRESENTED PRESIDENT'S EXPORT "E" AWARD

Mr. BUCKLEY. Mr. President, on October 16, I had the great pleasure of presenting to the National Bank of North America the President's Export "E" Award for its services in support of the Nation's export expansion program. The award, presented in a ceremony at the bank's metropolitan office, consisted of a citation signed by U.S. Secretary of Commerce Frederick B. Dent in the name of President Nixon and a distinctive "E" flag.

The honor recognizes the bank's active roles in providing a full range of international banking services to U.S. companies engaged in export trade and in promoting a greater export awareness among members of the business community, particularly in the Long Island area. As stated by the Commerce Department:

Through its vigorous efforts to promote and stimulate the growth of international trade and its close cooperation in this endeavor with other local world trade groups, National Bank of North America has contributed in great measure to the Nation's Export Expansion Program.

With an international division staff of approximately 200 people, the bank assists manufacturers and distributors in finding markets and in locating agents and distributors abroad as well as arranging for introduction of clients to foreign banks including its more than 600 correspondent banks.

In cooperation with the Commerce Department and local trade organizations, the bank has initiated a number of promotional activities to acquaint area firms with export opportunities, marketing techniques and related procedures. Among contributions in this area have been the bank's sponsorship of an export seminar series in conjunction with the U.S. Department of Commerce and the Regional Export Expansion Council for more than 7 years.

The bank assisted in the 1968 formation of the World Trade Club of Long Island, an affiliate of the Long Island Association of Commerce and Industry, and has participated in its trade promotion and overseas trade mission activities.

To facilitate further the growth of international trade, the bank has organized a ship loan division which finances the construction and operation of ships for many of the world's leading fleet operators, including U.S. merchant ships being built under the administration's maritime program.

Mr. President, I hope other banks will emulate the National Bank of North America in its effective efforts to stimulate exports. We need not only access to foreign oil. We will have to be able to continue to earn the money through sales abroad with which to pay for it.

## DECLARATORY JUDGMENT AND INJUNCTION ACTION ARISING OUT OF DISCHARGE OF ARCHIBALD COX

Mr. MOSS. Mr. President, 2 weeks ago, following the firing of Archibald Cox as

special prosecutor, I joined in a lawsuit to have the legality of his dismissal determined.

U.S. District Judge Gerhard A. Gesell has now rendered his decision which speaks for itself.

I ask unanimous consent that it be printed in the RECORD.

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

[In the U.S. District Court for the District of Columbia—Civil Action No. 1954-73]

### MEMORANDUM

Ralph Nader, Senator FRANK E. MOSS, Representative BELLA S. ABZUG, and Representative JEROME R. WALDIE, Plaintiffs, v. Robert H. Bork, Acting Attorney General of the United States, Defendant.

This is a declaratory judgment and injunction action arising out of the discharge of Archibald Cox from the office of Watergate Special Prosecutor. Defendant Robert H. Bork was the Acting Attorney General who discharged Mr. Cox. Plaintiffs named in the Amended Complaint are as listed above.

Some issues have already been decided. The matter first came before the Court on plaintiff's motion for preliminary injunction and a request that the trial of the action on the merits be consolidated with the preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. Defendant filed opposition papers, and a hearing was held on the detailed affidavits and briefs filed by the parties. The Court determined that the case was in proper posture for a determination on the merits at that time.

All injunctive relief requested in the proposed preliminary injunction tendered at the hearing and in the Amended Complaint was denied from the bench. The effect of the injunctions sought would have been to reinstate Mr. Cox as Watergate Special Prosecutor and to halt the Watergate investigation until he had reassumed control. It appeared to the Court that Mr. Cox's participation in this case was required before such relief could be granted. See Rule 19(a) of the Federal Rules of Civil Procedure. Yet Mr. Cox has not entered into this litigation, nor has he otherwise sought to be reinstated as Special Prosecutor. On the contrary, his return to prior duties at Harvard has been publicly announced. Moreover, a new Watergate Special Prosecutor was sworn in on November 5, 1973, and the Court felt that the public interest would not be served by placing any restrictions upon his ongoing investigation of Watergate-related matters.

Plaintiffs continue to press for a declaratory judgment on the only remaining issue to be resolved: the legality of the discharge of Mr. Cox and of the temporary abolition of the Office of Watergate Special Prosecutor. To this end, it must initially be determined whether plaintiffs have standing and whether a justiciable controversy still exists.

Defendant Bork contends that the congressional plaintiffs lack standing<sup>1</sup> and that the controversy is moot. This position is without merit. The discharge of Mr. Cox precipitated a widespread concern, if not lack of confidence, in the administration of justice. Numerous bills are pending in the Senate and House of Representatives which attempt to insulate the Watergate inquiries and prosecutions from Executive interference, and impeachment of the President because of his alleged role in the Watergate matter—including the firing of Mr. Cox—is under active consideration.<sup>2</sup> Given these unusual circumstances, the standing of the three congressional plaintiffs to pursue their effort to obtain a judicial determination as to the legality of the Cox discharge falls

squarely within the recent holding of the United States Court of Appeals for the District of Columbia Circuit in *Mitchell v. Laird*, No. 71-1510 (D.C. Cir. March 20, 1973). Faced with a challenge by a group of congressmen to the legality of the Indo-China War, the Court recognized standing in the following forceful terms:

"If we, for the moment, assume that defendants' actions in continuing the hostilities in Indo-China were or are beyond the authority conferred upon them by the Constitution, a declaration to that effect would bear upon the duties of plaintiffs to consider whether to impeach defendants, and upon plaintiffs' quite distinct and different duties to make appropriations to support the hostilities, such as raising an army or enacting other civil or criminal legislation. In our view, these considerations are sufficient to give plaintiffs a standing to make their complaint. . . ."

Id. at 4.

Unable to distinguish this holding, defendant Bork suggests that the instant case has been mooted by subsequent events and that the Court as a discretionary matter should refuse to rule on the legality of the Cox discharge. This view of the matter is more academic than realistic, and fails to recognize the insistent demand for some degree of certainty with regard to these distressing events which have engendered considerable public distrust of government. There is a pressing need to declare a rule of law that will give guidance for future conduct with regard to the Watergate inquiry.

While it is perfectly true that the importance of the question presented cannot alone save a case from mootness, *Marchand v. Director, United States Probation Office*, 421 F.2d 331, 333 (1st Cir. 1970), the congressional plaintiffs before the Court have a substantial and continuing interest in this litigation. It is an undisputed fact that pending legislation may be affected by the outcome of this dispute and that the challenged conduct of the defendant could be repeated with regard to the new Watergate Special Prosecutor if he presses too hard,<sup>3</sup> an event which would undoubtedly prompt further congressional action. This situation not only saves the case from mootness, see *United States v. Concentrated Phosphate Export Assoc.*, 393 U.S. 199, 203-04 (1968); *Friend v. United States*, 388 F.2d 579 (D.C. Cir. 1967), but forces decision. The Court has before it an issue that is far from speculative and a strong showing has been made that judicial determination of that issue is required by the public interest. Under these circumstances, it would be an abuse of discretion not to act.

Turning then to the merits, the facts are not in dispute and must be briefly stated to place the legal discussion in the proper context.

The duties and responsibilities of the Office of Watergate Special Prosecutor were set forth in a formal Department of Justice regulation,<sup>4</sup> as authorized by statute.<sup>5</sup> This regulation gave the Watergate Special Prosecutor very broad power to investigate and prosecute offenses arising out of the Watergate break-in, the 1972 Presidential election, and allegation involving the President, members of the White House staff or presidential appointees. Specifically, he was charged with responsibility to conduct court proceedings and to determine whether or not to contest assertions of Executive privilege. He was to remain in office until a date mutually agreed upon between the Attorney General and himself, and it was provided that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part."

On the same day that this regulation was promulgated, Archibald Cox was designated as Watergate Special Prosecutor.<sup>6</sup> Less than four months later, Mr. Cox was fired by de-

Footnotes at end of article.



defendant Bork. It is freely admitted that he was not discharged for an extraordinary impropriety.<sup>7</sup> Instead, Mr. Cox was discharged on the order of the President because he was insisting upon White House compliance with a Court Order which was no longer subject to further judicial review. After the Attorney General had resigned rather than fire Mr. Cox on this ground and the Deputy Attorney General had been discharged for refusing to do so, defendant Bork formally dismissed Mr. Cox on October 20, 1973, sending him the following letter:<sup>8</sup>

"DEAR MR. COX: As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

"In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

"Very truly yours,

"ROBERT H. BORK,  
"Acting Attorney General.

Thereafter, on October 23, Mr. Bork rescinded the underlying Watergate Special Prosecutor regulation, retroactively, effective as of October 21.<sup>9</sup>

The issues presented for declaratory judgment are whether Mr. Cox was lawfully discharged by defendant on October 20, while the regulation was still in existence, and, if not, whether the subsequent cancellation of the regulation lawfully accomplished his discharge. Both suppositions will be considered.

It should first be noted that Mr. Cox was not nominated by the President and did not serve at the President's pleasure. As an appointee of the Attorney General,<sup>10</sup> Mr. Cox served subject to congressional rather than Presidential control. See *Myers v. United States*, 272 U.S. 52 (1926). The Attorney General derived his authority to hire Mr. Cox and to fix his term of service from various Acts of Congress.<sup>11</sup> Congress therefore had the power directly to limit the circumstances under which Mr. Cox could be discharged, see *United States v. Perkins*, 116 U.S. 483 (1886), and to delegate that power to the Attorney General, see *Service v. Dulles*, 354 U.S. 363 (1957). Had no such limitations been issued, the Attorney General would have had the authority to fire Mr. Cox at any time and for any reason. However, he chose to limit his own authority in this regard by promulgating the Watergate Special Prosecutor regulation previously described. It is settled beyond dispute that under such circumstances an agency regulation has the force and effect of law, and is binding upon the body that issues it. *Accardi v. Shaughnessy*, 347 U.S. 260 (1954) ("*Accardi I*"); *Bonita v. Wirtz*, 369 F.2d 208 (D.C. Cir. 1966); *American Broadcasting Co. v. F.T.C.*, 179 F.2d 437 (D.C. Cir. 1949); *United States v. Chapman*, 179 F.Supp. 447 (E.D. N.Y. 1959). As the Ninth Circuit observed in *United States v. Short*, 240 F.2d 292, 298 (9th Cir. 1956):

"An administrative regulation promulgated within the authority granted by statute has the force of law and will be given full effect by the courts."

Even more directly on point, the Supreme Court has twice held that an Executive department may not discharge one of its officers in a manner inconsistent with its own regulations concerning such discharge. See *Vitarelli v. Seaton*, 359 U.S. 535 (1959); *Service v. Dulles*, *supra*. The firing of Archibald Cox in the absence of a finding of extraordinary impropriety was in clear violation of an existing Justice Department regulation having the force of law and was therefore illegal.

Defendant suggests that, even if Mr. Cox's discharge had been unlawful on October 20, the subsequent abolition of the Office of Watergate Special Prosecutor was legal and

effectively discharged Mr. Cox at that time. This contention is also without merit. It is true that an agency has wide discretion in amending or revoking its regulations. *United States v. O'Brien*, 391 U.S. 367, 380 (1968). However we are once again confronted with a situation in which the Attorney General voluntarily limited his otherwise broad authority. The instant regulation contains within its own terms a provision that the Watergate Special Prosecutor (as opposed to any particular occupant of that office) will continue to carry out his responsibilities until he consents to the termination of that assignment.<sup>12</sup> This clause can only be read as a bar to the total abolition of the Office of Watergate Special Prosecutor without the Special Prosecutor's consent, and the Court sees no reason why the Attorney General cannot by regulation impose such a limitation upon himself and his successors.

Even if the Court were to hold otherwise, however, it could not conclude that the defendant's Order of October 23 revoking the regulation was legal. An agency's power to revoke its regulations is not unlimited—such action must be neither arbitrary nor unreasonable. *Kelly v. United States Dept. of Interior*, 339 F. Supp. 1095, 1100 (E.D. Cal. 1972). Cf. *Grain Elevator, Flour and Feed Mill Workers v. N.L.R.B.*, 376 F.2d 774 (D.C. Cir.), *cert. denied*, 389 U.S. 932 (1967); *Morrison Mill Co. v. Freeman*, 365 F.2d 525 (D.C. Cir. 1966), *cert. denied*, 385 U.S. 1024 (1967). In the instant case the defendant abolished the Office of Watergate Special Prosecutor on October 23, and reinstated it less than three weeks later under a virtually identical regulation.<sup>13</sup> It is clear that this turnabout was simply a ruse to permit the discharge of Mr. Cox without otherwise affecting the Office of the Special Prosecutor—a result which could not legally have been accomplished while the regulation was in effect under the circumstances presented in this case. Defendant's Order revoking the original regulation was therefore arbitrary and unreasonable, and must be held to have been without force or effect.

These conclusions do not necessarily indicate that defendant's recent actions in appointing a new Watergate Special Prosecutor are themselves illegal, since Mr. Cox's evident decision not to seek reinstatement necessitated the prompt appointment of a successor to carry on the important work in which Mr. Cox had been engaged. But that fact does not cure past illegalities, for nothing in Mr. Cox's behavior as of October 23 amounted to an extraordinary impropriety, constituted consent to the abolition of his office, or provided defendant with a reasonable basis for such abolition.

Plaintiffs have emphasized that over and beyond these authorities the Acting Attorney General was prevented from firing Mr. Cox by the explicit and detailed commitments given to the Senate, at the time of Mr. Richardson's confirmation, when the precise terms of the regulation designed to assure Mr. Cox's independence were hammered out. Whatever may be the moral or political implications of the President's decision to disregard those commitments, they do not alter the fact that the commitments had no legal effect. Mr. Cox's position was not made subject to Senate confirmation, nor did Congress legislate to prevent illegal or arbitrary action affecting the independence of the Watergate Special Prosecutor.

The Court recognizes that this case emanates in part from congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact

appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular Court. As Judge Learned Hand warned in *United States v. Marzano*, 149 F.2d 923, 926 (1945):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

This Memorandum contains the Court's findings of fact and conclusions of law. The rulings made are set out in the attached Final Order and Declaratory Judgment.

#### FINAL ORDER AND DECLARATORY JUDGMENT

On the basis of findings of fact and conclusions of law set forth in an accompanying Memorandum filed this day, it is hereby:

Ordered and decreed that:

(1) Plaintiff's motion for leave to file an Amended Complaint and add additional plaintiffs is granted.

(2) Plaintiff's motion for preliminary injunction is denied, and the trial of the action on the merits is advanced and consolidated with the hearing on said motion.

(3) Mr. Ralph Nader is dismissed as plaintiff for lack of standing.

(4) All injunctions prayed for in the Amended Complaints are denied.

(5) The Court declares that Archibald Cox, appointed Watergate Special Prosecutor pursuant to 28 C.F.R. § 0.37 (1973), was illegally discharged from that office.

#### FOOTNOTES

<sup>1</sup> At the injunction hearing, the Court dismissed Mr. Nader as a plaintiff from the bench, it being abundantly clear that he had no legal right to pursue these claims. *Flast v. Cohen*, 392 U.S. 83, 102 (1968).

<sup>2</sup> Referring to various bills pending in the Senate, Senator Moss stated, "I am severely hampered in my ability to discharge my duties because of uncertainty which exists with respect to the legality of Special Prosecutor Cox's dismissal and the abolition of his office." Affidavit of Senator Frank E. Moss, dated October 29, 1973. Congressman Waldie is a member of the House Judiciary Committee and both he and Congresswoman Abzug have introduced resolutions calling for the impeachment of the President because of the Cox dismissal and other matters.

<sup>3</sup> The regulation from which the present Watergate Special Prosecutor, Mr. Leon Jaworski, derives his authority and his independence from the Executive branch is virtually identical to the original regulation at issue in this case. See note 13 *infra*. It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge him.

<sup>4</sup> 38 F.R. 14688 (June 4, 1973). The terms of this regulation were developed after negotiations with the Senate Judiciary Committee and were submitted to the Committee during its hearings on the nomination of Elliot Richardson for Attorney General. Hearings Before the Senate Comm. on the Judiciary, 93rd Cong., 1st Sess. 144-46 (1973).

<sup>5</sup> See 5 U.S.C. § 301.

<sup>6</sup> Justice Department Internal Order 518-73 (May 31, 1973).

<sup>7</sup> See Defendant's Brief in Opposition to Plaintiff's Motion for Preliminary Injunction, at 13.

<sup>8</sup> Exhibit 12 to the Affidavit of W. Thomas Jacks.

<sup>9</sup> 38 F.R. 29466 (Oct. 23, 1973).

<sup>10</sup> See 38 F.R. 14688 (June 4, 1973).

<sup>11</sup> 5 U.S.C. § 301; 28 U.S.C. §§ 509-10.

<sup>12</sup> See 38 F.R. 14688 (June 4, 1973): "The Special Prosecutor will carry out these responsibilities with the full support of the

Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself."

"The two regulations are identical, except for a single addition to the new regulation which provides that the Special Prosecutor may not even be discharged for extraordinary improprieties unless the President determines that it is the "consensus" of certain specified congressional leaders that discharge is appropriate. Compare 38 F.R. 30738 (Nov. 9, 1973) with 38 F.R. 14688 (June 4, 1973).

#### NAVY TESTS DESTROYER FUELED BY OIL DERIVED FROM COAL

Mr. HUGH SCOTT, Mr. President, history was made last week when the U.S.S. *Johnston*, a Navy World War II destroyer, became the first ship to be powered by coal derived from oil. The test, out of the port of Philadelphia, was termed a success by both military and civilian officials. It became a reality, thanks to legislation sponsored by the Pennsylvania congressional delegation.

In this time of critical energy shortages, we must consider this not simply an experiment but, hopefully, the beginning of recovery from the energy crisis through similar research and development efforts that will make the most use of America's vast supplies of coal as a prime energy source. There is a great need to step-up these research efforts.

Ongoing research in western Pennsylvania—particularly in Pittsburgh and Homer City—has given us the hope that coal-powered vessels will soon be in wide use on the high seas and the Great Lakes.

Mr. President, I ask unanimous consent that the New York Times account of the U.S.S. *Johnston* test, published on November 16, 1973, be printed in the RECORD.

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

#### NAVY TESTS DESTROYER FUELED BY OIL DERIVED FROM COAL

(By Wayne King)

PHILADELPHIA, November 15.—A World War II Navy destroyer, the U.S.S. *Johnston*, steamed out of port here today to become the first ship in history to use coal-derived oil to power its engines.

Beyond its historical import, the short one-day cruise of the *Johnston*, both military and civilian officials said, will likely have great practical significance to an increasingly fuel-starved nation.

Initial impressions indicated that the pilot test of the fuel to fire the steam generating boilers of the *Johnston* was a success, although a detailed analysis has yet to be completed. More important, Government officials predicted that, with Congressional approval of the large outlays needed for construction of coal-conversion plants to produce the fuel, fairly widespread use of it as a petroleum substitute may be only a few years away.

For more than a year, the Navy has been working with the Department of the Interior to develop a clean-burning, economical substitute for the petroleum-based fuels that the Navy consumes at the rate of 42 million gallons a year.

If all goes as planned, the coal-derived oil will begin replacing petroleum fuels in Navy vessels in about three years, and will ultimately—within a decade—account for about half of the fleet's total consumption.

Beyond that, the Department of the In-

terior's Office of Coal Research—an agency that began 12 years ago with a relatively meager \$1-million budget and will spend \$122-million this year—already has in operation a pilot coal liquefaction plant in Princeton, N.J., with another under construction in Tacoma, Wash. Two pilot plants to convert coal to gas are also in operation, with a third being built.

#### COAL-CONVERSION PLANTS

Within a decade, said Paul R. Jordan of the Office of Coal Research, the Interior Department hopes to have assisted in development of a number of privately owned and operated coal conversion plants, each capable of producing 250 million cubic feet of gas a day—enough for a city of a half a million people—and 60,000 to 100,000 barrels of synthetic fuel oil a day.

Although the Navy today became the first to make use of the new fuel, both naval and other officials said its development was keyed heavily to civilian use.

Though the coal gasification and liquefaction prospect has been under way for almost 10 years, the recently developed fuel crisis has given it new and accelerated emphasis.

The Navy, according to Rear Adm. Randolph W. King, who answered questions at a news conference at the Philadelphia Naval Base prior to the sailing of the *Johnston*, is interested in the coal liquefaction process as a means of guaranteeing an uninterrupted fuel supply regardless of the political situation in the Middle East or other oil-producing areas.

At present, he said, coal supplies in the United States are adequate for at least another 100 years. Other estimates have ranged up to 500 years and more.

Moreover, both Admiral King and the Interior Department sources said the ultimate projected cost of production of the synthetic fuel oil would average \$4.50 to \$5 a barrel, compared to \$5.25 a barrel for the fuel now used. This estimate, however, takes into consideration the selling of byproducts from the liquefaction process to reduce the overall cost.

Moreover, Mr. Jordan of the Coal Research Office projected capital outlays for construction of coal conversion plants at \$5-billion over the next decade or so. Present plans call for a joint effort by the Federal Government and private industry, with the process ultimately to become entirely private enterprise.

Actual plant construction beyond the pilot stage, however, would require Congressional appropriations.

Both naval and Interior Department officials were optimistic about the prospects for large-scale coal conversion in the relatively near future, however. Although officials could not come up with a specific figure, the coal derived fuel that powered the *Johnston* without incident today ferrying newsmen on the first leg of her pilot cruise, cost many times the \$4 to \$5 figure that the Government ultimately hopes to attain for coal-derived fuel oil—which can be used in almost identical form to heat homes and a somewhat more refined version to fuel jet aircraft.

The economic success of the project rests on the economies of extremely large-scale production in plants that were estimated to cost from one-third to three-quarters of a billion dollars each to construct.

It was not made clear whether the Government's per-barrel cost estimates for the synthetic fuel included the initial costs of plant construction.

The coal-derived fuel itself should be acceptable to environmentalists, officials said, as it is of very low sulphur content, and will burn cleaner than the fuels used now by the Navy.

It is also possible to distill the synthetic oil in much the same manner as petroleum crude oil and thus convert it to higher grades, including gasoline.

#### CONVERSION PROCESS

The synthetic oil is obtained by a process called pyrolysis, in which the coal is crushed and then decomposed by use of heat, pressure and catalysts. This is followed by hydrogen treatment that alters the substance chemically to produce a synthetic oil-like fuel.

The process requires roughly a ton of coal to produce one barrel of oil. However, also produced is some 12,000 pounds of char, which can be further processed for extraction of fuels, and over 8,000 cubic feet of gas.

In general, officials at the news conference said, the coal fields of the Midwest and West produce the best type of coal for this process, a fact that is not expected to gain a warm reception in coal-rich Eastern states like Pennsylvania and West Virginia that are searching for ways to again utilize largely abandoned coal fields.

Renewed efforts to make extensive use of coal is expected to run into stiff resistance by environmentalists who oppose the ravages of strip mining.

Samples of the coal-derived fuel oil passed out to reporters appeared roughly the color and consistency of crankcase motor oil at about the time it badly needs changing. Its odor was somewhat sweetish, with the rather sharp, astringent cast of a disinfectant.

Early tests, indicated a strong coal-tar odor when the substance was burned, suggesting it might prove too offensive for boiler room personnel.

A seaman in the engine room today said, however, that the odor was acceptable and that the fuel seemed to perform in a manner indistinguishable from the usual petroleum oil, except for what appeared to be a slightly brighter flame.

The fuel is thicker than others used by the Navy, however, and cannot be poured at temperatures below 60 degrees Fahrenheit, a problem in some situations.

#### SENATOR RANDOLPH DOCUMENTS THE ENERGY CRISIS: THE SENATE'S RECORD SINCE 1959

Mr. RANDOLPH, Mr. President, on Monday, after the 3 days of debate, the Senate passed the National Energy Emergency Act of 1973, in response to a generally recognized and immediate energy crisis. By its very nature, this legislation could easily be implemented by the President in ways that significantly shape the economic future of the country. I believe it is timely to document the Senate's record on this problem, beginning in 1959.

Fostered by an immediate energy emergency, the current commitment may very well materialize as the most significant economic as well as energy policy action by the Congress in recent years. The underlying cause of the crisis, however, is the failure of the United States of America to possess a coherent and rational national fuels and energy policy. Instead our country is still operating under a series of ad hoc policies which were fostered over the years by a series of crises, such as this winter's fuel supply shortages.

As a consequence, any national energy policy we may have was not intentional, but rather is a mixture of statutory policies and administrative practices. As such, these policies often are conflicting, frequently are uncoordinated, and occasionally are inept. In sum total, our National Energy Policy is the product of more than 40 Federal departments, agencies, and regulatory commissions.

Considerable cohesion can be and must



be achieved through a reorganization of Federal programs and activities to reflect energy policy concerns. Nevertheless, there remains the need for the Congress to formulate and establish specific national energy goals and policy objectives that also reflect broad societal aspirations.

In recognition of this need, I have actively sponsored and supported, since 1959, the congressional formulation of a national energy policy.

On August 18, 1959, I introduced Senate Concurrent Resolution 73, to create a Joint Committee on a National Fuels Policy. The resolution was cosponsored by some 43 Senators: Allott, Anderson, ROBERT C. BYRD, BARTLETT, Beal, BIBLE, Butler, Capehart, Carlson, Cooper, CURTIS, Dirksen, Dodd, Douglas, Engle, Gruening, HARTKE, Hennings, HRUSKA, HUMPHREY, Keating, Kefauver, Kerr, Kuchel, Langer, Lausche, MANSFIELD, McCarthy, McGEE, McNamara, Morse, Morton, Moss, Murray, MUSKIE, Neuberger, Saltonstall, HUGH SCOTT, Wiley, Yarborough, Young of North Dakota and Young of Ohio.

Of particular note was the introduction in the House of Representatives of some 24 identical resolutions to our Senate Concurrent Resolution 73.

During the 86th Congress, on September 2, 1959, the Committee on Interior and Insular Affairs reported favorably our Senate Concurrent Resolution 73 to create a Joint Committee on a National Fuels Policy. The committee noted the "widespread and growing concern, both within and without the Halls of Congress, in respect to the adequacy of the Nation's fuel and energy resources. . . and the lack of a national policy for the most effective utilization of these resources, in the best public interest."

The resolution, Senate Concurrent Resolution 73, was referred to the Senate Committee on Rules and Administration, where it died. There was insufficient sentiment for the joint committee concept, particularly in the House of Representatives, to assure its eventual establishment. However, out of that idea for a congressional study came action by the White House in 1959 when President Eisenhower established by Executive order a mandatory oil import quota program.

In 1960 the need for a comprehensive national fuels and energy policy became a major political issue. Both Democratic and Republican Party platforms supported a national fuels policy and long-range minerals and fuels planning and programing. I urged the national Democratic Platform Committee to act on this vital issue. The Democratic platform contained the following declaration: "We support the establishment of a national fuels policy." The Republican platform in 1960 also declared for "long-range minerals and fuels planning and programing."

On January 19, 1961, my proposal for a Joint Committee on a National Fuels Study was reintroduced in the 87th Congress as Senate Concurrent Resolution 4. In all there were 55 cosponsoring Senators, including: BARTLETT, Beal, BEN-

NETT, BIBLE, Bridges, BURDICK, Bush, Butler, Byrd of Virginia, BYRD of West Virginia, Capehart, Carroll, Chavez, CHURCH, Clark, Cooper, Dirksen, Dodd, Douglas, Dworshak, Gore, Gruening, HARTKE, Hickey, Hill, Holland, HUMPHREY, JACKSON, JAVITS, Johnston, Keating, Kefauver, Kerr, Lausche, Long of Hawaii, MAGNUSON, McCarthy, McGEE, McNamara, METCALF, Miller, Morse, Morton, Moss, Neuberger, PASTORE, PROXMIER, Saltonstall, SCOTT, SPARKMAN, SYMINGTON, Wiley, Young of North Dakota, and Young of Ohio.

By March 1961 however, it was apparent that the joint committee proposal had little chance for success. Therefore on March 2, 1961, I introduced Senate Resolution 105 providing for creation of a Senate Special Committee on a National Fuels Study, authorized to study the current and prospective fuel and energy resources of the United States. The study also was authorized to examine existing fuels and energy policies with the view of determining the changes advisable in order to coordinate and provide an effective National Fuels Policy.

Senate Resolution 105 was one of the most widely sponsored legislative proposals of the 87th Congress or any other Congress. A truly bipartisan effort with 63 cosponsors who were Senators BARTLETT, Beal, BENNETT, BIBLE, Boggs, Bridges, BURDICK, Bush, Butler, Byrd of Virginia, Capehart, Carroll, Chavez, CHURCH, Clark, Cooper, COTTON, Dirksen, Dodd, Douglas, Engle, FONG, Gore, Gruening, HART, HARTKE, Hickey, Hill, Holland, HUMPHREY, JACKSON, JAVITS, Johnston, Keating, Kefauver, Lausche, Long of Hawaii, MAGNUSON, McCarthy, McCLELLAN, McGEE, McNamara, METCALF, Morse, Morton, Moss, MUSKIE, Mrs. Neuberger, PASTORE, PELL, PROXMIER, Robertson, Saltonstall, SCOTT, Smith of Massachusetts, SPARKMAN, SYMINGTON, Wiley, WILLIAMS of New Jersey, Young of North Dakota, and Young of Ohio.

The 1961 resolution was supported by the Department of the Interior, the Atomic Energy Commission, the Department of State, the Office of Civil and Defense Mobilization, and the Bureau of the Budget.

As introduced Senate Resolution 105 authorized a Special Committee on a National Fuels Study, to consist of nine Senators to be appointed by the President of the Senate.

As reported by the Committee on Interior and Insular Affairs on August 25, 1961, the resolution was amended in two principal regards: first, the scope of the study was expanded to include fuels and energy resources; and, second, the study was to be conducted by the Interior Committee, with three ex officio members to be appointed by the President of the Senate. It was the committee's judgment that "the scope of the study was within the legislative jurisdiction of the Interior Committee and that its members were particularly knowledgeable in the field of natural resources and resource conservation and development." Consequently, the committee amended the resolution to provide that the investigation be undertaken by it rather

than by a special committee of the Senate created for that purpose.

Thus, as passed by the Senate on September 11, 1961, Senate Resolution 105—87th Congress—instructed the Senate Committee on Interior and Insular Affairs to undertake a three-part study as a basis for possible revision of national fuels and energy policies, including the possibility of new legislation. The three parts were, first, a study of the present and future energy requirements of the Nation and of its ability to meet those requirements; second, a review of existing laws and policies with respect to their effect on energy supply and demand; and third, consideration of policy.

In testimony on Senate Resolution 105 before the Senate Interior Committee on June 12, 1961, I observed that—

In June 1961, the world—the United States included, of course—has available more energy fuels in the form of coal, oil, and natural gas than currently we can use. In reference to oil, the word, I think, is "glut." From recent oil discoveries in North Africa, it would appear that there are still vast sources of supply that have not yet been discovered. Who knows what the continent of Africa may hold in the way of energy?

This is fine, but it is a small source of comfort and security to Americans living in Maine, Minnesota, or Montana that what might become an anti-American land has in her earth unlimited quantities of the same kind of energy fuels that are the very lifeblood of America. What guarantee do we Americans have that the African continent, or Venezuela, or Kuwait, or any of the other prolific oil areas of the world will constantly make their riches available to us? What good will Venezuelan oil be to the United States if Latin America embraces communism, or if Africa turns against us, or if the Soviet Union decides to effect a coup d'etat in the Middle East?

Every year that passes, in which we become more and more dependent on foreign oil to buttress our national economy and security perhaps is 1 year nearer disaster. What makes this all the more tragic is that it is unnecessary. The United States of America, the richest country the world has ever known, is, by its own complacency, gradually placing itself at the mercy of those it should most diligently guard against. By neglecting to appraise ourselves of the true, unbiased, realistic picture of our own energy wealth and stability, we are gambling with our country's future.

Mr. Chairman, this Nation has a foreign policy—a defense policy—a farm policy and the beginnings of a transportation policy. All are necessary and of first importance. But not one of them is so basic to our national security and economy as would be a national policy in respect of those energy fuels that make all of them possible and without which, or lacking an abundant available supply of which, would render all other national policies impotent and would disarrange our country industrially, economically, and militarily.

The chairman of the 1962 Senate National Fuels and Energy Study Group was Senator Clinton P. Anderson. The other members of the Interior Committee were: Senators Allott, BIBLE, BOTTUM, BURDICK, Carroll, CHURCH, Gruening, Hickey, JACKSON, Jordan, Kuchel, Long of Hawaii, METCALF, Miller, Moss, and PEARSON. And the ex-officio members were Senators NORRIS COTTON, Clair Engle, and myself.

It is interesting to note that the oil

and gas industries, whose spokesmen opposed Senate Resolution 105, agreed to cooperate with the Senate National Fuels and Energy Study Group.

Subsequently on September 21, 1962, the Senate's National Fuels and Energy Study Group completed their assessment of available information on energy in the United States. The final report—Senate Document No. 87-159—identified 12 major policy issues:

The sale of natural gas to industrial consumers under interruptible rate schedules;

Importation of residual fuel oil;  
Importation of crude oil and products other than residual fuel oil;

Importation of natural gas from Canada;

Development of a domestic shale oil industry;

The role of Government-sponsored energy research;

Domestic self-sufficiency;

Emergency needs;

End-use controls;

Government encouragement of electric transmission interties;

How to handle unemployed coal miners; and

Granting of rights of eminent domain to coal pipelines.

The majority of these issues are unresolved even today in that we do not have definitive national policies, that reflect long-term concerns. These issues, however, are now under advisement by the Senate's National Fuels and Energy Policy Study authorized by Senate Resolution 45 of the 92d Congress which I introduced on February 4, 1971.

Under the able chairmanship of Senator HENRY M. JACKSON the Committee on Interior and Insular Affairs is actively pursuing a comprehensive legislative and investigatory program that will serve as the foundation for congressional formulation and establishment of a national fuels and energy policy for the United States. The National Energy Emergency Act of 1973 is but one notable legislative measure from this effort under Chairman Jackson's effective leadership and diligent endeavors.

Returning to the recommendations of the National Fuels and Energy Study Group, the Interior Committee then commented on the availability of energy supplies through 1980 stating that—

The Nation's resource base, in terms of each fuel, is adequate to meet projected requirements for the period covered by this study—i.e., to 1980. The 20 billion tons of coal even now commercially available (reserves) is more than enough comfortably to support a 1980 coal output of even as much as 800 million tons. There is plenty of oil in the ground but one or more steps may be needed to realize it: rate of exploration be stepped up, more attention be given to secondary recovery, ratio of reserves to rate of output be established at some figure well below the usual range of 12 to 14. *The Nation has the ability to be self-sufficient in oil if it so wills.* (Italics added.)

The 1962 study added—

Imports could be called on if desired, there being no dearth of foreign oil, and so could the oil in oil shale. Oil shale may in fact actually be yielding oil well before 1980, and coal may be yielding gasoline. The domestic supply of gas available appears to be safely well above the projected requirement. High

B.t.u. gas from coal is in the near offing. A comparison between projected consumption of electric energy (regardless of source) and the ability to supply it yields the prompt and simple answer that there should be no difficulties in that area. While nuclear power faces several problems, it is an accomplished technological fact.

Nevertheless, Mr. President, despite our country's projected ability to be energy self-sufficient, we subsequently pursued policies predicated on the use of imported crude oil and refined products to meet shortfalls between the U.S. energy demands and available domestic supplies. Thus our country finds itself in the situation of enacting the National Energy Emergency Act of 1973.

Commenting on the Senate's energy record in recent years, Senator JACKSON noted in his Senate remarks on November 15, 1973—

Legislative interest in critical energy issues has not developed overnight. Senators may recall that on July 16, 1970, Senator Jennings Randolph introduced legislation cosponsored by Senators of both parties to establish a National Commission on Fuels and Energy. This was to be a joint executive-legislative body to make a comprehensive study of the Nation's energy needs and how best to meet them.

The administration opposed creation of this Commission on the ground that its work would overlap with studies by the Domestic Council—studies that were announced after Senator Randolph's bill was introduced. If such studies were in fact made by the Domestic Council, they have never seen the light of day. But it is significant that the administration was on notice, more than 3 years ago, of deep congressional concern about emerging energy problems.

Because a serious study was obviously needed, Senator Randolph and I sought to authorize a unique cooperative effort in the Senate in early 1971. On February 4, 1971, he introduced Senate Resolution 45, cosponsored by 50 Senators, authorizing the national fuels and energy policy study by the Senate Interior Committee, with participation by the Committees on Commerce and Public Works and the Joint Committee on Atomic Energy. This has not been idle participation either. Under the leadership of Senators Magnuson, Pastore, and Randolph, these committees have played a major role as the study has progressed.

The study authorized by the Senate on May 3, 1971—when Senate Resolution 45 was approved—was broad in scope, involving a comprehensive investigation of the Nation's energy needs and energy resources; of the alternatives available for meeting those needs; and of the effect of Federal laws and policies on the fuels and energy industries. Beginning in late 1971 and continuing into mid-1973, the committee held extensive hearings on a wide range of issues including deep water port policy, energy conservation, oil import policy, Federal leasing programs, fuel shortages, and energy research programs. These hearings have laid the groundwork for the legislative program now moving through Congress.

Mr. President, I ask unanimous consent that the summary and recommendations of the 1962 report of the Senate's National Fuels and Energy Study Group appear in the Record at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

#### REPORT OF THE NATIONAL FUELS AND ENERGY STUDY GROUP

##### SUMMARY

The basic purpose of this report is to compile and assess an existing body of infor-

mation, and hence the report does not readily lend itself to being summarized in the usual sense. Nevertheless, we have tried here to condense the information and to indicate its drift in such a way as to give the reader a useful guide, so that he may be able to select such part of the contents as he wishes for detailed reading.

##### REQUIREMENTS

There is a reasonable consensus among the experts that the Nation's projected requirements will nearly double by 1980 (to about 82 quad-rillion B.t.u.'s), that generation of electric energy will multiply by some 3½ times (to about 2,700 billion kilowatt-hours), and that consumption of oil will increase by about two-thirds (to, say, 5.7 billion barrels). The consensus for coal, gas, and nuclear energy is not so clear cut, but the following deductions have been accepted as usable for the policy-tailored framework of this report: coal consumption roughly to double by 1980 (to 800 million tons or more), gas almost to double (to 20 trillion cubic feet or more), hydropower generation to drop from a share equal to 4 percent of total energy consumption to about 2½ percent, and nuclear energy to increase to a level about equal to hydropower.

Quantitative estimates of emergency requirements—a euphemism for wartime requirements—are meaningful only in relation to a near-future contingency. For this and other reasons, we assume that the nonmilitary part of wartime requirements will be within the margin of error inherent in the peacetime figures projected for 1965: i.e., 11 million barrels of oil a day, 15 trillion cubic feet of gas a year, 500 million tons of coal a year, and 1,100 billion kilowatt-hours a year. For oil there would be an additional military demand approaching 3 million barrels a day.

These figures do not apply to nuclear war, of course. In the period immediately following an attack, the civilian population would have to get along with such quantities and kinds of fuels as are at hand locally. We presume that the military arm has petroleum fuels in hand to support the immediate retaliatory blow. The demand for petroleum products would increase as military action mounts, and the demand for all forms of energy would increase as national authority is restored and industrial activity is resumed. The top limit of this increase is conditioned by how long the war would last and the course it takes. All energy demands would remain high during the period of reconstruction.

##### SUPPLY

The Nation's resource base, in terms of each fuel, is adequate to meet projected requirements for the period covered by this study—i.e., to 1980. The 20 billion tons of coal even now commercially available (reserves) is more than enough comfortably to support a 1980 coal output of even as much as 800 million tons. There is plenty of oil in the ground but one or more steps may be needed to realize it: rate of exploration be stepped up, more attention be given to secondary recovery, ratio of reserves to rate output be established at some figure well below the usual range of 12 to 14. The Nation has the ability to be self-sufficient in oil if it so wills. Imports could be called on if desired, there being no dearth of foreign oil, and so could the oil in oil shale. Oil shale may in fact actually be yielding oil well before 1980, and coal may be yielding gasoline. The domestic supply of gas available appears to be safely well above the projected requirement. High B.t.u. gas from coal is in the near offing. A comparison between projected consumption of electric energy (regardless of source) and the ability to supply it yields the prompt and simple answer that there should be no difficulties in that area. While nuclear power faces several problems, it is an accomplished technological fact.



Conventional fossil fuels plus shale oil and fissionable materials contain recoverable energy equivalent to 800 years of usage at the current rate. Improvement in nuclear technology could expand this figure eightfold. This outlook is without the benefit of foreign supplies, fissionable materials available at prices higher than those now paid, coal and shale oil beyond the limited quantities assumed to be recoverable, or the energy potential of unconventional sources.

There is also a large present plant capacity and apparently an industrial ability to generate the funds to expand the capacity as needed. Labor supply should pose no problems; the only sector about which doubt has been expressed is in regard to coal miners, and here it appears that, because of expected continued improvement in output per man-day, the 800 million tons of 1980 conceivably could be produced by a labor force even smaller than the force presently at work.

Transportation has sometimes been considered a bottleneck in the energy complex. The concern appears exaggerated. Transportation of oil and gas is a matter of investment. An aggressive research on extra-high voltage transmission almost assures continued economic transportation of electric power. The only real question relates to a shortage of railroad cars for the movement of coal. Such shortages as occur are not the result of a shortage of cars as such but of cars that are serviceable. The railroads repair damaged cars only as traffic demands it, and a shortage results when business picks up faster than ability to repair the cars. Whether or not shortages have ever limited the total supply of coal to the country, or have caused coal users to turn to other fuels, is a matter of conflicting opinion.

In a nuclear emergency, the Nation will have to rely initially, as indicated above, on the supply locally available, but there would be such great destruction of consuming equipment and plants that the supply would be generally adequate. Further supply should be available as quickly as it is called for by restoration of the economy. For other war or war-related emergency, the national capacity for producing oil products seems to come close to equaling, or even exceeding, total war-time demand. This is without regard to imports, but so much judgment is involved, and the problems of wartime requirements and logistics are so complicated, that the subject needs deeper analysis than we can give it. Both coal-producing capacity and labor supply are large enough to meet emergency coal demand. Gas-producing capacity and electric-generating capacity are adequate. Information on wartime transportation capability regarding energy is scanty and conflicting, but seemingly there would be no dire problems within the United States itself. Ocean transportation encompasses military problems outside our purview.

#### COST AND TECHNOLOGIC PROGRESS

Implicit in the above commentary about the Nation's ability to meet its needs over the next 20 years is an assumption about the ability of continued technologic progress to hold costs within limits. In part this is a matter of faith, albeit faith based on the record. How much oil, gas, and coal will be produced, and how much electricity generated, are matters of economic decision, which resolve into incentives for exploration, research, and development and for investment in plant to transport what is produced or generated. Incentives are related to ultimate profits, which are related to costs. Information on costs is elusive and inconclusive, but at least for oil and gas jointly there seems to be little discernible trend either upward or downward in real terms (dollars of constant value). None of the three principal fossil fuels seems likely to price itself out of any major markets within the

time span of this report. In any case the cost of oil from shale should place an upper limit on the price of crude oil, and the cost of gasifying coal a limit on the price of natural gas; all these will impose restraints on the price of coal.

The cost of transportation is a vital part of the delivered price of energy. The coal pipeline, the integral train, mine-mouth generation coupled with extra-high-voltage transmission, larger diameter oil and gas pipelines, and other developments should hold transportation costs down.

#### INTERFUEL COMPETITION

Use of coal has been going down in the face of an increasing national consumption of energy. The three fuels—coal, oil, and gas—compete with one another for the electric energy, space-heating, and process-heat markets; electric energy (including hydro-power) competes with coal, oil, and gas for parts of these same markets.

Competition results from the ability and willingness of the customer to shift from one product or supplier to another. Many factors influence this freedom of choice. One is the physical character of the fuels. The solid nature of coal and the liquid nature of oil generate advantage and disadvantages for each, both with respect to cost in their competition with one another and with gas and with respect to esthetic preference.

A second factor is adequacy and assurance of supply, and a third is the delivered price. Delivered price is related to transportation. Cost of transportation is the reason why inter-fuel competition is so severe in those areas having little or no native energy resources, as in New England particularly. Railroad transportation of coal comes high, compared to the cost of moving oil or gas, constituting on average price of bituminous coal.

All the major fuels, including coal, are produced and transported as though jointly with coproducts or byproducts. Electricity, too, is sometimes a joint product, and transportation also has its joint-product aspects. The economics of joint products influences the pricing of the main product.

One aspect of the influence of technology has been referred to above. Of more immediate relevance to competition is the technology of use, which has acted particularly to the detriment of coal. Prime examples are the change from steam to diesel railroad locomotives and the substitution of oil and gas for coal in home heating.

Fuel competition is related also to the propinquity of fuel source to market, which is a shifting circumstance, and of course to the common phenomenon of consumer preference.

A final factor is the framework of policies, laws, and regulations within which the competition operates, summarized separately below.

#### POLICIES, LAWS, AND REGULATIONS

Federal, State, and municipal governments all have laws and regulations relating to energy. The Federal Government leaves local energy problems to local regulation. In addition, the policies of foreign governments have their impact on American supply and demand.

Federal legislation and policy in the field of energy covers foreign trade, production of raw materials, electric power generation, production and sale of natural gas, transportation, research, taxation on production and use, maritime laws, and foreign relations. State and local regulations apply mainly to conservation of oil and gas and cover also taxation on mineral production and use, public utility regulation, and air pollution.

Policies of foreign governments relate to their control over the importation of Amer-

ican coal and to their reaction to U.S. restrictions on importation of oil and oil products. Canadian policy occupies a special niche, because of the contiguity of the two countries. The U.S. imports both gas and electricity from Canada, which imposes restrictions on the outflow of both.

Some policies, laws, or regulations tend to limit production and to raise price, some to lower price; some specifically restrict end use.

#### POLICY ISSUES

Twelve policy issues have been identified as justifying discussion. These include the sale of natural gas to industrial consumers under interruptible rate schedules, importation of residual fuel oil, importation of crude oil and products other than residual fuel oil, importation of natural gas from Canada, development of a domestic shale industry, the role of Government-sponsored research, domestic self-sufficiency, whether action is necessary to insure that U.S. emergency needs can be met from the Western Hemisphere alone, legislative or regulatory control of the use to which a fuel may be put, Government encouragement of electric transmission interties, how to handle the problem of unemployed coal miners, and granting of right of eminent domain to coal pipelines.

Whatever policy direction may be followed with respect to each of these, various costs and gains are involved—to the Treasury, to the consumer, to the gaining and losing industries, and to society. Some of these gains can be quantified, mostly they cannot. In fact, it is not possible always to isolate them, or to trace out the specific effect of a policy action. Action taken may better one situation, worsen another. Questions that cannot be answered insist on intruding, such as: What is the cost to society when in the pursuit of some goal a desired product or service is denied? Or, what is the cost of withholding the fruits of technologic innovation or of dampening investment?

Energy policy relates to other policies, either explicitly or indirectly, and some energy policies indirectly affect policy in other areas. The important involvements as with transportation, taxation, trade policy, international policy other than trade, national defense, and various Federal programs, particularly atomic energy. Other areas of policy involvement include antitrust legislation, care and development of the inland waterways, space exploration, air pollution, labor, and urban redevelopment.

The three policy issues that are currently of most intense interest are:

#### Interruptible gas

In 1960 total interruptible sales totaled 2.1 billion Mc.f. Most of this is sold in geographic areas not economically served by coal, and some is sold for noncompetitive uses. In all, about one-fourth (or the equivalent of 22 million tons) is in direct competition with coal.

The price charged for interruptible gas is less than that charged for firm service and at least covers the cost of the gas itself plus the out-of-pocket costs of transportation and distribution. Thus this type of service makes a contribution toward fixed charges that would otherwise be borne by firm customers. In 1960 this fixed-charge contribution aggregated \$400 million nationally.

#### Residual fuel oil

The use of residual fuel oil in the United States has remained fairly uniform over the past decade, but on the east coast, where most of it is consumed, net imports for domestic consumption have been rising and in 1960 were the equivalent of about 40 million tons of coal. Such imports come largely from the Caribbean where heavy fuel oil is the major refinery product. These imports affect the production of coal primarily in Pennsylvania, Virginia, and West Virginia.

*Coal mine unemployment*

The number of workers engaged in coal mining has been declining almost steadily from a peak of about 875,000 reached in the early 1920's. It is now only about 150,000. The number of unemployed is estimated at 100,000.

About half the decline has resulted from loss of markets and half from improvement in the efficiency of production. For bituminous coal the fractions are about one-third due to loss of market and two thirds to improved efficiency. The average miner produced 2,450 tons in 1960, as against 1,350 tons a year during the midforties when coal output reached its peak, and about 750 tons a year in the early twenties when employment reached its peak. Concurrent with loss of markets, coal-mining wages were rising and were among the highest in American industry, and this element of cost has been a major factor in pushing the industry into mechanization during the postwar period, in order to stay competitive.

Elimination of interruptible gas sales and of the importation of heavy fuel oil would increase employment in the coal industry, but for a number of reasons (among them that part of the vacated markets would be taken by domestic oil and by firm gas and that the current coal work force is used less than full time) the gain would be small perhaps a few thousand men—in terms of the gross problem. Each million tons of added coal production would represent the employment of 400 miners at today's average output per man-day and at the average current workweek of less than 4 full days; at the current workweek but at the output per man-day projected for 1965, each million tons would represent the employment of 285 miners.

*INDUSTRY AND CONSUMER POINTS OF VIEW*

The point of view held by producers and consumers of energy as to what policy should be is as much a piece of information as is a table of statistics or description of a piece of technology. In order to provide as full a body of information as possible, we have invited the points of view of 12 groups, each representing either a producer of one or another form of energy or a consumer. These are included precisely as received. It would be a disservice to these groups to summarize their statements, for interpretation unavoidably would insinuate itself, and therefore we have not done so.

*LEAKS FROM THE WATERGATE COMMITTEE*

Mr. BUCKLEY. Mr. President, the New York Times, on November 20, 1973, contained an article headlined "Watergate Unit Suspends Investigator Over a Leak." When I saw that headline I was extremely gratified for it so happens that on October 4, 1973, I sent a letter to the distinguished chairman of the Select Committee on Presidential Campaign Activities (Mr. ERVIN) asking him to put members of his staff under oath in order to discover who was leaking damaging material about witnesses who were called to appear before the committee. The chairman declined to do this for a number of reasons, among which were his concern that a search for leakers would "divert" the committee from important tasks and that it would hurt staff morale. To quote his exact words, the chairman wrote:

If it should permit itself to be diverted from the performance of its task by matters not directly related to it, the Senate Select Committee could be unable to perform its allocated task within the time assigned to it.

You can therefore imagine my delight when I saw the headline suggesting that the chairman had changed his mind and that those who had abused the rules of the committee by leaking confidential information were being investigated and punished.

Alas, such is not the case. As I read the story, I discovered that it was not concern for the rights of witnesses that brought about the suspension but the concern of certain high-ranking staff members for their own image. To quote the story:

An investigator for the Senate Watergate Committee was suspended from duty today because Samuel Dash, the committee's chief counsel, believed that he was the source of a newspaper article that was highly critical of the Committee staff.

The article, written by Timothy Crouse, contained no details of the Committee's investigation that had not previously been reported elsewhere.

But it was savage in its criticism of the committee's top staff. It quoted a "majority staffer" as calling Mr. Dash an "egomaniac" and declared that Fred D. Thompson, the Republican counsel, and David M. Dorsen, an assistant chief counsel, were incompetent.

After an investigation that lasted more than a week, according to one staff member, Mr. Dash this morning ordered Mr. Armstrong suspended from the staff without pay for a month.

Mr. President, I am puzzled that the committee should feel it could devote "more than a week" to search for someone who said unpleasant things about Mr. Dash—whether these judgments are true or not is irrelevant to my point—but will not spend 5 minutes in an attempt to identify those committee staffers who leak confidential information involving outsiders? In his letter to me, the chairman of the select committee dismissed Patrick Buchanan's complaints over abuses by staff members by quoting Truman's aphorism, "If you can't stand the heat get out of the kitchen." Yet when one of the staffers gave a reporter his nonprivileged views on Mr. Dash, the matter was apparently considered so serious as to warrant a full-scale investigation lasting 8 days.

Mr. President, if members of the committee or the staff cannot stand the heat of an adverse newspaper report, perhaps they should be asked to get out of the kitchen. If the Times report is substantially correct, the Senate is owed an explanation of an apparent double standard when it comes to leaks: Those leaks which harm a witness are to be dismissed with brutal unconcern; those leaks which criticize top committee staffers are to be stopped even if it takes 8 days of "diverting" the committee from its real responsibilities.

Mr. President, I ask unanimous consent that the following article be placed in the RECORD.

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

[From the New York Times, Nov. 20, 1973]

WATERGATE UNIT SUSPENDS INVESTIGATOR OVER A LEAK

(By David E. Rosenbaum)

WASHINGTON, November 19.—An investigator for the Senate Watergate committee was suspended from duty today because Samuel Dash, the committee's chief counsel, believed

that he was the source of a newspaper article that was highly critical of the committee staff.

The investigator, Scott Armstrong, was deeply involved in the committee's inquiry into the affairs of Charles G. Rebozo, President Nixon's close friend. One Senator on the committee said today that Mr. Armstrong was "the best investigator on the staff."

A ranking official on the committee described Mr. Armstrong as "a tenacious bugger who ticked off everybody in sight but always got what he was after."

The article appeared in the Nov. 22 issue of Rolling Stone, a biweekly newspaper that concentrates on rock music but regularly contains articles on politics and social affairs.

*NO NEW DETAILS*

The article, written by Timothy Crouse, contained no details of the committee's investigation that had not previously been reported elsewhere.

But it was savage in its criticism of the committee's top staff. It quoted a "majority staffer" as calling Mr. Dash an "egomaniac" and declared that Fred D. Thompson, the Republican counsel, and David M. Dorsen, an assistant chief counsel, were incompetent.

After an investigation that lasted more than a week, according to one staff member, Mr. Dash this morning ordered Mr. Armstrong suspended from the staff without pay for a month.

Immediately, Senator Lowell P. Weicker Jr., the Connecticut Republican, praised Mr. Armstrong and offered him a job on his personal staff.

Neither Mr. Dash nor Mr. Armstrong could be reached this afternoon. Mr. Dash, in New Orleans for a meeting of a committee of the American Bar Association, confirmed to The Associated Press that he had suspended Mr. Armstrong.

According to that news agency, Mr. Dash said that the article "had a tremendous impact on the morale of the staff" and that Mr. Armstrong had violated "a pretty iron-bound rule that is broken too often."

*"WE NEED HIM"*

Mr. Dash was reported as saying that Mr. Armstrong was "a very fine staff member who will be welcomed back because we need him."

The investigatory phase of the Committee's work is scheduled to be completed before Mr. Armstrong could return to duty, however.

Since its inception, the committee has been subject to a wide variety of leaks and information to the press. But supporters of Mr. Armstrong insisted today that he had never disclosed any of the committee's investigatory information.

According to several staff members, Mr. Dash and his colleagues first saw the Rolling Stone article on Nov. 8 or 9. Mr. Dash, according to one official, was "outraged," and Mr. Thompson "acted like Vesuvius."

Over the weekend of Nov. 10-11, Mr. Dash reportedly ordered an investigation into the sources of the quotations that were critical of him and others.

On Monday, according to officials, Mr. Dash talked with Mr. Crouse. Throughout last week, there were meetings among the staff members to decide Mr. Armstrong's fate. "The committee expended seven days—eight if you count today—on this drive when they should have been working their tails off on something of substance," one staff member who supported Mr. Armstrong declared today.

Last Friday there was what this man called a "bloodletting"—a long meeting at which other investigators called for Mr. Armstrong's dismissal and Terry F. Lenzner, an assistant chief counsel, argued that Mr. Armstrong should be retained.

Senator Sam J. Ervin, Jr., the committee chairman, left the decision on Mr. Armstrong's future up to Mr. Dash, and Mr. Dash



said that he would take the weekend to make up his mind.

He reportedly described the one-month suspension as a "compromise" today and told other staff members that many people wanted Mr. Armstrong to be permanently discharged.

But a staff member who sat through many of the meetings had another version: "The minute Sam saw that bit about his being an egomaniac, he went bananas. There was no stopping him. Nobody else who mattered gave a damn but Dash."

#### FINANCIAL STATEMENT

Mr. MOSS. Mr. President, approximately every 2 years—in each Congress—I make public disclosure of my income and financial assets. I do so again today.

This is perhaps the most timely disclosure I have made. Those of us who have been elected to the legislative branch can help restore credibility in government by being frank and open in all respects, and one way to be candid is to make full disclosure of personal finances. I am glad to disclose mine here at this time.

The statement I file in this Congress shows an increase in the equity of my homes in Salt Lake, and Washington, D.C., over the past 2 years, and it shows I have also acquired equity in a home in Maryland and in a condominium at Bear Lake, Utah. It likewise indicates an increase in my liabilities.

I should mention that I receive lecture fees between \$5,000 and \$10,000 a year, and small royalties on my book, "The Water Crisis," and on the two small stockholdings I have. These are my only earnings outside of my Senate salary, with the exception of \$406.06 gross a month which I draw as retired military pay for my service in the U.S. Air Force. My wife has no separate assets, income, or earnings.

I recognize that the Senate has adopted a disclosure-of-assets rule, and I follow this rule faithfully. However, as we all know, the information in this "disclosure" is not made public, but is merely filed away, year after year, under the guardianship of a "custodian" who never sees it. There is no way for a constituent or anyone else to know about the income and assets of a Member of Congress except through the voluntary disclosure by that elected official. The present disclosure law gives the illusion of full disclosure, when it really does not do that at all.

Because I believe strongly in full, public disclosure, I ask unanimous consent that my current financial statement be printed in the RECORD.

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

#### Financial statement of Senator Moss (As of Nov. 1, 1973—All amounts approximate)

ASSETS	
Savings account.....	\$1,353
Cash on hand and in checking account .....	2,000
1971 Dodge Dart and 1965 Mustang .....	2,000
Personal notes due me .....	13,715
Cash value life insurance .....	18,500
Paid in equities:	
House in Washington .....	41,642
House in Salt Lake City .....	15,596
House in Maryland .....	10,758

Condominium at Bear Lake .....	4,273
Lot (unimproved) Salt Lake City .....	8,000
Utah Employees Credit Union .....	426
5 shares Standard Oil of California .....	325
1 share A.T. & T. ....	48
Total .....	118,636

LIABILITIES	
Personal note .....	9,600
Mortgages (balance due):	
House in Washington .....	4,353
House in Salt Lake City .....	15,490
House in Maryland .....	62,243
Condominium at Bear Lake .....	35,226
Total .....	126,917

#### PROF. VAN ALSTYNE, DUKE UNIVERSITY, ON ELIGIBILITY OF SAXBE TO BE ATTORNEY GENERAL

Mr. HRUSKA. Mr. President, this past Monday at my request the statement of Acting Attorney General Bork regarding S. 2673 was printed in the CONGRESSIONAL RECORD. It can be found there at page S. 20830, November 19, 1973. Closely allied with this statement was the testimony heard on Tuesday before the Judiciary Committee of William Van Alstyne, a distinguished professor of law at Duke University.

Prof. Van Alstyne presented an extremely clear analysis of article I, section 6, clause 2 of the Constitution, as it related to the eligibility of the appointment of the Senator from Ohio, Senator SAXBE, to the position of Attorney General.

For the benefit of the Members, who would wish to inform themselves further on this subject, I ask unanimous consent that Prof. Van Alstyne's statement be printed in the RECORD.

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

#### TESTIMONY OF WILLIAM VAN ALSTYNE ON THE ELIGIBILITY OF SENATOR WILLIAM SAXBE FOR THE OFFICE OF ATTORNEY GENERAL, THE JUDICIARY COMMITTEE OF THE U.S. SENATE I. INTRODUCTION

It is my understanding that Senator William Saxbe was elected to the United States Senate in 1968, to a regular six-year term. It is also my understanding that in 1969 the salary for the Office of Attorney General, together with the salaries for certain other civil offices, was subsequently increased. Mr. Saxbe has recently been nominated by the President for the Office of Attorney General, and a question has arisen respecting his eligibility for that office in light of the following provision in Article I, Section 6, Clause 2, of the Constitution:

"No Senator . . . shall, during the time for which he was elected, be appointed to any civil office . . . which shall have been created, or the emoluments whereof shall have been increased during such time."

It is evidently agreed that the provisions of this clause clearly affect Mr. Saxbe's eligibility for appointment as matters now stand. I understand, however, that this Committee wishes to know whether the disability would continue even supposing that Senate Bill No. 2673 were to become law prior to the Senate's consent to the nomination so that the salary and emoluments which Mr. Saxbe would be entitled to receive as Attorney General would not, during the time for which he was elected to the Senate, exceed the emoluments of that office previously provided as of January 1, 1969. Recognizing that the question might subsequently be raised in appropriate judicial

proceedings challenging actions Mr. Saxbe would be expected to take in the ordinary performance of his duties as Attorney General, I understand that the Judiciary Committee wishes to satisfy itself on the substantive merit of any such challenge—so that the Committee may report to the Senate its own view as to how far the question of Mr. Saxbe's eligibility should affect the Senate's desire to consent in his nomination.

I cannot, of course, presume to speak for others on this question, and I am frankly grateful that the Judiciary Committee has already considered the views of other witnesses and a great deal of additional material. On the effect of Senate Bill 2673, however, I have reached a personal conclusion. Briefly, it is that the enactment of S. 2673 would be effective to confirm the eligibility of Mr. Saxbe consistent with Article I, Section 6, Clause 2, by making certain that as of the time of his appointment there would be no emoluments he would be entitled to receive which are possibly traceable to any action previously taken by Congress after his election to the Senate, in 1968. It is also my view, moreover, that a different and less generous view of the effect of S. 2673 is not only not required by Article I, Section 6, Clause 2, but that it would foreclose eligibility of Members of Congress for appointment to pre-existing civil offices quite contrary to the intention and the understanding of the draftsmen of that clause in the Constitutional Convention of 1787. To understand the basis for these conclusions, I think it may first be helpful to indicate my understanding of the constitutional clause itself, and then to address the effect of S. 2673.

#### II. THE SPECIFIC CHARACTERISTICS OF ARTICLE I, SECTION 6, CLAUSE 2 AS A SAFEGUARD AGAINST POLITICAL SPOILS

It is quite true that neither the adoption of S. 2673 nor any other Act of Congress can literally expunge the past as a fact of history. It is also true that while Article I, Section 6, Clause 2 meant to deal with the problem of a spoils system (or with the problems of improperly motivated executive-legislative collaboration), it did not mean to do so by allowing Congress or the courts latitude to determine whether a person appointed to a particular office may not in fact have been influenced by any improper consideration whatever in creating or in enhancing the emoluments of that office and, by satisfying itself in that way, presuming to construe the clause as not applying to such a person.

Indeed, in this respect I entirely agree with the Opinion of Attorney General Brewster (17 OP. A.G. 365, May 26, 1882), in the appointment of Governor Kirkwood who was deemed disqualified from being appointed to an office created during the term for which he was elected as a Senator, in spite of the fact that Mr. Kirkwood had resigned from the Senate more than a year before the office was created and thus could not have had any direct influence as an active or current legislator in the adoption of the Act creating the office. No investigation into the possibility that Mr. Kirkwood might somehow have been influential in some personal or private way in having the office established was made, moreover, nor was it suggested that any such investigation would be an appropriate means of determining his eligibility for appointment. Rather, the clause sets its face against the awkwardness and possible manipulation of such investigations, by making them irrelevant.

For the same reason, I agree also with the Opinion of Acting Attorney General Conrad (21 OP. A.G. 211, August 15, 1895), advising the President that Senator Ransom of North Carolina was ineligible for appointment as envoy to Mexico during the term of his election because the salary for that office had been increased by \$5,000, and without inquiring at all as to how Senator Ransom had voted on the bill or, indeed, as to whether he

voted or had anything whatever to do with the bill.

These were unquestionably sound applications of the clause, exactly in keeping with its intention as well as its letter. For the spirit of the clause, cast as it was in terms of utterly impersonal and virtually mechanical tests, is not simply to avoid certain varieties of improper political temptation, but to do so by means that: (a) permit no possibility of evasion by inviting the same Congress constrained by the clause to give in to temptations of self-interest by making "exceptions" for persons where Congress would find no particle of improper influence; that (b) operate with sufficient impersonality as not to involve the possibility of calling into public question the motives of a member of Congress who may have voted for a particular bill; and that (c) would, so far as words can ever do so, secure the public confidence in the automatic and wholly impartial manner of their application. (See Elliot, *Debates in the Federal Convention*, vol. 5, pp. 188-501.)

In this respect, the mechanicalism of Article I, Section 6, Clause two has the same virtues and the same vices as similar provisions elsewhere in the Constitution. For along with the virtue of clear and impersonal operation, there is, of course, the shortcoming of that legislative technique—that a line drawn in a manner giving conclusive effect to but one or two circumstances may often fail to reach a variety of possible corrupt practices that a more general standard would tend to reach. It is clear, for instance (see Elliot *supra*, at p. 233), that a Senator or Representative nearing the end of his term might be induced to vote to create a new office or to raise the emoluments in an existing one, expecting in return for his vote at once to be appointed to that office the instant his term expires. Yet, the clause does not reach that case. (See also 33 O.P.A.G. 88 (1922); Story, *Commentaries on the Constitution*, vol. I, p. 633 (5th ed. 1891).) The case was also put in Convention, as an objection to the limited character of the clause (Elliot *supra*, at p. 231), of a Member of Congress entering a cabal with his colleagues and with the President to secure an important existing office for himself by voting to create a new office so that the incumbent of the office he wished for himself could then be transferred. Again, the clause provides no precaution against this possibility.

In fact, the clause is in no respect a general, constitutional "corrupt practices" act. Rather, it deals with only three varieties of possible improper influence (voting for new offices, raising the salary of an existing office, and holding any other office while simultaneously serving in Congress). It deals with these, moreover, only in the most limited way (*i.e.*, the sole sanction is that of ineligibility). And even the sanction is of the most limited duration (*i.e.*, disqualification for appointment only until the end of the term for which one was elected).

I have thought it important to note these limitations on the clause not to disparage it in any way, or to imply that it ought not be applied rigorously insofar as it clearly does establish at least certain safeguards against the temptations of the spoils of office, but rather to make clear that the limitations of the clause were themselves perfectly well understood even at the time the clause was being proposed. Moreover, the reasons for accepting these limitations were felt at the time to be of sufficient importance as themselves to account for the clause emerging ultimately as it did. An examination of those reasons will, I believe, in turn explain why a bill such as S. 2673 not only satisfies Article I, Section 6, Clause two, but the respect in which it tends to achieve one of the purposes that accounted for the ultimate form of the clause.

### III. THE CONCERN OF THE CLAUSE TO ASSURE THE APPOINTMENT ELIGIBILITY OF MEMBERS OF CONGRESS WHERE THERE IS NO POSSIBILITY OF PROFIT FROM OFFICES CREATED, OR SALARIES INCREASED, DURING THE TIME FOR WHICH THEY WERE ELECTED

The essence of the problem is this. Insofar as the clause is concerned with any civil office "created" during the time for which a Senator or Representative was elected to Congress, and for which he might otherwise be considered for appointment, no question of the kind presented by S. 2673 can arise: if Congress first established a new office by law and, prior to the appointment of anyone to fill it then enacts a law discontinuing that office, there remains no new office to be filled and thus the question of anyone's eligibility to fill it is at once moot.

Insofar as the clause is also concerned with existing offices which members of Congress are as eligible as all others to fill, but means to restrict the President from appointing a Member of Congress only when the emoluments of that office have been enhanced by Act of Congress, however, the problem is obviously different. Where Congress, prior to the appointment to be made, eliminates the only perquisites of office that would otherwise have made the appointment constitutionally objectionable, to regard a Member of Congress as still ineligible for appointment is to exceed the very function of the clause which does not mean to disable such persons from appointment to pre-existing offices.

As Mr. Justice Story observed in his *Commentaries on the Constitution* (vol. I, p. 633, 5th ed. 1891):

"The reason for excluding persons from offices who have been concerned in . . . increasing their emoluments (is) to take away, as far as possible, any improper bias in the vote of the representative. . . ."

It was not, on the other hand, to disqualify a person for appointment to an existing office and it is very clear from the Convention Debates that such a situation would have been regarded as highly undesirable in depriving the country of the services of able people, *i.e.*, Members of Congress, who, by their experience in Congress, familiarity with Washington, and knowledge of the workings of particular executive posts, might well be obvious good choices for the President to consider in the event a vacancy were to occur.

A preliminary draft of Article I, Section 6, Clause two provided that Members of the House would be "ineligible to any office" under the authority of the United States during their term of election. (Elliot, at p. 189. *Emphasis added.*) In Convention, James Madison proposed to change the proposed clause so that it would apply only to office "as should be established, or the emoluments augmented, by the legislature of the United States during the time of their being members." (*Id.* at 230.) He gave as his reason that "(h)e supposed that the unnecessary creation of offices, and increase of salaries, were the evils most experienced, and that if the door was shut against them, it might properly be left open for the appointment of members to other offices. . . ."

(*Ibid.*) He strenuously opposed "absolute disqualification" from all offices, and not merely those created during a Member's term or those enhanced by Congress during a Member's term. (Elliot at 232.) Madison's proposal was initially rejected, but it was subsequently introduced the next month, debated again, and carried on a close vote. (Elliot at 506.) The reasons stated by the proponents of the change were exactly the same as those that Madison had previously advanced.

This history bears critically upon the compatibility of S. 2673 with the original understanding, the function, and the only sensible

construction of Article I, Section 6, Clause two. In terms of the functions of that clause, the exact equivalent of Congress eliminating the very office they earlier established during the term of election of a colleague is to eliminate whatever increase in emoluments which they had previously approved in connection with an existing office. The whole purpose of the clause in this respect, which was to avoid any question whatever that might otherwise arise that the earlier increase was in anticipation that a Member of Congress might himself benefit from it, is at once fulfilled in terminating the efficacy of that prior legislation and by thus rendering it impossible for any appointee from Congress personally to benefit from that prior legislation. On the other hand, not to recognize the efficacy of S. 2673 in terminating the disability created solely by the previous legislation would itself offend one of the reasons that accounted for the final form of Article I, Section 6, Clause two: to assure the eligibility of Members of Congress for appointment to vacancies in existing offices, insofar as neither the office itself nor any perquisite associated with that office would result to them as a consequence of any Act of Congress during the term for which they were elected to that Congress.

To be sure, one or two questions remain to be answered and, although they are not at this moment before the Judiciary Committee, it will be useful to anticipate them because they, too, bear upon the appropriate construction of Article I, Section 6, Clause two. Without doubt, it has already occurred to several persons to wonder what would happen if S. 2673 were to become law, Mr. Saxbe were then to be confirmed as Attorney General, and immediately thereafter an Act were to be adopted again raising the salary of the Office of Attorney General to what it was prior to the adoption of S. 2673. There are obviously three possibilities:

a) The increase would at once become effective and Mr. Saxbe would be entitled to receive it although it came within the time for which he was elected to the Senate.

b) The adoption of the Act would operate at once to disqualify Mr. Saxbe from continuing to serve as Attorney General, at least for the balance of the term for which he was elected to the Senate.

c) Mr. Saxbe would remain as Attorney General, but Article I, Section 6, Clause two operates to forbid him from receiving any increase and the increase would become effective only for such services as he might perform as Attorney General after the date of expiration of the term for which he was elected to the Senate.

The plain sense and history of Article I, Section 6, Clause two persuade me that the proper answer is the last one—he would not be automatically disqualified, but he would be precluded from realizing any personal benefit during the balance of the term for which he was elected to the Senate. But to avoid any legal question from arising and any possible appearance of impropriety as well, it is within the sound discretion of Congress simply to keep from considering any subsequent increase in the salary of that office, at least until Mr. Saxbe's senatorial term shall expire.

On the immediate question before the Committee, however, it is my view that insofar as the adoption of S. 2673 would make clear that Mr. Saxbe may be appointed solely to an existing office for which there are no emoluments apart from those provided prior to the time for which he was elected to the Senate, it would not only misconstrue Article I, Section 6, Clause two, but it would violate one of its own purposes (to preserve the eligibility of Members of Congress to fill vacancies in such offices) were a court to hold Mr. Saxbe to be ineligible.

The language of Article I, Section 6,



Clause two is, of course, not clear and no doubt that is why this question seems difficult. One might read the phrase "the Emoluments whereof shall have been increased during such time" as concerned to know only whether, as an historical datum, an increase was once voted regardless of whether it was shortly discontinued and of no possible profit to a nominee whose name is subsequently submitted to the Senate. To insist upon that reading, however, is at once too broad and too narrow as well. On the one hand, it would disregard the sole function to remove temptation in voting for an increase that one might personally anticipate receiving, it ignores the impact of subsequent legislation, and it offends the deliberate purpose of the framers of the Constitution to provide for the continuing eligibility of Members of Congress for appointment to an existing office where nothing they nor their colleagues have previously done can serve to make that office more attractive than otherwise. It is, at the same time, too narrow a reading as well: the history of the clause also makes clear that it was the drafters' purpose to forbid a Member of Congress from benefitting from any subsequent increase in the emoluments of the office to which he is appointed, for the balance of the time for which he was elected to Congress. Yet this intention would be disrespected if the clause were read as being concerned solely with a single past event, i.e., an increase which "shall have" occurred as of the date of appointment.

Finally, I have regarded the constitutional history of the clause as obviously important to the question before this Committee, because I assume that it would necessarily be taken into account were the question to arise in the Supreme Court:

"Our sworn duty to construe the Constitution requires . . . that we read it to effectuate the intent and purposes of the Framers. We must, therefore, consider the history and circumstances indicating what the (provisions in question) were in fact designed to achieve." *Bell v. Maryland*, 378 U.S. 226, 289 (1964) (Mr. Justice Goldberg, concurring).

Respectfully submitted,  
WILLIAM W. VAN ALSTYNE.

#### GENOCIDE CONVENTION MISUNDERSTOOD

Mr. PROXMIRE. Mr. President, I have received many letters from persons opposed to the Genocide Convention on the grounds that it would subject American citizens to extradition outside the United States for trial on charges for acts committed within the United States.

Mr. President, there is absolutely no factual basis for this concern. Article VII of the convention does not constitute an extradition treaty. Rather, it obligates the contracting parties to grant extradition in accordance with their already existing laws and treaties.

The provision of article VII regarding extradition of citizens who are accused of genocide says:

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

The important point is that extradition is promised in accordance with laws and treaties in force. The convention itself does not alter extradition procedures. It says they will be conducted the way our extradition treaties specify. At present, we have no extradition treaties dealing with genocide. They would be made in the future with the advice and consent of the Senate.

These treaties could and would contain a number of safeguards. First, we can assure that certain procedural rights are secured in the courts of the foreign nation. Second, there can be provision for a thorough examination of the evidence in the case before extradition is agreed to.

Finally, S. 3182, the proposed legislation implementing the Genocide Treaty, states that it is the sense of Congress that extradition treaties should provide that the United States reserves the right not to extradite in cases which the United States is either already prosecuting or intends to prosecute.

The Genocide Convention is, then, not in itself an extradition treaty.

Mr. President, we already have extradition arrangements for various other offenses with 97 nations. Since there is no reason to think that the extradition arrangements we would make concerning genocide would particularly differ from those existing treaties either in provision or effect, criticism of the Genocide Convention on these grounds is unreasonable.

I urge the Senate to ratify the Genocide Convention without further delay.

#### ATTITUDES ON ENERGY—ADDRESS BY SENATOR TOWER

Mr. GRIFFIN. Mr. President, the able and distinguished senior Senator from Texas (Mr. Tower) is delivering a radio address to the people of his home State this weekend. I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

#### ATTITUDE ON ENERGY (By Senator JOHN TOWERS)

Fellow Texans . . .

On this Thanksgiving weekend, we Americans traditionally pause from our routines to contemplate and to give thanks for the bounty about us. For more than a generation, too many of us have taken for granted the bounty that we enjoy—which has given us the greatest living standard in the history of man. In many instances, we have mistakenly gone about our daily routines as if these bountiful resources of this country were endless. Suddenly in 1973, we have discovered that they really are not unlimited supplies of resources, especially in the area of energy which runs our homes, automobiles, airlines and factories. In short, I think we finally have realized that we do have problems—that there really is an energy crisis, and it's worldwide.

America has grown and prospered on this abundance of natural energy and human motivation. And now, our ever growing demands for energy have begun to outstrip available supplies. The first thing we have to realize is that we, as Americans, must now rely on cooperative initiative and individual energy conservation as we face the prospects of shortages for several years to come.

Our attitude is important. We should view the current situation, not as an energy crisis, rather an energy challenge. As we have met challenges in the past—Sputnik, for example, accelerated our now highly successful space program—so we shall meet this challenge with creative integrity and self-sacrificing conservation.

It is in this light that I applaud the action this week by the Senate to begin to meet the energy challenge by passing the President's National Energy Emergency Act within less than two weeks after it was requested as an emergency measure. It is now incumbent on the House to act speedily on this vital legislation and rush it to the President's desk.

This bill which we passed this week is a strong measure, and grants the President immense powers. It authorizes the President to immediately undertake actions to conserve scarce fuels and to increase supplies. He may, if necessary, implement rationing of gasoline and other fuels. But I emphasize that he is not required to do so. I reluctantly support the rationing concept, for use only as a measure of last resort, to be imposed only if less economically restrictive programs and voluntary measures fail to generate the necessary energy savings.

To best use our scarce resources, the President will require power plants using cleaner fuels such as natural gas or low-sulphur oils—which are now in short supply—to convert to the more abundant, less clean fuels such as high-sulphur oil or coal when conversion is possible. In order to accommodate this conversion, variances from air pollution control standards will be permitted under certain limited conditions.

Encouraging energy conservation necessitates alternate means of transportation in many cases. Therefore, incentives will be provided for the use of mass transit and other efficient modes of transportation such as car pools.

Another provision of the Senate bill prohibits exports of oil products considered scarce, and will divert their destination to our domestic market. In addition, it will open the door to discussion with other nations for alleviation—of our fuel problems.

I only regret that this bill which we passed this week does not reach the heart of our energy problem—that of supply. Again, let me say that I reluctantly supported this legislation because such legislation has been forced upon us by decades of wastefulness in the use of energy, years of ill-advised energy-related policies on the national level, and too many examples of short-sighted thinking by too many in high levels of government.

I can recall in recent years the fights we have had in the Congress over tax incentives to make funds available for exploration of new energy resources. I said a few years ago when we cut the oil depletion allowance that it was a mistake, and I still believe it was a mistake.

We must move quickly now to de-regulate the price of natural gas at the well-head so that there will be incentives for our producers to find the vast new sources of gas which we need.

Three times now this year the President has called for new legislation to meet our energy crisis. Congress is beginning to respond. The President's call for a project of independence to meet our energy needs here at home by 1980 is one to which every American should respond.

I am confident that if we all work together, we will meet our needs—and be able to help the rest of the world meet their needs, too. I am confident that we Americans, by working together, can continue to know the blessings of both a high-energy civilization, and a bountiful and healthy world to live in. Indeed, I am confident that we can face up to our problems, and for years to come, at this season we can again pause and give thanks for the bountiful resources about us.

#### BIAS OF MAJOR MEDIA

Mr. HELMS. Mr. President, long before I ever dreamed that I would be a Member of the U.S. Senate, I was con-

stantly dismayed by the arrogantly biased conduct of so many of the major news media of this country.

Now, Mr. President, let me emphasize that I myself have been a part of the "media" for most of my adult life. I have been an editor, and I have been an executive officer of a fairly sizable broadcasting company. So when I complain about the media, I am complaining about those in my own profession.

For years I have heard noble ideals converted into nauseous clichés; "freedom of the press," and "the people's right to know," have been mocked by irresponsible men who violate every tenet of fair and decent journalism.

They do have one consistency, however, Mr. President: They never practice what they preach. The same news media plead for a "shield law" to protect them from having to back up their anonymous attacks on people and issues they oppose, but they demand that the President of the United States have no privacy or confidentiality at all in conducting his affairs.

And they talk about "credibility." Who are they to talk? Just observe, Mr. President, the coverage of activities on the floor of this Senate. Let one of my distinguished liberal colleagues speak on even the most insignificant matter, and his words are reported immediately across the continent as if they had rolled down from Sinai.

But let one of my distinguished conservative colleagues make a major speech, and it is ignored—or, if it is reported at all, it received two or three lines on the bottom of the obituary page.

Is this accidental, Mr. President? I think not. The major news media operates from a solid base of bias, distortion and partisanship. They wrestle with their clichés, and they talk about other people's "credibility." Well, Mr. President, let us examine this cliché-credibility issue.

One of the favorite clichés of political commentators over the last several months has been the "credibility" problem of President Nixon. Now a serious question has been raised over the credibility of some of those who bring the "news" to us.

Only last week, the Newspaper Guild, a trade union for newspaper men and women, passed a resolution recommending the impeachment of President Nixon. By so acting, the Newspaper Guild, speaking for its 40,000 members, whom the guild did not consult, put the press in an anti-Nixon posture with regard to one of the most controversial issues of the century.

The real question is whether this action has not irreparably damaged the integrity and credibility of the writing press, thus making suspect its reporting on current events. Those who wanted the reporting of the current crisis to be dispassionate and reasoned surely will be disappointed to hear that those who bring them the news are organizationally predisposed on the issue of impeachment.

The Newspaper Guild's action is but a reminder of the guild's endorsement of Senator McGovern for President during the 1972 campaign. Exhibiting an ideological bent that reflects poorly on the

fairness of press coverage, the McGovern endorsement, like the impeachment endorsement, justifies widespread public concern that the major news media have completely discarded fair-play and objectivity.

As a former newsman, I am dismayed that the major news media of America could become so committed on an issue which is sure to provoke the greatest debate in the weeks and months ahead. More than ever before, the public must be informed in a fair and comprehensive manner of the facts on which any impeachment question is based. An endorsement of impeachment, in advance of any realistic action by the Congress, raises the gravest questions of bias on the part of our communications industry.

Mr. President, I ask unanimous consent that the article entitled, "Guild Board Calls for Impeaching," which was recently published in the Washington Post be printed in the RECORD for the information of my colleagues.

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

#### GUILD BOARD CALL FOR IMPEACHING (By William Greider)

The International Executive Board of the Newspaper Guild has called upon Congress to initiate impeachment proceedings against President Nixon, denouncing "improper, unconstitutional and illegal conduct involving both the President and his closest associates."

The 16-member board acknowledged in its resolution, passed Thursday, that its action "may be seized upon by President Nixon's apologists and perhaps by the President himself as supporting the accusations as biased and distorted reporting he has chosen as a last line of defense . . ."

The board asserted, however, that "we have obligations to our country as well as our craft and, in any event, we are confident the public will not be deceived."

The union's 40,000 members were not consulted before the vote. One board member, Vice President Warren E. Howard of the Washington-Baltimore local, voted against the resolution on the grounds that it will be "counter productive."

The Wire Service Guild, which represents employees of the Associated Press and United Press International, dissociated itself from the anti-Nixon resolution by a vote of its own executive board.

Robert Levey, unit chairman at The Washington Post, also spoke against it. "The thing is absolutely absurd," he said. "I feel just the way about it as I did on the McGovern endorsement. It hopelessly compromises our working members."

The Guild is affiliated with the AFL-CIO, which has already urged impeachment.

In other developments regarding impeachment, a survey of congressional opinion made by The Christian Science Monitor concluded that President Nixon will not be impeached, though he will remain handicapped by the Watergate scandal.

The Boston newspaper said that of 193 representatives and 32 senators responding to its poll, 135 said impeachment proceedings in the House are not likely, but 174 said impeachment proceedings are possible.

When asked if President Nixon could regain his credibility, 65 said yes and 137 said no.

Sen. Howard Baker (R. Tenn.) commented yesterday, however, that he thinks now that the President can restore his stature with the people.

"Six weeks ago and even three weeks ago," Baker said, "I didn't think he could make it. But in view of the things that have happened in the last few days I think he can make it. I'm not prepared to so say he will, but he has a chance."

Rep. Paul N. McCloskey (R. Calif.), a frequent Nixon critic, said, on the other hand, that if the House "assumes its awesome responsibility in a reasoned, deliberate, scholarly and reflective manner, the President will be impeached three to four months from now."

The board of another AFL-CIO union, the 200,000-member Oil, Chemical and Atomic Workers Union, also declared yesterday that Mr. Nixon should be impeached, saying he "has earned the deep distrusts of the people and therefore he cannot lead the nation."

#### THE ECONOMIC STABILIZATION PROGRAM

Mr. BEALL. Mr. President, all of us have recently given thought to the overall condition of our Nation's economy. The current shortage of petroleum has the potential of seriously dislocating our economy, but it is still too early to accurately assess its full impact. I have recently issued a statement outlining my views on the economic stabilization program.

A number of recent newspaper articles have also addressed themselves to evaluating the performance of our economy. I ask unanimous consent that the text of my statement, the New York Times of November 4, 1973, article entitled "The Economy—Some Signs Point to the Right Path," and the Baltimore Sun of November 1, 1973, article entitled "Inflation Gallops Abroad, Trots in United States" be printed in the RECORD at the conclusion of my remarks.

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

#### STATEMENT BY SENATOR J. GLENN BEALL, JR.

When the Economic Stabilization Program was announced by the President in August of 1971, I expressed the belief that a program of government control of the economy could serve, for the short run, as a moderating influence on excessive wage and price increases which were fueled by our Nation's overheated economy during the late 1960's and early 1970's. Thus, the Economic Stabilization Program was designed to impose a degree of discipline on the economy as we made this difficult transition.

I think most Americans would agree that Phase I and II worked reasonably well. However, the longer controls remain in effect the less effective they become; and therefore we began to encounter problems as the program continued. In addition, the controls themselves serve to dislocate various aspects of the economy. For instance, there was an adequate supply of beef on the hoof throughout the summer, but the freeze on beef prices caused a shortage at the retail level because the ranchers and the feed lot owners were reluctant to sell their cattle. This was a prime example of how economic controls can produce shortages, encourage the development of blackmarkets, and otherwise adversely affect the normal functioning of our economic system.

However, no matter what actions the government takes, we cannot repeal the law of supply and demand. If demand for a particular item exceeds the available supply, the price will tend to rise. If the supply is adequate or exceeds demands, the price will tend to remain stable or decline. However, if you



artificially hold prices down, you depress rather than encourage greater production; hence controls tend to be self-defeating in the long run.

There are several steps which all of us must take, I think, if we are to improve our Nation's economic situation. First, all Americans must work together to stabilize our Nation's economy because it is in the best interest of all of us to do so. Second, the Congress must scrutinize more closely all expenditures in an effort to reduce our federal deficits. Third, we must take steps to promote the productivity of our economy and strengthen the government's ability to regulate exports so as to avoid serious domestic shortages that contribute to the inflationary spiral.

While we must all continue to cooperate with the Cost of Living Council in its efforts to restore economic stability, I believe that it is important for us not to become "addicted" to the idea that our dynamic trillion dollar-a-year economy can be directly controlled by the federal government. Certainly it is in the best interest of this Nation to move away from a program of controls at the earliest possible date.

#### THE ECONOMY—SOME SIGNS POINT TO THE RIGHT PATH

(By Eileen Shanahan)

WASHINGTON.—Can a nation's economy keep growing and producing jobs and profits when the future of the nation's political leadership is in grave doubt? The stock market last week seemed to answer a loud "no," though the war in the Middle East may have contributed as much as the news from Washington to the biggest one-week market decline in years.

The economy itself, however, was giving a somewhat different answer than the stock market's, and so were the ordinary super-sensitive international financial markets.

All of the recent economic statistics indicated a continuation of a months-long trend—a slowdown, but a mild one.

The October unemployment figures, which came out Friday and are the first available statistics for last month, looked surprisingly good. The jobless rate fell from 4.8 per cent of the work force, where it had been stuck since June to 4.5 per cent, the lowest level in three and a half years.

While economists disagreed over the meaning of the decline, at the very worst it seemed to indicate no deterioration in the business outlook. At the best, it indicated that the slowdown might be milder than had been thought.

Figures on the nation's total production of goods and services in the July-September quarter—the Gross National Product—did show that the slowdown was occurring at about the anticipated pace. The G.N.P. rose during the quarter at a 3.6 per cent annual rate. This was better than the surprisingly low 2.4 per cent in the April-June quarter and close to the 4 per cent rate that Administration economists think is about as fast as the economy can grow without producing strains on productive capacity and, hence, additional inflationary pressures. Earlier in the year, the growth rate had been at 9 per cent.

Other figures for September also confirmed the softening outlook. Construction and sale of new houses is a bit sluggish in the face of high interest rates and so is consumer spending generally, in the face of inflation, and of Detroit's inability to produce the newly-popular small cars as fast as it could probably sell them.

On the other hand, the production of machinery and equipment used by business has continued to rise strongly and the build-up of inventories is still relatively quite small. It is the expected continued strength in expenditures for new plant and equip-

ment, plus the lack of excess inventories that has led to the belief that the slowdown could not take a drastic turn.

The belief that a downturn in consumer buying is likely is based largely on the certainty that inflation will eat further into purchasing power and, as far as prices are concerned, the immediate past may have been a bit better than the future. Food prices fell in September and, as a result, over-all consumer prices rose relatively little. Everyone agrees that bigger consumer price increases are in the offing, however, because of increases in production and distribution.

Besides the rather bleak outlook for prices, there are a number of other questions about the economic future:

Is the impending shortage of oil likely to be large enough to become an independent cause of economic slowdown? Is it possible that the Administration might react to the improved unemployment figures or other economic "good news" with policies to further slow the economy? Herbert Stein, the chairman of the President's Council of Economic Advisers, hinted at this on Friday when he said the employment figures showed that it was more urgent than ever to keep the budget under control so that inflation could be controlled.

And there is the political question. Otto Eckstein, the Harvard economist and former member of the Council of Economic Advisers, said in his latest economic analysis:

"The instability at the center of national power poses a major risk to the 1974 economy. The United States is not accustomed to doubt about the durability and continuity of national authority, but other countries such as Italy have demonstrated over and over again that the economy is affected adversely."

A contrary verdict is being rendered, so far, however, by the international financial markets. These markets ordinarily are enormously sensitive to political developments and their participants tend to be better informed than the average investor in the American stock market. The striking fact is that the international currency markets have experienced only a few small jiggles in recent weeks.

There are excellent economic reasons for the strength of the dollar in international currency markets: the United States had a huge surplus in its international trade in September and the balance of payments is also looking good.

It is possible that the dollar ought to have been even stronger in recent weeks, given the great improvement in the position of the United States in the world economy. But it does seem that the international money men are saying that as long as America's economic news is good they will not worry about the political news. That could change.

#### INFLATION GALLOPS ABROAD, TROTS IN UNITED STATES

(By Art Pine)

PARIS.—In these days of raging inflation, soaring food prices and shrinking weekly paychecks, where can a person go to escape the high cost of living and return to relative economic calm?

Answer: The good old U.S.A.

The good old U.S.A.? With a horrendous 7.4 per cent overall inflation rate, an eye-popping 13.4 per cent spurt in grocery prices, and a sharp surge in wholesale prices this year that points to more steep retail boosts on the way?

Right. For the plain fact is, while inflation still is serious inside the 50 states, it is even worse in most other major industrial countries, both throughout Europe and in Japan.

Indeed, compared to the galloping inflation rates now being racked up in most of the

rest of the world, the 7.4 per cent inflation rate now raging on inside the U.S. looks almost like old-fashioned stability.

Retail prices in Japan, for example, are soaring at a spectacular 15.9 per cent rate so far this year, while those in Italy are rising at a 13.2 per cent pace and costs in Great Britain are up at an annual rate of 9.8 per cent.

#### 9.4 PERCENT IN CANADA

Comparable figures show the inflation rate this year running at 9.4 per cent in Canada, 8 per cent in West Germany and Switzerland and 7.4 per cent in Sweden.

In fact, the only major nation to beat the U.S. on the price front is France, where the inflation rate is a numerically lower 7.1 per cent. But analysts say this is no victory—the difference is too scant to be significant.

Moreover, despite the high cost of groceries back home, food prices in other industrialized countries are skyrocketing almost as badly as they have been in Baltimore.

Food prices in Italy, for example, have gone up a staggering 13.4 per cent during the 12-month period ended in August, with Japan's up 12.4 per cent, Britain's 11.8 per cent, France's 10.2 per cent and West Germany's 7.8 per cent.

Expectedly, a *Sun* Survey in Western Europe recently showed consumers there about as frustrated as those at home over the sharp upswing in prices. With no Watergate to sidetrack attention, inflation is a major political issue.

#### "PEOPLE COMPLAINING"

"People are complaining about prices here all the time," says Ernst Schueller, a grocery-store manager in a suburb of Bonn, "but they can't do anything about it, so they just grit their teeth and spend."

Andre Chavane, a retired French Army colonel who lives on the outskirts of Paris, says he has stopped eating meat altogether, because of the price spurt. "I only have beef," he says, "when I'm invited to homes of friends."

The causes of the rest of the world's inflation, as traced by analysts here, sound much like the explanations of President Nixon's Council of Economic Advisers—blaming recent huge jumps in world prices and chronic grain shortages.

Indeed, the emergence of high levels of demand virtually throughout the industrialized world at once—as nearly all the major nations entered into a boom period at the same time—appears to have spurred prices up worldwide.

But even here, economists say the U.S. looks relatively better off—if only because the government at home got started earlier in trying to slow down the economy.

While the various industrial nations have taken widely differing steps to try to combat inflation, only Italy, the United Kingdom—and possibly West Germany—have been even mildly successful.

#### GERMAN TAXES RAISED

Among those that have acted, Japan has slashed public works spending severely, while West Germany has raised taxes and cut back federal outlays, and Great Britain has adopted a set of U.S.-style wage-and-price controls.

However, France, Canada and many smaller nations have done virtually nothing either to change fiscal policy or impose wage-price restraints to combat inflation. And while most countries have tightened monetary policy, few have achieved results.

Economists predict that if present policies remain in force, demand will have tapered off more in the U.S. next year than in any other industrial nation—giving America the best chance to see a price slowdown (as well as a recession).

France, which hardly has done anything to cope with its inflation problem, still will be in a boom period through most of 1974, while the United Kingdom will not begin to begin tapering off before the second half of the year, analysts say.

Only West Germany, Italy and Japan are expected to show much sign of slowing their overheating in the early part of the year—a job the U.S. already has under way. Canada's boom is expected to last through late next year.

Despite the rosier price picture inside the U.S., however, there is one key area where American consumers are falling behind their counterparts in other nations: Their paychecks are not keeping pace as well with prices.

While wage rates have been far outstripping prices in most other industrial countries, union demands in the U.S. have remained surprisingly moderate. As a result, purchasing power at home has worn thin, compared to other nations.

While "real spendable earnings"—take-home pay, adjusted for inflation—rose only 0.8 per cent at home during the year ending last June, those in Japan rose 3 per cent, West Germany 2.4 per cent, and France 5.2 per cent.

Purchasing power in Italy rose a staggering 10.2 per cent, despite an inflation rate of 13.2 per cent, because workers there garnered a sharp 23 per cent increase in wages, on the average, over the year. The United Kingdom was up 3 per cent.

To be sure, no one is predicting with much certainty just which way the inflation cycle will go next year. Indeed, those nations with high wage increases this year most likely will pay higher prices to cover them later on.

And there seems little telling how long U.S. unions will continue to keep their demands moderate in the face of the sharp stateside rise in prices—despite the Nixon administration's wage-price controls program.

However, for the moment, at least, the price situation, painful as it is, looks relatively comfortable back in the U.S. If hot dogs seems expensive in Baltimore, knockwurst in Bonn is becoming a delicacy.

5-NATION PRICE LIST—COMPARATIVE PRICES IN UNITED STATES AND EUROPEAN CAPITALS (IN 1-WEEK SAMPLE BY SUN CORRESPONDENTS)

(Translated Into U.S. dollars)

Item	Bonn	Paris	London	Brussels	Washington	Item	Bonn	Paris	London	Brussels	Washington
Milk 1 qt.	0.38	0.29	0.70	0.93	0.43	Apples 1 lb.	0.28	0.66	0.35	0.38	0.29
Bread 1 regular loaf	.52	.16	.24	.36	.33	Lettuce Romaine	.16	.38	.25	.27	.39
Eggs 1 doz large	1.35	1.55	1.20	1.15	.79	Tomatoes 1 lb.	.67	1.51	.60	.66	.49
Butter 1 lb.	1.58	1.79	.63	1.62	1.07	Baby food large	.58	.64	.20	.52	.17
Flour 5 lbs.	1.30	.28	.75	1.99	.98	Paper towels 2-pak	.60	1.34	.65	.41	.52
Sugar 5 lbs.	1.40	.42	.75	1.00	.88	Soft drink 16 oz.	.21	.33	.18	.41	.16
Coffee 1 lb.	3.92	1.84	2.31	1.94	1.15	Cigarettes 1 pack	.96	.82	.73	.60	.40
Filet mignon 1 lb.	6.67	5.88	4.75	3.11	4.56	Dog food 1 can	.37	.42	.31	.52	.22
Hamburger 1 lb.	2.00	2.07	1.55	1.49	1.39	Gasoline 1 gal regular	1.18	1.08	.80	1.21	.42
Frozen green beans	.65	1.16	.35	.77	.33	Men's dress shirt	20.83	16.24	11.50	15.75	16.00

## NATURE AND MAN PERIL CHESAPEAKE OYSTER FLEET

Mr. MATHIAS. Mr. President, when we work to preserve the waters, marshes, and shores of the Chesapeake Bay, we are also working to preserve a way of life.

The men and women who have made their living on the bay are unique, and have made a contribution to America by their self-reliance, independence, and salty outlook.

Some of the flavor of life on the bay is captured in today's New York Times in an article by B. Drummond Ayres, Jr., and I ask unanimous consent that it be printed in the RECORD at this point.

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

### NATURE AND MAN PERIL CHESAPEAKE OYSTER FLEET

(By B. Drummond Ayres, Jr.)

CAMBRIDGE, Md., Nov. 20.—Under the cold pallor of a November moon, eight tall ships awaited dawn in the snug, keyhole-shaped harbor, their jutting masts and angled rigging creaking softly, casting long, bobbing shadows on the low skyline of docks and warehouses.

Whiffs of frying ham and perking coffee wafted through the yellow rectangles of lamplight that marked open hatches, followed by muted laughter and snatches of talk about a girl named "Moody," an all-night drunk and "a 150-bushel day."

Then, like something out of Conrad or Melville, a raspy voice bellowed: "All right, swing out that yawl and hoist the mainsail!"

Another long, hard day was beginning for Maryland's Chesapeake Bay "skipjacks," the stylish oyster dredging boats that are said to make up the last surviving fleet of commercial sailing vessels in North America and are now seen in danger of foundering because of old age, new taxes and oyster beds so depleted by man's carelessness and nature's vagaries that catches often fall short of the daily limit of 150 bushels.

### MORE THAN ENOUGH CLASS

At the turn of the century, there were hundreds of these 50-foot boats working the bay, their low-slung white hulls, needle-sharp clipper bowsprits and sharply raked jibs and single masts giving them more than enough class to offset shallow draft, ungainly centerboards and hippy 16-foot beams.

A decade ago, there were still about a hundred afloat.

But today, only about three dozen ply the Chesapeake, eight of them working out of this little Eastern Shore port, the rest berthed in harbors nearby.

Scarred hulls and cracked masts testify to the fact that most of the survivors were built before 1910 and some as early as 1885. The last was launched in 1956.

To build a skipjack in 1973—the name comes from a speedy Chesapeake Bay fish—would take about \$40,000 and a long, frustrating search for a shipwright with the know-how. Even more discouraging, the finished vessel almost certainly would be an economic bust.

"The catch is only fair this year, and it'll be worse in years to come because of all that fresh water hurricane Agnes dumped into the bay last summer," 63-year-old Capt. Malcolm Wheatley said, climbing onto the deck of his 72-year-old vessel, Kathryn. He added:

"On top of all that, the tax people have started making us captains pay Social Security for crews, and they make us file detailed records of how much cash the men take home. Most people in this business already are over 40—young people just won't do the work—and you can bet all this red tape and mathematics is going to make getting hands even harder, just like it has in a lot of other things, from farming to babysitting."

"I've already had to hire me a bookkeeper—at \$10 a week."

For all his complaints, Captain Wheatley did not look like an unhappy man, standing in the stern of his ship, standing erect and clothed in bulky winter gear. The Kathryn was under way now, and the tug of the sheet rope and the kick of the sea against the wheel sent his mind somewhere else.

Ahead were the Choptank River oyster

beds, hidden in four fathoms of saltwater that was turning gray-green in the revealing tinge of dawn.

Amidships, the all-black five-man crew was breaking out the two dredges, the tow cables and the motorized windlass.

Astern, other skipjacks were strung out on colorful parade, among them the 87-year-old Rebecca T. Ruark, her canvas streaked with age, and the Rosie Parks, only 18 years old and immaculate in a newfangled suit of dacron sails that stood out white-on-white in the early morning blue.

"It'll be cam at first, but I've got a good feeling we'll get our hundred and a half," Captain Wheatley called out to his men, falling in to the Chesapeake watermen's pronunciation of "calm," usage inherited from the British who settled this area more than three centuries ago.

"Be first back home, too," added Dave Barkly, the 58-year-old cook, on deck helping with the windlass.

Under Maryland law, the windlass and the yawl, hung in davits over the stern, are the only motorized equipment allowed on skipjacks. Too much mechanization might lead to depletion of the bay's famed oyster beds, already hit by pollution, natural disasters, a mysterious killer disease called MSX and voracious bivalve appetites in landlocked cities such as Tulsa and Des Moines, now only a few ice-down hours away from Cambridge.

The windlass is a device used to haul up the dredges, V-shaped mesh baskets tipped on their sides, thrown overboard amidship and dragged open-end-first across the oyster beds when the skipjack moves forward.

The yawl is often lowered and used as a pushboat to augment the sails, the case with the Kathryn this morning. But only on Mondays and Tuesdays can it be used in dredging.

Oysters must be taken by sail during the rest of the week. The alternative is to work from a power boat with forceps-shaped tongs, a method that carries a tight daily limit of 25 bushels per man.

Oystering is rugged work—dirty and wet because of the nature of shellfish, cold because of the season is limited to the fall and winter, miserable because the crew must sleep in the skipjack's cramped, damp forward



hole whenever the vessel works more than a day's sail from home.

The pay is on a share basis, with the first 35 cents of every dollar made going to the boat and the rest divided evenly among the captain and the deckhands. Since oysters are now bringing \$6 a bushel wholesale (about three cents an oyster), a 150-bushel day works out to roughly \$400 for the captain and his boat and \$100 each for the five deckhands.

Instead of averaging \$10,000 for the 20-week season, most crewmen make less than \$5,000 and have to find work the rest of the year.

#### BREEZE FRESHENS

By now, the sun is well above the horizon, the yawls are back in the davits and the skipjacks are over the beds, waiting for the "cam" to end.

Suddenly the breeze freshens, the Kathryn and the Lady Katie momentarily lock bowsprits and booms in a watery fencing match as the eight boats spread out and the dredges go overboard.

Back and forth the skipjacks tack, windlasses grinding, dredges going up and down, water and mud flying, crews culling empty shells from marketable oysters, cursing snagged cables, laughing about "Moody," arguing about how to cook turnip greens, bragging about those all-night drunks (always ashore), challenging other crews and one another to culling and "drudging" contests.

There are no rest breaks, so Captain Wheatley tries to make things easier by holding a steady course, all the time beaming proudly at his men. They sense his pride and bend harder to their work.

By 11 A.M., everyone aboard the Kathryn is optimistic about a 150-bushel day. By noon, it looks like the Kathryn might also be the first skipjack back to port.

To make sure, the crew steps up the pace, stopping only at 1:30 P.M. when Captain Wheatley orders 60-year-old Levin Turner to estimate the haul. Mr. Turner, his face worn and lined after 47 years on the bay, clambers over the muddy heaps of oysters, then calls back: "Hundred and fifty, hundred and fifty."

"Are you sure?" the Captain asks.

"I'm sure," Mr. Turner replies.

The Kathryn comes about and runs for home.

An hour later, when the take is unloaded in Cambridge and measured exactly, the count comes to 150 bushels, with 46 individual oysters left over. Hunkering down on the forward batch, two crewmen start to eat the surplus.

#### THE SENATE FELL FAR SHORT OF ITS RESPONSIBILITY IN CONFRONTING THE ENERGY CRISIS

Mr. HELMS. Mr. President, I did not choose to make a statement Monday just prior to final passage of the National Energy Emergency Act (S. 2589). It would only have delayed the Senate further; there had been 17 rollcall votes that afternoon; Senators were tired, and I realized that it would have been an exercise in futility at that point to speak out against a measure that was headed for certain and overwhelming approval.

But it still needs to be said, Mr. President, that S. 2589 is terribly inadequate to the crisis at hand. It is another instance of legislation being enacted because Senators felt that "something" had

to be passed. I presided over the Senate, Mr. President, for much of the time that S. 2589 was being debated. It may be unseemly of me to say so, Mr. President, but there were only a few Senators on the floor at any given time. Only a few understood, therefore, that salutary amendments—amendments which might have made this an acceptable piece of legislation—were swept aside in a great rush to get "something" passed.

I voted against S. 2589, Mr. President, simply because I was convinced, and still am, that in the long run—and this fuel crisis is certain to run for a long time—we will have succeeded merely in making bad matters worse.

My primary objection is that the Senate has voted once again to abdicate its responsibilities. We will shortly discover, Mr. President, that we have turned over to Federal bureaucrats another great chunk of control over the lives of the people of this country.

This bill could have moved, but did not, in the direction of increasing the production and supply of fuel. That is what needs to be done.

This bill does not do that, Mr. President. Instead, it paves the way for another massive dose of Federal bureaucracy and controls.

This bill could have moved, but did not, in the direction of effective conservation of fuel now being wasted—such as eliminating the forced busing of schoolchildren which now is resulting in the waste of countless millions of gallons of gasoline each year.

This bill does not do that, Mr. President. Instead, the Senate refused even to vote on an amendment submitted for the purpose of eliminating this waste. The amendment was tabled, Mr. President—by a relatively close vote, to be sure, but tabled nevertheless by Senators refusing to face up to the issue.

This bill could have made clear the Senate's wish to encourage the American free enterprise system to concentrate on solving the problem of the energy crisis. Instead, the Senate voted merely to add more shackles to the free enterprise system, thus restraining its potential.

I predict that the results of what the Senate has done—or, more accurately, what the Senate has failed to do—will soon be clear to all Americans who will be wrestling with redtape, rationing tickets, shortages, corruption and Federal bureaucracy.

Yes, Mr. President, the Senate did "something" on Monday. But having heard almost all of the debate, and participating in much of it, I simply could not be a party to what I considered to be unwise, unduly hasty, and improperly focused legislation. We could and should have done better, much better, Mr. President. I am confident that not many weeks will pass before all of us realize it. We may realize it only after the American people assess the results of what was done Monday—but, then, it is not unusual for the people to be wiser in the long run than the Congress in the short run.

#### THE RECORD INDUSTRY AND THE DRUG EPIDEMIC

Mr. BUCKLEY. Mr. President, some months ago members of my staff and I undertook to investigate allegations of "drugola"—the use of drugs as a form of payment to promote sales—by the record industry. I have reported elsewhere on some of our findings with respect to the specific charges broadly reported in the press earlier this year, some of which are now the subject of criminal investigation.

This morning I would like to address myself to a broader aspect of the matter, namely the relationship between the record industry and the drug culture that has so plagued young America in recent years. Our examination of the ethical and social environment that gave rise to the charges of the easy acceptance of drugs as a form of exchange in the world of rock music led inevitably to the question as to whether the industry itself had contributed to that environment. I cannot help but feel that the recording of lyrics and the promotion of rock acts extolling the use of drugs, either directly or through code words, must have had their effect on the predominantly young audiences who listened to the record and flocked to rock concerts during the late 1960's.

These are not novel concerns, nor are they limited to those outside the industry. Indeed, some of the most biting criticism of this aspect of the record industry has come from individuals who, in one way or another, have been part of it. A number of years ago, in an article in *Holiday*, Gene Lees, lyricist, writer, record producer, and former editor of *Downbeat* wrote:

To make passing reference, in songs meant for adults, to narcotics and characters who use them is one thing. It is quite another, in songs meant for children of twelve, and even younger, to proclaim that it's wise, it's hip, it's inside to dissolve the responsibilities and problems of a difficult world in the mists of a marijuana, LSD or heroin high. The one kind of song occasionally touches on the subject; the other specifically advocates the use of dope, even if the language is sometimes ambiguous in order that parents may not know what is being said . . .

For the sake of profits, many record companies have become, in effect, an unpaid advertising medium for products whose chief supplier is the Mafia . . .

In the September 1973 issue of *High Fidelity* magazine, Mr. Lees writes:

... Is the rock world involved with dope? For God's sake, yes! Everybody in the business knows it. Is dope used for payola? Yes! . . .

... An industry that never even perceived—much less practiced—social and aesthetic responsibility as part of the complex of McLuhanesque electronic communications, sought the widest (and inevitably lowest) common denominator, and then turned its powers of persuasion to the task of claiming this was "great, new, significant, unprecedented"—in a word, "heavy". And if, in the pursuit of profit, they allowed their stoned-out rockers to proselytize their sickness to the impressionable young, all well and good in the corporate view . . .

Paul G. Marshall, New York attorney for a recording firm and counsel for the Woodstock festival of August 1969,

wrote at a time when there was much criticism of the industry over drug lyrics:

... record companies and music publishers have been responsible for the issuance of many successful records, bringing millions of dollars in gross revenues, which records embody the performance of a youth extolling the virtues of soft drugs and LSD. Songs like "Mr. Tambourine Man," "Acapulco Gold," "Lucy in the Sky with Diamonds," "Got my Mojo Working," and too many others, have made vast fortunes for companies which accept the money and deny the responsibility. Would one turn out phonograph records extolling the virtues of forcible rape, armed robbery, or kidnapping? The answer, I think, for many companies is yes—as long as there is money in it and they don't go to jail. Several company executives have said that "we're not judges and are only giving the kids what they want." It is the same argument one occasionally hears used in the Courts of New York to defend narcotics pushers.

Writing in *Life*, rock critic Albert Goldman stated, at the time of the death by drugs of two rock stars in 1970:

The rock culture has become the drug culture.

One of the most informative examinations of the problem I have come across appeared in the "Bulletin on Narcotics," Department of Economic and Social Affairs, United Nations, October-December 1969. The author goes into considerable detail concerning the kind of link that exists between drug lyrics and drug taking.

I want to quote at length from it now to give some idea of the complexity of the problem as seen through the eyes of an intelligent observer:

... That young songwriters and singers in troubled and changing times should produce controversial material is almost to be expected. But that presumably mature business executives with the public interest, presumably at heart should allow pro-pot and pro-LSD records to bombard the minds of millions of youngsters the world over is a bit difficult to believe.

The basic reason why record companies allowed these songs to be released is that they, like the artists, want to make a lot of money, and they, probably even more than the artists, must scout for and follow trends. Besides, in the rough and rocky early days of the drug trend (there was some degree of protest about some of the songs) it was possible for company executive to sit behind covers of ambiguity: if somebody says *Eight Miles High* is about smoking pot, but Jim McGuinn says it is simply about an airplane ride—that's good enough for Columbia Records. Columbia Records, at least, has a clear conscience. . . .

... The true importance of the music perhaps, is that through the controversy it aroused, it bred among the young a great, easy-going familiarity with pot and LSD. If ten years ago Elvis Presley had been arrested for a narcotics offence, there doubtless would have been a profoundly shocked reaction and his career would almost certainly have been jeopardised. But today, when Beatle John Lennon is arrested for a drug offence, none of this shock is in evidence, and his career rolls cheerfully along. Being arrested for a drug violation is almost fashionable, and certainly nothing unusual.

Rock and roll stars of the stature of the Beatles, or the Rolling Stones, or Donovan, hold an amazing power over the young. Anyone who has witnessed the thousands of spellbound, hysterical fans, with their long hair, boots, and moustaches can deduce this

for himself. If a John Lennon or Mick Jagger is going to make music on record about something as serious as pot, his views are not likely to greatly affect in one way or the other the thinking of any reasonable adult; the person it would seem most likely he would affect would be the slightly less mature, greatly more impressionable person who faithfully buys all the current hits, follows pop stars in the Press, dresses like them and goes to their concerts: that great part of the pop audience made up of twelve to sixteen year olds. If someone wanted to seriously communicate an attitude toward drugs to an adult audience, the safe and proper way to do it is through an adult medium. For all the ponderous analyses of the profundity of popular songs in the serious Press, rock and roll remains, perhaps more than ever, aimed at youngsters, at children.

Whereas some public figures are careful not to be seen smoking ordinary cigarettes for fear of influencing impressionable young people, the Beatles and other like-minded pop musicians have seen fit to be reported as having experimented with LSD and having smoked "pot" for fun. And they have musically reinforced their attitudes in the public mind by releasing a profusion of drug-slanted pop songs. The songs in themselves, certainly, can have done little harm; it is that they appeared to be advertisements of the singers' feelings and attitudes, and it is these feelings and attitudes which have repeatedly been shown to have an astounding influence over the youth of the world.

The end result of it all perhaps, is that when, sooner or later, an urban child—who lives in the ordinary world, not in the pop world where a drug conviction can be shrugged off—is offered a marijuana cigarette or a dose of LSD, he will remember them not as something his health and hygiene teacher spoke warningly about, but as something Mick Jagger, or John Lennon, or Paul McCartney had used and enjoyed.

Concerning the music business as a whole, Steve Payley, an "A&R"—artist and repertory—man of Columbia Records, and confidant of rock-star Sly Stone, was quoted in *Forbes* as saying:

This business is amoral. If Hitler put together a combo all the top executives would catch the next plane to Argentina to sign him up.

With ringing testimonials like these from industry insiders, it is little wonder that outsiders have also cast a critical eye on the recording industry.

From time to time, a leader in the industry has recognized the extent of the problem and has sought to meet it in a responsible way. A case very much in point is that of Mike Curb, former president of MGM records in 1970. *Billboard*, a leading trade publication reported:

MGM Records president Mike Curb has dropped 18 acts who, in his opinion, promote and exploit hard drugs through music. The company will not sign artists advocating hard drugs. . . .

... Curb has lined up appointments with major radio broadcasters to explain his policy, and hopes to solicit their support to ban records which carry drug-oriented lyrics. . . .

... Curb said that hard drug groups "come into your office, wipe out your secretary, waste the time of your promotion people, abuse the people in your organization, show no concern in the recording studio, abuse the equipment and then to top things off, they break up."

"I'm not looking to go on a witch hunt, and we are not asking any acts to roll up their sleeves." An act's reputation or the advocacy of hard drugs in their songs will be indicators with which the label will guide its decisions. A morals clause in all con-

tracts gives MGM an out for immediate termination of the contract.

"We are now explaining to groups in front that they cannot advocate and exploit drugs," Curb added, "MGM will not be used to further the use of drugs. . . ."

Mr. Curb said:

As records become hits, the groups perform, not just in New York and San Francisco, but in Atlanta, Tennessee—all over. When they appear, smashed out of their minds, and describe a great experience they had on drugs, they glorify drugs. I credit hard-drug record acts with starting hundreds and hundreds of new young drug users.

Curb's action, however, was met by a denunciation from Clive Davis, head of Columbia Records, and then one of the most successful and well-known record executives. Davis called Curb's action "a grandstand play" and "irresponsible". He was joined by Irwin H. Steinberg, president of Mercury Records, who said:

We shouldn't really question whether or not a person uses drugs in his private life. It is similar to the question of a long-haired football player. If it doesn't stand in the way of doing his job, why object?

Mr. Steinberg's view of illegal drug use, in which a decision to take heroin is on a moral level with a decision to change hairstyles may seem odd to those outside the industry. But other record spokesmen have voiced similar sentiments.

In fairness, it should be stated that there are those outside the record industry who feel that rock music has not had a casual effect on the use of drugs. David E. Smith, a doctor at Haight-Ashbury Clinic in San Francisco has written:

Drug using youth likes rock music—non-drug using youth likes rock music. There is no casual relationship between the two, but rock music is the current popular form of music for young people. Certainly the patients that we saw in the clinic liked rock music but I've had opportunity to lecture and consult all over the country. I've found that youth in general has a great attraction for this current musical form whether they use drugs or not. Just like in the 1950's, they liked rock 'n' roll music. In the 1940's they liked the popular music of that era. . . .

This view is widely, if not universally, shared throughout the industry. It has been recently stated in different form by Stanley Gortikov, in a letter to me. Gortikov, former head of Capitol Records and current president of the Recording Industry Association of America—RIAA—the industry trade group, has this to say concerning the relationship between rock and drug usage:

The drug problem is of serious national concern, and there have been numerous efforts in the past to find simple solutions. Drug abuse has been blamed by some on a variety of factors, including "life in the ghetto," advertising, the "rebellion of youth," and on rock music.

Such superficial solutions are unlikely to provide answers to this complex problem—and certainly are not supported by expert evidence.

Music does not create the kind of society in which we live. Music reflects our culture, as interpreted by the artists who create the music.

Today, as always, popular music deals with the life and times of people. As in literature, music talks of human aspirations and human problems—of love, of war and peace, of brotherhood. It would be surprising, then, if some music did not deal with the subject



of drugs. It seems dangerous to assume, however, that references to drugs in music are necessarily seeking to "encourage or glamorize the use of drugs." There is a good deal of recorded music that warns of the dangers of drugs.

Mr. Gortikov is not only an industry spokesman, but an executive who is widely respected by his fellows and what he has written concerning the relationship between rock music and drugs is, I believe, a fair and accurate reflection of the prevailing attitude, within the industry.

And there the battle has been joined. On one side there are those—a definite minority within the industry—who believe the rock acts extolling drugs contributed significantly to the drug epidemic of the late sixties and early seventies. On the other side there is the majority of industry executives and many of the recording artists. They believe that the drug culture was there before rock came along and that, if some rock acts seemed to be extolling drugs, they were doing nothing more than reflecting the mood that already existed in the young audience.

In one limited sense, Mr. President, this controversy has become somewhat academic insofar as lyrics are concerned. Approving references to drugs have virtually disappeared from popular songs. Yet the question remains: was the response of the recording industry to the drug epidemic of the late sixties a responsible one? I think, Mr. President, that this is a question that the industry should seek to answer. I think it is of the utmost importance now for industry leaders to face their critics within the industry in an open, candid manner. We live in a time of unprecedented hostility toward business, and every charge of business abuse is met by calls for government regulations. This is why the recording industry ought to be so specially concerned about satisfying the public that it is capable of an honest examination of the charges that have in fact been leveled at it. And if it concludes that some have been well made, then it should go about the business of housecleaning in an open and effective manner.

Above all, the industry must demonstrate that it understands its special responsibility to American youth. One of the reasons I undertook my investigation was because the recording industry does have a special, indeed, a unique and highly influential relationship to the young. Time magazine discussed the phenomenon of the popularity of the recording industry in February of this year. Referring to the readiness of the American public to buy records, Time said:

... Last year those purses responded to the galactic, 16-track, monster-smash tune of nearly \$2 billion in records and tapes (\$3.3 billion worldwide), making music, for the first measurable time in history, the most popular form of entertainment in America. The television may drone on in the living room, but there is little that youth wants to hear from Archie Bunker or Marcus Welby—especially since it has found both relevance and escape in magical sound.

Time then quoted a record executive:

... Music is participatory now. You've got a generation buying it that has lived through ten years of craziness and crisis. The music has reflected every facet of that period. ... Those kids need those albums. You can't separate it from their lives.

Jonathan Eisen, scholar and critic of the rock scene said in an introduction to his anthology "The Age of Rock":

... rock now must be seen as an art form like any other that arises from and talks to the people in direct, charged and organic ways. ... Today there is a sense of participation in the air, a sense of involvement with society and with everyone else in one's generation—among the young. This is also true in the musical world where ... there is a less distinct line between the audience and the performer, where there is less and less a tangible effort on the part of a musical-taste elite to impose standards on its listeners, more of a feeling that the music is what the people themselves want to hear.

... No music has been able to inspire a greater degree of participation than has rock, except perhaps tribal music, with which rock shares many analogies.

Mr. President, it appears obvious to me that an industry that has been concerned in recent years with a musical and theatrical form that has been concerned in recent years with a musical and theatrical form that has inspired a greater degree of participation among its young adherents than any in history and one which is the most popular in American history is not simply another business. So far as American youth is concerned, it is the business and the former of cultural attitudes par excellence.

The recording industry is even now undergoing an intense and much needed period of introspection, of soul-searching. But if this self-investigation is to be fruitful at all, I do not think it is wise for anyone to unilaterally decide that the question of industry responsibility toward youth concerning drug-related rock acts and songs is one that is over and done with. What is at the heart of the matter is not payola or drugola or corporate corruption, but the way in which the industry looks at its great, unparalleled power not only to reflect popular attitudes—which it undeniably does—but to form attitudes as well.

In the course of our investigation it was discovered that within certain parts of the industry there was a kind of corporate schizophrenia concerning the degree of responsibility that a corporation ought to exercise when it is dealing with a product whose main consumer is the young.

Nowhere has this been better shown than in the policies which existed simultaneously at the Columbia Broadcasting System concerning lyrics of songs that might tend to be interpreted by youths as approving the use of drugs.

On October 21, 1970, Mr. Robert Cole, vice president, CBS owned FM stations, CBS radio division, issued a memo in which he stated:

... As each station commences to feature individualized locally-produced musical fare, it might well be timely to re-affirm the long-standing policy of close scrutiny of lyrical content with respect to any reference, direct

or indirect, relating to glorifying the use of drugs in any form.

On April 1, 1971, Mr. Richard W. Jencks, then president of the CBS/Broadcast Group wrote:

... Whatever may be the merits of increased governmental surveillance in this area of licensee responsibility, it is to be noted that CBS long before this expression of FCC concern had adopted and implemented a policy of not knowingly broadcasting for entertainment purposes any material that promotes or glorifies the use of illegal drugs. We have recognized that the implementation of this policy calls for sound discretion in view of the ambiguity and subtlety of the language contained in contemporary lyrics and in view of the desirability of affording maximum scope for creative expression consistent with the public interest.

While the Commission's notice does not require alteration of our pre-existing policy, it does suggest the desirability, in exercising our review of recorded material or of live performances of musical or spoken selections, that management personnel first obtain a written copy of the words of the material in question. Such a written copy should be obtained in the case of recordings either from the publisher or record company, or if such cannot be obtained in that manner, by listening to the material in question and transcribing the lyrics.

Mr. President, I believe that both of these gentlemen are to be congratulated on their willingness to acknowledge that radio stations have a responsibility to screen, as it were, lyrics of songs broadcast over the public airwaves, and the Columbia Broadcasting System is to be congratulated for such fine efforts.

But, at the same time that CBS' broadcasting divisions were calling for close scrutiny of any lyrics being broadcast over the CBS airwaves, the chief of another major division of CBS took precisely the opposite point of view. Clive Davis, as reported in Billboard said:

The charges that music—specifically rock music—supports and encourages drug experimentation which leads to addiction is at the least erroneous and at the most, a complete reversal of a cultural process. Music is a reflection of a culture; a footnote to the events within a society.

Mr. Davis was reported by radio station owner Gordon McClendon as having stated at an industry meeting that Columbia Records will produce and market to the general public records containing "any lyrics that are conducive to creativity." Mr. McClendon's remarks were also published in Billboard.

Here we have a situation that reflects, I think, the curious schizophrenia that has afflicted the industry in dealing with the very difficult problem of alleged drug lyrics. With whom did CBS' chief executives agree? If Mr. Cole and Mr. Jencks were correct then it was not only permissible but desirable to have lyrics screened. But if Mr. Davis was correct, it was an attempt at abridgement of freedom of speech to even hint at any such screening on the part of CBS. If Mr. Davis' view reflected CBS' policy correctly, then Mr. Cole and Mr. Jencks were deliberately interfering with free expression, according to CBS. But if Mr. Cole and Mr. Jencks reflected true CBS policy, then Mr. Davis was being irresponsible in not screening lyrics.

If, finally, CBS as a corporate entity was content to live with these diametrically opposed points of view, it can only be assumed that either the question of drug lyrics was not thought to be important enough to call for a companywide policy or that somehow both views reflected CBS policy. If CBS thinks that drug lyrics broadcast over CBS radio stations should be carefully examined, why did not that same concern reflect itself in the record division? Or could it be that CBS's concern over the broadcasting of drug-related lyrics reflected more of a concern over the adverse effect on the FCC than it did for its effect on young listeners? I draw no such conclusion, but certainly the ambivalence of CBS policy invites such a question.

Mr. President, I for one do not understand precisely what the official view of CBS was toward drug lyrics as it is obvious from the evidence that one division of the company thought drug related lyrics were dangerous enough to warrant close preplay scrutiny by CBS broadcasters while, at the same time, another division of CBS refused to even consider such a policy. I have no doubt that each point of view was held from sincere convictions, but I do not see how else we may interpret this conflict except to say that on matters of the utmost public concern one of the leading communications companies in the world was projecting two different and irreconcilable policies.

There is another aspect of the relationship between the drug culture and the record industry that sheds light on the degree of corporate responsibility or lack of it shown by major record companies during this period.

I refer to advertising placed by major record companies in what used to be known as the underground press during the late sixties and early seventies. The advertising I refer to is so blatantly drug-oriented that there can no longer be any doubt about a lack of corporate responsibility, during a time when business—especially a business dealing almost exclusively with the young—should have been more acutely aware of youth's growing fascination with drug experimentation.

As evidence of the inexcusable attempt at the seduction of American youth through the use of drug-oriented advertising, let me present the full text of an ad which appeared in the Los Angeles Free Press on April 4, 1969:

The Chicago heart pump out a stream of anti-life corpuscles that rush through the Main Vein searching for a place to hide. AORTA feels every pulse and takes the flow and purifies it. There is a rush of new thought and Feelings that say:

Feeling rather high  
Feeling rather high  
And I'm never coming down  
Down, down down"—AORTA.

Music in a Main Vein On Columbia Records.

Mr. President, I want to state that when an advertisement tells its young readers of a "rush," of "music in the main vein" of "feeling high," there can be no other rational interpretation than that the creators of the advertisement deliberately and openly used the lan-

guage associated with the heroin thrill in order to sell records to young people.

It should not be thought that CBS was the only corporation to use this kind of advertising policy. Cadet/Concept records advertised in the East Village Other in March 1968, telling the young reader to "Turn yourself on with a diamond needle" Elektra Records used a picture of a bottle of pills, obviously not aspirin, with the words "For Relief of All Kinds of Misery—Take One of These," to sell records, Los Angeles Free Press. Capitol Records offered a full-page ad showing a leopard perched in a tree, the fruit of which is what are obviously supposed to be amphetamine pills, Berkeley Barb, October 1968.

Given more ads, given the suggestive lyrics of so much of the rock music of the late sixties, it is no wonder that recent statements by record industry executives about corporate responsibility have met with such widespread cynicism.

In closing I would like to give my own replies to some of the arguments I have come across in recent weeks from those in the industry who are unwilling to admit that there has been any occasion for public concern. I hope my own reaction to them will prove of some help in bringing perspective to discussions within the industry:

First. Kids do not take drugs solely because they listen to rock lyrics.

No one says that they do, so why set up a strawman? But just because there is no clinically provable link between drug usage and drug-oriented rock music does not mean that we must discard the conclusions or intuitions of dozens of observers both in and out of the industry. Given not just the lyrics, but the ambience of the rock acts and the publicity that extolled them, it is hard to believe that the net effect has not been at the very least to lower the threshold of resistance among the more susceptible.

Second. Drug taking has underlying causes. Get rid of those causes and kids will stop taking drugs. Kids are alienated and bored because of great injustices in society. Don't blame rock for society's faults.

Nobody is blaming rock for the entire drug phenomenon. Of course drug taking has underlying causes unconnected with rock. But just because the causes for drug taking are complex does not mean that an examination of rock's link with drugs might not tell us something about the role of records, and perhaps of the recording industry in spreading the drug culture.

Third. Rock music reflects society. It is, in Clive Davis' phrase, "a footnote to the events within a society".

Music is, of course, a reflector of culture. But, at the same time, like any other art form, it is also a former of cultural attitudes. It is hard to believe that the wholesale participation of youth in the most popular entertainment form in history did not have some effect in planning or reinforcing certain positive attitudes to a wide variety of subjects, not the least among which was drugs. Rock did not deal exclusively with drugs, but in its drug-aspects in the 1960's it is fair to

suggest that it could well have played an important role in forming certain attitudes. If it did not, it is the first popular art form in history that did not play such a role of "culture-former." And, because rock was ubiquitous in the world of American youth—concerts, records to play at home, radio, both AM and FM, tapes, magazines, films—is not it fair to suggest that an explicit acceptance, let alone a glorification, of the drug culture played some role in forming outlooks on drugs?

Industry spokesmen are eager to point to those programs in which the industry cooperated with agencies of the Federal Government in fighting drug abuse. Mr. Gortikov has stated in this regard:

RIAA was commended by the White House Special Action Office For Drug Abuse as "one of the first major industries to volunteer cooperation (in 1969) in the government's Drug Abuse Information Program."

The industry is certainly to be commended for such cooperation. It is evident that industry spokesmen approve of the work that the Action Office is doing and are willing to cooperate in helping that Office to fight the scourge of drug abuse.

Yet, it is hard to see how the industry could fail to understand the full adverse impact of its records on youthful attitudes toward drugs. A recent pamphlet entitled "Special Action Office for Drug Abuse Prevention Answers the Most Frequently Asked Questions About Drug Abuse," there is a list of the eight most frequently offered reasons for drug abuse. At least four of those reasons are of particular interest concerning the possible influence of the recording industry in fostering drug culture:

The hoped-for enjoyment of drug effects. The "peer pressure" which leads an individual, especially a young one, to conform to current styles in behavior, entertainment—and drugs.

The search for different perception and ideas which some persons believe they can obtain from mind-altering drugs.

The statements of proselytizers who proclaim the "goodness" of drugs.

No one denies that during the late sixties there were rock songs that told of hoped-for enjoyment of drugs. The peer pressure on young people to conform to current styles in behavior, entertainment—and drugs certainly can be traced in part at least, to the industry that creates and fosters the entertainment form to which so many youths conform their life style. The role of psychedelic lyrics and rock acts certainly brought to a wide audience the idea of altered perception and mind-blowing as a positive good. Finally, the statements on and off stage by certain rock stars can be said to be those of proselytizers.

Thus, while I do not wish to seem to be denigrating the positive role played by the industry in antidrug programs, it seems that it is not unfair to ask why the industry did not examine its own responsibility in creating and fostering the psychological atmosphere in which these reasons for drug taking could prosper.

Fourth. Jazz stars took drugs. Movie stars take drugs. Why single out the rock



music world for criticism? Besides, what a star does in his private life is his own affair. The companies had no responsibility to tell rock stars how to live.

This argument depends upon the erroneous premise that drug usage among rock stars was a private phenomenon. Now the fact is that the historical record tells us precisely the opposite. Drugs were not only used by rock stars, but were referred to in songs on stage and on record, and were referred to in little asides to the audience so as to gain rapport with the marijuana-smoking or drug-taking crowd. Thus drug taking was a well-publicized aspect of the commercial rock scene. This last point was made to my staff by a record executive who formerly worked in the rock concert field.

The jazz-drug analogy just does not hold up under examination. Drug taking among jazz stars was a private affair, was not referred to specifically or inferentially in their acts, was always seen and referred to as a source of trouble for jazz stars—they could not play in certain clubs in New York City because the police would not give them a license—and was always referred to as a danger in trade publications. Quite the contrary is true with drug rock.

Fifth. Stop picking on the record companies. They cannot control the lives of their artists. How is a record executive to know about drug usage by record stars?

This seems to me to be perhaps the weakest argument of all. How is it possible that recording executives did not know the well-advertised, often self-evident drug use of the part of their stars? Yet, this is precisely what top recording executives informed members of my staff during our investigation. How was it possible for these executives to have absolutely no knowledge of illegal drug usage—which Mr. Gortikov as an industry spokesman has said the industry is against—when, to give one example, rock star Eric Clapton was quoted in 1970 in the *New York Times* as saying:

We're all hooked on something. . . . Take the drugs away from many rock musicians and blues players and you'd be left with only half a man. It's no good blaming the war in Vietnam for our situation; we're not copping out. Ours is a universal problem; how to find peace in a society which we feel to be hostile. We want to express that search in our music since that is our most eloquent voice. We need the drugs to help us, to free our minds and our imaginations from the prejudices and snobbery that have been bred into us. And there is not one who doesn't wish for that.

Mr. Albert Goldman in a recent interview with the *National Broadcasting System* said:

People in these companies are well aware of what's going on, I mean, how can you miss it? Everybody who goes through promotion parties, or recording sessions or junkets, or this or that, sees drugs being passed around.

Betty Rollin of NBC News has said:

Heroin use among rock performers is not uncommon. Nor is it much of a secret. There are rock performers who would no more walk out on a stage or into a recording studio without being high, than they would play their electric guitar without plugging it in. Nor is drug use much of a secret. Indeed,

much rock music of the past decade has been a kind of celebration of drugs—LSD, speed, cocaine, heroin.

So much, Mr. President, for some of the principal arguments I have run into. I also acknowledge that the majority of rock acts and songs did not deal with drugs. But is it really so wrong to suggest that those acts and records which did deal with drugs, either in lyrics or their total impact had a powerful effect on young audiences lowering their resistance to the seductive call to experimentation? Their effect was, if we are to believe scholars in the field, was to provide a subtle climate that helped shape prevailing attitudes toward the use of drugs.

There is one area, Mr. President, in which I am in substantial agreement with the industry. This concerns the value of much of today's popular music, which must be considered as "art" in the popular American sense of that term. And because it is art, it is more than a mirror. It is also a former of attitudes and it is this aspect of the record industry's great influence that should, I feel, be understood.

The industry itself admits this in a rather roundabout way. The industry speaks proudly of the numerous contributions it has made toward antidrug programs. Recording stars have made spot announcements deploring the use of drugs and the RIAA helped to create long playing records for use by radio stations on which experts talked about the danger of drug use.

The industry says to its critics:

We have responsibly used our talents to fight drug use.

But the argument admits the validity of the criticism that has been leveled at the industry. If the industry is certain that antidrug messages effect youth's attitudes—else why record such messages in the first place?—how can they also be so certain that acts and songs which extolled drug usage were only "reflections" of the audience and in no way a contributor to audience attitudes toward drug taking? How can a brief nonmusical recorded message, telling factually of drug danger, be effective in shaping anti-drug attitudes—which the industry claims it is—while a high-powered, psychedelic, wild, driving, walling, expertly performed rock act in which the joy of drug usage is either explicitly or implicitly present is supposedly ineffective in shaping pro-drug attitudes?

Mr. President, the recording industry itself is best able to examine these questions. There are, as I have shown, differing views in and out of the recording industry as to the extent to which its past practices have contributed to the spread of the drug culture among our young. We need an honest assessment of the facts; and if the facts reveal that there have indeed been widespread abuses, and if the recording industry did in fact contribute to a climate of acceptance of drugs, then we also need to see appropriate measures and standards adopted to preclude a continuation or repetition of such abuses in the future. I hope the industry will rise to the chal-

lenge. I hope it will because each business must stand ready to keep its own house in order lest others—I speak of the Federal Government—be tempted to do the housekeeping for it. But most importantly, I hope it will because this is a business that has a most powerful influence on the young of this country and this fact involves an awesome responsibility that responsible executives cannot and ought not try to avoid.

#### AUTHORIZATION FOR COMMITTEE ON FINANCE TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance have until midnight tonight to file its reports on H.R. 3153, H.R. 8214, and H.R. 11104.

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

#### COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF ATTORNEY GENERAL—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Has an order been entered for the consideration of S. 2673 upon the disposition of the nomination of Mr. GERALD R. FORD?

The PRESIDING OFFICER. The order has not been entered.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that at such time as the bill (S. 2673) the so-called Attorney General bill, is called up before the Senate and made the pending business, there be a time limitation thereon of 5 hours, to be equally divided between the distinguished majority leader and the distinguished minority leader, or their designees, with one-half hour on any amendment to the bill, with one-half hour on any amendment to an amendment, debatable motion, or appeal, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, I just want to state for the record that this consent agreement has been checked with the ranking minority member of the Post Office and Civil Service Committee, the distinguished Senator from Hawaii (Mr. FONG), and also with the ranking minority member of the Judiciary Committee, the distinguished Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene on Monday, November 26, at the hour of 12 o'clock meridian.

At that time, the Senate will proceed to the consideration of routine morning

business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business, if there is no legislative business to be transacted, the Senate will proceed to the consideration of the nomination of Mr. GERALD R. FORD for the office of Vice President of the United States.

If there is legislative business that has been cleared for action, then, at the conclusion of routine morning business, the Senate will proceed to the consideration of such business.

At the hour of 2 o'clock p.m., on Monday, November 26, the Senate will proceed to the consideration of the following treaties; Calendar No. 22 and Calendar No. 23, they being Executive N, a protocol amending the 1928 convention concerning international expositions, and Executive Q, a protocol to the International Civil Aviation Convention, respectively.

A yea-and-nay vote will begin at the hour of 2 p.m. That rollcall will extend to the hour of 2:30 p.m., allotting 30 minutes for the one rollcall vote on the two treaties, which ordinarily would require 30 minutes with two rollcall votes;

that is, the one rollcall vote will count for two votes.

At the hour of 2:30 p.m. the Senate will either begin consideration or will resume consideration of the nomination of Mr. FORD, whichever is the case, as dictated by circumstances on Monday. It is not anticipated that there will be any vote on the confirmation of Mr. FORD on Monday. Debate will ensue during the remainder of the afternoon. It is hoped that the vote on the confirmation of Mr. FORD can occur on Tuesday.

That about wraps it up for Monday.

#### ADJOURNMENT TO MONDAY, NOVEMBER 26, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 378, as amended that the Senate stand in adjournment until the hour of 12 o'clock noon Monday, November 26, 1973, with a happy Thanksgiving to everyone.

The PRESIDING OFFICER. The

Chair wishes the same to the distinguished majority whip.

The motion was agreed to; and at 11:31 a.m., the Senate adjourned until Monday, November 26, 1973, at 12 o'clock noon.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 21, 1973:

##### UPPER GREAT LAKES REGIONAL COMMISSION

Raymond C. Anderson, of Michigan, to be Federal cochairman of the Upper Great Lakes Regional Commission.

(The above nomination was approved subject to the nominee's commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

##### IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

National Oceanic and Atmospheric Administration nominations beginning Kenneth E. Lilly, Jr., to be lieutenant commander, and ending Contantine E. Mercias, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 15, 1973.

## EXTENSIONS OF REMARKS

### THE CASE FOR TWO CHINAS

#### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. SCHERLE. Mr. Speaker, last week the People's Republic of China—PRC—purchased the imposing Windsor Park Hotel in Washington, reportedly for an Embassy, at a staggering \$5 to \$6 million. Foreign policy observers say this signals establishment of full diplomatic relations between the United States and Communist China. Currently the 50-man PRC delegation in Washington is strictly unofficial. But the new American obsession with mainland China poses a distressing dilemma for one U.S. ally of a quarter century, the Republic of China—ROC—located on the Island of Taiwan.

Both the PRC and ROC insist there is but one China, each adamantly claiming its capital as the seat of government. Free China knows recognition of Communist China will mean the ouster of its Embassy from the United States, just as seating the PRC in the United Nations meant expulsion for the Republic of China in 1971. When the United States first sought a new relationship with the People's Republic of China, U.S. officials acknowledged the principle of one China, but scrupulously avoided mention of either capital. Our real policy, in fact, has been a juggling act of balancing one China off against the other.

For 25 years, the ROC has enjoyed U.S. recognition and has maintained its Embassy in Washington. But friendship between these two nations has been more than just a diplomatic venture; we hold similar values of individual liberty. To

this day the Republic of China is one of the freest in Asia. Through the Mutual Defense Treaty of 1954, the United States has made invasion by Red China across the 90-mile-wide Taiwan Strait unfeasible. America also provided economic assistance to ROC and in 1965 their industriousness made possible a complete phaseout of development aid, one of the few nations to become so self-reliant. In fact, Free China has benefited from an 11-percent growth rate in the gross national product for each of the last 4 years, a phenomenal success for a developing nation. Yet, all this may change if we switch recognition from the Republic of China to Communist China.

U.S. foreign policy has focused recently on accommodating past enemies to reduce past cold war tensions. However, this sudden shift has left traditional allies out in the cold, a policy for which the White House and State Department bear responsibility since Congress has no power over the game of diplomacy. One conceivable result of this policy switch might be a U.S. troop pullout from the Island of Taiwan, leaving it vulnerable to the other China. Another probable one is the recognition of the PRC. While it is wise to better international relationships, it is neither prudent nor expedient to sacrifice a proven ally with similar ideals to a suddenly friendly former adversary. We seem to be banking too heavily on Red Chinese promises of friendship.

In the past, our word has been our bond and allies were assured of a consistent loyalty by the United States. Only demonstrations that the United States is not abandoning free China can maintain American credibility with its friends worldwide. Two convincing shows of American good faith could prove the United States a true ally to the Republic

of China: Continuing military support and sponsoring the seating of both Chinas in the U.N.

Ample precedent has been set in the U.N. for the admission of two Chinas; currently both East and West Germany enjoy membership. South Korea recently made a bid to join the U.N. under a separate flag from her neighbor North Korea, a move backed by the United States. Even North and South Vietnam can see the possibility that both can belong to the General Assembly—so why not China?

#### HON. LES ARENDS TO RETIRE

#### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 1973

Mr. DE LA GARZA. Mr. Speaker, only one Member has served in this House longer than the gentleman from Illinois, the Honorable LESLIE C. ARENDS. That man is the dean of the House, my fellow-Texan and friend, the Honorable WRIGHT PATMAN. Only one other Member has served as long as LES ARENDS, and that is another Texan, the Honorable GEORGE H. MAHON.

LES ARENDS came to Congress in 1935. During his nearly four decades of service here vast changes have occurred in our Nation and in the world. But, one unchanging factor has been the dedication of our friend from Illinois to his country, his responsibilities as a Member of the House, and to his party.

He is a strong party man. For some 30 years he has been an important part of the House Republican organization. But never to my knowledge has he allowed