who are totally disabled due to employment-related respiratory disease and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their deaths; to the Committee on Education and Labor.

H.R. 11568. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDADE:

H.R. 11569. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

By Mr. REUSS (for himself and Mr. MOORHEAD of Pennsylvania):

H.R. 11570. A bill to establish a program of community development and housing grants and to provide assistance to State development agencies relating to housing and urban development activities; to the Committee on Banking and Currency.

By Mr. ROSENTHAL:

H.R. 11571. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. SHOUP:

H.R. 11572. A bill to provide for the imposition of an embargo on the shipment of goods and materials to Arab nations; to the Committee on Banking and Currency.

By Mr. WON PAT:

H.R. 11573. A bill to amend the Organic Act of Guam to place certain lands within the jurisdiction of the government of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself, Mr. BRAY, Mr. PRICE, of Illinois, Mr. FISHER, Mr. BENNETT, Mr. STRATTON, Mr. PIKE, Mr. ICHORD, Mr. NEDZI, Mr. ARENDS, Mr. BOB WILSON, and Mr. GUBSER):

H.J. Res. 831. Joint resolution authorizing the President to designate the nuclear-powered aircraft carrier CVN–70 as the U.S.S. *Carl Vinson;* to the Committee on Armed Services.

By Mr. CONTE:

H. Res. 716. Resolution to provide for the conservation of energy by reducing the number of operational days and hours in Federal buildings and offices; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H. Res. 717. Resolution providing for printing of additional copies of legislative hearings entitled "Jointly Administered Legal Services Plans"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CONABLE introduced a bill (H.R. 11574) for the relief of Edward Drag, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

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

356. By the SPEAKER. Petition of the city council, Philadelphia, Pa., relative to amending the Elementary and Secondary Education Act; to the Committee on Education and Labor.

357. Also, petition of the city council, Philadelphia, Pa., relative to an accounting of the servicemen missing in action in Southeast Asia; to the Committee on Foreign Affairs.

358. Also, petition of Dr. Tsung-Po Kuo, Kaohsiung Medical College, Taiwan, China, relative to the Republic of China; to the Committee on Foreign Affairs.

359. Also, petition of the U.S. Jaycees, Tulsa, Okla., relative to alcohol abuse and alcoholism prevention; to the Committee on Interstate and Foreign Commerce.

360. Also, petition of the common council, Buffalo, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

361. Also, petition of the Suffolk County Legislature, N.Y., relative to daylight saving time; to the Committee on Interstate and Foreign Commerce.

362. Also, petition of Herman Howlery, Menard, Ill., relative to redress of grievances; to the Committee on the Judiciary.

363. Also, petition of members of the Trade Union Committee for Action and Democracy, Berkeley, Calif., relative to impeachment of the President; to the Committee on the Judiciary.

364. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to impeachment of the President; to the Committee on the Judiciary.

SENATE—*Monday, November 26, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

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

O God of grace and goodness, we pray that as we work this day our souls may be sanctuaries of Thy presence, Thy peace, and Thy power. We seek Thee because Thou has first sought us and bid us come to Thee. Hold us fast lest we go astray. Amid all that is sinful and ugly in this world, help us ever to remember Thou hast conquered evil and provided forgiveness and healing. Help us to give our first loyalty to Thee knowing that all lesser loyalties will be fulfilled in fidelity to the supreme loyalty. May the vision of the Founding Fathers never be dimmed by any dark moments. With hearts still aglow with the idealism of the past, may we be partners with Thee in bringing to fulfillment the kingdom of brotherhood and peace.

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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 26, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of November 21, 1973, the following reports of a committee were submitted on November 21, 1973:

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 11104. An act to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974 (Rept. No. 93–552).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 3153. An act to amend the Social Security Act to make certain technical and conforming changes (Rept. No. 93–553).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, November 21, 1973, be dispensed with.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries, and he announced that on November 16, 1973, the President had approved and signed the following acts:

S. 1081. An act to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil pipeline, and for other purposes; and

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ROBERT C. BYRD) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees; and a message withdrawing the nomination of Col. Leonard F. Stegman, xxx-xx-xxxx, U.S. Army, for temporary appointment in the Army of the United States to the grade of brigadier general, which was sent to the Senate on October 10, 1973.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1353. An act for the relief of Toy Louie Lin Heong;

H.R. 1356. An act for the relief of Ann E. Shepherd;

H.R. 1367. An act for the relief of Bertha Alicia Sierra;

H.R. 1463. An act for the relief of Amilia Majowicz;

H.R. 1696. An act for the relief of Sun Hwa Koo Kim;

H.R. 1955. An act for the relief of Rosa Ines D'Elia;

H.R. 2513. An act for the relief of Jose Carlos Recalde Martorella;

H.R. 2628. An act for the relief of Anka Kosanovic;

H.R. 3207. An act for the relief of Mrs. Enid R. Pope;

H.R. 3754. An act for the relief of Mrs. Bruna Turni, Graziella Turni, and Antonello Turni;

H.R. 6334. An act to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to certain employees of the Selective Service System;

H.R. 6828. An act for the relief of Edith E. Carrera;

H.R. 6829. An act for the relief of Jose Antonio Trias;

H.R. 9474. An act to amend title 38, United States Code, to increase the monthly rates of disability and death pensions and dependency and indemnity compensation, and for other purposes;

H.R. 10840. An act to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress; and

H.R. 10937. An act to extend the life of the June 5, 1972, grand jury of the U.S. District Court for the District of Columbia.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

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.

COLLECTION OF INFORMATION BY GOVERNMENT AGENCIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 527, S. 1106.

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

The assistant legislative clerk read as follows:

S. 1106, to amend the Federal Reports Act to avoid undue delays in the collection of information by Government agencies.

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

There being no objection, the Senate considered the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3509 of title 44, United States Code, is amended by inserting "(a)" before the words "A Federal agency" and by adding at the end thereof the following new subsections:

"(b) A determination of disapproval by the Director shall be accompanied by a full statement of the reasons therefor.

"(c) Any collection of information which has been referred to the Director of the Office of Management and Budget for his approval under section 3506 of this title or under subsection (a) of this section shall be approved or denied within sixty days or such approval shall be deemed to have been granted."

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MANSFIELD. Is it correct to state that the vote on the two treaties will occur at the hour of 2 p.m. today?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at 5 minutes before 2 p.m. today, the distinguished Republican leader (Mr. HUGH SCOTT) be recognized to inquire as to what the schedule will be for this week and for the remainder of this session.

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

DISCIPLINE AND SACRIFICE

Mr. HUGH SCOTT. Mr. President, at a time when some of the brightest aspects of civilization were manifesting themselves in the great realm of China a division was asserted, as it has been during all of the times of man on this earth, a division between the Han jen and the Hsiung-nu. The Han jen were the people of the Han, which the Chinese people have always called themselves for more than 2,000 years until this very day.

The Hsiung-nu were barbarians beyond the frontier.

There exists in every person the eternal conflict between the Han jen, or the civilized part of his nature, and the Hsiung-nu, or the barbarian part. We are now, as Americans, being asked to make certain sacrifices for the good of all. There is the tendency to seize for oneself advantages to the detriment of others, whether it be blackmarketing or hoarding, or other advantages which are taken at the expense of the commonality of the community.

I hope that as we turn our attention to the mutual need for sacrifice the civilized aspects of America will assert themselves against the barbarian tendency which lie, not always controlled, fuming like the dragon of China, within all of us.

So let us hope that we will, in a civilized manner, impose discipline upon ourselves, abide by the laws and regulations, and live so that all of us may be able, together, to solve a very difficult and surely a common problem. For if the Hsiung-nu prevails, then we will have defeated others, but we will also have defeated ourselves, because we will not have risen to the capacity which lies within us, one and all.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine business, with statements therein limited to 3 minutes.

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

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A resolution of the Common Council of the City of Buffalo, N.Y., in support of daylight saving time on a year-round basis. Ordered to lie on the table.

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. NELSON (for himself and Mr. JACKSON):

S. 2738. A bill relating to the necessity of reorganizing certain departments and agencies of the executive branch, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PROXMIRE:

S. 2739. A bill for the relief of Christina Yung. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 2740. A bill to amend the Fair Labor Standards Act of 1938 to provide a cost-of-living index increase for certain enterprise and establishment exemptions under that act. Referred to the Committee on Labor and Public Welfare.

By Mr. BROCK:

S. 2741. A bill to provide for an investigation of the character and past activities of potential Vice Presidential nominees by the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. JOHNSTON, Mr. ABOUREZK, Mr. HASKELL, Mr. NELSON, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. BUCKLEY, Mr. MCCLURE, Mr. BARTLETT, and Mr. MATHIAS):

S.J. Res. 175. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1974, as "National Historic

Preservation Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself and Mr. JACKSON):

S. 2738. A bill relating to the necessity of reorganizing certain departments and agencies of the executive branch, and for other purposes. Referred to the Committee on Government Operations.

GOVERNMENT SURVEILLANCE AND THE THREAT TO INDIVIDUAL PRIVACY: A NEED TO REORGANIZE THE GOVERNMENT

Mr. NELSON. Mr. President, approximately 185 years ago, Thomas Jefferson warned that—

> The natural progress of things is for liberty to yield and government to gain ground.

The time has long since past for Congress to exercise control over government surveillance and recordkeeping activities. When the Government invades an individual's privacy—whether by wiretapping, electronic bugs, or some other means—it strike at the individual freedoms essential to democratic self-government. Government then becomes a threat to the very constitutional rights and liberties it was designed to defend. None of us can afford to be insensitive to this risk of government spying and prying.

I introduced legislation in 1971 and in June of this year aimed at bringing this dangerous activity under congressional oversight. Senator JACKSON and I have joined in presenting further legislation at this time seeking the same objective. It is my intention to continue raising this issue on the Senate floor until Congress awakens to the serious threat to liberty posed by Government surveillance.

The need for Congress to act is more pressing today than ever before. The incidence of spying at all levels of government seems to grow unabated. Virtually every day congressional committees, as well as newspapers and magazines, expose new details of how Federal, State, and local governmental agencies intrude into the private affairs of America's citizens. Examples abound:

One night last spring Federal agents battered down the doors of two law-abiding families in Collinsville, Ill., on the mistaken assumption that the families were in possession of dangerous drugs.

Joseph Kraft, a syndicated columnist, learned that the Government not only burglarized his home to install a wiretap on his telephone but also shadowed him in his foreign travels.

A Senate subcommittee reported that it cannot determine the name of the official who initiated the surveillance activities of 1,500 U.S. Army agents on more than 100,000 law-abiding private citizens.

No one knows how many illegal wire taps have been used by Government agents but enough evidence has been exposed to give cause for alarm.

The rise in Government snooping has not escaped the attention of the public. Numerous commentators and periodicals have reported the public's growing concern that Government surveillance and recordkeeping activities are endangering the individual's right to privacy.

This legitimate public concern was aptly summarized in an article titled "Political Surveillance and Police Intelligence Gathering—Rights, Wrongs, and Remedies," which appeared in the Wisconsin Law Review last year:

> Eleven years from the title date of George Orwell's fictionalized account of the totalitarianism of the future, many Americans sense that "Big Brother" is emerging as a terrifying reality in the United States. There are no posters or broadcasts proclaimed the fact, but to many the ubiquitous surveillance, represented by the telescreen and the thought police in Orwell's novel, is upon us in the guise of the proliferating governmental agencies engaged in the business of spying.

A report released by the Department of Health, Education, and Welfare, in July, 1973, titled "Records, Computers and the Rights of Citizens," confirms that fear of governmental snooping still prevails among the public. The HEW report related the results of a public opinion survey in which a very large proportion of the respondents expressed concern that their personal privacy was being seriously compromised by Government surveillance and recordkeeping activities. The source of this public concern is not obscure. As the HEW report explained—

> The public fear of a "Big Brother" system, in effect a pervasive network of intelligence dossiers, focuses on the computer, but it includes other marvels of twentieth-century engineering, such as the telephone taps, the wireless microphone, the automatic surveillance camera, and the rest of the modern investigator's technical equipage.

This HEW report adds new weight to the public's deep concern with Government spying. Much of this concern reflects the public response to the Government activities exposed by the Senate Watergate hearings. In a recent poll, for example, Louis Harris found that—

> The revelations of the Watergate investigation have had a profound impact on the American people's awareness of threats to individual liberty and have made the public much more convinced that specific acts by government have been not only unnecessary but dangerous.

Indeed, Mr. Harris also reported that 52 percent of those surveyed "now agrees with the statement that things have become more repressive in this country in the past few years." In a word, this public opinion poll, as well as numerous other commentaries and reports, make clear the public's fear that the Government often invades the individual's privacy with little or no justification.

The Government's pervasive violations of individual privacy must not go unchallenged. Indeed, if Congress refuses to respond to these violations, it will be nothing less than an abdication of Congress responsibility to safeguard individual liberty. It is therefore imperative that Congress act now to reverse this tide of government snooping.

Accordingly, Senator JACKSON and I are introducing legislation today which will provide Congress with critically necessary oversight of government surveillance activities. Specifically, this bill will establish a Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging in Surveillance. The joint committee will be bipartisan and will include representation from those Senate and House committees which have jurisdiction over those agencies and departments engaging in surveillance. The joint committee will have two basic responsibilities. First, it will examine the surveillance activities of all Federal agencies. Second, it will review the intergovernmental relationships among the Federal, State, and local governmental agencies insofar as those relationships concern the conduct of and the sharing of information acquired by surveillance activities. Having executed these two responsibilities, the joint committee will be able to recommend whatever changes are necessary in law and in governmental structure in order to protect individual privacy against intrusion by the Government.

I. THE PROBLEM DEFINED

The problem of government surveillance is not new. In fact, its origins predate the birth of our Nation.

Early English history, for example, is replete with instances in which the king's agents sought to invade the homes of citizens suspected of wrongdoing. This practice was firmly condemned by the English courts as early as 1603 in Semayne's Case, 5 Cook 91, 11 ERC 629, 77 Eng. Reprint 194:

> In all cases where the king is party, the sheriff (if the doors be not open) may break in the party's house, either to arrest him, or to do other execution of the K(ing's) process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open doors . . .

The English court's concern for the individual's right of privacy did not entirely dampen the willingness of some British officials to ignore that right in pursuit of certain governmental interests. In 1766, the British Parliament debated means to assure collection of an excise tax on cider. One proposal would have authorized the king's officers to enter a citizen's home without knocking. In opposition to this proposal, William Pitt argued eloquently in the House of Lords that it would emasculate the time-honored principle which protected each citizen from unlawful invasions of his privacy by the Government:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshold of that ruined tenement. (William Pitt—1776)

What the King of England could not do 200 years ago the American Government today does with abandon. The Government burglarizes homes, installs wiretaps on private phones, and engages in other kinds of deplorable surveillance activities which violate the sanctity of an individual's privacy. These activities not only violate American traditions, but, more importantly,

also violate constitutional rights and established legal procedures.

In the American colonies, no less than in England, people appreciated the fundamental importance of a citizen's right or privacy. The Colonials also understood that that right would be a fragile one if left to the guardianship of a government more eager to suppress political dissent than to safeguard individual liberty.

For the American colonials, this lesson was learned from bitter experience. British agents frequently violated the sanctity of the colonials' homes by conducting searches authorized by only a general warrant and by otherwise harrassing those suspected of treasonous sentiments.

In response to these hated abuses, the framers of our Constitution adopted the fourth amendment. That amendment states quite simply that—

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

The fourth amendment's provisions apply to all searches and seizures. No exception is made for national security cases or any other kind of circumstance. The absence of any expressed exceptions, moreover, cannot be interpreted as an oversight or a failure of the Founding Fathers to appreciate future developments in which world affairs would be overshadowed by a nuclear sword of Damocles.

When the Constitution was drafted in 1787, our country was only 11 years old. The new American citizens had recently concluded a long war with England to preserve their country's independence. That independence was not entirely secure. The threat of foreign attack and subversion was still present. Notwithstanding the existence of this threat, the Founding Fathers adopted the fourth amendment and made no exception to its application.

One need not be a lawyer to understand the basic purpose of this amendment. It is designed to protect the individual from unjustified invasions of his privacy by the Government.

The fourth amendment thus limits the power of the Government. Like the other amendments in the Bill of Rights, the fourth amendment reflects the framers' intention that individual liberty, rather than unrestrained government power, be the hallmark of our political system. As Justice Louis Brandeis observed in his moving dissent in the case of Olmstead versus the United States:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed must be deemed a violation of the Fourth Amendment.

The wisdom of the framers in adopting the fourth amendment is beyond question. Without its protection, individual freedom would remain at the mercy of the Government's unbridled discretion.

However sound the principles embraced within the fourth amendment, its words have a hollow ring today. For those words have done little to restrain government at any level from engaging in surveillance of law-abiding citizens.

There are innumerable examples to demonstrate the scope of government spying and other invasions of privacy. Reference to a few is sufficient to expose the grave implications which this snooping has for individual liberty.

As early as 1967 Prof. Alan Westin reported in his book, "Privacy and Freedom," that—

> At least fifty different federal agencies have substantial investigative and enforcement functions, providing a corps of more than 20,000 "investigators" working for agencies such as the FBI, Naval Intelligence, the Post Office, the Narcotics Bureau of the Treasury, the Securities and Exchange Commission, the Internal Revenue Service, the Food and Drug Administration, the State Department, and the Civil Service Commission. While all executive agencies are under federal law and executive regulation, the factual reality is that each agency and department has wide day-to-day discretion over the investigative practices of its officials.

In short, there is an army of governmental agents engaged in surveillance activities who are, in large measure, accountable to no one but themselves. Congress has virtually no procedure to determine whether these surveillance activities are conducted in a manner consistent with constitutional rights and established law.

A 1973 report of Senator ERVIN's Subcommittee on Constitutional Rights detailed the extensive spying which the U.S. Army had conducted on more than 100,000 private citizens during the 1960's. This surveillance was directed principally at those suspected of engaging in political dissent. According to the subcommittee:

> Army surveillance of civilians engaging in political activities in the 1960's was both massive and unrestrained. At the height of the monitoring, the Army engaged over 1,500 plainclothes agents to collect information which was placed in scores of data centers around the country.

Needless to say, this Army surveillance well exceeded any legal authority granted to the Army. It was therefore important to determine who was responsible for initiating this unlawful surveillance. Incredibly enough, the subcommittee could not make that determination:

> The subcommittee has been unable to conclude what particular official or officials were responsible for ordering the expansion of the surveillance operation in the late 1960's.

On April 14, 1971, it was revealed that the FBI had conducted general surveillance of Earth Day activities on April 22, 1970. As the one who initiated and planned that first celebration of Earth Day in 1970, I cannot imagine any justification for FBI surveillance of those activities. Earth Day resulted in a genuine and peaceful demonstration by tens of thousands of American citizens of their overriding concern to preserve our natural environmental resources. There is nothing subversive or otherwise dangerous in expressing that concern. Indeed, it falls squarely within the American tradition and, for that reason, attracted the participation and support of 150 Members of Congress, more than 100 representatives of the Nixon administration, and numerous Governors.

In spite of its unquestioned legitimacy, Earth Day 1970 attracted FBI surveillance. There is still no satisfactory explanation as to why the FBI felt compelled to spy on those participating in the Earth Day celebration. Nor is there any reason to believe that the whole sorry episode cannot be repeated in the future.

In many cases, governmental agencies enlist the assistance of private organizations to help them to spy on private citizens. A 1968 article in Look magazine, for example, reported that governmental agents often requested and received information from American Airlines concerning the travel schedules of certain individuals. The article cited—

> A computer expert for the airline [who] says that 10 to 15 investigators a day (Federal, State, local and other) are permitted to delve into the computer for such information. Some of them want (and get) a print out of the entire passenger list of a certain flight to see who might be traveling with a particular person.

As another example, the State of Florida utilized the services of the Wackenhut Corp., a large private detective firm, to conduct a wide-ranging investigation into crime and corruption.

In many cases, the surveillance is as indiscriminate as it is unjustified. Law-abiding citizens often find that they are subjects of government surveillance merely to satisfy the whim of governmental officials. Columnist Joseph Kraft, for example, was no doubt surprised to learn that the government had burglarized his home in 1969 to install a tap on his phone and shadowed his foreign travels merely because his columns raised the ire of high-placed government officials.

These invasions of privacy by the government, in and of themselves, are, to say the least, disturbing. Even more disturbing, however, is the fact that most of us—and especially those of us in official positions of responsibility—have become so inured to government snooping that we often fail to appreciate its serious dangers.

We cannot afford to take individual liberty for granted. We cannot afford to ignore the dangers which government spying poses for that liberty—no matter how benign the government's motives. Government surveillance always poses great dangers to a free society. This is

especially true today since those dangers have been aggravated in recent years by two basic developments.

First, government snooping has been facilitated, and made more insidious, by advanced techniques of surveillance. Numerous articles have underscored the rapid pace at which new surveillance devices are developed.

An article in the January 1971 issue of Transactions on Aerospace and Electronic Systems, for instance, reported the proposal of an electric "transponder" system to help prevent crime. Under this system, any individual with a criminal record will be required to carry a small radio. The radio, in turn, emits waves which can enable enforcement officials to locate that individual at any time.

An article titled "New Bug Hears All," which was printed in the February 20, 1972, issue of Parade magazine, discussed another advanced means of surveillance now being used by the FBI. The new device is a bug which, when placed on an outside telephone line, can pick up all sounds through a telephone receiver, even when the receiver remains on the hook.

The ingenuity—and potential danger—of this new bug is perhaps surpassed only by the design of a new communications system which would enable the Government to turn on all television and radio sets on a moment's notice.

These and other new developments in surveillance techniques invoke the specter of a government which can intrude its eyes and ears into every nook and cranny of our private lives. None of us can afford to be insensitive to the reality of this spectre. For it raises anew the fundamental question of how willing and able we are to preserve those individual liberties for which our forbears fought.

Familiarized with the advanced techniques of surveillance, Justice William Brennan posed this fundamental question in his dissent in the 1963 case of Lopez against the United States. In Justice Brennan's view—

> Electronic aids add a whole new dimension to eavesdropping. They make it more penetrating, more truly obnoxious to a free society. Electronic surveillance, in fact, makes the police more omniscient; and police omniscience is one of the most effective tools of tyranny.

Justice Brennan then articulated the inherent dangers of a Government which can spy on its citizens with little or no restraint:

> Electronic surveillance strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society . . . [F]reedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office. If electronic surveillance by government becomes sufficiently widespread, and there is little in prospect for checking it, the hazard that as a people we may become hagridden and furtive is not fantasy.

These hazards of government snooping have been made more real by a second major development: the rapid growth of an intergovernmental system whereby the Federal Government acts in conjunction with the State and local governments to conduct and share the fruits of surveillance. Much of this growth can be attributed to title III of the Omnibus Crime Control and Safe Streets Act of 1968. That title, among other things, enabled State and local enforcement officials to seek court-authorized wiretaps for virtually any reason. As Prof. Herman Schwartz commented in an article, "The Legitimation of Electronic Eavesdropping: The Politics of 'Law and Order,'" which appeared in the Michigan Law Review in 1969—

> In fact, the list of offenses for which state eavesdropping is permitted [under Title III] is practically unlimited: "murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb or property, and punishable by imprisonment for more than one year . . . or any conspiracy to commit any of the foregoing offenses."

State and local enforcement officials have made extensive use of this provision. Statistics reported by the Administrative Office of the U.S. Courts show that between 1968 and 1972 the number of State-authorized wiretaps increased from 174 to 649. During that time period, it is also notewrothy that the Federal, State, and local governments wiretapped more than 1,623,000 conversations involving approximately 120,000 people.

All the information which the State and local governments acquire from these wiretaps is not retained in their exclusive possession. More often than not, that information is shared with innumerable Federal agencies, such as the FBI, the Law Enforcement Administration, the IRS, and the Secret Serivce.

In many cases, information acquired through wiretaps and other activities is not shared willingly with the Federal agencies. Frequently a Federal agency coerces a State or local goverment into sharing the information by dangling the threat of suspension of Federal funding for the particular government. As early as 1965, a report of the House Committee on Post Office and Civil Service summarized this insidious practice:

> Since federally supported State programs have mushroomed in recent years, we are faced with rapidly expanding reporting and paperwork programs which, for all practical purposes, fall outside of any Federal or State supervision. This situation lends itself to all kinds of abuses since the Federal agency can threaten the State agency by withholding funds unless all of its demands for information are met.

If the information were shared according to established standards for legitimate purposes, then the risks to constitutional rights might be minimal. But usually there are few standards and no assurances that the information will be used for lawful purposes. A recent letter from Gov. Francis Sargent of Massachusetts to then Attorney General Richardson offers a graphic illustration of the problem.

On June 13, 1973, Governor Sargent wrote to Mr. Richardson that Massachusetts would withhold its participation in the FBI's National Criminal Information Center, an interlocking computerized system enabling States to share criminal information on individuals with the FBI. Citing the 1967 Report of the President's Commission on Law Enforcement and Administration of Justice, Governor Sargent stated that Massachusetts would withhold its participation from this system until the Federal Government adopted standards adequate to safeguard individual rights:

> . . . I take very seriously the President's Commission warning that the application of computer technology for criminal justice information requires special precautionary steps to protect individual rights. The Massachusetts criminal information system has been designed to provide internal and external safeguards against potential abuse. Unfortunately, I have seen no similar action on the part of the Department of Justice, the Attorney General or the Federal Bureau of Investigation to construct equivalent safeguards for the national criminal information system.

Governor Sargent's comments underscore a situation which prevails at the Justice Department and virtually every other governmental agency engaged in surveillance activities; there are no safeguards to which the agency is held accountable to the public or the law to insure that surveillance activities are conducted in a lawful manner and for legitimate purposes.

II. THE NEED FOR CONGRESSIONAL ACTION

In defining the permissible scope of Government invasion of privacy, it is obviously necessary to strike a balance between the need to safeguard individual liberty and the need for the Government to acquire information necessary to protect the Nation from foreign hostilities and to serve other legitimate purposes. It should now be more than clear that we cannot rely exclusively on the executive branch or the courts to strike that balance.

The Government would of course prefer that implict trust be placed in its judgment. In 1971, then Assistant Attorney General William H. Rehnquist espoused this view in testimony before the Senate Subcommittee on Constitutional Rights:

> We believe that full utilization of advanced data processing techniques is by no means inconsistent with the preservation of personal privacy. . . . I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excess of information gathering.

These basic statements were echoed by then Attorney General Richardson in a letter dated September 12, 1973, to the chairman of the Senate Foreign Relations Committee. Responding to the committee's justified concern with government wiretaps purportedly used to protect the national security, Mr. Richardson acknowledged that the Constitution and recent judicial decisions limited the Government's power to wiretap. But the Attorney General made clear that, in the end, he would be the one to decide whether a particular wiretap would exceed those limitations.

As a matter of history and as a matter of law, we cannot rely on the self-discipline of the Executive branch to safeguard of our constitutional rights. As a matter of history, the Government is not always able to judge dispassionately

when its urge to engage in surveillance should yield to the paramount importance of individual liberty. This is no less true even when the motives of the Government are beyond question. Justice Brandeis succinctly summarized this teaching of history in his dissent in the Olmstead case:

Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious, encroachment by men of zeal, well-meaning but without understanding.

Relying on this historical judgment, the Supreme Court in 1972 held in the case of the United States versus U.S. District Court that the Government cannot wiretap individuals for domestic security purposes without court authorization. In issuing this decision, the Court declared, as a matter of law, that the Government's self-discipline was inadequate to protect the individual liberties conferred by the fourth amendment. The Court's judgment was not premised on the malicious dispositions of those who inhabit the Executive branch. Rather, the judgment flowed from the conflicting interests which the Government is required to serve. Speaking for a unanimous Court, Justice William Powell examined the evolution and contours of the freedoms conferred by the fourth amendment. He then stated:

These Fourth Amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute . . . The historical judgment, which the Fourth Amendment accepts, is that unreviewed executive discretion may yield too readily to pressure to obtain incriminating evidence and overlook potential invasion of privacy and protected speech.

The Court expressly declined to decide whether the same judgment would attach to cases where the Government was intent upon conducting surveillance to protect national security interests. In my view, however, the same considerations which underlie the Court's decision in the domestic security case compel a conclusion that the fourth amendment also protects American citizens when the Government's urge to wiretap is motivated by national security interests. In short, to ask the Government—however, well-intentioned—to protect the individual's right to privacy in cases of government surveillance is usually no different than to ask the wolf to guard the sheep. In either case, there is no assurance that the valued asset will be preserved.

Nor is there much reason to believe that the courts can provide blanket protection of an individual's privacy against unlawful invasions by the government. The inability of the courts to provide this blanket protection stems from the nature of wiretap procedures and the scope of existing laws rather than from any deficiencies in the judges.

To begin with, most wiretapping and other surveillance activities are anticipatory in nature—they are geared toward uncovering possible crimes or other information which the government might find useful. In these cases, an individual might never learn that the government is spying on him. Accordingly, that individual would have no incentive to seek judicial relief.

The case of Morton Halperin is illustrative. In 1969, when he was a member of the staff of the National Security Council, Mr. Halperin had his telephone tapped. For 4 years, Mr. Halperin remained ignorant of the tap and never sought judicial relief. A string of fortuitous circumstances at the recent trial of Daniel Ellsberg in Los Angeles led the Government to reveal the existence of the tap. Although the courts successfully exposed a wiretap in this particular case, the circumstances strongly suggest that there are many more individuals who will never learn that Government is spying on them.

For these individuals, the court's protection is nonexistent. A court will not act on its own to restrict Government surveillance activities. The courts only act when specific controversies are brought to them for decision by particular individuals. This is, in effect, a "Catch 22" situation. On the one hand, an individual cannot object to Government surveillance activities unless he himself is a subject of such surveillance. On the other hand, there is no law which would require the Government—absent a criminal indictment or some other proof—to disclose on its own whether an individual is in fact a subject of surveillance.

The law, of course, is not entirely powerless to protect individuals against unlawful Government surveillance activities. Title III of the Crime Control and Safe Streets Act does provide certain remedies for individuals who are the subject of Government abuses. There are also some Federal, State, and local laws which are designed to protect an individual's privacy from unlawful invasions by the Government in certain circumstances. But these laws are fragmentary and generally unable to provide any comprehensive protection.

Prof. Arthur Miller, an acknowledged legal authority in this area, examined these legal limitations in an article, "Personal Privacy in the Computer Age: the Challenge of a New Technology in an Information-Oriented Society," which appeared in the Michigan Law Review in 1969. Of particular concern to Professor Miller was the impact which the computer would have on the collection and dissemination of information acquired by surveillance or some other means. According to Professor Miller:

The present legal structure, at both the state and federal levels, appears to be virtually unprepared to cope with the threats to privacy that rapidly are becoming part of our computer age. The fragmented, ad hoc approach that has been taken to informational privacy problems is disheartening, for it simply aggravates the existing system's unsuitability for solving the problems raised by the computer. The result is confusion concerning the scope of protection afforded by various common-law doctrines and legislative provisions, and, quite frequently, uncertainty regarding the source of law applicable to a particular invasion of privacy.

Professor Miller's view was endorsed by the HEW report, on "Records, Computers, and the Rights of Citizens." The report states flatly that—

Under current law, a person's privacy is poorly protected against arbitrary or abusive recordkeeping practices.

The circumstances which I have described show that neither the courts nor the executive branch are always able to provide adequate safeguards for individual liberty. Congress, however, has done little to remedy the situation. This fact was perhaps reflected in the recent comment of John M. McDougal, the Army officer who provided the press with details of the U.S. Army's surveillance activities in Western Europe. In explaining his action, Mr. McDougal stated in a column which appeared in the op-ed pages of the New York Times of September 4, 1973:

After long deliberation on what course of action to take, I decided to release this information to the press. I choose the press because I believe it to be the strongest force for political and individual freedom in America today.

With all due respect to the virtues of the press, it is a sad commentary on the U.S. Congress that it is no longer viewed as the strongest defender of individual freedom. This development is not surprising. Congress has exercise few checks over Government surveillance at the Federal, State, or local levels. Congress has done little to discourage the Government from trampling all over constitutional liberties when conducting surveillance activities. Congress has not established itself as a forum to remedy the indignities and abuses to which thousands of individuals become subject when the Government decides to spy and pry on them. In short, Congress has done virtually nothing to supervise the ever-expanding web of Government snooping.

This situation should be tolerated no longer. Ours is a government of laws. The integrity of those laws should not be entrusted to the unreviewed discretion of those charged with enforcing them. Otherwise, we accept the risk that the guarantees of the law will be sacrificed on the altar of expediency. That is a risk we cannot afford to accept, particularly when the guarantees involved are fundamental constitutional rights.

Congress must guard those rights with vigilance. It can do so only if it continually reviews the Government's surveillance activities and determines whether any changes are needed in the law or in the governmental structure in order to protect an individual's privacy against unlawful intrusions by the Government. To this end, Senator JACKSON and I are introducing legislation today to establish a joint committee of the Congress on the Study of the Need to Reorganize the Departments and Agencies Engaged in Surveillance.

III. THE PURPOSES AND RESPONSIBILITIES OF THE JOINT COMMITTEE

The joint committee will be a bipartisan assemblage of the majority and minority leaders of both Houses of Con-

gress, as well as the chairman and ranking minority member of all those congressional committees having jurisdiction over governmental agencies which engage in surveillance activities. Those Senate Committees represented would include Government Operations, Appropriations, Armed Services, Commerce, Foreign Relations, Judiciary, and Post Office and Civil Service. Those House committees represented would include Government Operations, Appropriations, Armed Services, Foreign Affairs, Interstate and Foreign Commerce, Judiciary, and Post Office and Civil Service. By having bipartisan representation from each of these House and Senate committees, the joint committee will benefit by the expertise which Congress has on those governmental agencies which engage in surveillance activities.

The basic purpose of the joint committee will be to provide a continuing review of those governmental agencies which conduct surveillance activities in order to determine whether the protection of individual liberties, and especially the individual's right to privacy, require any changes in the law or in the governmental structure. More specifically, the joint committee will have two basic responsibilities.

First, the joint committee will examine the nature and scope of the surveillance activities conducted by Federal agencies. At least once each year, officials from the IRS, the FBI, the military surveillance units, and other selected Federal agencies will be required to appear before the committee with all relevant documents and other evidentiary materials to testify under oath about their surveillance activities. The joint committee will also be empowered to subpena other individuals, private or public, who can give testimony or evidence relative to the surveillance activities of Federal agencies. This first responsibility is of particular importance since Congress presently has no means to determine the nature or scope of Government surveillance activities.

Second, the joint committee will review the intergovernmental relationship between the Federal, State, and local governmental agencies insofar as that relationship involves the conduct of surveillance activities and the sharing of information acquired from such activities. The committee will be authorized to subpena public and private witnesses as well as documents and other evidentiary materials, which are necessary to make this review. The focus of the joint committee's examinations here will be a determination whether any changes are needed in those intergovernmental relationships to protect individual liberties and, if so, whether such changes can be effected through the reorganization of relevant Federal agencies or enactment of laws.

The joint committee will issue reports as often as it deems necessary but in any event at least annually. The joint committee will also make recommendations for legislation concerning the reorganization of the Federal agencies or the reordering of intergovernmental relations if the committee determines that such changes are necessary to safeguard individual liberties from unlawful Government surveillance.

The creation of this joint committee will be a sound response to the numerous proposals from both public and private sources concerning the Government's collection and dissemination of information about a citizen's private affairs. As early as 1965 the Bureau of the Budget, concerned that the Government's informational policies posed serious threats to an individual's privacy, suggested the creation of a single Federal agency to collect and control the distribution of all such information in the Government's possession.

Professor Miller made a similar proposal in his article in the 1969 Michigan Law Review. Professor Miller premised his proposal on the establishment of clear standards to protect an individual's privacy:

> The more attractive alternative [to control the Government's acquisition and distribution of private information] appears to be a data center that is functionally circumscribed and is structured to place a heavy premium on privacy considerations. Prior to establishing such a center, the government's information policies must be comprehensively evaluated in the hope of achieving an over-all balance between the need for massive amounts of raw data that can be handled efficiently and used for a variety of purposes and the obligation of the national government to preserve the privacy of its citizens. Moreover, this evaluation must be a continuing one in order to keep pace with changing agency practices in the collection and use of data.

The HEW report on records, computers, and the right of citizens likewise concluded that the creation of a new Federal agency might be necessary to protect individual privacy against Government acquisition and distribution of information. According to the report—

> The "strongest" mechanism for safeguard [of individual privacy] which has been suggested is centralized, independent Federal agency to regulate the use of all automated personal data systems.

No doubt the joint committee will want to consider the proposals of the HEW report, Professor Miller, and others in determining what legal or structural changes are necessary to protect individual liberty against government surveillance and recordkeeping activities. Whatever proposals it finally recommends, however, the joint committee will provide the first, basic steps toward remedying the dangerous abuses of Government surveillance activities.

IV. CONCLUSION: A STEP TOWARD CONGRESSIONAL OVERSIGHT OF GOVERNMENT SURVEILLANCE ACTIVITIES

We should not underestimate the importance of taking these first steps toward correcting the abuses of Government surveillance. The individual's right to privacy is one of our most cherished liberties. It is fundamental to the concept of democratic self-government where each individual's private thoughts and beliefs are beyond the reach of Government. Without that right to privacy, the individual's freedom is placed in jeopardy. Government then becomes a monster to be feared rather than a servant to be trusted. As Justice Field declared in the 1888 case of In re Pacific Railway Commission:

> Of all the rights of the citizen, few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves not merely protection of his person from assault, but exemption of his private affairs, books and papers, from the inspection and scrutiny of others. Without the enjoyment of this right, all others would lose half their value.

Individual privacy, in short, provides the individual with the freedom to live his own philosophy without fear of retribution or repression by the Government.

The history of the past few years demonstrates that the Government has frequently accorded little respect for individual privacy when conducting surveillance of private citizens. The few examples I described earlier indicate that all too often the Government is willing to tolerate violations of individual privacy in the pursuit of information which it deems useful. As a result, many individuals have been and will be subjected to injustices in the name of government surveillance.

Congress cannot and should not stand idly by while this unjust condition continues to fester. Writing of the liberation of Paris from the Nazis in 1944, Albert Camus observed:

> Nothing is given to men, and the little they can conquer is paid for with unjust deaths. But man's greatness lies elsewhere. It lies in his decision to be stronger than his condition. And if his condition is unjust, he has only one way of overcoming it, which is to be just himself.

It is my hope that Congress will aspire to this standard of greatness and act to correct the injustices of government surveillance activities.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the bill to establish a Joint Committee on the Continuing Study of the Need To Reorganize the Departments and Agencies Engaging in Surveillance.

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

S. 2738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide the Congress with an improved means for formulating legislation (1) involving reorganizations of certain departments and agencies of the United States engaged in the surveillance of individuals for the purpose of assuring the protection of certain rights, and (2) involving the intergovernmental relationship between the United States and the States as such relationship involves the areas of surveillance of individuals and the need to protect such rights, there is established a joint committee of the Congress which shall be known as the Joint Committee on the Continuing Study of the Need to Reorganize the Departments and Agencies Engaging In Surveillance (hereafter referred to as the "joint committee"). The joint committee shall be composed of the following Members of Congress:

(1) the majority and minority leaders of the Senate and of the House of Representatives; and

(2) the ranking majority and minority

members of the Committee on Government Operations, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Commerce, the Committee on Post Office and Civil Service, and the Committee on Armed Services, of the Senate, and the Committee on Government Operations, the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Interstate and Foreign Commerce, the Committee on Post Office and Civil Service, and the Committee on Armed Services, of the House of Representatives.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 2. It shall be the function of the joint committee—

(1) to make a continuing study of the need to reorganize the departments and agencies of the United States engaged in the investigation or surveillance of individuals, including, as a part of such study, the extent and the method of investigation or surveillance of individuals by any department, agency, or independent establishment of the United States Government as such investigation or surveillance relates to the right to privacy, the authority for, and the need for such investigation or surveillance, and the standards and guidelines used to protect the right to privacy and other constitutional rights of individuals;

(2) to make a continuing study of the intergovernmental relationship between the United States and the States insofar as the relationship involves the area of investigation or surveillance of individuals;

(3) to make a continuing study of the collection, processing, analysis, storage, and dissemination of information concerning specific individuals, collected by any department, agency or independent establishment of the United States Government, as it relates to the right to privacy, including the authority and need for such collection, processing, analysis, storage and dissemination, and the standards and guidelines established to protect the right to privacy and the other constitutional rights of individuals and, as appropriate, to protect the confidentiality of the information obtained; and

(4) as a guide to the several committees of the Congress dealing with legislation with respect to the activities of the United States Government involving the area of surveillance, to file reports at least annually, and at such other times as the joint committee deems appropriate, with the Senate and the House of Representatives, containing its findings and recommendations with respect to the matters under study by the joint committee, and, from time to time, to make such others reports and recommendations to the Senate and the House of Representatives as it deems advisable.

(5) *Provided, however,* that nothing in the foregoing provisions shall authorize the joint committee, or any subcommittee thereof, to examine lawful investigative and/or surveillance activities related to the defense or national security of the United States conducted within the territorial boundaries of the United States. For purposes of this subsection, lawful investigative and/or surveillance activities related to the defense or national security of the United States means—investigative and/or surveillance activities carried on by the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, or other organizations or components of the Department of Defense authorized by and in accordance with court decisions, statutes, Executive orders, administrative regulations and other applicable guidelines describing the legitimate activities of those agencies.

(6) Provided further, nothing in this resolution shall give the Joint Committee, or any Subcommittee thereof, jurisdiction to examine any activities of agencies and departments of the United States government conducted outside the territorial boundaries of the United States.

SEC. 3. (a) The joint committee or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpoena witnesses and documents (in accordance with subsection (b)), (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel information, and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(b) (1) Subpoenas may be issued under the signature of the chairman of the committee or of any subcommittee, or by any member designated by such chairman, when authorized by a majority of the members of such committee, or subcommittee, and may be served by any person designated by any such chairman or member.

(2) Each subpoena shall contain a statement of the committee resolution authorizing the particular investigation with respect to which the witness is summoned to testify or to produce papers, and shall contain a statement notifying the witness that if he desires a conference with a representative of the committee prior to the date of the hearing, he may call or write to counsel of the committee.

(3) Witnesses shall be subpoenaed at a reasonably sufficient time in advance of any hearing in order to give the witness an opportunity to prepare for the hearing and to employ counsel, should he so desire. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpoena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House of Representatives, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

By Mr. TOWER:

S. 2740. A bill to amend the Fair Labor Standards Act of 1938 to provide a cost-of-living index increase for certain enterprise and establishment exemptions under that act. Referred to the Committee on Labor and Public Welfare.

FAIR LABOR STANDARDS AMENDMENTS OF 1973

Mr. TOWER. Mr. President, I am today introducing legislation to gear the small business exemption under the Fair Labor Standards Act to the Consumer Price Index. The effect of such legislation would be to apply a cost-of-living escalator to the small business exemption provisions in section 3(s) and section 13 (a)(2) of the Fair Labor Standards Act.

This legislation authorizes the Secretary of Labor to determine whether during the preceding quarter the Consumer Price Index increased by at least 3 percent, and upon an affirmative finding to adjust the small business exemption so as to correspond with the increase in the Index.

This bill is similar to an amendment I offered during the debate on the minimum wage bill earlier in the year. While the amendment did not carry, it did receive significant support, and encouraged me to draft legislation to achieve the same objective as the amendment.

This bill is a modest proposal compared to the amendment I offered. The latter called for an immediate increase in the exemption from $250,000 to $325,000 in gross annual volume sales for a covered enterprise. The intent of the amendment was to increase the exemption so as to take into consideration inflation, dating back since the last time the exemption was amended.

Mr. President, I will only summarize the need for the bill I am offering today since I intend to have inserted the debate on my previous amendment. This legislation is greatly needed by the small business community which has been a forgotten segment of our economy anytime minimum wage legislation is debated. It should be recalled that it has only been since 1961 that the great majority of small businesses were covered by the minimum wage law. Since that time, with an inflation eroding the real value of the dollar, and with the Congress acting to reduce the dollar value of the exemption, the small business community has felt the wrath of a well-meaning but poorly economically conceived minimum wage law.

The end effect has been the closing of small businesses or the layoff of many of their employees. This has encouraged economic concentration, advantaging just those larger business establishments that have little or no problem absorbing minimum wage increases.

Mr. President, I urge my colleagues to give this proposal, which is a modest one, their careful consideration. I ask unanimous consent that the text of the bill and the debate and vote on my

amendment which I referred to earlier be printed in the RECORD at this time.

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

S. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Fair Labor Standards Amendments of 1973".

SEC. 2. The first sentence of section 3(s) of the Fair Labor Standards Act of 1938 is amended by—

(1) striking out the words "and beginning" in paragraph (1) of such section and inserting in lieu thereof "during the period";

(2) inserting after "February 1, 1969" in such paragraph the following: "through the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973"; and

(3) inserting before the semicolon at the end of such paragraph a comma and the following: "and beginning on the effective date of the Fair Labor Standards Amendments of 1973 is an enterprise or a gasoline service establishment whose annual dollar volume of sales made or business done is not less than the amount (exclusive of excise taxes at the retail level which are separately stated) determined by the Secretary under section 4(f)".

SEC. 3. Section 4 of the Fair Labor Standards Act of 1938 is amended by inserting at the end thereof the following new subsection:

"(f) (1) For purposes of this subsection—

"(A) the term 'base quarter' means the calendar quarter ending on June 30, 1972 and every year thereafter:

"(B) the term 'cost-of-living computation quarter' means a base quarter, as defined in subparagraph (A), in which the Consumer Price Index exceeds, by not less than 3 percent, such index in the last prior base quarter; and

"(C) the Consumer Price Index for a base quarter, or a cost-of-living computation quarter, shall be the arithmetical mean of such index for the 3 months in such quarter.

"(2)(A) The Secretary shall determine each year beginning with 1974 whether the base quarter in such year is a cost-of-living computation quarter.

"(B) If the Secretary determines that such base quarter is a cost-of-living computation quarter, he shall, effective with the month of January of the next calendar year as provided in subparagraph (C), increase the amount of the annual gross volume of sales made or business done for the purpose of section 3 (s) and section 13 (a)(2) of this Act by an amount derived by multiplying each such amount by the same percentage (rounded to the nearest one-tenth of 1 percent) as the percentage by which the Consumer Price Index for such cost-of-living computation quarter exceeds such index for the most recent prior base quarter. Any such increased amount which is not a multiple of $100 shall be increased to the next higher multiple of $100.

"(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before November 1 of such calendar year a determination that an increase in the annual gross volume of sales which is less than the the purpose of section 3 (s) and section 13 (a)(2) of this Act is required and the percentage thereof. He shall also publish in the Federal Register at that time a revision of the amount of the annual gross volume of sales made or business done for the purpose of section 3 (s) and section 13 (a)(2) of this Act, and such revised amount shall be deemed to be the amount appearing in such sections."

SEC. 4. Section 13 (a)(2) of the Fair Labor Standards Act of 1938 is amended by—

(1) inserting immediately before the word "or" the last time it appears in such section the following: "during the period ending on the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973"; and

(2) by inserting immediately before the period in such section a comma and the following: "or beginning on the effective date of the Fair Labor Standards Amendments of 1973 such establishment has an annual dollar volume of sales which is less than the amount (exclusive of excise taxes at the retail level which are separately stated) determined by the Secretary under section 4 (f)".

SEC. 6. This Act shall take effect on the sixtieth day after the date of its enactment.

[From the Congressional Record, July 19, 1973]

Mr. TOWER. Mr. President, I call up my amendment No. 376 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, first let me call attention to a printing error in the printed version of the amendment. On page 2, line 9, it should read "(2)" instead of "(12)".

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

"On page 5, between lines 21 and 22, insert the following:

"(2) The first sentence of such section 3(s) is further amended by—

"(1) striking out the words 'and beginning' in paragraph (1) of such section and inserting in lieu thereof 'during the period';

"(2) inserting after 'February 1, 1969' in such paragraph the following: 'through the fifty-ninth day after the date of enactment of the Fair Labor Standards Amendments of 1973'; and

"(3) inserting before the semicolon at the end of such paragraph a comma and the following: 'and beginning on the effective date of the Fair Labor Standards Amendments of 1973, is an enterprise or a gasoline service establishment whose annual gross volume of sales made or business done is not less than $325,000 (exclusive of excise taxes at the retail level which are separately stated)'.".

"On page 5, line 22, strike out '"(2)"' and insert in lieu thereof '"(3)"'."

Mr. TOWER. Mr. President, this amendment would increase the small business exemption for retail and service establishments from $250,000 to $325,000.

It should be noted that prior to 1961 all retail and service firms were exempt from the minimum wage provisions of the Fair Labor Standards Act. In 1961 firms with $1 million or more in gross sales were brought under the law. In February 1967, the exemption was lowered to $500,000 and 2 years after that to $250,000.

In the 92d Congress, the Senate Labor and Public Welfare Committee attempted to reduce this figure to $150,000 but it was deleted from the committee bill by a vote of 91 to 0.

Mr. President, this amendment is very much needed by the small business community in the United States. More than any other sector in the economy it is the small business community that is hurt the most by S. 1861.

There has been a lot of rhetoric in the Congress in the past few years about the evil of "big business" and the need to assist the small businessman and the family farmer. I cannot emphasize the problems which the small business community will face if S. 1861 is enacted in its present form. I introduced my substitute partially because of the terrible effect such a large minimum wage increase would have on small business. S. 1861 will, if enacted, result in closings of many small businesses all over the country, especially in the Midwest, the South, and the Northwest.

The argument put forth for the passage of S. 1861 is that such a large minimum wage increase is needed to restore the purchasing power of employees covered by the Fair Labor Standards Act. The proponents of S. 1861 state that a $2.20 minimum wage is required due to the rises in the consumer price index since the act was last amended in 1966.

The amendment raising the small business exemption to $325,000 is offered on the same theory. Using the Consumer Price Index to calculate the rate of inflation between February 1, 1969, and May 1973, approximately $307,000 would be needed to provide retail and service firms with the same degree of assistance as $250,000 did in 1969. Projecting the rate of inflation for the first 5 months of 1973 over the remainder of the year, this figure would increase to $318,750.

This information is confirmed by the Department of Labor, I ask unanimous consent that a letter from Mr. Benjamin Brown, Deputy Under Secretary for Legislative Affairs to me in response to an inquiry on this matter made by a member of my staff be printed into the RECORD at this time.

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

"U.S. DEPARTMENT OF LABOR,
"Washington, D.C., July 13, 1973.

"Hon. JOHN TOWER,
"U.S. Senate,
"Washington, D.C.

"DEAR SENATOR TOWER: This is in response to a request from Gary Lieber of your staff concerning the $250,000 gross annual volume sales test for enterprise coverage under the Fair Labor Standards Act. Mr. Lieber requested that the $250,000 be inflated to reflect the increase in the Consumer Price Index between February 1969 and May 1973 with the projection ahead to December 1973.

"The Consumer Price Index in February 1969 when the $250,000 enterprise test went into effect was 107.1 and in May 1973 was 131.5. Assuming that the rate of increase for the seven months from May 1973 to December 1973 will be the same as it was for the seven months from October 1972 to May 1973, the projected Consumer Price Index for December 1973 would be 136.6. This assumption does not take into account the current price freeze or the Phase IV control program.

"The percentage increase in the Consumer Price Index of 22.8 from February 1969 to May 1973 and the estimated increase of 27.5 from February 1969 to December 1973 would result in an enterprise test adjusted for these increases of $307,000 in May 1973 and $318,750 in December 1973.

"I hope this information will be helpful. If there is anything further you need please do not hesitate to call me.

"Sincerely,
"BENJAMIN L. BROWN,
"Deputy Under Secretary for Legislative Affairs."

Mr. TOWER. Mr. President, this amendment therefore is totally consistent with the past action of Congress in establishing and maintaining a business exemption under the Fair Labor Standards Act. It offers to the Senate an opportunity to maintain some equity of treatment for the small businessman. Surely, failure to adopt this amendment will represent a clear message to the small business community that we do not care about them despite our rhetoric to the contrary.

THE EXEMPTION IS CONSISTENT WITH CONGRESSIONAL POLICY

Over the last few decades Congress has recognized that small independent business has distinct problems and faces some forms of competitive disadvantage vis-a-vis the large

corporations in the country. This extends to areas such as financing, advertising, and access to specialized talent and expertise. The Small Business Administration, the Senate and House Select Committees on Small Business and special considerations and exemptions, like the one contained in the Fair Labor Standards Act, represent congressional recognition of and action to rectify these inequities.

Unless my amendment is approved, I fear that the disadvantages small businesses face in the economy vis-a-vis larger establishments will widen greatly, resulting in that type of economic concentration that many Members of Congress feel has already reached an intolerable level.

INCREASING THE EXEMPTION WILL MAINTAIN JOBS

I feel that increasing the exemption will maintain jobs. Most small retail and service firms are labor intensive, making the effect of an increase in the minimum wage relatively large. Economic theory suggests that small firms will use less of the factors of production that become relatively more expensive, indicating that it might become difficult for some workers, especially part-time and the unskilled, to hold their jobs.

In support of this point, witness the results of a survey conducted by the National Federation of Independent Businessmen which shows that almost half of the businesses between $200,000 and $400,000 would reduce their labor force or the man-hours of its employees if they were required to increase the minimum wage to $2 or $2.20 an hour. Significantly, the firms that indicated that they would react by reducing their work force, also reported that over 20 percent of their cutback would impact on heads of households.

INCREASING THE EXEMPTION WOULD EASE THE INFLATIONARY IMPACT OF A RAISE IN THE MINIMUM WAGE

The labor-intensive nature of most small retail and service firms, which are rarely in a position, because of a lack of capital, to take advantage of laborsaving techniques, suggest that they would either have to reduce their work force or raise their prices to compensate for an increase in the present minimum. In fact, most could be expected to raise their prices even if many of them were in a position to reduce their employee payrolls.

To appreciate the impact of this action on consumer prices, we must keep in mind that these small businesses are at the end of the production and marketing chain and must deal with their increased labor costs on their own. If they are forced to increase their prices proportionally, these increases will show up immediately in the Consumer Price Index, adding to inflation and wiping out gains made by those marginally and unskilled workers who directly benefited by the minimum wage increase.

Increasing the small business exemption would tend to ease this inflationary pressure. It would give these firms more time to search for alternative solutions and possibly enable them to actually absorb more of the increase.

IMPACT ON SMALL BUSINESSES IN RURAL AREAS

While I believe this amendment is a positive response to the economic difficulties which affect small business in all areas of the country, I believe it has special significance for rural America. The committee bill is based on the premise that there exists no economic differences based upon geographical classification in the country. It is simply not true that the economies of New York City and south Texas are relatively of equal character, let alone that they have any similar qualities at all. I know for a fact that many small businesses in the rural parts of Texas will have no alternatives at all if S. 1861 is enacted. The amendment I now propose at least gives many of these retail and service firms a chance of survival.

In summary, Mr. President, this amendment is based upon last year's unanimous endorsement by the Senate of the small business exemption under section 3(s) of the Fair Labor Standards Act. All it does is update the exemption in accordance with the Consumer Price Index—the same theory utilized by the proponents of S. 1861 for increasing the minimum wage by 37 percent.

It is an amendment seeking only equity in treatment for small businesses and moderate in the sense that it is only based upon increases in the Consumer Price Index from 1969 to 1973, instead of making the amendment in the CPI in 1974 when the $2.20 minimum wage under S. 1861 would go into effect.

I hope that the Senate has considered what I have said and will approve the amendment. I think our failure to approve it, Mr. President, would be tantamount to reducing the small business exemption, because the exemption as it now stands in reference to 1969 dollars, so to be completely equitably we must follow the same theory that we follow in raising the minimum wage 37 percent by allowing the same 37-percent increase in the exemption for small business. To fail to do so would be to actually endorse what the Senate unanimously rejected last year in the attempt to reduce the exemption to $150,000.

I urge the adoption of my amendment.

Mr. JAVITS. Mr. President, I yield myself such time as I may require in opposition.

Mr. President, there are two central themes to the amendment. One is the central theme that we are only maintaining the exemption at its parity in depreciated dollars, and the second theme is that it is a necessary acknowledgment of differences in economic circumstances between small business establishments in different parts of the country.

The Senator from Texas (Mr. Tower), if I got his words exactly, said, "We have the mistaken idea that there exists no economic differences," were his words, "between New York and, for example, the rural parts of Texas."

To answer that, first, we understand very well that there are those economic differences. That is why this minimum is not $3 or $3.50.

Mr. TOWER. Mr. President, will the Senator yield for a point of clarification?

Mr. JAVITS. I yield.

Mr. TOWER. What I said was that the bill apparently proceeds on that premise. I am not saying anyone automatically makes that assumption.

Mr. JAVITS. I appreciate that, but the bill does not proceed on that premise. We have established a national minimum which is the limit of decency and humanity. That is really what it comes down to, as far as we can see. If we were establishing a minimum, I suppose, for New Jersey or the industrial areas of New York, Michigan, Pennsylvania, or any other major State of the kind mentioned in the argument, we would set the minimum at what would be a realistic minimum, to wit, $3 or maybe more, based upon the requirements of living in those areas. But we are setting a national minimum precisely because we are selling a standard of decency, and we are setting a standard below which we do not want competition among States or among establishments.

So it seems to me, Mr. President, that that answers that argument. Our minimum must be tested by the base floor on a national level, no matter where it applies, and we believe that there we have sustained the burden of proof, and that it measures up.

Now, as to the particular fears involving small businesses: There is a $250,000 limit in terms of the applicability of the Fair Labor Standards Act to small businesses. There was strong sentiment in our committee to bring that down. It has been brought down progressively in earlier years. It was $1 million; and it is now down to $250,000. Mind you, we started way up, which would easily have taken account of the inflation Senator Tower speaks of, but we have been bringing it down and down and down, because we believe workers in small businesses are also entitled to protection, and there are millions of workers involved. This little old amendment of Senator Tower's will, the Labor Department advised us this morning, take 750,000 people out of the protection of the minimum wage, if the amendment passes—not put new ones in, but take them out. I doubt very much that Congress wishes to go that route.

So as I say, there was a lot of sentiment in the committee, Mr. President, to bring this figure down farther. It had been progressively reduced, and there was strong sentiment to bring it down to $150,000 as the new limit for a small establishment which would not be subject to the act. But that was rejected on the very ground Senator TOWER speaks of, to wit, that inflation really meant we were accomplishing, in substance, about what we wanted to accomplish, by keeping the figure at $250,000. That will obviously be nullified, Mr. President, if we adopt this amendment.

Interestingly enough, I have examined the letter which Senator TOWER has submitted on which he bases his figures, and I must say I find one interesting point in it. That is, the letter says that the estimate of the Department of Labor of the increase in the consumer price index for February 1969, which is the last time for which they have the figures, to December 1973, will be something in the area of 27 percent. It was 22.8 percent from February 1969 to May 1973. But it is estimated to be 27 percent instead of 22 percent. In short, an absolute rise of 5 percent in the intervening 7-month period. That is strictly an extrapolation but it bears on the figures.

The $325,000, is something like $18,000 in excess of the last ascertained figures is, according to this letter, $307,000 as the translation in May 1973, terms of the $325,000 figure. I only mention that because, obviously, the amendment has been pitched in the utmost upper range—to wit, well in excess of the Department of Labor estimates of the increase in the Consumer Price Index for December 1973.

But, Mr. President, the objection to the amendment, as I say, goes deeper. In summary, one, it takes three-quarters of a million workers out of minimum wage rather than putting new ones in. I cannot conceive of the Senate's doing that. Second, it fails to take into account the fact that we intentionally did not reduce the $250,000 figure, because we were giving a discount, as it were, to inflation. Third, because the absolute minimum we are setting, which will bind the retailers, is the national minimum conditioned on the lowest rather than the highest order of magnitude of what is necessary for a human being to survive in the country. Therefore, the disparity in the relative cost of living in different areas of the country has already been taken fully into account in bringing out this bill.

Also, my assistant reminds me that as this is on workers first covered in 1966, the rate of increase of the minimum wage goes up more slowly for them. It is $1.80 immediately and then it is $2 and $2.20. There is a year's lag for those particular workers. We feel that every equity has already been recognized in the bill.

For those reasons, Mr. President, I hope that the amendment will be rejected.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield me some time?

Mr. TOWER. I yield to the Senator from Colorado such time as he may need.

Mr. DOMINICK. Four minutes will be enough.

Mr. TOWER. I yield 4 minutes.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Colorado is recognized for 4 minutes.

Mr. DOMINICK. Mr. President, I rise in support of the amendment of the Senator from Texas. We discussed this in committee, and I got the general impression that the distinguished Senator from New York and the distinguished Senator from New Jersey are really in favor of putting everyone under the minimum wage regardless of the size of the business involved. We retained the $250,000 enterprise test in committee, but that does not mean we have accomplished what the Senator from Texas wants.

Let me get into this a little bit.

Since almost any firm grossing less than $500,000 is eligible for assistance under Small Business Administration guidelines, there is little doubt that small businesses are, indeed, what we are talking about and what the Senator from Texas is talking about. The importance of this sector of the economy can hardly be overestimated.

There are approximately 5.4 million small businesses in this country, accounting for 95 percent of all businesses, close to 50 percent of all employment, and roughly 40 percent of the gross national product.

A reduction in 1966 of the enterprise sales test from $1 million to its present level of $250,000 per year extended minimum wage overtime coverage to about 649,000 smaller firms. The last minimum wage increase for employees of those newly covered firms—at $1.60 per hour—went into effect only on February 1, 1971. Under the committee bill, they would be required to pay their lowest paid employee $2.20 per hour a little more than 2 years after enactment.

This is an extraordinary high increase in just 2 years.

Inflation alone has already extended coverage to firms actually considerably smaller than those to which coverage was initially extended by the 1966 amendments, even though we have kept the $250,000 phase-in program.

Since the Consumer Price Index has increased 31.5 percent since 1967, a firm which grossed $250,000 in 1967 would gross $328,750 in 1973, without any real growth in sales at all. To put it another way, a firm which grossed $250,000 in 1967 is equivalent in size to a firm which grosses $171,750 in 1973.

The point is that if Congress retains the present $250,000 test for coverage of small business employees, inflation itself would operate soon enough to extend the coverage clear down to the "mom and pop" size firms.

That is really what the Senator from Texas is talking about. It is also what I am talking about. I have a great deal of difficulty, for example, in saying that the $250,000 enterprise test does not apply where one manufactures or produces any of his own products. So that a firm which is making, we will say, $50,000 in sales making ice cream and sells it to kids outside an amusement park, or whatever, would have to go under the minimum wage.

This makes absolutely no sense to me at all. I just cannot understand it. It would seem to me that although the amendment of the Senator from Texas does not hit that particular problem, if we could reach the problem of inflation with his amendment, we could then go on and do something about that other provision in the bill which is highly unacceptable insofar as most Senators are concerned, particularly if they have listened to this debate which, because of their other work, they are unable to do.

There is one other thing which I think is of interest in the committee bill, and I am very glad that the Senator from New York brought it up, and that is that for the first time we have been able to get all classifications of workers on the same plane with the new bill as opposed to the substitute which we put in which was defeated yesterday. We are splitting them again and saying to those under the 1966 coverage that they are second-class citizens because it will be 2 years before they catch up again. That makes no sense to me at all. If we are going to have them on the same plane now, why raise one group more than the other because they happened to be covered earlier? That makes no sense at all to me. But that is what the bill does.

So, all I can say is, we continue to hit this piecemeal to try to correct some of the defects. One of the things that can be corrected equitably and well would be adoption of the amendment of the Senator from Texas.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I just yield myself whatever time I may need. On the point the Senator from Colorado (Mr. DOMINICK) just made, that the bill does not treat all employees, those covered before and after 1966, the same, I might say that that has been the whole concept of minimum wage. We have always given the opportunity to agricultural employers, who are still behind the parade and also we have done it with respect to Puerto Rico, and we have done it, obviously, to retail and service employers, who were brought under the Act as one of the big changes in 1966. So there has been a traditional phase-in to give an opportunity so that that progress could be made.

I may say, too, that though I do not worship consistency, it is hardly consistent to make an amendment to raise the small business exemption and then to complain about the fact that we are giving small business a break. Be that as it may, the rationale for our action is the fact that traditionally this is the way in which the minimum wage structure and minimum wage legislation are adopted.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. It is true, is it not, that all people who are now covered by minimum wage, prior to this bill, are now on the same minimum wage rate?

Mr. JAVITS. Except for agriculture. That has not yet caught up. All others are at the same rate. We have not raised the minimum wage for a rather long period of time.

Mr. DOMINICK. But at the moment they are on the same wage rate.

Mr. JAVITS. That is correct.

Mr. DOMINICK. Under the committee bill, that is changed, and two classes are created again, not just the newly covered but also the ones who have been previously covered.

Mr. JAVITS. We do not believe that we violate the principle we have always followed, which is to give an opportunity for the catch-up, which we are doing in respect of these small business establishments.

Mr. DOMINICK. This is not a catch-up in that respect. One group is just being raised more than another. If we were applying the differential to the people who are newly covered under this bill, that might be one thing, but we are not doing it.

Mr. JAVITS. We believe that this gives the bill an attractiveness because it is in accordance with the policy we have followed. I realize that the Senator does not like what we have done, and naturally he would like us to do something perhaps a little less attractive; but in this respect, so far as Senator WILLIAMS and I are concerned, we will not.

Mr. WILLIAMS. Mr. President, the net effect of this amendment, unbelievably, would take out from coverage under the minimum wage provisions of the law 750,000 workers. Close to 1 million workers would lose the protection if this amendment should prevail. Certainly, that is not what the Senate should be doing at this date.

I yield back the remainder of my time.

Mr. TOWER. Would the Senator from New Jersey like to reserve the remainder of his time?

Mr. WILLIAMS. I have yielded it back.

Mr. TOWER. Mr. President, it should be noted that S. 1861 removes the exemption for retail and service establishments that have gross sales under $250,000, but which are part of a chainstore operation. The reasoning for this exemption is that these stores are vital to their individual communities and that the repeal of the exemption would have the effect of encouraging the chains to consolidate.

I do not support the repeal of this exemption. I think that it will further erode the position of small business in our economy. However, my amendment increasing the small business exemption does not strike the chainstore repeal language in the bill. It affects only the gross sales enterprise exemption under section 3 of the act.

During last year's debate on the amendment to retain the $250,000 exemption by the Senator from Vermont, Mr. STAFFORD, the distinguished chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS, made the important point that with the inflationary forces at work, the small business gross sales exemption was being reduced without Congress taking any affirmative action on it. On the small business exemption, he made the following point:

"We all know the struggles of small business, for a variety of compelling economic reasons. I have come to the point where I regret some employees will not be covered whom I would like to see covered but, on balance, this is, I believe, a wise answer and is in the best interests of the country."

I think those were words of great sagacity on the part of the Senator from New Jersey, and they are as true today as when he spoke them last.

The amendment I have proposed today is consistent with this responsible statement by the distinguished chairman. Taking inflation into mind, the small business gross sales exemption is equivalent to only $193,000 in May 1973 dollars and will be worth only $181,000 by the end of this year.

This amendment is designed to assist the mom-and-pop stores in our communities. Unless these small businessmen and businesswomen are given the relief called for in this amendment they will certainly not be able to compete with the much larger enterprises. I do not think the Senate wants to go on record as increasing economic concentration at the expense of the small business community.

Mr. President, the principal objections to the minimum wage bill do not come from big business. They come from small businesses. I have not had one big business or big businessman complain to me about the minimum wage. It has always been the small businessman. We are seeking to punish him now by in fact reducing his exemption from the effects of this bill.

We talk a great deal about small business; we have all sorts of legislation designed to help small business. We are now getting minorities into the mainstream of American business, through the Office of Minority Business Enterprise. We are punishing these ethnic minorities that are just coming into the mainstream of American business by making them liable to the provisions of this act.

So let us just note that in spite of all we are doing for small business, we are engaging in the hypocrisy of reducing their exemption so far as the applications of this minimum wage bill are concerned. Believe me, it is going to result in unemployment. I have already seen it happen with previous minimum wage legislation. Small businesses are going to close; more people are going to be unemployed.

There seems to be somewhat of a relationship between the minimum wage in various sections of the country and the unemployment rate. The minimum wage in New York

is $1.85; in Texas, it is $1.40. We have 2 percent less unemployment in Texas than in New York.

Of course, the cost of living is much lower in Texas, and the people who make these lower wages probably live as well as the people who make higher wages in the more congested areas of the country.

But things are not similar, and I do not think we should paint small business with the broad brush of the $250,000 exemption, which is going to work in extensive hardship on small business in my State and in other States, and it is going to result in more unemployment.

I am glad the unemployment rate in my State is 2 percent below the national average, and I want to keep it there. Therefore, I believe this small business exemption should be raised in terms of 1973 dollars.

Mr. WILLIAMS. I yield myself a couple of seconds on the bill.

Mr. President, what I said last year was in response to an effort by the Senator from Vermont to amend the bill that was before us which had $150,000 as the test. The Senator from Vermont wanted to return it to the level of law, to amend the bill to bring it back to $250,000, which was the level of the law. My hope, as I introduced the bill last year, was that we would reach out and bring more under coverage. I recognize that that was not to be last year.

But the arguments then, about going back to $250,000, was quite different from the arguments now, when, by this amendment, we would reach out and say to almost a million people that we are going to take the protections of the law away from them.

I appreciate the reference to last year, but it certainly does not apply when you are taking coverage away, and that was not what we were doing last year.

Mr. TOWER. This expressed my thought, but I wanted to give credit to the author of the thought, the Senator from New Jersey, who has said many wise things on this floor. I think he enunciated what might be called an eternal verity when he made that statement. I have often followed his leadership, and I am glad to follow it in that particular instance.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Texas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Alaska (Mr. STEVENS) is absent by leave of the Senate on account of illness in his family.

The result was announced—yeas 37, nays 61, as follows:

[No. 304 Leg.]

YEAS—37

Baker, Bartlett, Bennett, Brock, Buckley, Byrd, Harry F., Jr., Church, Cook, Cotton, Curtis, Dole, Domenici.

Dominick, Eastland, Ervin, Fannin, Fulbright, Goldwater, Gurney, Hansen, Hatfield, Helms, Hollings, Hruska, Long.

McClellan, McClure, McIntyre, Packwood, Roth, Saxbe, Scott, Pa., Scott, Va., Stafford, Thurmond, Tower, Young.

NAYS—61

Abourezk, Aiken, Allen, Bayh, Beall, Clark, Cranston, Eagleton, Fong, Gravel, Griffin, Hart, Hartke, Haskell, Hathaway, Huddleston, Hughes, Humphrey, Inouye, Jackson, Javits.

Bellmon, Bentsen, Bible, Biden, Brooke, Johnston, Kennedy, Magnuson, Mansfield, Mathias, McGee, McGovern, Metcalf, Mondale, Montoya, Moss, Muskie, Nelson, Nunn, Pastore, Pearson.

Burdick, Byrd, Robert C., Cannon, Case, Chiles, Pell, Percy, Proxmire, Randolph, Ribicoff, Schweiker, Sparkman, Stevenson, Symington, Taft, Talmadge, Tunney, Weicker, Williams.

NOT VOTING—2

Stennis, Stevens.

So Mr. TOWER'S amendment (No. 376) was rejected.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. WILLIAMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

By Mr. BROCK:

S. 2741. A bill to provide for an investigation of the character and past activities of potential Vice-Presidential nominees by the Federal Bureau of Investigation. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, as everyone knows, we will soon be voting on the confirmation of a new Vice President. Events of the past 15 months amply demonstrate the need to take a hard look at the methods by which a Vice President is chosen.

When we examine both history and current events, we see that there is a vast difference between the scrutiny that a potential President and a potential Vice President receives. Normally, a man who desires the office of President of the United States must receive a great deal of publicity if he hopes to even have a chance of being elected. During the time period between a potential President's name being mentioned as a possible candidate and his actual nomination, the candidate is subjected to intense examination by the press and the general public. This examination keeps a Presidential candidate constantly in the public eye. Such scrutiny has often resulted in a candidate's withdrawing from the Presidential race.

This is not true of a potential Vice President, however. Under the present method of choosing the Vice President, the candidate who is selected is more often than not relatively unknown to the public. This means that a Vice-Presidential candidate virtually never receives the scrutiny that a Presidential candidate receives. Often, less than 24 hours passes between the time of a Presidential candidate's nomination and a Vice-Presidential candidate's nomination. Adequate investigation is impossible under such circumstances.

Today, I would like to introduce a bill which will eliminate many of the problems created by the present system of choosing the Vice President. This bill would allow, but not require, Presidential candidates with a reasonable chance of winning the nomination to submit the names of up to 10 possibilities for Vice President to the FBI. Reasonable chance of winning means that a candidate either has 10 percent of the delegate votes, or is among the top three contenders.

The investigation of the contenders shall consist of the normal procedures used for a top-secret clearance. The results of the investigations shall be released only to the winner of the Presidential nomination and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records at all times.

An FBI agent would serve as custodian of the records. After the selection of the Vice President by the party convention, all investigation reports including the investigation of the Vice-Presidential candidate shall be destroyed. It will be a Federal offense of up to 5 years imprisonment and a $50,000 fine for unlawful disclosure of the results of any investigation.

Mr. President, this bill I am introducing will provide the means to prevent the recurrence of events such as the ones of this past 15 months. The investigations provided for by this bill should determine the fitness of the man who, if elected, would be a heartbeat away from the Presidency. At the same time, this bill forbids the leaking of information about the people being investigated, and thus it safeguards their rights of privacy.

SALIENT POINTS OF BILL

First. At the conclusion of the final Presidential primary of final nominating convention, but in any case at least 1 month prior to the party convention, those candidates with at least 10 percent committed delegates at that time, or the top three contenders, shall have the right to submit to the FBI the names of not more than 10 persons to be investigated for the office of Vice President.

Second. The investigation shall consist of the normal procedures used for a top secret clearance.

Third. These investigations shall be released only to the winner of the Presidential nomination, and only with the written consent of the person investigated. Also, only the Presidential candidate himself and one other staff member chosen by the Presidential candidate may view the records, and at all times, there shall be an FBI agent present as custodian of records.

Fourth. After selection of the Vice President by the party convention, all investigation reports including the investigation on the Vice-Presidential candidate shall be destroyed.

Fifth. It shall be a Federal offense of up to 5 years imprisonment and a $50,000 fine for unlawful disclosure.

By Mr. JACKSON (for himself, Mr. BIBLE, Mr. CHURCH, Mr. METCALF, Mr. JOHNSTON, Mr. ABOUREZK, Mr. HASKELL, Mr. NELSON, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. BUCKLEY, Mr. MCCLURE, Mr. BARTLETT, and Mr. MATHIAS):

Senate Joint Resolution 175. A joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1974, as "National Historic Preservation Week." Referred to the Committee on the Judiciary.

Mr. JACKSON. Mr. President, I am introducing for appropriate reference a

joint resolution to designate the week of May 6, 1974, as National Historic Preservation Week.

Earlier this Congress I, together with the distinguished Senator from Nevada and Chairman of the Parks and Recreation Subcommittee (Mr. BIBLE) and the distinguished Senator from Maryland (Mr. MATHIAS), introduced similar legistion for 1973; and the results have been most gratifying.

The National Trust's sponsorship of the first Historic Preservation Week was, by all accounts, a major success. Hundreds of preservation-related activities were sponsored throughout the week by scores of member organizations—from as near as Washington to as far as Guam.

Mr. President, I feel that it is necessary that the American people give heightened attention to the preservation of the towns and villages, the buildings and places across the land which have shaped our lives and which are the tangible evidence of our past as a people.

In acknowledgment of the significance of historic preservation to our country today and in the Bicentennial era immediately before us, I consider this measure particularly appropriate in light of the dramatic growth in public interest in historic preservation in recent years.

The selection of the week of May 6 is designed to coincide with the national awards presentation of the National Trust for Historic Preservation.

ADDITIONAL COSPONSOR OF A BILL

S. 2559

At the request of Mr. SCHWEIKER, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 2559, the Domestic Food Price Impact Statement Act of 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 173

At the request of Mr. MCINTYRE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 173, directing the Securities and Exchange Commission to examine its rules and regulations and make such amendments as may be appropriate in order to reduce any unnecessary reporting burden on broker-dealers and help to assure the continued participation of small broker-dealers in the U.S. securities markets.

FAIR CREDIT REPORTING ACT AMENDMENTS OF 1973—AMENDMENT

AMENDMENT NO. 703

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. BIDEN. Mr. President, I am today submitting an amendment to S. 2360 that would require, in clearly defined circumstances, automatic disclosure of investigative consumer reports to the individuals on whom they were prepared. The purpose of the amendment is the same as that of the Fair Credit Reporting Act, which S. 2360 seeks to strengthen. The explicit protections for consumers go beyond both the act and S. 2360 but I think they are necessary both to insure the correction of inaccurate or misleading information in investigative reports and to guarantee the fundamental right of privacy of the individual.

The amendment would apply only to "investigative consumer reports," which are written by consumer reporting agencies on the basis of personal interviews with the subject's neighbors, or acquaintances or anyone "who may have knowledge" of the consumer's "character, general reputation, personal characteristics, or mode of living." These reports are prepared unsystematically, and may contain allegations about the most personal aspects of an individual's life. The veracity of the person interviewed or the accuracy of the information supplied may never be double checked.

I have copies of actual reports that were randomly selected from the files of the Federal Trade Commission and forwarded to me with the names of the reporting agency and all individuals deleted. While I do not know the purpose for which any of these reports was prepared, knowledge of that purpose is not necessary. Once a report is drafted, it can be, and is, used for any of the purposes for which information may be requested. I expect that you will find these documents as startling and revealing as I did. Indeed, I believe that the structure of the reports, the questions they ask and the responses they permit, vividly illustrate the need for my amendment.

Unfortunately, because such unverified and unverifiable reports may contain false allegations, they may cause a specific individual substantial harm. More generally, events of recent years have convinced me that our fundamental freedoms are ever more seriously jeopardized by secret invasions of personal privacy, however accomplished. I profoundly believe that individuals have the right to control their own destinies. That right is meaningless, however, if a person can lose a job because of false information that he had no chance to correct. As a nation we value the integrity of the individual; our laws must safeguard that integrity.

The best way to correct the injustice that may result from the investigative procedures I have described is to provide citizens with a practical means to protect themselves. To do this, I propose to give everyone the opportunity to correct any misinformation in his consumer report before it is sent to a third party, before the damage is done. Requiring the investigative agency to make prior disclosure to the consumer is the ounce of prevention that will be worth infinitely more than a cure that will frequently, if not always, come too late.

Although no hard data is available to chart the use of these reports, I understand substantial numbers of them are prepared each year. I have taken into account the burden that providing this protection will impose, and have, therefore, called for disclosure only in those cases where misinformation is most likely to cause irreparable harm. The most acute problems arise in employment situations, which represent a small minority of the cases for which these reports are prepared. According to the testimony on S. 2360 given by the Nation's largest investigative reporting company, which furnishes approximately 20 million investigative consumer reports annually, only 9 percent, or 1.8 million, are furnished for employment purposes.

While investigative reports are most commonly used for credit and insurance purposes, in those cases the consumer is given an adequate chance to correct misinformation in the present legislation and in the additional procedures in S. 2360. Although credit and insurance may be subsequently reinstated when the misinformation is corrected, once a job is lost because an employer relied on false statements, it is almost certainly gone forever. Another job might be secured at a later date, but each position is unique and no one should be denied a unique opportunity because of false reports. Because few things are more important than a person's job, I believe that consumers are entitled to the additional protection that my amendment will provide.

However, to further focus the amendment, I have limited the applicability of its disclosure procedure to cases of "adverse" information. This term is presently incorporated in the Fair Credit Reporting Act and I intend that it be broadly construed in the context of this amendment in order to give individuals the maximum possible protection. The procedural requirements of the amendment might be superfluous if a report reflected favorably on a person's character, but I strongly believe that when the information is potentially damaging to an individual's chances for employment, the harm that may result from misinformation is so great that the need for added protection clearly outweighs any burden that might result from disclosure.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

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

AMENDMENT NO. 703

On page 2, line 13, before "A person" insert "(a)".

On page 2, line 24, strike out the quotation marks and the period at the end of the line.

On page 2, after line 24, insert the following:

"(b) If an investigative consumer report contains information which may be adverse to the consumer to whom it relates, a consumer reporting agency may not furnish that investigative consumer report to any third party for employment purposes unless, at least 5 business days prior thereto, such agency mails or otherwise delivers without charge a copy of such report to the consumer to whom it relates, except that any medical information contained in the report shall be deleted and the consumer shall be advised of the existence of such information and of his right to have such information furnished to a licensed physician of his choice.".

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 704

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

Mr. PELL submitted an amendment in the nature of a substitute to amendment No. 651, intended to be proposed to the bill (H.R. 11104) to provide for a temporary increase of $10,700,000,000 in the public debt limit and to extend the period to which this temporary limit applies to June 30, 1974.

AMENDMENTS NOS. 705, 706, 707, 708, AND 709

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

Mr. McGOVERN. Mr. President, I send to the desk five amendments to the Campaign Reform Amendment (No. 651) to the debt ceiling bill (H.R. 11104) and ask that they be printed.

These five suggestions are based upon the experience of the McGovern campaign last year in raising more than $25 million largely in small contributions. They are designed to strengthen the intent of this legislation to remove the influence of special interest money in political campaigns and to encourage future candidates to finance their campaigns by appealing for the support of many individual citizens. For simplicity's sake I refer to amendment No. 651 as "the bill" and to my amendments as "amendments."

MATCHING SMALL CONTRIBUTIONS

The first of these amendments would alter the ratio for matching small contributions with Federal funds in Presidential primary elections from 1 to 1 to 2 to 1. For the first $100,000, the ratio would be 3 to 1.

The purpose of this amendment is to put the candidate who seeks small contributions on an equal footing with the one who seeks large contributions. It would also provide the necessary "seed money" to commence the costly effort to raise small contributions. My amendment would retain the requirements that a candidate raise $100,000 in small contributions before he or she is entitled to matching funds. It would also permit matching only for the first $100 of each contribution.

Under the provisions of the bill, a candidate may opt for a strategy of seeking $15 million in $3,000 contributions from larger interests and wealthy individuals without seeking any small contributions at all. Thus, the bill would not achieve the kind of gross financing which is desirable.

Unfortunately, the candidate who sought small contributions from the people would have difficulty in competing with the fat cat candidate. Raising small contributions is an extremely costly and difficult operation. Many months and much effort are required to develop the lists. And the costs for direct mail may run between 25 and 33 percent of the money raised.

Raising small contributions for Presidential primaries is much more difficult than for the general election. In the case of the McGovern campaign, we raised something over $3 million in small contributions in the primaries and more than eight times that amount for the general election. Our experience indicates that, under the proposed bill, no candidate, no matter how good the fundraising operation, would be able to rely exclusively on small contributions.

An equality between these different kinds of candidacies can be achieved by matching small contributions on a ratio of 2 to 1 with Federal funds.

In addition, this change would create a strong incentive on the part of a candidate to seek small rather than special interest contributions. The candidate would know that he or she could raise the major part of the needed funds by going directly to the people. My judgment is that a candidate who was certain of the ability to do so would be less likely to incur the taint of special interest contributions. On the other hand, unless the change I propose is made, the candidate who sought to rely primarily on small contributions would ultimately raise much less money than the one who concentrated on large contributions.

The key to raising small contributions is to plow back into fundraising as much of the initial profits as possible. The problem the bill creates is that the candidate who sought small contributions would have to allocate much of the early profits to other campaign activities which in the past have been initially financed by a few large loans and contributions which the amendment would make unlawful. Thus, for technical reasons the effect of the bill will be to make raising small contributions more difficult than it has in the past.

The provision for matching the first $100,000 on a 3-to-1 basis would give the candidate the necessary seed money to develop a good small contribution fundraising operation. The initial profits from mail or media appeals could be reinvested in those efforts while the matching funds could be used to finance the other costs of the candidacy.

BANK LOANS

The second of these amendments would set a $250,000 ceiling on the amount of funds a Presidential candidate might borrow from national or State banks at any one time. In the case of congressional campaigns, the ceiling would be limited to $50,000.

The bill adopts the definition of contribution contained in title 18 of the United States Code, section 591(e), which includes loans. Since it is unlawful under other provisions of law for a corporation to make a political contribution, bank loans were specifically excepted from this definition. And since existing law does not limit the amount of campaign contributions, it has not been necessary to limit the amount of funds a candidate may borrow from banks.

The reason for setting a ceiling on the amount a candidate may borrow from banks is to insure that the candidate who is independently wealthy, or has an extremely productive small fundraising effort, does not obtain an unfair advantage over less fortunate competitors. An equally compelling reason is to avoid even the appearance of favoritism on the part of lending institutions toward one candidate or one political party. Under the terms of my amendment a candidate could borrow from banks up to the ceiling amount at any time. Borrowed funds could, of course, be repaid and further loans negotiated as needed.

LIMIT ON FAMILY GIVING

The present text of the bill limits individual contributions to $3,000 per candidate with a $25,000 ceiling on contributions to all candidates. The bill also makes indirect contributions unlawful.

During the debate on S. 372, a provision applying similar ceilings to families was deleted principally because of potential conflict among family members concerning the candidate to whom contributions should be given. While it was generally recognized that a vague prohibition on indirect contributions could lead to the abuse of a four-person family contributing what was in reality one $12,000 contribution to one candidate, it was felt that this potential abuse was not as serious as the family strife such a ceiling would cause.

The amendment I am proposing would prevent that abuse without causing family strife. It would limit the amount a husband, wife and their minor children might contribute to any one candidate and at the same time retain the $25,000 limit which each family member might contribute to all candidates. Thus if a husband, wife and their children each wanted to contribute to the same candidate, they could make a joint contribution of $3,000. But if each supported a different candidate, they could each give $3,000 to the candidate of his or her choice.

INCREASED TAX CREDIT

The bill would provide an additional incentive to small contributions by doubling the amount of the tax credit and deduction permitted under present law.

The fourth amendment I am offering would increase the present 50 percent tax credit to a full 100 percent credit. The purpose of this change is to put the worker or farmer in the lower tax brackets on an equal footing with higher bracket taxpayers.

In addition, this change would provide a substantially greater stimulus to small contributions. Middle and lower income taxpayers form the bulwark of any effort to raise small contributions. For many, particularly in this time of record inflation, a $25, $50, or $100 contribution means that they will be forced to cut their already overstretched budgets in some essential area. So by providing a full tax credit to the small contributor we will not only treat all taxpayers equally, we will also greatly increase the numbers of persons who are likely to contribute.

I view this change as extremely important to the purpose of the bill in seeking to encourage a candidate to rely on small contributions. For unless we insure that the people are likely to contribute, we run the risk of legislating a desirable goal which is impossible to fulfill.

DEFINITION OF PRESIDENTIAL ELECTION

The last amendment I am offering is essentially a clarification of an ambiguity in the present definition of a Presi-

dential election. Because of the possibility that the Constitution may be amended to provide for the direct election of the President, the definition should be clear that a person who has received a political party's nomination is a candidate for purposes of the bill whether or not the candidate has pledged electors in individual States.

In conclusion, Mr. President, I would like to take a few moments to explain why I support this bill even though I have not joined in sponsoring it.

One of the ironic consequences of the Nixon campaign was that it demonstrated more eloquently than the words of any reformer how a political campaign should not be financed. The $60 million Nixon-Agnew war chest was accumulated largely from wealthy individuals and special interest groups.

I do not know whether Mr. Nixon's fundraisers systematically shook down large corporations or accepted contributions in return for special treatment, as some of those contributors have charged. But I do know that it seems that way to many Americans who have seen corporate profits soar at three times the cost of living and oil companies increase their profits because of the energy crisis, in one case by 91 percent.

Most business executives, like most politicians are in Mark Anthony's phrase "honorable men." But because of the Nixon campaign abuses, the corrupt exception is perceived by many as the general rule.

The McGovern campaign, despite some mistakes, demonstrated what the experts doubted—that a campaign could be financed by small contributions without relying on special interest money.

I support this bill because it represents a first, good effort to build on that experience. If adopted, future campaigns would escape the charges of corruption which now cripple the present administration.

However, I have not joined in sponsoring this bill because I disagree with some aspects of the legislation. My principal disagreement concerns the failure to regulate House and Senate primary campaigns. This omission strongly favors incumbent candidates and gives the bill as a whole the appearance rather than the reality of reform. I recognize that there are reasons why an amendment to that effect could not become law this year and therefore have not offered an amendment to that effect. But I question whether it would not be better to leave the issue of congressional campaigns open until a future time when a consensus for meaningful reform in this area has emerged.

The second policy difference I have is over the question of whether the same kind of private financing the bill would permit in primary elections should not also be available in general elections. I feel that it is important for a candidate to remain dependent upon the people for financial support at all times. This would prevent the aloof candidate from running a slick media campaign as we saw one candidate do last fall. And since the McGovern campaign—despite our problems in the polls—showed that an amount greater than the proposed ceiling can be raised in small contributions, there can be no substantive objection to doing so.

However, I have refrained from offering amendments to that effect because I feel that the bill's strong points greatly outweigh its weak points. I hope it becomes law and I do not want to do anything which would impair its chances of success. I have accordingly limited the amendments I am offering to technical points based upon our efforts last year which would make the legislation function in accordance with the sponsors' intent.

So, Mr. President, I support this bill and strongly urge my colleagues to vote for it.

NOTICE OF HEARING ON RURAL UTILITY COOPERATIVES

Mr. McGOVERN. Mr. President, the Subcommittee on Agricultural Credit and Rural Electrification of the Senate Committee on Agriculture and Forestry will hear testimony on Tuesday, December 4, on S. 2150, a bill by Senator EASTLAND and others to expand the availability of capital to rural utility cooperatives.

The hearing will commence at 9 a.m. on Tuesday, December 4, in the board of directors room at the headquarters of East River Electric Power Cooperative in Madison, S. Dak.

ADDITIONAL STATEMENTS

SENATOR RANDOLPH URGES JOINT EFFORT TO COPE WITH FUEL SHORTAGES—PRESIDENT NIXON RECOGNIZES NEED FOR COOPERATION

Mr. RANDOLPH. Mr. President, the statement of President Nixon on the energy crisis recognizes that a joint effort by the Congress and the Executive, with the cooperation of all segments of our population, is essential to securing solutions to this critical issue.

The President's energy conservation measures are commendable. However, the proposed actions could easily prove inadequate to eliminate actual shortfalls in energy supplies. They are predicated on a 16- to 17-percent shortfall in petroleum supplies, while deficits as large as 30 to 35 percent have been reported from congressional research services' sources.

The National Energy Emergency Act of 1973 is vitally needed to assure an equitable distribution of anticipated shortages so that economic dislocation and unemployment are minimized. This measure has passed the Senate and is pending before the House Interstate and Foreign Commerce Committee.

Because of the close relationship between heating oil and gasoline production, action to increase the supply of one product reduces the supply of the other.

Needed programs were proposed by the President to reduce the demands for heating oil and transportation uses of petroleum products. For the first time, the administration has reflected priorities in allocation of available supplies. For industrial users of heating oil, there will be a 10-percent curtailment, for residential users 15 percent, and for commercial users some 25 percent. Such priorities have been actively sought by the Congress and myself for several months. This was the principal reason for passage of the Emergency Petroleum Allocation Act of 1973, against administration opposition.

The President's proposed transportation controls are needed. But consideration also should be given to modifying freight rates to encourage the long-haul transport of freight by railroads.

It is my genuine hope that the President's message will be followed by affirmative action and accelerated steps to insure the energy supplies to eliminate present and projected shortages.

GOVERNOR ROCKEFELLER ADDRESSES "TRUNK 'N TUSK DINNER" IN PHOENIX, ARIZ.

Mr. HUGH SCOTT. Mr. President, on October 25, 1973, Nelson Rockefeller, the distinguished Governor of New York, addressed the "Trunk 'N Tusk Dinner" in Phoenix, Ariz. In his speech, Governor Rockefeller expressed his great hope, one that I share deeply, that—

> The shock of Watergate can and must make all Americans realize that we must return to our basic belief in individual honesty and integrity—whether in private life or in public life.

Governor Rockefeller said:

> We must get back to the fundamental moral and ethical values on which this country grew to greatness.

In his eloquent address, Governor Rockefeller paid tribute to our colleague in the Senate, BARRY GOLDWATER, for his "integrity and frankness."

Mr. President, the views of Governor Rockefeller, so well stated, should inspire all of us to practice the kind of integrity and frankness of leadership that Senator GOLDWATER possesses, and to move forward to restore trust and confidence in each other and the Nation.

I ask unanimous consent that Governor Rockefeller's address be printed in the RECORD.

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

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

Let's face it: no political gathering these days is going to avoid the subject of Watergate—whether the gathering is Democratic or Republican. But there is one fundamental fact to keep in mind: The Watergate tragedy is a tragedy of individuals—not the Republican Party.

But all Americans have been shocked by this tragedy. And strangely enough, it could be that Watergate may prove in the long run to have been a very significant turning point for America. The hard reality is that throughout the country, there has been a blurring of our sharp focus on what is right and what is wrong. Tragically, this is true in all phases of American life.

There has been a growing tendency to cut corners, to think it's smart to beat the system: whether it's fixing a ticket or paying off organized crime; cheating on exams or lying to the public; padding expense accounts or chiseling on welfare.

The shock of Watergate can and must make all Americans realize that we must return to our basic belief in individual honesty and integrity—whether in private life or in public life. We must get back to the fundamental moral and ethical values on which this country grew to greatness. We can no longer condone corruption in any form. We must so conduct ourselves as to restore trust and confidence in each other and in our nation. Unless we do so, we will destroy the very fabric of our free society and our role of leadership in the world.

* * * * *

At a time when integrity and frankness are high priorities for America, no American stands higher than your own Senator, Barry Goldwater. This great man has become a symbol of integrity and the soul of frankness. The American people respect Barry Goldwater as a man who says what he means—and means what he says.

I know Arizona is proud of Barry, the Republican Party is proud of him, and I know that the people of the United States feel enormous gratitude, deep affection and profound respect for him. This also goes for Johnny Rhodes, another great Arizonan and the next Republican minority leader of the House of Representatives.

* * * * *

I'm delighted to be here with Arizona Republicans tonight. And I have to say that, despite all the problems, I'm optimistic about the future. Sure, it's a period of great change and uncertainty. But we as a free people have the capacity to look into the future, to understand the nature and impact of change, and to shape that change so it will contribute to the well-being of all and not overwhelm us.

We can no longer afford the luxury of moving from crisis to crisis, hoping to solve our problems by throwing money at them. There has been too much of this treatment of symptoms—and not enough tackling of basic causes.

I believe in the Republican Party. I believe in its purposes, I believe in the ideals that gave it birth in Lincoln's time, and that sustain it today. And let me say this: I believe in our party as a lifelong Republican, and as the leader of the Republican Party of New York State for 15 years. I am proud of the fact that Arizona and New York State are two of the most Republican states in the Nation. In both states, the Republican Party controls both houses of the Legislature, holds all statewide offices except for one, and is represented in Washington by two United States Senators. And all this despite the fact that in both states we are a minority party.

In considering the challenge and responsibility which confront us as Republicans—first we must face the fact that we are a minority party. We cannot win elections unless we understand the economic and social problems faced by people in all walks of life. We have got to be sure that they know we are aware of and concerned about their problems. We have got to be creative and imaginative in dealing with these problems.

Secondly, in order to do this, we cannot afford the luxury of a monolithic point of view. We have got to be a party that has the wisdom, the understanding and the courage to embrace different points of view—a broad spectrum of political thought—that is not afraid to be confronted with honest differences in its ranks—that can argue and debate and then come to sound, constructive solutions.

Third, with this approach and an "Open Door" policy we can truly be the party of the people—the party of Lincoln; and once again become the majority party of America.

Fourth, if we are to be an effective instrument of political leadership and action for this country during these critical times, we have to concentrate on the objective of unity within diversity. This is the ultimate strength not only of the Republican Party, it has been the basis of the strength of America.

Obviously, within state parties and between parties in different states, you won't find agreement on every point. But this is the strength and vitality of our system. It is in the great tradition of the Republican Party—a party that can reach out to people of many points of view and unite them—in the noble example of this great nation—for the good of all.

Moreover, it gives the people confidence in the conviction, integrity and effectiveness of our leadership. They like to feel that we can face our honest differences within the party and have the courage to fight them out—that we are people of integrity who say what we think; that we have faith in the democratic process; that the majority prevails and the minority waits for another day.

Fifth, at a moment in history when people feel overwhelmed by the pace of change with less and less power to control their own destiny, this kind of strength was never more needed. It is essential to provide effective leadership that will command the confidence of the people—leadership with a vision of the future; leadership with faith in America and our unique heritage.

One of the basic responsibilities of leadership is the well-being of the people. Let me give you two examples: welfare and drugs.

Welfare started out as a compassionate effort to help genuinely needy people during the Depression. But there were also those who looked on it as an opportunity to redistribute the wealth—to bring about a welfare culture totally alien to the work ethic that built this nation.

Combine this attitude with lax administration in some areas and you have a condition where too many people are both willing and able to take a free ride at the taxpayer's expense.

I decided in New York State that we were going to get the cheats and chiselers off the taxpayer's back. First, we made the welfare commissioner directly responsible to the Governor. We named a management expert to head the state welfare department. We created a Welfare Inspector General to root out fraud and chicanery. We put in reforms such as requiring able-bodied recipients to take available jobs and job training.

Those who can't get regular jobs are required to take part-time jobs in the public service to work off their welfare. We require every recipient to come in for a face-to-face review of eligibility every six months.

These welfare reforms are paying off. Thus far this year, the welfare rolls have been reduced by 160,000—the largest decline since World War II. And as for the taxpayer: if these rolls had kept rising at the rate of the late 1960's; if we hadn't introduced these reforms and reduced the rolls; it would have meant another total outlay of $400 million for state and local governments in New York State.

Drug addiction and the crime it generates have spread fear and terror. It has been so bad in some communities that the people are really in prison—while the pushers roam the streets free. I tried every possible approach to the drug problem—treatment, rehabilitation, education. New York committed over $1 billion trying to help the drug addict to help himself.

But that didn't stop the spread of drugs—and treatment had a lasting effect in only one case out of five. Eighty per cent of the drug addicts treated went back to drug addiction. The drug abuse went on. the pushing went on. The crime went on. And no wonder. Look at the odds.

In one recent year, out of 20,762 drug arrests in New York City, only 418 persons went to prison—that's a two per cent imprisonent rate—and a 98 per cent safety factor for the accused. This year I decided we needed a real deterrent for drug pushers. I proposed and the Legislature approved a mandatory life sentence for drug pushing—with stiff minimum prison sentences.

Furthermore, to show that we mean business, we are creating up to 100 more judges to meet any increase in narcotics cases. We already named 26 new judges, and will have 41 new courts in operation by the end of January.

But basically I feel that the best way to cope with these problems is to get back to fundamental values.

I believe our American society must revitalize the old American idealism and morality and reapply these qualities to today's problems.

And I believe the Republican Party must get back to the fundamental ideals and values of basic Republicanism—as exemplified by its Presidents and leaders from Lincoln onward.

We have got to regain our sense of integrity and sincerity; we have got to renew our respect for each other and for our fellowman; we have got to get back some of the plain old virtues that made this country great; a sense of friendliness, and compassion toward one another—the spirit of mutual help of pioneer days; a unity of purpose, as we worked together toward common goals and shared dreams.

And we need a new sense of self-discipline. We aren't going to save our environment or meet an energy crisis or solve any hard problem—if we expect to indulge every creature comfort and yield to every material desire. We are going to have to be a tougher people. And we are going to have to stop looking to Washington and the federal government for all our answers.

In fact, we're going to have to stop looking to government at any level for all the answers—and look more to ourselves.

The answer to the ills of this country aren't going to be found in Big Bureaucracy. They are going to be found in the hearts and minds of 200 million individuals—in the character of our 200 million people—in our willingness to assume responsibility and discipline ourselves.

* * * * *

For decades, not only Americans but also many in other nations, looked upon America as a model for the rest of the world in many respects.

We need once again to make this nation a model worthy of emulation—and this requires, among other things, a much clearer sense of the mission of the United States in today's world.

As we approach the 200th anniversary of this nation, we must become, once again, a beacon to all the world—an inspiration to men and women everywhere who are yearning for freedom and a better life. I cannot imagine a more exciting time to be a citizen of this country than now. I'm optimistic about the future of our party. And I'm optimistic about the future of this country.

I have faith that our underlying intelligence, our spiritual and moral strength as a free people, can see America through any challenge. In 1976, we will enter our third century as a Nation. If we are a united people, if we have a sense of pride and a sense of purpose, if we restore our sense of integrity, we will scale new heights in that third century—for the betterment of ourselves and the benefit of all mankind.

BETHEL BAPTIST MEMORIAL CHURCH

Mr. HARRY F. BYRD, JR. Mr. President, a historic landmark in Virginia is

Bethel Baptist Memorial Church in Clarke County, Va.

This little church has a history as rich as the beautiful country which surrounds it. Mr. Alex Mackay-Smith is chairman of the board of trustees.

I ask unanimous consent that Mr. Mackay-Smith's brief history of the church be printed in the RECORD.

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

BETHEL CHURCH

When the first pioneers crossed the Blue Ridge Mountain at what is now called Ashby's Gap, lying between Clarke, Fauquier and Loudoun Counties, they found a well marked trail made by the buffalo and followed by the Indians which led due west down the mountain until, half way down, it met and followed the stream which flows in a southwesterly direction and eventually empties into the river some two miles south of the U.S. Route 50 bridge. The buffalo crossed the river on what came to be known as the Swift Shoal and then fanned out to feed on the natural prairie grasses which were to be found in the Shenandoah Valley. Early in the 18th century there was established, just above the Swift Shoal, Kersey's Ferry. From here a road mounted to the ridge above and then went westward to Bartonsville, where the Shenandoah Valley's pioneer settler, Jost Hite, had established his headquarters. From the Shenandoah River to Bartonsville this road did not cross a single stream or water course which could have impeded traffic in wet weather.

Close to the river during the middle of the 18th century there was built a Quaker meeting house, abandoned soon after 1800 as larger meeting houses were built to the westward. In 1809 a Baptist congregation took over the old meeting house, holding services there until 1833 when a two story red brick church, with a gallery above, was built to house the much expanded congregation. Baptist services were held here until the late 1920's, by which time the concentration of population in the Clarke county towns of Berryville and Boyce had drained off most of the members of the parish.

Thanks largely to the efforts of the late Beverley Brownley McKay, the Board of Trustees of the Bethel Baptist Memorial was organised to undertake the restoration of the church. It now stands much as it did nearly 150 years ago with its original pews, the original church furniture and communion vessels, the church minute books dating back to 1809, and the handsome gallery, originally reserved for slaves in the second story. The building is a fine example of early 19th century religious architecture. Many of the leading figures in the Baptist Church, both clergy and laity, have worshipped there. Over the years it has played a major part in the religious and social history, first of Frederick, and, since 1836, of Clarke County.

EMERGENCY ENERGY LEGISLATION—THE CURE MAY BE WORSE THAN THE DISEASE

Mr. HATFIELD. Mr. President, in approving S. 2589, the emergency energy legislation, last week, the Senate abdicated its responsibilities in setting policies to deal with the energy shortages we face. Instead of facing up to hard policy decisions—knowing that some would be politically unpopular—we passed the ball to the President and put the burden on him to try and solve the energy crisis. The President's remarks last night are a hint of what may follow, and some of his actions, in fact, were prefaced with the comment that restrictions would be imposed after the energy bill passed.

Two respected columnists commented on the impact of the bill in their respective columns in the last week. James Reston and James Kilpatrick—neither of whom needs any introduction to my colleagues—discussed the emergency bill in terms with which I agree. While we have already considered this legislation, I hope their comments also are of interest to Members of the House, who will be voting on this legislation shortly.

As the only member of the Interior Committee to oppose the bill when we reviewed it, and one of only six or so to vote against it here on the floor, I fear that comments made by these respected columnists are too mild to describe what may occur after this bill is passed.

I ask unanimous consent that the articles referred to be printed in the RECORD.

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

LEGISLATIVE ENERGY PROPOSALS SEEK TOO MUCH OR TOO LITTLE

(By James J. Kilpatrick)

WASHINGTON.—Twenty years after the nation should have launched a crash program of energy development, we seem to be rushing pell mell into one. I strongly suspect we are rushing the wrong way.

Two major pieces of legislation now are working their way toward enactment. The first is the National Energy Emergency Act of 1973; it may be too much. The second is the National Energy Research and Development Policy of 1973; it is almost certainly too little.

As to the first bill: So far as its general provisions are concerned, dealing with fuel conservation, the legislation plainly is needed to cope with the situation that confronts us at present. This much also should be understood: The bill is fraught with the most dangerous implications for the future. What is involved here is massive delegation of power to the President. What is further involved, or simultaneously involved, is a weakening of certain economic and political concepts that have been weakened too much already.

Patrick Henry laid down the sound advice, nearly 200 years ago, that in political matters power should be delegated sparingly: "If you give too little power today, you may give more tomorrow. But the reverse of the proposition will not hold. If you give too much power today, you cannot retake it tomorrow, for tomorrow will never come for that purpose."

The Energy Emergency Act pays small heed to Henry's warning. The bill calls for "prompt action by the executive branch" to deal with "severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop planting and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods." The presidential responsibility would appear to be comprehensive.

Under this legislation, the President is directed to promulgate "a nationwide emergency energy rationing and conservation program." He is directed to fix priorities on fuel consumption. His authority is to extend to "transportation control." He is to impose restrictions against the use of fuel for certain uses he deems "nonessential." No such awesome powers ever before have been delegated in peace time to a president.

Given the gravity of the present situation, perhaps some such powers have to be delegated, but they ought to be subject to restraints and checks and balances. The bill provides very few.

There is this to consider too: "The bill opens the door to new and still more pervasive federal regulation of the marketplace; it imposes new federal authority upon the traditional responsibilities of state and local government. The bill appears to require, for one thing, federal subsidies for reduced fares on local transit systems, and we may be grimly certain, following Patrick Henry, that if such subsidies are provided today, tomorrow will never come for their removal.

The second of the two major bills prompts equal concern. If our nation truly is to achieve "energy independence," the major thrust of a research and development program must be directed less toward fossil fuels and atomic fuels and more toward what the experts call "the exotics"—the energy of the sun, the energy of the wind.

One hears pathetically little talk on the Hill of harnessing the sun and wind. The talk is chiefly of coal degasification, oil shales, offshore drilling, and expediting development of atomic energy plants. The talk, that is to say, is of further exploitation of resources that are either finite or hazardous. The sun and the wind, by contrast, are clean, safe and inexhaustible. If these resources could be mastered—and they can be mastered—much of the problem would be solved not merely for the here and now, but also for the world and for the future.

Our concerns this winter have to deal with power in two meanings—with political power, and with kinetic power also. The problem is to control the one and to expand the other. If we fail, we can look to the day when two lights grow dim—the light of freedom, and the light of industry as well.

TOUGH CHOICES FOR PRESIDENT BUILT INTO SENATE ENERGY BILL

(By James Reston)

WASHINGTON.—If you're trying to figure out what you should be thankful for over the holiday weekend, you might begin by being thankful that you don't have to handle the fuel shortage or administer the National Emergency Energy Bill (S. 2589) just passed by the Senate, 78–6.

This bill gives the President vast discretionary powers to conserve fuel of all kinds, but it raises more questions than Watergate. For example:

It authorizes the President to limit nonessential fuel consumption, but how do you cut consumption: By rationing fuel or taxing?

How do you make a fair choice between allocating furnace oil for New England as compared with gasoline for California and Florida?

How do you share the limited supplies even within a state like California, which is warm in the south and is often chilly north of San Francisco? Or between congested cities like New York which has a rapid transit system, and sprawling cities like Los Angeles, which relies almost entirely on the automobile?

What is "essential" in one area of the country, or even one part of a state, may not be "essential" in another.

S. 2589 empowers the President to reduce consumption by eliminating "non-essential recreational activities," but while the human race can probably struggle along without snowmobiles or lighted ski resorts or country inns, many communities exist by providing these services, and for some states "nonessential" recreation activities are essential to the economic life of the state. It is one of America's greatest dilemmas that it has turned nonessential activities into essential economic imperatives.

On a more frivolous but popular level, is

Howard Cosell and Monday night pro-football under the lights on television "essential" to America? Any congressman who votes that it's not will probably find that he's "non-essential" at the next election.

Under S. 2589, the President could control advertising, black out all lighted billboards or "pleasure driving" on Sunday, but do you permit advertising for little cars and ban it for Cadillacs and the other big gas-guzzlers?

These are awkward questions, for even going to church on Sunday is a "pleasure" for some and an agony for others, but once you start to control limited supplies of essential commodities like fuel in a vast continental country like the United States with different climates and attitudes, you are in terrible trouble.

It is interesting how the Senate has dealt with this problem. In the middle of trying to restore its own authority after Vietnam and Watergate—even while it was in the process of considering the possibility of impeaching the President for exceeding his constitutional powers—it tossed responsibility for handling the fuel crisis to the President, without defining the principles or the policy that should guide him.

Most senators were for conserving fuel, especially for conserving fuel outside their own states, and they were for reviving the declining power of the Senate, but when it came to handling the energy crisis, they passed the responsibility to a President they had been saying had too much power.

Only Senators Mark Hatfield, R-Ore., and Charles Mathias, R-Md., raised major objections. Hatfield told the Senate: "When we in Congress get into a crunch, as we are now, all the rhetoric about congressional responsibility goes out the window in our eagerness to pass the ball to the President. Congress need not become an administrative agency, but it should set policy."

Mathias noted before passage of S. 2589 that it didn't even make provisions for the President and his aides to give prior notice of their fuel regulations, so that the press could publish them and give the people time to testify on them, and, unfortunately, his amendment to the bill was accepted.

But under the pressures of the latest Middle East war and the Arab oil pressures on the United States, Western Europe and Japan, the Senate has rushed through a loose, imprecise and at some points even incoherent bill, and the House would probably have done the same thing if it had not been for the accident of the Thanksgiving recess.

This bill will have great influence on the social, economic and political life of the nation. As it now stands, it could add immeasurably to the divisions and differences between the regions, classes and races in America at a time when more trouble is not exactly what we need.

So maybe the Thanksgiving recess in Congress is a blessing that will give the Congress time to reappraise the situation. The House has not yet voted on the problem. It will be roughly a month before the issue can go to the floor for a vote and to the White House for the President's signature.

This will give the oil-producing nations of the Middle East time to think whether it is in their long-term interests to blackmail America, Western Europe and Japan. It will give the Congress time to think about the implications of S. 2589 and tidy it up a bit. And it will give the press time to make sure that it is ready to report on the new complicated federal regulations on fuel, so that the people will know what the government is doing before the regulations create even more divisions than we now have.

JOHN F. KENNEDY: THE PROMISE

Mr. CHURCH. Mr. President, much has been written in the past few weeks—and will continue to be written for weeks to come—on the brief Presidency of John F. Kennedy on the 10th anniversary of his tragic assassination in Dallas.

My views on the Kennedy presidency I have found largely enunciated by Joseph Kraft in his column in the Washington Post on November 20.

Writes Kraft:

I think the Kennedy style and the Kenedy substance were particularly well suited to curb the excesses of the past decade. I think many of our recent troubles could have been eased, and perhaps avoided, if the course of our political evolution had moved ahead normally. The tragedy of the assassination, in other words, finds its fullest expression in the pain that has come afterwards.

I ask unanimous consent, Mr. President, that Mr. Kraft's column be printed in the RECORD.

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

THE KENNEDY PROMISE

(By Joseph Kraft)

Everybody talks about the Kennedy tragedy, the promise of the young President cut off in his prime by the assassination 10 years ago. But what was the promise?

I think it was the promise of a cool approach to the central social, economic and foreign policy problems of the time. It was the promise of being spared the false expectations and inevitable counter-reaction, which in fact developed after the assassination.

To understand all this it is first necessary to say a word about the Kennedy style. "Camelot," with its evocation of something magic, misrepresented what it was all about. The term as Ben Bradlee, executive editor of The Washington Post, noted in this newspaper the other day, was foisted upon the public that wanted to believe it after the President's death.

But the true Kennedy style consisted in down-to-earth things. It was refusing to wear a Stetson or a headdress at political gatherings with cowboys and Indians. It was narrow lapels and informal ways of doing business.

It was laughing at Richard Nixon when he waxed sanctimonius about Harry Truman's profanity. It was preferring approaches that could be called "pragmatic." In taking stands on "matters of principle." It was what caused even sympathetic critics to charge that the Kennedys lacked heart. It was not glamour. It was cool.

The cool style expressed a genuine caution, a sense that politics was tough, not easy, which came naturally to a President vulnerable to the charge of inexperience who had been elected by a minority in the face of ingrained religious prejudice. The caution characterized—and to a degree camouflaged—the Kennedy approach to the major problems of his brief time in the highest office.

In foreign policy, Kennedy was never a peacenik prone to believe the Communists were the good guys. He thought the hardliners had a point in emphasizing effective defense forces, particularly against subversion. Probably he paid excessive deference to the military professionals in embarking on the Bay of Pigs and in going deeper into Vietnam.

But the central line of his policy was clearly the other way. The important point was keeping open a line of escape for Nikita Khrushchev in the Cuba missiles confrontation. It was the signing of the test ban agreement; and the refusal to take impulsive counter-measures against the Berlin Wall; the building up of Willy Brandt, the apostle of detente, over Konrad Adenauer, the cold war chancellor. In short, Kennedy was moving from confrontation to detente, and taking the hardliners with him.

Similarly in social policy, Kennedy was highly sensitive to the national division on civil rights. He wanted to preserve the support of white southerners, both in the Congress and the country at large. His feelings found expressions in some of his judgeship appointments, in his constant preference for mediating race conflicts, and in the distances he took from civil rights leaders.

But no one could doubt his central line of policy. When mediation efforts failed, he repeatedly used force to back up the law. The Civil Rights Bill of 1963 was a particularly far-reaching measure. More important it came with its majority built in. The Kennedy Justice Department devised the tactic for beating a filibuster by winning over the Republican leader in the Senate, Everett Dirksen.

Finally there was economic policy. Kennedy feared what the interests opposed to government intervention could do to him. He was slow to move against recession and inflation.

But when he moved, he moved in the right direction. He committed the country to an income policy with wage and price guidelines. The 1963 tax bill, representing the first use of fiscal policy to counter recession, set in motion the record prosperity of the mid 60s. When it went through it had the support of the conservative interest groups as well as the trade unions.

All this went awry after the assassination. Maybe it had to. Maybe there was no holding the forces that made for Vietnam, runaway inflation and the self-assertion of minorities. Maybe the reaction which set in in 1963 was written in the national psyche.

But for my own part, I doubt it. I think the Kennedy style and the Kennedy substance were particularly well suited to curb the excesses of the past decade. I think many of our recent troubles could have been eased, and perhaps avoided, if the course of our political evolution had moved ahead normally. The tragedy of the assassination, in other words, finds its fullest expression in the pain that has come afterwards.

INDIAN RESERVATION SCHOOLS

Mr. DOMENICI. Mr. President, as a life-long resident and now a Senator from a State with a high Indian population, I am well acquainted with the specific problems encountered by our Indian citizens. Certainly at the top of the list of priority problems is the deplorable condition of the reservation schools.

Recent research has shown that the fastest growing segment of the school population in the United States is the Indian. Enrollment in many Indian school districts has doubled in the last 5 years and is expected to double again in the next 5. This rapid population increase has combined with the deterioration of outdated school buildings to create a serious backlog for construction aid.

At the present time construction expenses for Indian schools are to be picked up under the provisions of Public Law 81-815. Inasmuch as these funds have been inadequate to meet the needs of those schools which were eligible for support under Public Law 815, the Bureau of Indian Affairs commissioned the National Indian Training and Research Center of Tempe, Ariz., to survey the construction needs of those public schools serving reservation children. The House Interior

Appropriations Subcommittee initiated the survey.

Senator FANNIN, the distinguished Senator from the State of Arizona, incorporated the entire report as released by the NITRC in the November 14, 1973 CONGRESSIONAL RECORD. I am pleased that the Senator had the report made public.

Facts as they concern Indians in the entire country as well as in New Mexico are now on record, alarming facts that illustrate the immediate need for action by Congress now. All children simply must have good educational facilities in order to learn properly.

DECLINING LOBSTER SUPPLY

Mr. MUSKIE. Mr. President, in recent years, I have been increasingly alarmed by the depletion of lobster stocks off the coasts of the United States. For various reasons—the pollution of our offshore waters, inadequate legislation, and, above all, increases in the foreign fishing efforts off our coasts—lobsters are becoming scarce and prohibitively expensive. The State Department has repeatedly said that nations that fish off our shores would respect our wishes and not fish for lobster. Yet, according to National Fisherman, foreign fishing vessels have taken between 16 million and 22 million pounds of the offshore lobster stock. And in my own State of Maine, in the last 11 years, the lobster yield has dropped by more than 30 percent even though the number of lobstermen has increased by more than 25 percent.

To help preserve our stocks as well as the livelihood of our fishermen, I joined several other Senators in introducing on April 10 of this year S. 1527, the Lobster Conservation and Control Act of 1973. This bill provides for the effective control of lobster fisheries off our coasts by amending existing legislation to make the lobster a creature of the Continental Shelf, such as was done with the Alaskan king crab. Under present Federal law, foreign vessels are prohibited from harvesting Continental Shelf fishery resources except in conformity with conditions prescribed by the United States or as expressly provided by an international agreement to which this country is a party.

Earlier this month, the House Subcommittee on Fisheries and Wildlife Conservation, after holding hearings, reported out favorably H.R. 6074, a bill designed to make the lobster a creature of the Continental Shelf. I am hopeful that the House Committee on Merchant Marine and Fisheries will soon act favorably on the legislation and that the bill will be on the House floor within the next few weeks.

The House subcommittee, by its action, seems to recognize the urgent need to preserve our offshore stocks by making the lobster a creature of the shelf. I do not believe we in the Senate can afford to do less. It is not sufficient to depend on the good will of other nations or the conclusion of a comprehensive international fish agreement to end the depletion of our stocks. We must enact legislation to preserve the lobster.

Mr. President, I ask unanimous consent that an article on this subject from a recent issue of the New York Times magazine section be printed in the RECORD.

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

WHERE HAVE ALL THE LOBSTERS GONE?

(By Elisabeth Keiffer)

POINT JUDITH, R.I.—Was it really only 15 years ago that a small boy appearing on my Rhode Island neighbor's veranda at cocktail time, demanded, "What am I having for supper, Ma?"

And she, passing the peanut-butter-on-Ritz *hors d'oeuvres* to her guests, absentmindedly replied, "Lobster, darling."

"Oh, no, not lobster *again!*" the small boy wailed. No one raised an eyebrow.

Unless he's made it big in the interim it may be a long time before that young man chokes down another lobster. Last summer, the price at our local dockside market was $2.65 a pound for "selects," those weighing one and a half to three pounds apiece. The prediction is that this winter the retail customer on the East Coast will have to pay $4.50 a pound and up to enjoy a "select" at home, and God only knows how much if he orders it in a restaurant.

It is true that in the memories of most of us, lobster, like porterhouse, has been considered a luxury food, unless you happened to live on the New England coast and knew a friendly lobsterman. But now, in addition to being so insanely expensive, lobster is scarce.

In 1889, the U.S. catch was 30,449,603 pounds, taken by men in small boats, working close to shore and using only hand equipment. Its value, incidentally, was $883,736. Last year, a far more efficient fleet, using the most sophisticated equipment and tapping the recently discovered and supposedly abundant stocks about 100 miles offshore, brought in over a million pounds less—29,278,000 pounds, with a value of $36,052,000. Everyone agrees that the size of the lobsters has been declining steadily since the colonists' times, when the animals are said often to have weighed as much as 25 pounds apiece.

Is the supply of *Homarus americanus*, which inhabits only a relatively narrow strip of the eastern coast of North America, really close to depletion? Will our children have to settle for shore dinners that include only steamers, chowder and corn on the cob?

The answer is that, barring some unforeseen ecological disaster that kills off the immature, sublegal stock, lobster will probably continue to be available to some of the people who are willing to pay the price—but not to all, by a long shot. A Canadian biologist estimates that as soon as 1980 there will be a demand for 20 million more pounds a year than can be landed. And scientists, lobstermen and marketers do not expect the price to do anything but rise in the immediate future.

The American lobster fishery as a separate industry began around the end of the 18th century, principally off the coast of Massachusetts. By 1812, the residents of Provincetown were sufficiently alarmed at the decline in the stock to pass a not particularly effective restrictive law. Till then, the lobster stock had been shown no mercy, the eggs being especially prized as "a capital article of food." According to a 1909 Bureau of Fisheries Bulletin, by 1880 "the period of prosperity had long passed and few lobsters were taken from the Cape. Only eight decrepit men were then engaged in the business and were earning about $60 apiece."

Attributing the scarcity to lack of conservation practices, coastal states in the lobster's range—Labrador to the Carolinas—began enacting protective laws. As early as 1900, biologists believed that the only way to keep the lobster population going was to establish hatcheries in which the eggs could be reared through the perilous larval stages and then released into the ocean. Hatcheries were set up in a number of states, though no one could possibly tell how many of their graduates survived in the wild. Today, Massachusetts is the only state operating a hatchery. Its longtime director, John T. Hughes, considers the research that has gone on there more important to the future of *Homarus* than the laboratory's supposed *raison d'être*—raising and releasing the young.

Meanwhile, it has been established that the lobster's growth rate is closely tied to water temperature—it grows, and therefore reproduces, faster in warm water than in cold—so fluctuations in the catch can be partly explained by warming or cooling trends in the Atlantic. But the steady decline since the days of abundance in the nineteen-sixties that followed the first exploitation of the offshore population can't be explained all that simply.

Pollution may be responsible in some measure for the decline. The lobster is extremely sensitive to water equality, and it has been demonstrated in the laboratory that only a few drops of oil or kerosene in a lobster's tank will make it stop eating for a week. Similarly it is known that oil or pesticides on the surface of the ocean can be lethal to the tiny lobster larvae, but to date there simply hasn't been enough documented evidence or enough research done to determine the immediate impact or possible subtle long-term effects of low-level pollution on the population.

Are foreign fishing fleets spiriting away vast quantities of American lobster as "incidental" to their fishing catch? A high State Department official says that most nations fishing off our East Coast have indicated they would respect our wishes and not fish for lobster. But, according to National Fisherman, it's been estimated that foreign vessels have taken between 16 million and 22 million pounds of the offshore stock. So far, the most publicized complaints of the New England lobstermen have been over the pots they have lost when foreign trawlers, presumably inadvertently, cut their lines. This may be because these complaints can be substantiated. It is harder to document the contention in the trade that substantial landings of undersize and egg-bearing American lobsters have been showing up at ports in other parts of the world.

But while the lobstermen blame the present scarcity on the foreigners, on the Federal Government and, to some extent, on the marine biologists for not having come up with more answers through research, many biologists point the finger at state regulations and the lobstermen themselves. John Hughes, director of the Massachusetts State Lobster Hatchery and Research Station at Oak Bluffs, who has probably spent more years studying lobsters than anyone in the world, firmly believes that the future of the natural supply depends most importantly on (1) an increase in the legal size to 3½ inches, and (2) a Federal law to replace the present crazy quilt of state regulations.

Lobsters are measured from eye socket to end of carapace, rather than by overall length, because of the difficulty of straightening out the tail for accurate measurement. The size at which they may be taken legally varies from 3 1/16 inches in Rhode Island, to 3 3/16 inches in Maine, New York and Massachusetts. Ninety per cent of the lobsters caught today fall within this size range. However, biologists claim, at this size they have only just reached sexual maturity and in all probability have not spawned even once, so a high proportion of the potential breeding stock is taken out of circulation every year. Five-sixteenths of an inch seems a very small fraction to fight over, but most lobstermen are prepared to fight, since if the legal size were raised to 3½ inches they would, for a few years at least, be forced to forgo 90 per cent of their present catch.

Given the magnitude of the scarcity, it is

not surprising that some unprincipled characters swell their catches via dirty tricks. Instead of throwing back "berried" lobsters—females with eggs—as the law requires, they "brush" them to remove the eggs and make the matrons look like legal maidens. "Shorts," those under minimum size, can also be doctored to look legal. With the carapace removed to prevent enforcement officials from making embarrassing measurements, they can be sold profitably to wholesalers as lobster tails. It is impossible to tell how widespread these practices are, but one spokesman for the fishery recently commented angrily that if government agencies would spend more time enforcing existing laws instead of planning new restrictions they would be making a greater contribution to the management of the stock.

Another claim by conservationists, poohpoohed by many lobstermen, is that "ghost" traps are helping to deplete the stock. Even after the bait is gone, lost pots on the bottom of the ocean can continue to allure and trap lobsters who venture into them simply for shelter. There was a suspicion a few years ago that the decline in the Alaska king crab fishery was attributable to lost metal pots which never deteriorated. Many conservationists and a few lobstermen would like to see traps manufactured with a "self-destruct" section through which lobsters could escape after a period of time.

So, there are probably many answers to the where-have-all-the-lobsters-gone question. An always heavily fished resource has been exposed to new pressures, and no one knows how many others may be added or how devastating their effects may be. But everyone, from scientist to consumer, is worried.

When you become acquainted with the lobster's life history, John Hughes once commented, it seems amazing that so many of them make it to our dinner tables at all. They are able to mate only when the female is newly molted and soft, usually within 48 hours of casting her shell, and this magic moment comes at best only once a year and usually much less frequently. Even then there are complications. It has been observed in the laboratory that though a small male can mate successfully with a much larger female, a big male who falls for a small female is plain out of luck: Anatomically, it just won't work.

Although the female may produce up to 60,000 eggs, it normally takes her from 15 to 18 months after copulation to release them as baby lobsters. These tiny creatures, a third of an inch long and looking more like mosquito larvae than lobsters, pass their first three larval stages drifting on the surface of the ocean, where they are helpless prey for birds, fish and tides that may carry them out to sea to perish. Only an estimated 0.1 per cent, or 10 out of 10,000, survive the first three weeks to reach the fourth larval stage. And maturity is a long way off. In the ocean it takes a lobster between five and eight years, depending on water temperature, to weigh one pound and become sexually mature.

Even the lobster's method of growth is perilous. Getting bigger and stronger is indeed, as an early writer described it, a "dangerous and expensive operation." Since the lobster's chitinous shell is inelastic, to increase its size the crustacean must cast off the shell periodically, perhaps 10 times during the first year and with decreasing frequency after that. While the lobster is performing this critical and occasionally fatal feat, and until its new shell begins the hardening process, it is, of course, absolutely without defenses.

When the struggle of molting is all over, within 5 to 20 minutes, every part of the old shell, down to a microscopic hair, has been reproduced in the new one, and unless one picks up the weightless empty shell it could be mistaken for an intact live lobster. Even the stomach, gills, mouth parts and eye stalks have been discarded. The newly molted creature, which feels as limp as wet paper in the hand, almost immediately gains about 15 per cent in length and 50 per cent in weight. Unlike crabs, which are prized in this state, soft lobsters are not considered good to eat by people. However, fish—their principal predators after man—and, sometimes, other lobsters, find them delicious. So it is not surprising that the lobster chooses to lead most of its life alone. In this it differs from its relative, the clawless spiny lobster, which likes to congregate in clubby groups.

It is true that scientists have learned a great deal about lobsters in the 80-odd years they have been studied intensively, but not anywhere near as much as they would like to. Even now, no one knows for certain the greatest age or size a lobster can achieve. It is believed the largest ever captured weighed 40-odd pounds and was perhaps 50 years old, but this is just a guess. Once a lobster has reached the fourth larval stage and sunk to the bottom of the ocean, never willingly to come to the surface again, its life-style becomes pretty much of a mystery to humans. A night animal, it hides in a burrow or shelter by day, waiting till dark to venture forth in search of food—walking, as a 19th-century biologist described it, "nimbly upon the tips of its slender legs." Scientists really can't do much more than speculate on the daily details of the lobster's early years in the ocean deep. And when they study the lobster's behavior in the laboratory, they are never entirely sure how much it is being altered by captivity.

One thing a reporter can learn about the scientists who study lobsters is that, inevitably, they come to regard the crustaceans with a mixture of wonder and affection. "They're so damn pretty," John Hughes commented fondly, leading the way past tanks of jewel-bright little creatures, some of which were brilliant blue and red mutants. Stanley Cobb, an assistant professor of zoology at the University of Rhode Island, became so attached to his research subjects as a graduate student that he hasn't eaten one since. These scientists are considerably annoyed by the popular misconceptions about lobsters, held by people who only see them pegged and thrashing in fish-market tanks.

Jelle Atema, a young Dutch biologist at the Woods Hole Oceanographic Research Institute, says impatiently, "Judging the lobster's personality by the ones you see in the market is like judging all human beings by the unfortunates penned up in a concentration camp." He resents the popular picture of them as the bullies of the deep, lurching about on the ocean floor, smashing and tearing everything that comes within reach of their claws. He pointed out indignantly a photograph in a magazine captioned, "Undersea gladiators duel to the death." No one has ever seen one lobster attack another from the defenseless rear, which would be the logical approach if death were the aim of the encounter. When lobsters do fight, to establish dominance in situations involving food, shelter and mating, their encounters have an almost stately quality. Standing on the tips of their walking legs, they lock crusher claws and pull and push each other back and forth in the sand until one is exhausted. Cobb describes it as looking more like a tango than a fight. When it is over, the dominant one chases the subordinate one from the contested prize and the loser, Atema reports, "flees and assumes submissive postures."

Although lobsters do eat each other when they are closely confined in tanks—those in the larval and juvenile stages being particularly voracious—most researchers believe this is determined by the artificial conditions, and may often be partly accidental. If a lobster in a crowded tank is injured, or newly molted, he will certainly be eaten—just because he is there, and eatable. "Not the same thing at all as the deliberate cannibalism humans know," Atema claims. Cobb says, too, that lobsters in his laboratory tanks at U.R.I. will co-exist peacefully at certain stages if they are not crowded together too closely, or frequently disturbed.

Another canard about lobsters is that they are scavengers, feeders on carrion and refuse. Not so, John Hughes says emphatically. Although he admits wistfully that we don't know and perhaps never will know all the components of the lobsters' natural diet, they have never been observed eating rotted food. They relish small crustaceans, little fish and the tiny mollusks that they dig out of the sand, and their stomachs are often found to be packed with eelgrass, an indication perhaps that they also feed on the minute organisms that inhabit it. In the laboratory they have been observed devouring their newly cast shells, probably filling a need for the lime contained in them.

How lobsters should be eaten, or what is the most humane way to cook them, has been debated for many years. Hughes says that Julia Child telephoned him not long ago to ask that question. When she repeated his instructions (place them in a pot with boiling water to cover them, and clap on the lid) on her TV program, she was deluged with protests from tender-hearted viewers. Later, though, she and Hughes were vindicated by an international humane organization which, after investigating the matter, wrote that death-by-boiling was almost instantaneous and certainly preferable to the alternative of slow suffocation, which is the fate of a lobster placed in cool fresh water that is then brought to a boil.

The more that is learned about lobsters, the more fascinating they seem. At Woods Hole, Jelle Atema and his colleagues were able to demonstrate that the female, just after molting, releases a sex pheromone, a chemical messenger that subdues aggression and triggers amorous behavior in the male. Here is what Atema wrote in a paper published in Nature magazine about lobster courtship:

"[The male] seems to be immediately aware of the presence of a sexually ready female. His claws are lowered and closed and he brings himself up on the tips of his walking legs. He approaches the soft-shelled female very slowly and gently, walking around her and stroking her continuously with his antennae . . . After about 15 minutes of this courtship dance, the male slowly mounts the female from behind and turns her over with his walking legs. Copulation takes about 8 seconds, after which the two animals separate and find a corner position in the tank. The male is still not aggressive to the vulnerable female." The gentleness required to avoid injuring the tender female at this time is remarkable.

Although the male transfers his sperm into the seminal receptacle of the female at this moment, the eggs are not fertilized until as much as nine months later. Then, the female arranges her body so that, while releasing the eggs, they spill over the receptacle containing the sperm, which has been waiting all this time. Once fertilized, the eggs are cemented to the underside of her tail to remain for perhaps another nine months before they hatch as tiny larvae. One way to distinguish a male from a female lobster is to compare the width of their tails: The female's is always wider.

One of the more sinister possibilities suggested by research into lobsters' chemical communication, says Atema, is the long-term effect of such substances as oil or chemicals introduced into the ocean environment. Even at levels low enough not to be immediately toxic, it is quite possible that these pollutants could disrupt the communication

that is essential to life not only for lobsters but probably for all marine animals.

Even before the lobster became as scarce as it is this year, the enormous increase in world-wide demand had led to the thought that perhaps it could be raised commercially like cattle or poultry. The mass-production of chickens is, after all, a relatively recent and enormously profitable enterprise. John Hughes was the pioneer in this research. In 1968, he published an article in Ocean Industry magazine called "Grow Your Own Lobsters Commercially" in which he described the work he and his associate, the late John Sullivan, had been carrying out at the Massachusetts hatchery since 1951. Because the lobster's first weeks are so hazardous and its growth in nature so slow, Hughes felt that man might well be able to improve on it. And indeed he did. By raising the larvae on a rich diet in tanks of his own design—conditions calculated to cut down on cannibalism—he succeeded in increasing their survival rate from one-tenth of 1 per cent to over 40 per cent some years ago. He was also the first to demonstrate that living in a year-round temperature of 70 degrees F., rather than in the fluctuating ocean temperatures, would bring the young to legal, one-pound size in less than three years, roughly half the time it takes in nature. Like all cold-blooded creatures, the lobster's metabolism depends on the temperature of its environment, and when the ocean water chills in winter it stops feeding almost entirely and becomes semidormant.

Although the state of Massachusetts showed little interest in the hatchery's research beyond its legislated purpose of raising and releasing the young, Hughes, after working on a minuscule budget for many years, made a happy alliance with scientists at the University of California at Davis, who received a $140,000 Federal Sea Grant in 1971 to work on the problems of raising lobsters successfully, quickly and profitably in captivity. With continuing Federal support, and a recent $1-million appropriation by the California Legislature for a new aquaculture laboratory at Bodega Bay, Calif., Dr. Robert Shleser, director of the research there, is confident they can develop the complicated technology required. Already his team has raised the survival rate of the larvae to 90 per cent on a brine shrimp diet and are sure they can produce a lobster that will reach market size in just over a year. And Hughes imaginatively suggests that, since there need be no legal restriction on the market size of hatchery-bred animals, a profitable consumer demand might be built for lobster tails the size of jumbo shrimp. Shleser, a geneticist himself, says that genetic selection and breeding—again a field in which Hughes did pioneering work—will play an important part in their program.

The commercial ideal might be described as a superdocile lobster (to cut down on cannibalism in captivity) that grows exceptionally fast, has consistently high-quality meat and larger than usual claws and tail. Whether the retail price of this paragon, if they succeed in creating it, will ever be comparable with that of chicken, is anyone's guess at the moment.

However, the number of obstacles to be overcome before commercial farming can become a reality seems staggering. Dr. Akella N. Sastry, who is directing related research at the University of Rhode Island's Graduate School of Oceanography, feels that space is among the foremost. It's been found that lobsters grow faster in a larger space, though no one knows why. His team is trying to find the answers, since space will be a vital cost factor. They're also trying to formulate a diet that will most profitably produce plump, meaty lobsters.

There is more behind the intense, countrywide research efforts in lobster culture than the simple aims of satisfying the demand for a luxury or turning a quick profit. Aquaculture, whose development in this country was one of the stated purposes of the 1966 Sea Grant Act, has never really gotten its feet wet here, in spite of the likelihood that eventually we will have to depend on cultivating certain marine animals to replace or supplement the wild stocks.

Although Sea Grant and other public funding agencies will finance preliminary aquaculture efforts, only industry is likely to put up the kind of money needed to support the technology that large-scale aquaculture calls for. To many, lobster, the most valuable American seafood, is the logical choice with which to attempt the commercial breakthrough. If industry is to be interested in so vast an investment, it has to be sure it has a hot property. That, lobster will undoubtedly continue to be.

But in the mind of this finicky consumer, one dismal thought arises, prompted by distant memories of that admirable creature, the farmyard chicken. What will the meat of a "farmed" lobster—raised on artificial foods, possibly in artificial sea water and forced to grow at a gallop—taste like? Will one still be able to say, as the early writer R. Brookes did: "Their Flesh is sweet and restorative and very innocent"? The scientists say they honestly don't know.

DIAL-A-RIDE

Mr. BROCK. Mr. President, the energy crisis that has developed has created many problems for our Nation, problems that are very real, and ones which we will continue to face and solve in the coming months and years. This Nation's thirst for fuel is ominous, and indeed, our production and our livelihood depend upon energy. Not only must we find ways of meeting the fuel crisis head-on, and finding new sources of energy, we must also devise ways to protect the precious fuel that we have left.

In the past months, the U.S. Department of Transportation has been assisting in a unique experiment in several cities across the country. This experiment has been labeled "Dial-A-Ride." And judging from the success of this pilot program, I think perhaps the Congress should consider this system for expansion in more cities and areas. There are several factors which indicate that a move in this direction would be a correct one.

First, Dial-A-Ride could help in the fuel crisis. The buses are programed to serve a specific area, as it actually goes to the front door of the passenger, and then delivers that passenger to their destination. The route that the bus takes in some instances is computerized, and several passengers can be picked up in the same general area.

Second, so far, Dial-A-Ride has proven very efficient and quick. The average pick up time has been less than 20 minutes from the time of the call, a rate sometimes better than that of taxi services. Deliveries have also been quick. Again, the average time is approximately 20 minutes.

Third, Dial-A-Ride is relatively cheap. At this time, fares are somewhat higher than ultimately anticipated by Department of Transportation officials. But the average cost even in the experimental programs is hardly twice that of fares on fixed route buslines, and certainly much, much cheaper than cab service.

Fourth, fuel conservation is perhaps at this time, one of the most important points. Most of the programs have only a few buses working in Dial-A-Ride, but they have been able to increase their workload as the program administrators become more familiar with the workings of the routes and pickups. This program obviously would allow one person to call a bus to his home or office, and be delivered directly to his destination's door, while at the same time riding with other persons, thus taking that number of people out of cars and saving fuel, cutting pollution, and making driving on our streets and highways safer. In fact, Dial-A-Ride has been very successfully used as a commuter service, and is heavily used on a regular basis from central carpool areas outside of the specific downtown areas to the downtown business district.

Fifth, Dial-A-Ride could also be of significant value to the poor and the elderly. As in any city, some people are just not located on a direct, fixed bus route. But these people also have to travel to the grocery store, to the doctor, and so on. Dial-A-Ride would give them the opportunity to do just that.

Sixth. Dial-A-Ride could also be the partial answer to some of the tremendous problems that are being faced by mass transit today. It would loosen fixed routes, and allow those companies to serve the needs of more of the community.

When we talk of the mass transit problems that we face not only in the future, but today, most would quickly think of rapid transit lines, or some similar type of transportation. But, the fact remains that even when you construct those rapid transit lines, you still have the problem of how to get people to the transit stations. Over and above that, rapid transit lines do not solve the problems of the innercity. Certainly rapid transit concepts could be helpful, but they are also very expensive, and we simply have to remember that we are spending money at a greater pace than ever before in our history, and we, the Government, are the worst offenders in feeding inflation.

What Dial-A-Ride may represent is a simple, cheap way to solve many of our problems. It is, in the simplest terms, a cheap taxi service, with all of the advantages money wise of a bus line.

To be perfectly honest about it, I simply cannot see where rapid transit systems are the sole answer to our transportation needs. Certainly in some cities, it is the answer, but, we cannot put all of our eggs in one basket, particularly one lined with the taxpayers dollars which could be more wisely spent. I would hope that the Congress would seriously consider the Dial-A-Ride concept, and perhaps we could not only solve some of our major transportation problems, but also save considerable money.

CHRISTMAS RUSH

Mr. McGEE. Mr. President, Postmaster General E. T. Klassen responded over the weekend to questions relating to this

year's "Christmas rush" and other postal matters, including the energy crisis and its repercussions on mail service.

Last year at Christmas time proved to be difficult, if not disastrous for the Postal Service. Since early summer the Postmaster General has put his top management staff to work to insure this will not happen again.

After listening to him recently before the Post Office and Civil Service Committee and reading the following newspaper articles I am hopeful that this Christmas will not be similar to 1972.

Mr. President, I ask unanimous consent that articles printed in the Washington Post and the Philadelphia Inquirer of November 25, 1973, be printed in the RECORD.

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

PROMPT YULE MAIL DELIVERY PLEDGED

ENERGY CRISIS WON'T INTERFERE, POSTAL CHIEF SAYS

WASHINGTON.—Postmaster General Elmer T. Klassen says he has received top-level assurances that the nation's energy crisis should not interfere with his promise that nearly 9 billion Christmas cards and packages will be delivered on time.

"I expect every postmaster to be free of his mail by Christmas Eve," the 65-year-old former corporate executive said. "I expect the house to be clean."

He also said the country's nearly 700,000 postal service employees may be asked to work six or seven days a week in December in an effort to deliver the massive volume of mail which totals 600 million pieces a day in December, twice the normal flow.

Klassen said Interior Secretary Rogers C. B. Morton has personally promised that the 224,000 ground vehicles needed to move the mail will have the 45 million gallons of fuel it takes to operate them. The total is 50 percent above the normal monthly fuel totals.

Klassen, a former president of American Can Co., replied to charges leveled by syndicated columnist Jack Anderson last week that the postal service may use the energy crisis as an excuse for "mail slowdowns that are really the result of ordinary inefficiency."

Klassen said he wanted to make sure the public understands that the postal service "is not hiding behind any energy crisis" when it comes to performance. He said everything possible is being done to guarantee that the deluge of cards and packages will arrive at their destinations on time.

Klassen indicated a problem may still exist if the airlines decide to cut back any more flights due to a shortage of fuel.

"They've cut back some 300 flights (out of a daily total of 14,000), but during the month of November we've found ways of dealing with that problem without seriously hurting us," he said.

"With the increased volume we have in the month of December alone, we need for them to put on a couple of extra flights."

Aides to Klassen have said that standby plans were being drafted for "supplemental ground capacity" in case the reduction of scheduled airlines flights become more acute.

Klassen said he has also taken the additional step of contacting leaders of the unions which represent postal workers.

The leaders he said, "are as concerned as I am about our performance. I've said to them that we may have to ask everyone to work six or seven days a week . . . and if the volume warrants it we'll deliver mail three times a day.

With the kind of cooperation we're getting from people throughout the country, the dedication of the employees themselves, the cooperation I'm getting from the union leaders and the kind of cooperation we're going to get from Secretary Morton in the fuel crisis, I'm satisfied that we're going to deliver the mail."

CHRISTMAS MAIL CRUSH—KLASSEN HOPES TO OVERCOME IT THIS YEAR

(By G. David Wallace)

Postmaster General E. T. Klassen says this Christmas is going to be different.

Different, that is, from last Christmas. Personnel cutbacks, machinery snarls and what Klassen called "damn poor management" stayed the Postal Service's couriers then more surely than snow, rain and gloom of night ever did.

Reports of letters taking 25 days to go from New York to Albany or eight days to go 40 blocks in Baltimore were examples last January of the complaints that flooded the Postal Service in double the highest volume received in any month since the agency was launched on its mission to become self-supporting. "We perhaps lost track of service," Klassen told an angry Congress.

But this year, Klassen said in an interview, he has given district directors more authority to hire extra help and has been making the rounds of major post offices to make sure they're ready for the Christmas crush.

Lurking in the wings, however, is a gasoline shortage that could cripple the Postal Service and the airlines and truckers that carry the mail.

Following are the questions and answers from an interview in which Klassen talks of his agency's condition as its busiest season approaches.

Q. What sort of shape are you in for Christmas this year? Do you feel you have last year's problem licked?

A. We had some very severe problems last year. I think we're going to be all right this Christmas.

Partly because of the hiring freeze I imposed in March 1972, we did not have enough people in some locations to do a good enough job. Every year we have a problem with Christmas.

I have met with 15,000 managers since February. I've given them much greater authority. We've given them additional authority to hire new people.

Q. So you don't anticipate any serious problems?

A. A cutback in fuel will have a very serious impact on us. We have 100,000 vehicles. We have another 100,000 under contract: This fuel thing gives us real concern. It will have a serious impact on our ability to perform.

One contractor called and told us he'd be out in three days. An air taxi we use has fuel for a week. I realize there is much mail which is sent which need not be sent. But who's going to make that judgment?

(Klassen told the Senate Post Office Committee on Monday that the mail service hasn't been hurt yet by the elimination of 300 flights by scheduled airlines to save fuel. But by the peak Christmas mail season, "I can say with certainty that mail service will suffer unless the airlines add extra sections.")

Q. Could you foresee a situation when you might have to cut back delivery or delay certain classes of mail?

A. As far as we're concerned there is no junk mail. We move five million Christmas cards in December. No one is going to say you can't mail your Christmas cards.

Q. You've recently asked for a postal rate increase which will raise the price of a first-class stamp 2 cents to 10 cents. Why do you need the money?

A. We have a mandate under our reorganization act that costs and revenue have to be brought into balance. We're handling two billion more pieces of mail than we did last year.

Keep in mind that in 1972 and 1973 we had no price increases. I daresay there weren't many other businesses which didn't raise prices in that period.

We've had a very substantial cost increase. Wage rates account for 85 per cent of operating costs. When the wage rates go up—and were approved by the cost council—we have to do something.

Q. Will the money go for improving service or for maintaining the present level of service?

A. We're going to implement an extensive improvement program. We have 11,000 facilities we think are totally inadequate for people to work in. That's out of 40,000.

We're trying to mechanize our operations. The amount of mail we handle has gone up by 4 or 5 per cent a year. Yet we had 750,000 employees in 1969 and a little over 700,000 now.

If we had continued on without mechanization, by 1980 we'd have a million employees.

PRICE CONTROLS

Mr. BROCK. Mr. President, someone once quipped "When you can remain calm while all others around you are losing their heads, then you do not understand the gravity of the situation." This seemingly funny little bit of wisdom is not so funny when you take a long, serious look at our current economic situation. We are seeing inflation grow at rates comparable or larger than at any point in our history. And, at the same time, the supply of products falls much shy of demand. The reason: a very simple one, controls. Columnist Jenkin Lloyd Jones in a recent article, made some very interesting comparisons of controls as opposed to the laws of supply and demand, and I think his observations are important. I ask unanimous consent that Mr. Jones' remarks be printed in the RECORD, so that we might obtain a better view of what those controls are really doing to our Nation.

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

PRICE CONTROLS INSURE UNHAPPY ENDING

(By Jenkin Lloyd Jones)

In the evil old days when patent medicine manufacturers could get away with anything, it was customary to lace "consumption cures" with large dollops of opium. The results were marvelous.

The coughing stopped, for the cough mechanism was effectively anesthetized. The astonished and delighted patient fired off a glowing testimonial. Sometimes he had time to write two before lung congestion took him to the undertaker. By interrupting nature's effort to remove the infection, there was a brief appearance of health, and then zap!

Price controls are like the old consumption cures. They "cure" inflation. Prices suddenly cease going up. The consumer is delighted. But generally the producer, caught in a cost squeeze, stops producing. The controlled commodity vanishes from the shelves. So the buyer does without or hunts up a black market.

A classic example is what happened to housing in Germany and France following World War II. The French sought to ease rising rents by slapping on stiff ceilings. It became uneconomical to build housing. Rents were cheap enough, but you had to practically inherit an apartment. Today, 28 years after the war's end, the urban Frenchman is still scrambling for a place to live.

Most German cities were largely destroyed. People were living in cellars, boxes, tents. But the Germans didn't put on controls.

Rents rose astronomically. It was so profitable to produce rental space that the building business soared. Everyone rushed to bulldoze up the rubble and clean the bricks for reuse. The cement mixers churned.

In consequence, within five years the housing crunch vanished. People could become choosy and rents slipped back.

Cheaper beef is no good if there's no beef. We found that out last August. Still, there remains the wistful hope that if some bureaucrat writes a magic number on a price tab, without regard to demand, supply and production incentives, the consumer will be served.

Efforts to fix prices for everything go back 41 centuries to the kings of ancient Sumer. They probably caused the invention of counters so that business could be carried on under them.

It is a sad fact of life that free prices remain steady only as long as supply and demand are in perfect equilibrium. When inventories are drawn down, prices edge up, and when things gather dust in the stockroom, cut-rate sales are offered.

These fluctuations distress everyone, but they are nature's corrective. For, in general, higher prices encourage more production, which meets demand, which softens the market, which causes prices to fall, which increases demand, which strengthens prices.

But what we are beginning to run into in this country is the phenomenon of shortages we never felt before. In a time of higher-than-ever personal incomes, spaghetti eaters upgrade to ground round and ground-round eaters go for sirloin.

If there were limitless pasturage and limitless grain for feed yards, supply would eventually catch up to demand. But the number of head of cattle you can carry on any given acreage is not easily expanded, and the whole world is bidding for our grain supplies. So meat goes up. To artificially hold down the price and thus discourage breeding is nuthouse economics.

The cheap energy days are drawing to a close in America. For years it was the Federal Power Commission's policy to hold down the price of natural gas. So most of America threw away its coal shovels and oil burners and hurried to tap into this lovely clean source of instant heat.

As the odds against hitting a good gas well went up and the cost of drilling went up and the price stayed the same, the chances for profitably exploring for gas went down. So wildcatting languished as the market soared. And now we have a gas crunch.

How much better off we would be if we had let the mechanism adjust itself—higher prices, slower conversion from more plentiful fuels, less incentive to waste this most versatile hydrocarbon in inefficient fireboxes, more incentive to find new reserves and a more gradual and orderly adjustment toward the inevitable day when natural gas is gone.

Monkeying with prices seems irresistible to Washington. But a rigged price is not the same as a true value. And value eventually triumphs. The kid who traded a $1,000 for two $500 cats stayed happy only until he tried to sell the cats.

FOOD AND ENERGY SHORTAGES—THEIR EFFECT ON TRADE, COOPERATION, AND THE FUTURE

Mr. HUMPHREY. Mr. President, on several occasions I have remarked on the importance of food, fuel, and foreign policy. The complexity of these subjects, their interrelationships with one another, and their growing effect on all segments of the world economy demand our immediate and continuing attention.

In the Washington Post of November 25, 1973, Lester Brown, a senior fellow at the Overseas Development Council, discussed the far-reaching effects of food and energy shortages throughout the world. Mr. Brown's article notes that significant increases in the price of petroleum coupled with a growing shortage of other basic trade items can have repercussions that range from changed consumption habits to export controls and revised foreign assistance policies. He also describes the potential strains on international relationships in general and the need for greater and continued attention to the management of population growth.

Mr. President, this excellent article also calls for an international system of food reserves as a means of coping with the problem of food scarcity. This is a concept which I will continue to support and encourage as a major element of any solution to the food and energy crisis.

In view of the timeliness and scope of Mr. Brown's discussion, I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, Nov. 25, 1973]

GLOBE GOBBLING: THE WORLD SCARCITIES AHEAD

(By Lester R. Brown)

As we approach the final quarter of this century, global scarcity of many important resources is emerging. While the energy crisis has been occupying the headlines, scarcity of other resources is now apparent.

Global consumption of every important mineral required by a modern industrial economy is increasing dramatically. Having already depleted their own reserves of critical raw materials, industrial countries are turning increasingly to non-industrial countries for supplies. As global economic growth continues we can only anticipate growing international competition and rising prices for supplies of many key resources.

Accelerating world price rises and frequent shortages of forest products—lumber, fuel and newsprint—are arising from the fact that the earth is gradually being deforested.

Shortages of natural fibers, principally cotton and wool, are helping to drive up clothing prices. In the past, scarcity of natural fibers has been offset easily by increased production of man-made fibers. However, the rising cost of petroleum—a basic raw material for the synthesis of fibers—has severely reduced that possibility.

Skyrocketing food prices in 1973 resulted in part from a disturbing long-term trend: the global demand for foodstuffs generated both by population growth and affluence is gradually outrunning the productive capacity of the world's farmers and fishermen.

Food scarcity is being accentuated by energy scarcity. Energy is an important cost in the manufacture of chemical fertilizers, and the primary raw material for the production of crucial nitrogen fertilizer is natural gas. High yield agriculture in Western Europe, Japan and the midwestern United States depends upon the intensive use of energy.

In many nations, population growth and economic growth are rapidly increasing the demand for land suitable for living space and commercial purposes. The result has been soaring land prices. Recreational, industrial and residential uses are reducing the land available for food production—a dangerous trend in a food-short world which has little unused arable land.

One essential resource which is beginning to constrain the expansion of both agricultural and industrial activity in substantial areas of the world is the availability of fresh water. Within agriculture it is now the principal constraint on the spread of the new high-yielding dwarf wheats in countries ranging from Mexico to Afghanistan. It is hamstringing Soviet efforts to meet expanding consumer demand for livestock products.

In many nations we are seeing growing pressures on another resource on which economic activity depends: waste absorptive capacity. Increases in the incidence of environmentally induced illnesses, the change in oxygen content of lakes and a lengthening list of species threatened with extinction are among the symptoms.

A DOMINO EFFECT

The scarcity characterizing the world market for many important commodities in the early 1970s must not be viewed as a historical accident or a temporary situation which will shortly vanish. It is the product of continuing exponential economic growth within the physical constraints of a finite, rather small planet. And if we are to deal with this problem we must create new mechanisms of global cooperation, such as a world food reserve and international management of ocean fisheries.

We are, in fact, seeing a domino effect of resource scarcity in operation. A shortage of fresh water with which to restore strip-mined areas holds down the level of coal extraction, adding pressures not only on available coal supplies but on all other energy resources as well. A fall-off in the growth of the world fish catch raises global demand for soybeans in order to produce substitute protein products such as poultry. Scarcity of cotton pulls cropland needed for soybean production into cotton production, intensifying the protein shortage. The list of such extended chains or networks of resource interdependence is long.

Economists traditionally have regarded substitution as the panacea for scarcity of a particular presource. In today's world, however, the opportunities for substitution frequently ensure only that scarcity is contagious.

Scarcities are not merely national scarcities affecting a particular country or group of countries; they are global scarcities. Countries throughout the world are dependent on common supplies of petroleum, soybeans, marine protein, copper and natural fibers. As the global economy has become more integrated, as a result of growing monetary interdependence and rapidly expanding internationial trade, it has become exceedingly difficult for individual countries to isolate themselves from scarcities elsewhere.

The United States, historically blessed with relative resource self-sufficiency, is experiencing a growing dependence on imported minerals, closely paralleling that for energy. Of the 13 basic raw materials required by a modern economy, the United States in 1970 was dependent on imports for more than half of its supplies of six. By 1985 it is projected to be primarily dependent on imports for supplies of nine of the 13 basic raw materials, including three major ones: bauxite, iron ore and tin.

In no areas has American interdependence with the world been demonstrated more dramatically than with food. If there is any area in which the U.S. economy was believed to be invulnerable, it was in its capacity to provide an adequate supply of low-cost food for American consumers. But at present, American consumers find that they must share food scarcity with consumers in other countries, most importantly those in the Soviet Union. The United States could have avoided the politically painful food price rises of early 1973 by restricting farm exports, but unfortunately an adequate U.S. energy supply is dependent on expanded farm exports to pay the rapidly rising import bill.

The international consequences of the growing common dependence on geographically concentrated, and often increasingly scarce, global resources deserve far more attention than they have thus far received. Resource scarcities are altering the economic and political relationships among countries, changing the relative position and influence of countries in the international hierarchy. A given country may find its position abruptly strengthened in one sector of economic activity and weakened in another. World food scarcity has greatly improved the terms on which the United States makes foodstuffs available to the rest of the world, but its negotiating position in the world energy economy has deteriorated sharply. The converse is true for the Soviet Union, which is highly vulnerable in food but in a much better position with energy, which it produces in surplus.

Efforts by individual countries to expand their share of global output, employment and wealth are taking new forms. Linkage between global scarcities and internal policies affecting economic growth, inflation and employment are becoming both more direct. Stresses on the international political fabric are increasing. Cooperation among countries is needed in spheres of activity where none was needed before.

THE COINS' OTHER SIDE

Since World War II, the overriding objective of national trade policies has been that of expanded access to markets abroad for exports. The General Agreement on Tariffs and Trade (GATT) was created specifically with this in mind. Five successive rounds of GATT negotiations since World War II have steadily reduced tariff barriers, as evidenced by the healthy growth in world trade throughout the postwar period.

Scarcity is now bringing the other side of the international trade coin, the question of access to supplies, to the fore. Highlighting this question is the disturbing tendency for countries to limit exports of raw materials. Countries are limiting exports to cope better with internal inflationary pressures, to extend the foreign exchange earning lifetime of a nonrenewable resource, to increase the share of indigenous processing, to improve export terms and to take advantage of anticipated future price rises.

Countries with nonrenewable resources such as petroleum and minerals are beginning to ask themselves at what rate they want to exploit their resources. Historically, when potential supplies almost always exceeded prospective demand, and supplier countries were eager to maximize exports, this issue was seldom raised. But today it is a much more complex issue.

Should the growth in world demand determine the rate at which a given resource is exploited or should it be determined by some longer-term internal development strategy, which might argue for a much slower rate of exploitation and lower level of exports?

What should determine the rate at which Venezuela's remaining oil reserves are exploited—its own longer-term foreign exchange needs or the short-term consumption needs of the United States? The former may argue for a much lower level of petroleum production and export than the latter.

Exports of scarce commodities are being banned or restricted by a number of countries in order to cope with internal inflationary pressures. Brazil has liimted the export of beef in 1973 to levels 30 per cent below the corresponding month in 1972. Thailand, a leading world supplier of rice, has banned exports in order to prevent inordinate price rises in its national food staple. The United States severely limited the export of soybeans this summer (the controls subsequently were lifted) and it is virtually the sole supplier of this critical protein resources to the rest of the world.

As lumber prices soar within the United States, a leading exporter of forest products, it is attempting to negotiate a voluntary quota for Japan on its imports of U.S. forest products. This represents a dramatic turnabout in U.S.-Japan trade relationships, where the focus over the past decade has been on the negotiation of voluntary quotas with the Japanese to limit their exports of textiles and steel to the United States. Under what conditions should a country be permitted to use trade policy to, in effect, export inflation?

Should a country be permitted to deny others access to an indigenous raw material of which it is the principal global supplier? We must begin to at least ask the question of how to cope with export limitation on raw materials which directly affect the well-being of people throughout the world. Guidelines governing terms of access to external markets and penalties for those countries which fail to comply have evolved within the framework of GATT, but there are no such guidelines on whether or when a country should be permitted to withhold a given resource from the rest of the world.

EXPORTING PROCESSED GOODS

Many developing countries see the improved market outlook for raw materials as an opportunity to substitute exports of semi-processed or processed raw materials for those of raw materials *per se*. They wish to abandon the "hewers of wood, drawers of water" role they have traditionally occupied in the world economy. Perhaps the best single example to date of the exercise of newly acquired bargaining power is an agreement between Japan and Turkey, wherein Japan has agreed to build a 50,000-ton-per-year ferro-chrome ore alloy plant in Turkey in exchange for agreement to supply a million tons of chrome ore over the next 11 years.

If the Shah of Iran gets his way, more and more of the oil leaving Iran will be refined rather than crude oil. Argentina, Brazil and India are taking advantage of the global scarcity of cattle hides by restricting or banning exports, thus furthering development of their domestic leather goods industry. In effect, they hope to shift the geographic focus of the leather goods export industry from Italy and Japan to the southern hemisphere. Indonesia is combining its favorable resource situation with mounting Japanese fears of pollution at home to persuade Japanese firms investing in mineral extraction to ship processed ore rather than crude ore to Japan.

Poor countries eager to acquire smokestacks and the jobs which they bring are likely to view their unused or underused waste absorptive capacities as a resource to be exploited in international economic competition, much like mineral reserves or fertile farm land.

The response of investors to pollution differentials among countries in some ways parallels that to wage differentials. In effect, firms are beginning to locate pollution-intensive phases of their operation in countries with low pollution levels much as they have located labor-intensive aspects of their operations in low-wage countries, most prominently Mexico, Taiwan, Hong Kong, Singapore and South Korea over the past decade.

COLLECTIVE BARGAINING

As the industrial countries turn increasingly to non-industrial countries for raw materials, their negotiating position is likely to weaken over time, altering the terms on which these raw materials are made available.

In the wake of the extraordinarily successful, highly visible collective bargaining by petroleum exporters over the past few years, the possibility of collective bargaining by suppliers of other raw materials is being viewed with more than ordinary interest. For them it is a tantalizing model. The prospects for successful collective negotiation by raw material exporters are influenced by a number of factors, including the number of suppliers, the ability and willingness to restrict supply, the availability of possible substitutes, alternative sources of foreign exchange earnings for the supplier and the possibility for collective bargaining by importing countries.

Efforts to bargain collectively fail far more often than they succeed but oftentimes a convergence of special circumstances can give the exporting countries the leverage to alter the terms on which a given raw material is made available. A prolonged strike in the mining or transport sector and interference with global transport arteries, such as blockage of the Suez Canal or the severing of a strategic rail or pipeline linking a major supplier with world markets, are but two of the events which can combine to strengthen inadvertently the hands of exporting countries.

One of the necessary, though far from sufficient, requisites for effective collective bargaining is that a relatively small number of countries control most of the exportable supplies. Four poor countries—Chile, Peru, Zambia and Zaire—supply most of the world's exportable surplus of copper. Three others—Malaysia, Bolivia and Thailand—account for 70 per cent of all tin entering international trade channels. Austria, Mexico and Peru account for 60 per cent of the exportable supply of lead. Cuba and New Caledonia have well over half of the world's known reserves of nickel. Known reserves of cobalt are concentrated in Zaire, Cuba, New Caledonia and parts of Asia.

Exportable protein feedstuffs are concentrated in even fewer countries. One country, Peru, supplies most of the fish meal entering the world market.

Exportable supplies of cereals are controlled by a few countries. North American dominance of cereal exports, both foodgrains and feedgrains, is even greater than Middle Eastern dominance in energy. Not only is the United States the leading supplier of wheat and feedgrains, but it is now the leading exporter of rice as well. The world is more dependent on North American food supplies than ever.

Suppliers of some raw materials are certain to attempt to emulate the Organization of Petroleum Exporting Countries. The four copper exporting countries are already doing so. There is concern within the aluminum industry that the politics of petroleum are becoming the politics of bauxite. Coffee exporters are now beginning to bargain collectively as a group whereas in the past they were dependent on the willingness of the importing countries to support prices of coffee.

While some poorer nations may be benefiting handsomely from resource shortages, others may suffer greatly. Global resource scarcity could threaten future economic progress in those countries which are densely populated and not blessed with any of the critical raw materials the rest of the world needs.

For example, a 40 per cent rise in the world market price of petroleum and cereals could bring economic development to a near standstill in those poor countries dependent on imports of both. The foreign assistance needs of resource-rich Indonesia, Algeria or Brazil no longer can be considered in the same light as those of Bangladesh, India or Colombia.

AFFECTING LIFESTYLES

Global resource scarcities impact heavily on economic and political relationships among countries, in part because they affect so directly the living conditions within a given country. They affect the very lifestyles

of people, their dietary habits, their mode of transportation. The level of protein intake in the Soviet Union and Japan are directly affected by U.S. farm export policy. The size of automobiles in the United States is inevitably affected by production decisions of Middle Eastern oil countries. It is this dimension of global resource scarcity that makes the terms of access to needed resources such a politically sensitive issue.

As global resource scarcity makes itself felt within the United States, it is generating a need to modify lifestyles. As long as the resources consumed within the United States were largely indigenous, how much was consumed was largely an internal matter, but as these resources come more and more from abroad, others will have some say over the rate and terms on which they are consumed.

Many of the technologies embodied in the U.S. economy evolved in a situation of resource abundance, of seemingly unlimited supplies of energy, land and water. The time has now come to re-examine these technologies in light of the growing resource scarcity. For example, the time may have come to redesign the transportation system, imposing limits on the size of automobiles and investing more in urban mass transit and less in interstate highways and urban throughways.

A similar situation exists with food. Claims on world food resources by the average American are nearly five times as great as those of the average Indian, Nigerian or Colombian. Whether Americans can continue to consume evermore animal protein, as existing economic projections indicate, in a protein scarce world is now problematic. It may become necessary for both economic and ecological reasons to begin to substitute high-quality vegetable protein for animal protein much as vegetable oils have been substituted for animal fats over the past generation.

NEEDED: GLOBAL COOPERATION

Coping with scarcity of some resources calls for specific new modes of international cooperation. Growing food scarcity is one such need. With world grain reserves now far below the desirable working level, and idled cropland in the United States rapidly disappearing, a major stabilizing influence on world food prices has been lost. Under these circumstances, an internationally managed world food reserve becomes highly desirable as a counter to the threat of famine and as a source of assurance and security to consumers everywhere, including the United States.

In some instances, such as in world fisheries, the failure to cooperate could leave all involved worse off. Unless an institutional framework can be created within which to cooperatively manage oceanic fisheries, we must face the prospect of depleted stocks, declining catches and soaring seafood prices. It is in this context that consumers have a direct stake in the forthcoming U.N.-sponsored Law of the Sea Conference.

Advancing technology has brought us to the point where national efforts to expand the supply of fresh water through river diversion or alteration of rainfall patterns may have international if not global consequences. Under these circumstances we need to think seriously of creating a supra-national institution to regulate national interventions in the hydrological cycle. When should a country be permitted to increase its rainfall at the expense of another, if at all? Should individual countries be permitted to divert river flows or deforest on a scale which will affect the global climatic system?

Scarcity manifested in rising prices and intensified competition among countries for access to and control of resources may make continuing global population growth a much more obvious threat to the future well-being and security of people everywhere than it is today.

One of the inevitable consequences of scarcity and, more importantly, the realization that it may not be temporary, is a growing doubt as to whether the currently projected world population of 6.5 billion by the end of the century will be considered tolerable. This in turn may impart a new urgency for putting on the demographic brakes, highlighting the importance of the U.N.-sponsored world population conference, now scheduled for Bucharest in August, 1974, and the World Population Plan of Action it is intended to produce.

TROUBLED YEARS AHEAD

The supply position of some raw materials will undoubtedly improve from time to time in the years ahead, but overall the prospect is for continuing scarcity. Over the longer term, technological breakthroughs may dramatically improve the supply situation. The energy crisis may one day disappear, but a technological breakthrough which might permit this, such as the harnessing of fusion power, is not likely to have an impact before 1990 at best. Advances in the technology of fish farming may some day permit growth in the supply of cultivated fish to offset the inevitable decline in growth in the oceanic catch. But progress on this scale almost certainly will be reserved for some point beyond the current decade, if it comes at all. And so it is with all too many resources plagued by global scarcity.

How to cope with global scarcity must be recognized as a global problem. The temptation at the government level will always be to act in the national interest, narrowly defined, and against a short-term time horizon. Political leaders often will be tempted to blame other countries for inflation, economic stagnation, rising unemployment or other ills deriving from scarcity. All too often, they will be tempted to use trade and monetary policy to export inflation and unemployment.

We delude ourselves if we think the years ahead will be an easy period in international relations. At best, they will be troubled ones. The complex resource issues which must be resolved, one way or another, will place great stress on the international political fabric. At issue is whether we can create a workable order for an increasingly interdependent world.

GLOBAL SCARCITIES OF ESSENTIAL RESOURCES

Mr. McGOVERN. Mr. President, one of the most sobering and important articles I have read in some time is the piece which appeared in yesterday's Washington Post by Dr. Lester R. Brown, a senior fellow with the Overseas Development Council in Washington. Dr. Brown is one of the world's leading authorities in the field of food and resource matters.

In his Sunday article he identified what I believe may become the No. 1 global challenge of the next 10 years—the mounting scarcity of essential materials. The hard truth is that we are increasing world population faster than we are increasing supplies of food, fertilizer, fuel, forestry products, minerals and fresh water. The shortages with us now and in the future require cooperation on an international scale. As Dr. Brown puts it:

At issue is whether we can create a workable world order for an increasingly interdependent world.

I ask unanimous consent that Dr. Brown's article be printed in the RECORD.

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

[From the Washington Post, Nov. 25, 1973]

GLOBE GOBBLING: THE WORLD SCARCITIES AHEAD

(By Lester R. Brown)

As we approach the final quarter of this century, global scarcity of many important resources is emerging. While the energy crisis has been occupying the headlines, scarcity of other resources is now apparent.

Global consumption of every important mineral required by a modern industrial economy is increasing dramatically. Having already depleted their own reserves of critical raw materials, industrial countries are turning increasingly to non-industrial countries for supplies. As global economic growth continues we can only anticipate growing international competition and rising prices for supplies of many key resources.

Accelerating world price rises and frequent shortages of forest products—lumber, fuel and newsprint—are arising from the fact that the earth is gradually being deforested.

Shortages of natural fibers, principally cotton and wool, are helping to drive up clothing prices. In the past, scarcity of natural fibers has been offset easily by increased production of man-made fibers. However, the rising cost of petroleum—a basic raw material for the synthesis of fibers—has severely reduced that possibility.

Skyrocketing food prices in 1973 resulted in part from a disturbing long-term trend: the global demand for foodstuffs generated both by population growth and affluence is gradually outrunning the productive capacity of the world's farmers and fishermen.

Food scarcity is being accentuated by energy scarcity. Energy is an important cost in the manufacture of chemical fertilizers, and the primary raw material for the production of crucial nitrogen fertilizer is natural gas. High yield agriculture in Western Europe, Japan and the midwestern United States depends upon the intensive use of energy.

In many nations, population growth and economic growth are rapidly increasing the demand for land suitable for living space and commercial purposes. The result has been soaring land prices. Recreational, industrial and residential uses are reducing the land available for food production—a dangerous trend in a food-short world which has little unused arable land.

One essential resource which is beginning to constrain the expansion of both agricultural and industrial activity in substantial areas of the world is the availability of fresh water. Within agriculture it is now the principal constraint on the spread of the new high-yielding dwarf wheats in countries ranging from Mexico to Afghanistan. It is hamstringing Soviet efforts to meet expanding consumer demand for livestock products.

In many nations we are seeing growing pressures on another resource on which economic activity depends: waste absorptive capacity. Increases in the incidence of environmentally induced illnesses, the change in oxygen content of lakes and a lengthening list of species threatened with extinction are among the symptoms.

A DOMINO EFFECT

The scarcity characterizing the world market for many important commodities in the early 1970s must not be viewed as a historical accident or a temporary situation which will shortly vanish. It is the product of continuing exponential economic growth within the physical constraints of a finite, rather small planet. And if we are to deal with this problem we must create new mechanisms of global cooperation, such as a world food reserve and international management of ocean fisheries.

We are, in fact, seeing a domino effect of resource scarcity in operation. A shortage of fresh water with which to restore strip-mined areas holds down the level of coal extraction, adding pressures not only on available coal

supplies but on all other energy resources as well. A fall-off in the growth of the world fish catch raises global demand for soybeans in order to produce substitute protein products such as poultry. Scarcity of cotton pulls cropland needed for soybean production into cotton production, intensifying the protein shortage. The list of such extended chains or networks of resource interdependence is long.

Economists traditionally have regarded substitution as the panacea for scarcity of a particular resource. In today's world, however, the opportunities for substitution frequently ensure only that scarcity is contagious.

Scarcities are not merely national scarcities affecting a particular country or group of countries; they are global scarcities. Countries throughout the world are dependent on common supplies of petroleum, soybeans, marine protein, copper and natural fibers. As the global economy has become more integrated, as a result of growing monetary interdependence and rapidly expanding international trade, it has become exceedingly difficult for individual countries to isolate themselves from scarcities elsewhere.

The United States, historically blessed with relative resource self-sufficiency, is experiencing a growing dependence on imported minerals, closely paralleling that for energy. Of the 13 basic raw materials required by a modern economy, the United States in 1970 was dependent on imports for more than half of its supplies of six. By 1985 it is projected to be primarily dependent on imports for supplies of nine of the 13 basic raw materials, including three major ones: bauxite, iron ore and tin.

In no areas has American interdependence with the world been demonstrated more dramatically than with food. If there is any area in which the U.S. economy was believed to be invulnerable, it was in its capacity to provide an adequate supply of low-cost food for American consumers. But at present, American consumers find that they must share food scarcity with consumers in other countries, most importantly those in the Soviet Union. The United States could have avoided the politically painful food price rises of early 1973 by restricting farm exports, but unfortunately an adequate U.S. energy supply is dependent on expanded farm exports to pay the rapidly rising import bill.

The international consequences of the growing common dependence on geographically concentrated, and often increasingly scarce, global resources deserve far more attention than they have thus far received. Resource scarcities are altering the economic and political relationships among countries, changing the relative position and influence of countries in the international hierarchy. A given country may find its position abruptly strengthened in one sector of economic activity and weakened in another. World food scarcity has greatly improved the terms on which the Untied States makes foodstuffs available to the rest of the world but its negotiating position in the world energy economy has deteriorated sharply. The converse is true for the Soviet Union, which is highly vulnerable in food but in a much better position with energy, which it produces in surplus.

Efforts by individual countries to expand their share of global output, employment and wealth are taking new forms. Linkage between global scarcities and internal policies affecting economic growth, inflation and employment are becoming both more direct. Stresses on the international political fabric are increasing. Cooperation among countries is needed in spheres of activity where none was needed before.

THE COIN'S OTHER SIDE

Since World War II, the overriding objective of national trade policies has been that of expanded access to markets abroad for exports. The General Agreement on Tariffs and Trade (GATT) was created specifically with this in mind. Five successive rounds of GATT negotiations since World War II have steadily reduced tariff barriers, as evidenced by the healthy growth in world trade throughout the postwar period.

Scarcity is now bringing the other side of the international trade coin, the question of access to supplies, to the fore. Highlighting this question is the disturbing tendency for countries to limit exports of raw materials. Countries are limiting exports to cope better with internal inflationary pressures, to extend the foreign exchange earning lifetime of a nonrenewable resource, to increase the share of indigenous processing, to improve export terms and to take advantage of anticipated future price rises.

Countries with nonrenewable resources such as petroleum and minerals are beginning to ask themselves at what rate they want to exploit their resources. Historically, when potential supplies almost always exceeded prospective demand, and supplier countries were eager to maximize exports, this issue was seldom raised. But today it is a much more complex issue.

Should the growth in world demand determine the rate at which a given resource is exploited or should it be determined by some longer-term internal development strategy, which might argue for a much slower rate of exploitation and lower level of exports?

What should determine the rate at which Venezuela's remaining oil reserves are exploited—its own longer-term foreign exchange needs or the short-term consumption needs of the United States? The former may argue for a much lower level of petroleum production and export than the latter.

Exports of scarce commodities are being banned or restricted by a number of countries in order to cope with internal inflationary pressures. Brazil has limited the export of beef in 1973 to levels 30 per cent below the corresponding month in 1972. Thailand, a leading world supplier of rice, has banned exports in order to prevent inordinate price rises in its national food staple. The United States severely limited the export of soybeans this summer (the controls subsequently were lifted) and it is virtually the sole supplier of this critical protein resources to the rest of the world.

As lumber prices soar within the United States, a leading exporter of forest products, it is attempting to negotiate a voluntary quota for Japan on its imports of U.S. forest products. This represents a dramatic turnabout in U.S.-Japan trade relationships, where the focus over the past decade has been on the negotiation of voluntary quotas with the Japanese to limit their exports of textiles and steel to the United States. Under what conditions should a country be permitted to use trade policy to, in effect, export inflation?

Should a country be permitted to deny others access to an indigenous raw material of which it is the principal global supplier? We must begin to at least ask the question of how to cope with export limitations on raw materials which directly affect the well-being of people throughout the world. Guidelines governing terms of access to external markets and penalties for those countries which fail to comply have evolved within the framework of GATT, but there are no such guidelines on whether or when a country should be permitted to withhold a given resource from the rest of the world.

EXPORTING PROCESSED GOODS

Many developing countries see the improved market outlook for raw materials as an opportunity to substitute exports of semiprocessed or processed raw materials for those of raw materials *per se*. They wish to abandon the "hewers of wood, drawers of water" role they have traditionally occupied in the world economy. Perhaps the best single example to date of the exercise of newly acquired bargaining power is an agreement between Japan and Turkey, wherein Japan has agreed to build a 50,000-ton-per-year ferro-chrome ore alloy plant in Turkey in exchange for agreement to supply a million tons of chrome ore over the next 11 years.

If the Shah of Iran gets his way, more and more of the oil leaving Iran will be refined rather than crude oil. Argentina, Brazil and India are taking advantage of the global scarcity of cattle hides by restricting or banning exports, thus furthering development of their domestic leather goods industry. In effect, they hope to shift the geographic focus of the leather goods export industry from Italy and Japan to the southern hemisphere. Indonesia is combining its favorable resource situation with mounting Japanese fears of pollution at home to persuade Japanese firms investing in mineral extraction to ship processed ore rather than crude ore to Japan.

Poor countries eager to acquire smokestacks and the jobs which they bring are likely to view their unused or underused waste absorptive capacities as a resource to be exploited in international economic competition, much like mineral reserves or fertile farm land.

The response of investors to pollution differentials among countries in some ways parallels that to wage differentials. In effect, firms are beginning to locate pollution-intensive phases of their operation in countries with low pollution levels much as they have located labor-intensive aspects of their operations in low-wage countries, most prominently Mexico, Taiwan, Hong Kong, Singapore and South Korea over the past decade.

COLLECTIVE BARGAINING

As the industrial countries turn increasingly to non-industrial countries for raw materials, their negotiating position is likely to weaken over time, altering the terms on which these raw materials are made available.

In the wake of the extraordinarily successful, highly visible collective bargaining by petroleum exporters over the past few years, the possibility of collective bargaining by suppliers of other raw materials is being viewed with more than ordinary interest. For them it is a tantalizing model. The prospects for successful collective negotiation by raw material exporters are influenced by a number of factors, including the number of suppliers, the ability and willingness to restrict supply, the availability of possible substitutes, alternative sources of foreign exchange earnings for the supplier and the possibility for collective bargaining by importing countries.

Efforts to bargain collectively fail far more often than they succeed but oftentimes a convergence of special circumstances can give the exporting countries the leverage to alter the terms on which a given raw material is made available. A prolonged strike in the mining or transport sector and interference with global transport arteries, such as blockage of the Suez Canal or the severing of a strategic rail or pipeline linking a major supplier with world markets, are but two of the events which can combine to strengthen inadvertently the hands of exporting countries.

One of the necessary, though far from sufficient, requisites for effective collective bargaining is that a relatively small number of countries control most of the exportable supplies. Four poor countries—Chile, Peru, Zambia and Zaire—supply most of the world's exportable surplus of copper. Three others—Malaysia, Bolivia and Thailand—account for 70 per cent of all tin entering international trade channels. Australia, Mexico and Peru account for 60 per cent of the exportable supply of lead. Cuba and New Caledonia have well over half of the world's known re-

serves of nickel. Known reserves of cobalt are concentrated in Zaire, Cuba, New Caledonia and parts of Asia.

Exportable protein feedstuffs are concentrated in even fewer countries. One country, Peru, supplies most of the fish meal entering the world market.

Exportable supplies of cereals are controlled by a few countries. North American dominance of cereal exports, both foodgrains and feedgrains, is even greater than Middle Eastern dominance in energy. Not only is the United States the leading supplier of wheat and feedgrains, but it is now the leading exporter of rice as well. The world is more dependent on North American food supplies than ever.

Suppliers of some raw materials are certain to attempt to emulate the Organization of Petroleum Exporting Countries. The four copper exporting countries are already doing so. There is concern within the aluminum industry that the politics of petroleum are becoming the politics of bauxite. Coffee exporters are now beginning to bargain collectively as a group whereas in the past they were dependent on the willingness of the importing countries to support prices of coffee.

While some poorer nations may be benefiting handsomely from resource shortages, others may suffer greatly. Global resource scarcity could threaten future economic progress in those countries which are densely populated and not blessed with any of the critical raw materials the rest of the world needs.

For example, a 40 per cent rise in the world market price of petroleum and cereals could bring economic development to a near standstill in those poor countries dependent on imports of both. The foreign assistance needs of resource-rich Indonesia, Algeria or Brazil no longer can be considered in the same light as those of Bangladesh, India or Colombia.

AFFECTING LIFESTYLES

Global resource scarcities impact heavily on economic and political relationships among countries, in part because they affect so directly the living conditions within a given country. They affect the very lifestyles of people, their dietary habits, their mode of transportation. The level of protein intake in the Soviet Union and Japan are directly affected by U.S. farm export policy. The size of automobiles in the United States is inevitably affected by production decision of Middle Eastern oil countries. It is this dimension of global resource scarcity that makes the terms of access to needed resources such a politically sensitive issue.

As global resource scarcity makes itself felt within the United States, it is generating a need to modify lifestyles. As long as the resources consumed within the United States were largely indigenous, how much was consumed was largely an internal matter, but as these resources come more and more from abroad, others will have some say over the rate and terms on which they are consumed.

Many of the technologies embodied in the U.S. economy evolved in a situation of resource abundance, of seemingly unlimited supplies of energy, land and water. The time has now come to re-examine these technologies in light of the growing resource scarcity. For example, the time may have come to redesign the transportation system, imposing limits on the size of automobiles and investing more in urban mass transit and less in interstate highways and urban throughways.

A similar situation exists with food. Claims on world food resources by the average American are nearly five times as great as those of the average Indian, Nigerian or Colombian. Whether Americans can continue to consume ever more animal protein, as existing economic projections indicate, in a protein scarce world is now problematic. It may become necessary for both economic and ecological reasons to begin to substitute high-quality vegetable protein for animal protein much as vegetable oils have been substituted for animal fats over the past generation.

NEEDED: GLOBAL COOPERATION

Coping with scarcity of some resources calls for specific new modes of international cooperation. Growing food scarcity is one such need. With world grain reserves now far below the desirable working level, and idled cropland in the United States rapidly disappearing, a major stabilizing influence on world food prices has been lost. Under these circumstances, an internationally managed world food reserve becomes highly desirable as a counter to the treat of famine and as a source of assurance and security to consumers everywhere, including the United States.

In some instances, such as in world fisheries, the failure to cooperate could leave all involved worse off. Unless an institutional framework can be created within which to cooperatively manage oceanic fisheries, we must face the prospect of depleted stocks, declining catches and soaring seafood prices. It is in this context that consumers have a direct stake in the forthcoming U.N.-sponsored Law of the Sea Conference.

Advancing technology has brought us to the point where national efforts to expand the supply of fresh water through river diversion or alteration of rainfall patterns may have international if not global consequences. Under these circumstances we need to think seriously of creating a supra-national institution to regulate national interventions in the hydrological cycle. When should a country be permitted to increase its rainfall at the expense of another, if at all? Should individual countries be permitted to divert river flows or deforest on a scale which will affect the global climatic system?

Scarcity manifested in rising prices and intensified competition among countries for access to and control of resources may make continuing global population growth a much more obvious threat to the future well-being and security of people everywhere than it is today.

One of the inevitable consequences of scarcity and, more importantly, the realization that it may not be temporary, is a growing doubt as to whether the currently projected world population of 6.5 billion by the end of the century will be considered tolerable. This in turn may impart a new urgency for putting on the demographic brakes, highlighting the importance of the U.N.-sponsored world population conference, now scheduled for Bucharest in August, 1974, and the World Population Plan of Action it is intended to produce.

TROUBLED YEARS AHEAD

The supply position of some raw materials will undoubtedly improve from time to time in the years ahead, but overall the prospect is for continuing scarcity. Over the longer term, technological breakthroughs may dramatically improve the supply situation. The energy crisis may one day disappear, but a technological breakthrough which might permit this, such as the harnessing of fusion power, is not likely to have an impact before 1990 at best. Advances in the technology of fish farming may some day permit growth in the supply of cultivated fish to offset the inevitable decline in growth in the oceanic catch. But progress on this scale almost certainly will be reserved for some point beyond the current decade, if it comes at all. And so it is with all too many resources plagued by global scarcity.

How to cope with global scarcity must be recognized as a global problem. The temptation at the governmental level will always be to act in the national interest, narrowly defined, and against a short-term time horizon. Political leaders often will be tempted to blame other countries for inflation, economic stagnation, rising unemployment or other ills deriving from scarcity. All too often, they will be tempted to use trade and monetary policy to export inflation and unemployment.

We delude ourselves if we think the years ahead will be an easy period in international relations. At best, they will be troubled ones. The complex resource issues which must be resolved, one way or another, will place great stress on the international political fabric. At issue is whether we can create a workable world order for an increasingly interdependent world.

TOUGALOO COLLEGE

Mr. KENNEDY. Mr. President, the November issue of Encore, a new monthly magazine featured a special report on Tougaloo College, a private institution located in Tougaloo, Miss. Tougaloo, like other black colleges and universities with financial problems, is in the midst of a severe financial crisis. Inadequate funding and decreasing student enrollments threaten the growth and the existence of this school that has devoted over 100 years to the educational growth of black people not only in the State of Mississippi, but in other parts of the country.

Mr. President, I ask unanimous consent that the series of articles from this special report be printed in the RECORD so that others may be made aware of this fine school, and the excellent job it has done in the past and how the school is planning to continue its fine record.

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

PROFILE OF TOUGALOO

One hundred and four years ago, a Mississippi plantation became the site of Tougaloo College. Considered by many to be the finest Black college in Mississippi. Tougaloo today retains many elements from its past, while offering students an education which prepares them to deal realistically with the modern world.

The consensus is that Tougaloo provides a teacher-student relationship not found at the big universities, or even at many smaller schools, and that this is what makes Tougaloo special. This supplement is about that relationship, and about the need for Black people to ensure the continued growth and survival of this and other Black colleges, where young people can receive an education relevant to the Black experience in the twentieth century.

TOUGALOO COLLEGE: EMPHASIS ON GROWING

(By Lynn Sharpe)

There are 120 Black colleges in the United States. These institutions are perennially plagued by lack of funds and attacks on the validity of their existence.

Funding comes from the government, foundations, corporations, and the United Negro College Fund, which aids 40 Black colleges. Each year the Black colleges seek to meet their projected needs and each year funding falls short. The United Negro College Fund reported that out of $223 million given to colleges by corporations in 1971–1972, Black colleges received only $4 million. During this period, federal aid to higher education totalled $4.9 billion; only $170 million went to Black colleges.

When White colleges began to increase their enrollment of minority students and hiring of Black professors, many educators felt that Black colleges would soon become obsolete. But it was an empty fear. Black

students dropped out of White colleges, and many enrolled in Black colleges. As the number of potential Black students rose, White schools didn't have the funds to take in these students, and in some cases they claimed that the Black students weren't qualified. Black colleges, however, were increasing their enrollment and needed more money so they could help more students. Seventy percent of Black graduates receive diplomas from Black colleges.

Tougaloo college is an example of one Black college which is trying to counter these problems. ENCORE feels, that Tougaloo deserves a closer look, not just a pat on the back, for what it has done for hundreds of Black students.

A private college with a present enrollment of only 750, Tougaloo is seeking funds so that it can increase the number of its students, increase its staff, and improve its campus.

The emphasis at Tougaloo a hundred years ago was to each young Blacks to teach. But today Blacks have career opportunities in the fields of business, law, and science which were unavailable then. Tougaloo has changed the emphasis of its curriculum. Intern programs allow students, to assess their commitments to particular fields. The Intensive Summer Study Program, sponsored by Harvard, Yale and Columbia, gives Tougaloo students the chance to see what graduate school is all about. The Career-Related Summer Experience provides on-the-job apprenticeship.

Tougaloo also gives students the opportunity to work in the surrounding community. There is a special internship in sociology, and students are encouraged to participate in a program wherein they tutor selected elementary school students in their homes.

Tougaloo has the reputation for being the first Black school in Mississippi. Many of the students are the sons and daughters of alumni. Many of the faculty are alumni who felt a commitment to return to Tougaloo and help educate young Blacks. The number of Tougaloo graduates going on to graduate school has increased, as has the number who return to Mississippi.

There is a strong student-teacher relationship on Tougaloo's campus. No student is a number. Special programs are available to help students with academic, financial and social problems. Constant dialogue takes place between the administration and the students. President Owens encourages the students to talk to him about the college's policies or anything else on their minds.

Tougaloo students, like their brothers and sisters in other Black colleges, are concerned about their education and the world they live in. Unlike Black students in the sixties, who were preoccupied with militant extracurricular involvements, Black students today are concerned with learning skills so they can fulfill their commitments to the Black community. The Black campus provides the best education possible to prepare them to face these commitments.

Each year Black colleges shrug off the doomsday reports and continue to maintain themselves on whatever funding is available. Black college administrations, professors, and students realize that the Black college experience is unique and necessary. Tougaloo College is an important asset to our community. It is not becoming obsolete, but it does need more of our support.

HISTORY

What happened during Tougaloo's first hundred years: 1869–1969?

1869: American Missionary Association purchases 500-acre plantation near Jackson, Mississippi and establishes a training school.

1871: Mississippi State legislature grants the institution a charter under the title of Tougaloo University.

1875: Home Missionary Society of the Disciples of Christ obtains a charter for a school known as Southern Christian Institute.

1901: First Bachelor of Arts degree presented to a graduate of the institution.

1954: Tougaloo College and Southern Christion. Institute merge as one institution and become Tougaloo Southern Christian College.

1963: The Board of Trustees of the College, with the agreement of the supporting bodies, votes to change name to Tougaloo College.

1964: The cooperative program between Tougaloo and Brown University is established, with a grant from the Ford Foundation.

1965: George A. Owens is named 12th President of Tougaloo College and becomes the first alumnus and first Negro to hold the office of President.

1969: 38% of Tougaloo's Centennial class admitted to graduate schools with several national honors. 34% take positions in government and industry. College launches Centennial Development Fund, its first nationwide appeal.

PRESIDENTS OF TOUGALOO COLLEGE

Rev. Ebenezer Tucker, 1869–1870.
Mr. A. J. Steele, 1870–1873.
Rev. J. K. Nutting, 1873–1875.
Rev. L. A. Darling, 1875–1877.
Rev. George S. Pope, 1877–1887.
Rev. Frank G. Woodworth, 1887–1912.
Rev. William T. Holmes, 1913–1933.
Mr. Charles B. Austin (Acting) 1933–1935.
Rev. Judson L. Cross, 1935–1945.
Dean L. B. Fraser (Acting), 1945–1947.
Dr. Harold C. Warren, 1947–1955.
Mr. A. A. Branch (Acting) 1955–1956.
Dr. Samuel C. Kincheloe, 1956–1960.
Dr. A. D. Beittel, 1960–1964.
Dr. George A. Owens (Acting), 1964–1965.
Dr. George A. Owens 1965–

THE FIRST HUNDRED YEARS

The Reconstruction era was an ambiguous time for Blacks. On the one hand they were free; on the other hand they were existing under de facto slavery in the South and in some instances in the North. The American Missionary Association, like many Northern abolitionist organizations, was interested in helping freed Blacks help themselves through education.

The association established many of the Black colleges in the South. In 1869 it purchased a plantation of 500 acres about three miles north of Jackson, Mississippi, and established a school there (in what is now known as the town of Tougaloo). The mansion on the property served as a school building and home for the first principal, Rev. Ebenezer Tucker, and his family. The building still stands, but today it houses the business and administrative offices.

The school's stated purpose was "to be accessible to all, irrespective of their religious tenets, and conducted on the most liberal principles for the benefit of our citizens in general." In 1871 the Mississippi state legislature granted the institution a charter under the title of "Tougaloo University."

The normal department, which trained teachers and maintained a private elementary school, was supported as a state normal school until 1892, when Tougaloo ceased to receive state financial assistance and ended its formal connection with the Mississippi school system. The elementary school was terminated in 1952. Until 1957, however, the high school department of Tougaloo contiued to receive textbooks and financing for a lunch program from the state. The university offered course credit for the first time in 1897, and the first Bachelor of Arts degree was awarded in 1901. In accord with Black educational needs immediately following Reconstruction, most students were trained to be teachers and ministers.

In Tougaloo's library is an unapproved, detailed history of the school that reports its early years as having been quite unsettled. Apparently, many Northern Whites became bored by the Black cause and it was difficult to obtain funds. But the White ministers and missionaries were determined to keep the school alive, often going without necessary books, food, and medical supplies. There was a farm, but it made only enough money to keep the school population from starving. However, in the 1920's the Board of Home Missions of the Congregational Churches became the agent for the American Missionary Association, and aid to Tougaloo became a part of the program of the Congregational Christian Churches. A few more philanthropic groups and individuals contributed to the support of the school, and things improved financially.

Not long after its inception. Tougaloo began to get a reputation as a hot-bed of impudent Blacks. Many White Mississippians became upset and irate, and a great debate evolved as to what kind of education Blacks should receive. The response of Tougaloo was the Blacks should be educated not to "know" their place but to "find it."

The school's philosophy was that a faculty member or student was a citizen and had the right to participate fully in the community as long as he did his duties on campus. A school president, having been counseled to cane a smart-alecky student, refused to do so because the student had not broken any school rules. In 1938 the choir chaplain was one of the organizers of the Mississippi chapter of the NAACP, in the eyes of White Mississippians a crime worse than organizing the Communist party. Under pressures to have the chaplain fired, the president of the college refused to do so.

In 1931, the Mississippi Department of Education and the Association of Colleges and Secondary Schools of the Southern States granted full accreditation to the high school department. Tougaloo was the first institution for Mississippi Black students to receive this rating.

In 1954, the American Missionary Association and the United Christian Missionary Society, consolidated the educational activities and financial support of Tougaloo University and Southern Christian College (founded in 1875 in Hemingway, Mississippi) under the name of "Tougaloo Southern Christian College." In 1963, the college's board of trustees and supporting denominations renamed the institution "Tougaloo College" to remove any suggestion of sectarian or regional restrictions.

During the late fifties and early sixties Tougaloo College became the cornerstone of the Mississippi civil rights movement. It was Tougaloo students who often led demonstrations and sit-ins and helped fill the Mississippi jails. When civil rights leaders came through Mississippi, they usually could rest and find comradeship at Tougaloo. Martin Luther King, Jr., Medgar Evers, Stokely Carmichael, and others often used the campus as headquarters for strategy meetings. In 1970, when Black students were fired upon at Jackson State, Tougaloo students went there to demonstrate their support.

In 1969, Tougaloo celebrated its 100th anniversary. The college has been part of Mississippi history and in some ways has helped to shape it. After 100 years, Tougaloo still reflects the desire of its founders to provide the people with education of high quality accessible to all and free of ecclesiastical control.

INTERVIEW—THE BUSINESS OF RUNNING TOUGALOO

(It was news in the sixties when a Black educator or businessman took over the job traditionally held by a White minister or philanthropist—the presidency of a Black college.

George Owens was Tougaloo College's first Black president. A Tougaloo graduate, Owens dreamt of moving up through the corporate structure instead of the college bureaucracy. But in 1949, after a year as a Saks Fifth Avenue junior executive, Owens was asked to become business manager for Talladega College in Alabama. Six years later Owens became Tougaloo's business manager. "I felt it was time to pay my dues," he recalled. In 1964 the board of trustees asked him to serve as acting president. After a year of searching for someone with all of Owens' qualifications, they appointed Owens himself.

Associate Editor Lynn Sharpe interviewed President Owens last June.)

SHARPE. Do you feel that the students have given you an easier time than they gave your White predecessors?

OWENS. I've had to earn the respect of the students here like anyone else would have had to. In the beginning there was the challenge to old ways and the use of civil rights tactics against the administration, which means against the president. I'm not easily intimidated. If I don't agree with you, I'm not going to agree with you unless you have documentation. So we argued things out.

No student was arbitrarily ousted. We never had any demonstration or protest last more than 24 hours because we did a lot of talking together. We will talk and continue to talk until we reach some agreements over the table.

SHARPE. What specifically changed as a result of those challenges to your authority?

OWENS. We went from a total faculty-administrated student judiciary committee to a total student administrated student judiciary committee. The students themselves decided that this wasn't working effectively, and they came up with the idea to have a student-and-faculty-administrated student judiciary. Students became full voting members of the majority of the faculty committees. The whole in loco parentis relationship has changed to adults relating to adults.

SHARPE. What do you think you as a Black president have brought to this Black college?

OWENS. It's hard to say. I graduated under a White president and I served under two as a business administrator. I knew those three as fine men who did a good job in their time. When I came the times were different. I wasn't here to prove that a Black could be president of a college. We've had outstanding Black presidents of colleges before. What I brought as an individual is what I would hope is very important.

I think it important to build quickly a cadre of young Black people who are skilled and will be able to liberate Black people from the oppression we have lived under so long. I have an obligation to use the influence that I have to really selfishly multiply the number of hands and hearts to help Black liberation. The more young people we can graduate with skills, the better it is for me personally. And for everyone who we've graduated I feel that we've added another strong warrior to help do the job.

I thought it very important that we have a program that would prepare our students for a new day of equal opportunity. So we set up a career counseling and placement center. We didn't need a placement center when 95 percent of our students were going into teaching. When industry opened its doors, it was important that Tougaloo give its students the necessary guidance. We increased our students entering graduate and professional schools from five percent to 45 percent.

SHARPE. The one thing that impressed me about the students here was their expressed desire to come back to Mississippi after they have finished graduate school. It is interesting that you returned to help your alma mater.

OWENS. This institution helped me get the preparation that I have. I enjoy this job. I am pleased that many more Blacks are doing the same, returning to the South with their skills. I would guess that right now 20 percent of the graduates of Tougaloo actually have come back. The five top administrators of this school are graduates of Tougaloo. I would estimate that, of the recent graduates in lawyers, 50 percent who are from Tougaloo come back to the state. Many of those going to medical school promise me that they will return, and I really think they will.

But it is important that our students go to other places as well, like White institutions. White kids need their help and need to see Blacks in leadership-type positions.

SHARPE. How many of the teachers are Tougaloo graduates?

OWENS. We have a number of them. I can appreciate the fact that they need more money than we can offer. I told the seniors this year that I wanted all of them to get good and rich so they could give us some money. I don't want to have to go to the Ford Foundation all the time.

SHARPE. How is the school financed?

OWENS. Most of our support is from the government. We also get a percentage of money from the United Negro College Fund. We get money from two church denominations—United Church of Christ and the Christian (Disciples of Christ) Church, foundations, and corporations, as well as individual gifts. We try to raise at least 15 percent of our budget. When I came here in 1955 the budget was $400,000 a year. Now it's about $4 million. Our student body has grown from 300 in 1955 to 700. Since we have no endowment, we really pinch pennies.

SHARPE. Why is that?

OWENS. People are not willing to invest in Black institutions, and especially a small, Black college in Mississippi. I think the reasons are racist. So we live on a year-to-year basis. We don't have rich alumni. We have to exploit our faculty and administrators. God has been good to us; we have people here who are talented and willing to work for the joy of seeing young Blacks get the necessary skills.

SHARPE. Not having a lot of money, however, does not in this case mean a lower quality in education. But the rumor does persist that the only good education can be found in White colleges.

OWENS. When you start looking around and seeing where our Black leaders graduated from, Black colleges have more than a fair representation—Thurgood Marshall, Martin Luther King, Jr., Stokely Carmichael, to name a few. If I recall correctly someone said that the majority of the Black doctors in this country came out of Black colleges. If you close all the Black colleges, our movement for full participation in this society would be set back a hundred years. I think the people who believe and nurture the theory that Black colleges are on the wane may have a grand design to weaken us. We have the church and our Black colleges. An individual can't do much; you've got to have groups and institutions.

SHARPE. But doesn't it seem a bit ironic that many of these Black colleges have a good number of White instructors? The students here are very much aware of this, and in the interviews I had many of them express resentment about it.

OWENS. My preference is for an integrated faculty. I think that it's an experience that our students need as preparation for entry into the broader world. I do know that at one time many of the White people who were working in the South wanted to control and maintain their reputations as White liberals by associating themselves with Black movements and institutions. But I think that Black students are aware enough to realize where people are coming from.

SHARPE. During the late sixties White colleges were flaunting their numbers of registered Black students. Many of them implied, obviously in order to get more federal aid, that their increased enrollment of Black students meant Black students were leaving the South—meaning Black colleges. Is this true?

OWENS. Let's look at some facts. Ten years ago you had 90,000 Blacks enrolled at Black colleges. Five years ago there were about 135,000. Presently there ar 150,000. It's projected that in ten years 250,000 Black students will be enrolled in Black colleges. There are twice as many enrolled in White institutions. But there is a trick of statistics here that people are not aware of. Many of these Black students are dropping out; I haven't seen any figures on how many Black students are graduating from White institutions. Many of the White institutions set quotas higher than they were going to maintain. There is no institution in this country that is going to literally, spiritually, or figuratively change its complexion.

Black students never left Black colleges. During the sixties these White institutions went out and grabbed as many Black students as they could. Often these schools took Black students we wouldn't have, and if we had we wouldn't have let them sink. The pressures at these schools for Black students to be Black 24 hours was a bit ridiculous. Black students have come to understand that on a Black college campus you don't have to be super-Black.

We are proud of our background and intellectual setting in the sense that here a student can hear it all. He is in close proximity to conservative and segregationist views. At the same time, all kinds of Black idealogy are brought on campus for the student to examine. Our students have developed a sophistication because they can see and hear and discern for themselves what is important for them to understand.

LADY ENCORE

"I'm a Mississippian; I grew up here. I felt that I was given a great opportunity here and should share that with other Blacks," states Dr. Naomi Townsend, dean of academic affairs at Tougaloo and one of the few women who are academic deans of American coeducational colleges.

An alumna of Tougaloo (class of '38), Dr. Townsend returned to the college in 1945 to teach. "It had nothing to do with a missionary zeal. I could make money at other places, but here I could make a contribution."

Dr. Townsend is responsible for the January "mini-semester" at Tougaloo, a three-week term during which instructors are encouraged to develop innovative teaching methods for use during the regular semester. "I took on the responsibility because I wanted the challenge of seeing some of my programs through," she explained. "I also want to help establish Tougaloo's place in higher education in Mississippi."

In 1964, when she graduated from Tougaloo, Joyce Ann Ladner would not have believed she would return nine years later as the commencement speaker. But she was in for a lot of surprises. The Tougaloo National Alumni Association selected her as 1973's Alumna of the Year in a secret balloting.

After completing her undergraduate work, Dr. Ladner earned her masters degree and doctorate from Washington University. At present, she is a professor of sociology at Howard University, the author of Tomorrow's Tomorrow, a revealing book about the Black woman, and has recently completed her second book, The Death of White Sociology, a collection of essays and articles on what is right about Black sociology.

Born in Hattiesburg, Mississippi, Dr. Ladner asserts that "the 20 years I spent being socialized by my family and the broader Black community prior to entering graduate

school shaped my perception about life and enhanced my ability to survive in a society that has not made survival for Blacks easy."

Alice Walker—poet, essayist and novelist—taught at Tougaloo for several years. Her love for the students is expressed by the Alice Walker Literary Award, given each year to a promising young writer at Tougaloo. Ms. Walker herself attended Spelman College and Sarah Lawrence. She is the author of several collections of poetry and other works. *In Love and Trouble*, her latest book, consists of 13 short stories dealing with Southern Black women who are bound together in terms of their vulnerability, both to life and to their men, present or absent.

Encore also salutes the many other Tougaloo alumni who have made their college proud.

The majority of Mississippi's Black doctors and lawyers are graduates of Tougaloo. For example, Alphonso Willis (summa cum laude, '73) started his medical studies at the Harvard University Medical School this fall and plans to return to Mississippi to practice.

Tougaloo has had more Danforth Scholars than any other Southern Black college. Danforth Scholars are given tuition and a small allowance so that they can work on their graduate degrees. Sandy Dwayne Martin (summa cum laude, '73) was this year's Danforth Scholar from Tougaloo and he also appears in the 1973 *Who's Who in American Colleges*. He will study church history at Union Theological Seminary in New York City.

And last, but not least, Encore salutes Tougaloo's committed instructors, who over the years have motivated and inspired their students.

STUDENT LIFE

(By Larry Robinson)

I'm a native of Greenville, Mississippi, and a music major in my senior year at Tougaloo College.

Talented Black musicians usually attribute their natural ability to heredity. My father, now deceased, was a Baptist minister who possessed a marvelous baritone voice. He fathered thirteen children, ten by his first wife and three by my mother. My two brothers and I used to travel with our folks throughout northern Mississippi to churches where my father would preach. I was young and I hated going on those trips, but I've since learned to appreciate the foot-stamping, the shouting, the "amens" in response to my father's preaching, and of course, the singing, especially my father's singing of "Amazing Grace."

Since the age of five I've had some kind of interest in music. I would sit at the kitchen table or at the dresser and just peck away. Once, a neighbor dumped his old piano in his back yard, and I guess that was the very first piano I played—by ear, of course.

Along with piano playing came singing, and in elementary school I sang soprano, which is how a lot of male singers begin. Later I sang tenor in a high school choir.

Remembering my high school days, one thing that has always stood out in my mind is that clubs and groups meant a great deal to me. Our high school choir was considered the best in the state, so I truly respected the thoughts and judgments of the talented lady who directed it. She told me: "Playing the piano by ear isn't all it takes. Unless you can read the printed page along with that ear, you can't pursue what is destined for you in the future."

I had heard about Tougaloo College and its involvement with the civil rights movement in the early sixties, but had never given any thought to what role the college might play in my life. At any rate, I was fortunate to have the opportunity to come to Jackson one spring weekend and see Tougaloo and for a short time grasp the warm atmosphere of friendship. I say "friendship" in an overwhelmingly positive sense of the word because that is what I sensed in those few hours I spent on campus.

My decision was made in favor of Tougaloo College over other schools which would, as I saw it, only give me financial aid and a registration number.

I believe that the purpose of the institution is humane; not just to educate social security numbers, but to show concern for students as individuals who are seeking myriad goals in life. The fact that in 1969, 43 percent of Tougaloo graduates went on to graduate school or some professional institution of higher learning may only be a statistic to most outsiders, but inside one can see the effort of the administration, faculty, and staff to help others help themselves to get those things that Blacks have been deprived of for centuries.

No institution is totally free as far as campus life is concerned, but at Tougaloo each individual learns to take responsibility. Students are treated as adults, and are allowed coed visitation, fraternities, sororities, and those various other things which give one "enough rope to hang or save yourself."

I changed schools for one semester. This only confirmed my devotion to Tougaloo, where I was taught to measure myself not only in terms of grades, but on the basis of my development—what I would be capable of in the future.

Tougaloo College, along with two other institutions, is the founder of Opera South. I had the privilege of participating in this group, as well as making choir tours throughout the United States, and going to many auditions and concerts. In this, as in many ways, Tougaloo College has served as an asset in the development of my musicianship, character, and the relationship I have with others on campus. The idea of being a part of this group still lingers in my mind, but now I must use my talents and education to help children, especially Black children, who have been crippled musically, to feel the beauty of rag, jazz, blues, soul and gospel music.

OUR COLLEGES MUST SURVIVE

(By Edgar Smith)

Where roses bloom in bowers,
And where the moss hangs grey,
Where tall the oak tree towers,
There steals my heart today.

As every loyal alumnus knows, these are the opening lines of the Tougaloo College Alumni song—a fitting tribute to the small, predominantly Black, private college that in 1969 celebrated its 100th anniversary.

A review of Tougaloo's record of performance clearly indicates that its first century has been an extremely productive one, as attested to by the success of the college's graduates in various fields of endeavor. Needless to say, this is no small task for a Black, private college in the state of Mississippi.

Having been invited to elaborate on the subject of "What Tougaloo Means To Me," my response will be strictly personal and specific. But I am confident that it will approach the feelings of numerous graduates from other predominantly Black colleges.

As a child growing up in the Mississippi Delta in the pre-civil rights days, I was keenly aware of my "place." My education through secondary school was in the "separate but equal" system of that day. In spite of the obvious shortcomings, however, that system was not all bad. This might sound strange to someone not familiar with how things were done.

The point is that were certain benefits derived from the "forced togetherness" of segregation. For example, in my high school a great deal of attention and encouragement were given to individual students by sympathetic teachers. These ingredients are lacking in many of the Northern school systems with which I have been connected. This is not to imply that to achieve these qualities schools must be segregated, but it does suggest that the nation's secondary schools could benefit from more Black input at the teaching and administrative levels.

While in grammar school I became familiar with Tougaloo because our school principal was a proud alumnus. In high school my interest was heightened by teachers and students, by visits to the campus, and last but not least, by the mighty Tougaloo College Choir. The choir interested me because I wanted so much to be part of a proud tradition that had been maintained through the years. Thus, this was the school for me.

At Tougaloo I found a continuation of the high school phenomenon to which I alluded earlier, namely, an effort to give each student as much individual attention as possible. This time, however, it was on a more integrated basis, since many of the faculty members were White. My anticipated problems of adjustment to this situation never arose. The obviously sincere interest of the entire faculty, coupled with the warmth of the Tougaloo community, dispelled any fears I might have harbored about what was going to happen to me in the next four years.

My educational experiences at Tougaloo gave me both the academic background and the all-important encouragement I needed to pursue graduate study, as well as experiences that contributed to my overall growth as a person. In many small, subtle ways it made me begin to realize the worth of every human being. I am grateful for the concrete education I received at Tougaloo—both in and out of the lecture halls.

No statement about a predominantly Black, Southern college would be complete without some expression of the pitiful financial state in which all such colleges currently find themselves. Tougaloo is certainly no exception. As a member of the board of trustees, I can say with authority that we are in the midst of a struggle for survival. We have seen rough days in the past, but at no time has the life of our beloved college been more threatened.

To meet the money crisis, we have intensified our appeals to the traditional sources of funds: the government, foundations, alumni, and so forth. But we desperately need long-range commitments from all Blacks. We, as Blacks, cannot afford the intellectual luxury of debating whether or not our institutions should exist; rather, we must concern ourselves with assuring their survival. It is indeed appalling, in these days of increased Black affluence, that our schools cannot rely on us for a *major portion* of their support. This situation must change!

The Tougaloos of this nation must survive and hold to their programs of growth and productivity. Without these we lose the option of Black, private, higher education in the South—a loss we can ill afford. If this appeal is interpreted as a challenge to Blacks, it will have achieved its purpose.

TOUGALOO'S BLUES

(By Lou Holloway)

The spirit of Tougaloo's three-week January term is innovative. During the 1973 January term I got into the spirit of things and offered a course on a subject rarely explored in academia: The Blues.

Books have been written on the blues; blues artists have been the subject of learned treatises. But, to the best of my knowledge, my course was unique in that not only explored the blues of the past, but, taking the blues as "a mirror reflecting the Black experience," we attempted to deal with contemporary Black experience through present-day artists suggested by the students themselves.

The course needed a title, and I came up with the weighty, intellectually subversive *JT4, B. B. King, Ray Charles, Nina Simone, Curtis Mayfield, etc.* I didn't want to narrow the course down in advance: if it was to

be really innovative, with all the freedom implied in that term, the students would have to decide for themselves on what to emphasize.

I wrote a course description and a rationale (a proposal for the course which must be approved before it can be put into the curriculum), in which I advocated the peaceful coexistence of the three B's (Bach, Beethoven, Brahms) with the three B's (B. B. King and Blues). No overthrow of traditional music was implied, but just as classical music represented the aspirations of eighteenth and nineteenth century European civilization, the blues represent, in the words of Ralph Ellison:

. . . the heritage of a people who for hundreds of years could not celebrate birth or dignify death, and whose need to live, despite the dehumanizing pressures of slavery, developed an endless capacity for laughing at their painful experiences.

I reasoned that culture which relates to the Black experience is entitled to a niche in our school as secure as that occupied by the culture of White society. I was determined to legitimize the blues in academia.

The course was approved and got underway. After the second class we had twenty-five regulars and nine or ten visitors attending two hours a day, four days a week, for two weeks. It didn't take long for the students to narrow down the subject matter: they zoomed right in on B. B. King.

Relating to King as a Mississippian, as one whose own experiences must be close to theirs, students referred to King as their "home-boy." With intense concentration, they focused on his lyrics, pulling out his message and analyzing its relationship to Black life, past and present.

Needless to say, the course was a success. It was discussed on campus; it was recommended in the student newspaper for its approach and content. Students who attended classes indicated that they had acquired not only a deeper understanding and appreciation of the music they listened to every day, but a feeling for the importance of Black music as it relates meaningfully to the Black experience—to their own lives.

Rob Roblin of WLBT-TV, Jackson's NBC affiliate, happened to see the course announcement and did a three-minute story on it which ran on several Mississippi news programs. NBC picked up the story and distributed it nationwide, adding an editorial which praised Tougaloo for offering such a course. Roger Wood of NBC in New York received numerous inquiries from other colleges on how other courses dealing with such nontraditional subject matter could be implemented.

As the end of the course drew near, the class became aware that its analysis of B. B. King's work had impressed us all with the fact that he was a very important artist indeed. I suggested that we carry our project one step further by awarding King the honor accorded many people who have made outstanding contributions to an institution of learning: an honorary degree.

Both the class and the Committee on Honorary Degrees gave my proposal their unanimous approval, and the May 4 issue of the student newspaper was headlined: "Tougaloo Now Has a King! B. B. King in TC Class of '73."

Although the degree was awarded at the end of the spring, 1973 term, because of King's unavailability at that time the presentation ceremony did not take place until September 30. This was an advantage, for a Spring presentation would have taken place at the commencement ceremony, attended mostly by graduates. The fall ceremony was attended by the entire student body of 750, an indication of the seriousness and enthusiasm of the students for the course, the man, and the message.

Hopefully, the curriculum committee will now approve my proposal for a full-semester course, *B. B. King, Blues, and the Black Experience*. And, hopefully, other Black colleges, recognizing the importance of contemporary Black music as a measure of our experience, past and present, will follow Tougaloo's lead.

ALLIANCE FOR OPPORTUNITY

(By Donald E. Cooper)

The "Tougaloo Community," as defined by the college's president. George A. Owens, encompasses not only students, alumni, faculty, and administrators, but also individuals and organizations actively working to assist the college. General Foods was welcomed into this community a little less than two years ago with a healthy mixture of hope and skepticism.

Our involvement with Tougaloo was triggered by the corporation's long-standing objective of expanding opportunities for Black and minority groups. While several programs involving corporate donations were under way, a number of us felt that a good means to accomplish our objective would be the utilization, by the college, of the skills possessed by the people in the corporation.

The first and very critical step was to determine how the needs of the college could be matched up with the resources of the firm. Tougaloo Vice-President A.A. Branch and Professor Larry Morse of the Economics Department, among many others, were particularly helpful during this somewhat groping stage of the relationship. After several months of discussion we agreed that the primary objective would be to "build an awareness among students, faculty, and administrators that business offers a challenging and rewarding career option to Blacks." There were a number of reasons for the selection of this overall objective.

First, until recently business was, in general, not a viable career option for Blacks in the South. As a result, few students came to Tougaloo with an inclination towards business as a career, and few companies came to the campus to recruit.

Second, in the past the majority of Tougaloo graduates have gone into teaching. However, the demands for teachers has fallen off in recent years, creating a problem for students who wish to enter teaching right after graduation.

Third, and most important, businesses are now looking for Blacks to fill managerial level positions.

We agreed on two operating principles. First, a long-term commitment by General Foods to Tougaloo was essential. A one-shot approach would be a mutual waste of time; several years were needed to maintain an effective, ongoing program. Second, we agreed that the initial year should be looked upon as a "building and learning" year: despite our best efforts, there were probably going to be mistakes.

A Co-op Program and a Seminar Program were the major means selected to achieve the overall objective of building an awareness and understanding of business.

The Co-op Program was a real first for both Tougaloo and those of us from General Foods who set it up. Open to all students who have completed four semesters at Tougaloo, it consists of a six-month period during which the students work at General Foods on a full-time basis. At the end of six months a report containing a formal evaluation of their work is forwarded to the appropriate faculty advisor.

Currently, there are three co-op positions available: one in Marketing, one in Technical Research, and one in Marketing Research. Initial difficulties in recruiting students were overcome as students became familiar with and interested in the program, and as student interest increases on a long-term basis we hope to expand the number of co-op positions.

The first participants in the Co-op Program have done well. Several have graduated and have either entered the business world or continued their postgraduate studies with a business orientation.

To date, the Seminar Program has been implemented twice at Tougaloo, with plans for more seminars in the future. Each seminar lasts four days and involves approximately fifteen people from General Foods who spend one or two days apiece on the campus.

The seminars center around case discussions led by separate two-man teams in selected classes. Each case relates, in a general way, to the particular subject matter being discussed in the class. The students are involved in the development of solutions to the kinds of problems with which we deal. The cases are sent to the students a week ahead of time so they can familiarize themselves with the key issues.

We've received good feedback from the students on these seminars and some excellent suggestions on how we can improve them in the future. In addition, the Seminar Program provides us with the opportunity for informal discussions with the students while we're on campus. Several of our Black managers have been particularly effective in this area.

The three-week January term is also a good opportunity to expose some of the students to business. This past January, three students spent the term in our Tech Research labs working on carefully structure projects. In addition, two of our people spent several days on the campus coaching students in interviewing techniques. In the future we plan to expand our January term activities.

We've had a number of other activities with Tougaloo ranging from instructions on how to conduct idea-generating sessions to a research grant. All in all, we feel that by working closely together we have begun to make real progress towards increasing the awareness of business as a viable career option.

TOUGALOO'S SPECIAL PROGRAMS

Special programs are important to the college community. They provide extra funds, and both help the staff and allow the college staff to service segments of the community, such as residents of the Choctaw Indian Reservation. Tougaloo also has programs that allow students to obtain extra help in their studies or expand their experience in certain fields. There are normal departmental programs such as the French and African studies programs, and a Career Counseling program, headed by Vice-President A. A. Branch, which helps a student if he wants to work for a corporation.

TEAM COUNSELING

This program, started in January 1972, offers tutorial and counseling services to acknowledged "underachievers" referred by public schools in Jackson, Mississippi. The tutors—mainly students from Tougaloo College, some from Jackson State College—are supervised by Mrs. Jacqueline Dedeauz. "The kids are committed. They find that they are not only in a teaching position, but also in a learning position."

After four weeks of training, the tutors, in teams of two, visit the students' homes. "They soon learn," said Mrs. Dedeaux, "that they aren't just visiting teachers."

Often the teams find that it is not the student's mind that must be modified, but his environment. They have helped families get proper clothing, proper medical care, and legal help. For such work, they receive $50 a month, and the warm appreciation of parents, children and teachers.

PREHEALTH PROGRAM

Mississippi desperately needs doctors who are sensitive to the needs of the state's Blacks, Indians and poor. Tougaloo has initiated a strong program to recruit Black students for the health field. "Once we get these students interested in the health field," said

Dr. Richard McGinnis, associate professor of chemistry at Tougaloo, "we work on getting them committed to coming back to Mississippi."

To complement the school's academic program, there is a Pre-Health Club, funded by the Macy Foundation of New York. The club sponsors seminars and field trips to broaden the students' knowledge about medicine. Doctors from all over the country come in and speak. Also available are summer programs. More participants in the Harvard Health Careers Summer Program have come from Tougaloo than from any other college in the country. However, students are encouraged to work in their home towns when possible. In 1972, Tougaloo began its own summer program in cooperation with doctors in Jackson as well as throughout the state. The students earn $1,100 for this work.

"Through all the extra effort we put into this program," said Dr. McGinnis, "we are able to change students' attitudes about the health field, help them get financial aid so that they can study, and place all of them in some summer program or medical school when the time comes."

Madison County Project. In an effort to develop a stronger relationship with the community, Tougaloo initiated the Madison County Project in 1972. The project's main focus is to encourage students to become involved with the community and to help the college and the community and get first-hand experience.

Trio Program. "We want to help you help yourself," is the Trio Program's motto. The program is called Trio because it consists of three separate government-funded programs.

Talent Search is a guidance program that covers a large geographical area and serves junior high and high school students as well as adults. It helps veterans to obtain their benefits, students to get into trade schools, and adults to earn their high school diplomas.

Upward Bound—a pre-college cultural enrichment program—is designed to help high school students make the transition from high school to college, through on-campus residential sessions during the summer and followup sessions during the school year.

The program also helps students choose a college and obtain necessary financial aid. "We don't encourage the students to come to Tougaloo, because it is more expensive than the state school or the junior colleges," says Elijah Slaughter, director of the Trio Program. "But Tougaloo *is* dedicated to helping students, as attested to by the fact that over 80 percent of the student body here receives financial aid and a large number of the students have come through the Trio Program."

Special Services assists Tougaloo students who need special help to stay in college. It offers a modified curriculum, social counseling, and tutorial services. Mrs. Alice Anderson, a Special Services counselor, is convinced the program is a success: "I can't help but think of Doris Clay when I'm asked about the program. This shy girl, who had very little confidence in her ability when she started, is now completing her four-year college program in three years—and with honors!"

Tougaloo's president, George Owens, sums up the special programs at the college this way: "Tougaloo is about helping a student survive in this world."

FROM A BLACK PERSPECTIVE

(By James M. Pool)

As part of a predominately Black college, Tougaloo's Department of Afro-American Studies was never intended, from its inception, to be autonomous. Its plan is to be interdisciplinary, merging inconspicuously into the total structure of the small college, offering the student who is interested an added perspective, not to the exclusion of, but supplementary to, the traditional disciplines.

Nor can Tougaloo's program in any way be considered merely a sop to appease militant students. Although the Department of Afro-American Studies did grow originally out of student demands, the students do not feel bound to remind the teachers of this fact. This is due to the depth and scope of its program; contrary to the practice at many schools. Tougaloo's Afro-American studies are not merely a scatter-shot accumulation of courses.

Set up in 1969, the department offers a student the chance to major in Afro-American studies through a systematic program of interrelated courses, which develop not only an in-depth knowledge of African and Afro-American people, but a body of skills with which the student can continue his studies.

Thus, the major in Afro-American studies offers an interdivisional concentration, or a concentration in either the Social Sciences Division or Humanities Division. Courses in these areas explore the literature, language, philosophy, religion, art, music, and dance of the African and Afro-American, as well as the depth and range of experiences, social situations, cultures, and economic and political positions of Africans and Afro-Americans—all this against a background of humanities and social science skills. In addition, the student is provided with seminars and independent study opportunities so that he can do original research on his own. This allows him to bring together insights from many disciplines, while helping to correct the biased scholarship which in the past has affected this field of study.

The department is staffed by Blacks and non-Blacks, none of whom has changed his professorial status; i.e., a professor of English retains his position in the English Department, and simply teaches, in addition to his assigned courses in the traditional discipline, courses whose scope includes or centers on the Black experience. Instructors who are invited to span two areas in this manner have done extensive researh in the Black experience beyond their preparation in their traditional major area.

For example, the instructor of a course in African Literature at Tougaloo is a non-Black with a Ph.D. in English from Notre Dame. I doubt that there are too many professors who have researched this area more thoroughly than the professor in question, even to the extent of exploring works not yet published in this country, and others that require translation from a foreign language. This suggests that Tougaloo's Department of Afro-American Studies is attempting to add another dimension to the student's knowledge.

African Literature may only be taken by upper-level students; a junior or senior will already have studied, in his sophomore year, Shakespeare, Emerson, Dante, Wright, Baldwin, Ellison and others. He can then broaden his perspective by being able to place in juxtaposition with the above-mentioned writers such artists as Achebe, Diop and Choonara.

The sequence of courses in Afro-American studies has been carefully planned with all the foregoing goals in mind. The freshman who expresses an interest in majoring in Afro-American studies is advised to combine them with one of the traditional disciplines. He will, in most cases, decide on his major before he completes his sophomore year. With this in mind, the student takes his basic skills courses, required of all students in the college, along with an introductory course in Afro-American studies. This introductory course is designed to familiarize the student with what is loosely called the "Black experience"—the African heritage and Afro-American experience.

In his sophomore year the Afro-American studies major, in addition to courses in his co-major, takes Afro-American Literature, a survey of the major Black writers from 1760 to the present; either Afro-American music or art; and either philosophy of Black Americans or Black religion. In his junior year the major takes Black history, and either economics or politics of Afro-Americans, or the sociology of racism.

The senior major takes anthropology (Peoples of Africa) and a senior seminar, in which he writes a major paper bringing together his two chosen disciplines. For example, the student having a co-major in political science/Afro-American studies may, after a period of collecting data, write a paper discussing the Black vote in a selected area of Mississippi. Also, the senior major is required to take a comprehensive examination drawn up by all professors who have taught courses in the Afro-American studies program. In addition to these required courses, students may elect in-depth author courses on Richard Wright and James Baldwin, and other courses dealing with the Black experience, such as African literature, African politics, and the Afro-American in the Caribbean.

Tougaloo has graduated seven students with combined degrees in Afro-American studies and either economics, political science, history, or psychology. All seven are in graduate schools, continuing their work in their traditional disciplines from a Black perspective.

GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, as we know, genocide is the systematic, organized planned extermination of an entire people by murder. It has been practiced throughout the ages, and never with greater or grimmer ferocity than in this century when Adolph Hitler directed the systematic murder of more than 6 million Jews and 2 million Poles.

The Convention on Genocide was unanimously adopted by the General Assembly of the United Nations on December 9, 1948, and signed in behalf of the United States on December 11, 1948.

On June 16, 1949, President Truman submitted the Genocide Convention to the Senate for ratification. It was immediately referred to the Foreign Relations Committee. A subcommittee of the Foreign Relations Committee considered the convention on January 23, 1950. In the intervening years, there has been neither explanation nor excuse from the committee on its failure to act.

One historical fact should be of special interest to the Senate, the State Department, and the administration. On January 23, 1950, the State Department sent to the Foreign Relations Committee as its advocate in behalf of ratification, a most articulate and persuasive spokesman, the then Deputy Under Secretary of State—Dean Rusk.

Secretary Rusk's case for ratification was compelling in 1950. In 1973 it is irrefutable.

It is a cruel paradox as well as a national disgrace that the United States, which has proved conclusively to the world the practical effectiveness of our own Bill of Rights, must hang our national head in shame at our irresponsible unwillingness to lead the fight for the establishment of basic human rights for all men.

The fundamental human protection guaranteed by the Genocide Covenant, to prevent the organized destruction of human beings on racial, religious, or cultural grounds, remains unratified by this Senate.

The responsibility cannot be placed with others. We cannot criticize the usual whipping boys; the State Department, the Executive, the House. The Senate and each of us as Senators must accept individual responsibility for our collective failure to act. The time is here for this Senate to fulfill our pledge to all Americans, to the United Nations, and to all humanity by moving immediately to ratify the Genocide Convention.

ATTENTION TO FUTURE WORLD FOOD PRODUCTION

Mr. HUMPHREY. Mr. President, as we enter a time of year traditionally devoted to Thanksgiving, holidays, and celebration, it is important that we take some time to consider the sobering thoughts on world food supply. The time has come for us to take stock of future food supplies, or future holiday celebrations may be bleak and barren.

In an article in the Washington Post on November 23, Mr. Stephen Rosenfeld discussed the critical subject of world food supply. Mr. Rosenfeld makes several important points, among them the fact that even though grain production has increased this year, population growth rates over the same period have negated the net effect of that increase. He goes on to note that increases in production are very much dependent upon weather conditions and technical input and that current projections for increased production next year will do little more than fill the gap left by the use of our reserves this year.

Mr. President, these are critical concerns that have been stated before and must be stated again. The adequacy of world food supply and our efforts to arrive at solutions to this problem are a subject to which we must devote continuing attention and for which we must devise practical and effective courses of action.

I believe that Mr. Rosenfeld's article succinctly states many of these concerns, and 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:

A WORLD FOOD CRISIS

(By Stephen S. Rosenfeld)

Enjoy your turkey yesterday? You may take a modest bow for having eaten a kind of meat relatively efficient to produce: it takes only three pounds of grain (in feed) to produce a pound of turkey, against seven for a pound of beef. Eating poultry is like driving your car at a patriotic 50: it saves on a resource in increasingly short world supply.

But, you may say, didn't the paper just say that the world grain production has hit an all-time high, and that the United States, Russia and even India have produced record harvests? The paper did say so and the paper, of course, was right. But that's not the end of the tale.

After a fall in 1972, grain production around the globe rose this year by about three per cent over the previous peak in 1971. But because world population rose by about the same rate in the same time, per capita grain production probably only held even, if it did not actually decline.

In fact, the diet of many, perhaps most, people in the world may have deteriorated as production climbed, for the reason that the rich—among countries and within countries—are better able to buy food than the poor are. Good news in gross production does not translate literally into good news in personal consumption. Since food prices have retreated only nominally from the peaks of 1972, many poor people may be worse off than they were in 1971.

We laymen in this field, looking at food production numbers, still tend to blame weather for disappointments, to credit technology for successes, and to assume more or less that technology will beat the weather over time. But this may be American provincialism, false. Productivity increases flowing from technology are no longer considered automatic. Indeed, in such a key crop as soybeans, advances are coming so slowly that one expert, Lester Brown, urges creation of a research institute by us and the Chinese, the two big producers.

Bad weather, however, is considered automatic. Russia's location and geography ensure it other onslaughts of drought. South Asian deforestation ensures other years of flooding there. Pacific overfishing ensures empty anchovy nets, and so on.

Moreover, a big chunk of the increment in American wheat production this year is owed to the one-shot fact that after 1972, good acreage long held out of production to discourage the growing of unmarketable "surpluses," was put back in production. There is little such good acreage left. Putting marginal acreage into production, here or elsewhere, is so costly that food raised on it would be beyond the reach of the poor.

Worst of all, while world food reserves were decimated by the effects of bad harvests in 1972, these reserves are not being rebuilt in the good harvests of 1973. Instead, production gains are going into current consumption. The annual increment needed just to keep up with demand, swollen by population increases and improvements in diet, rises apace.

So there will not soon again be huge wheat stocks available if Russia comes back into the international grain market in a big way. There will not be large stocks available for humanitarian emergencies. Last year, after a bad crop, the world was on the brink of duress or catastrophe, depending on national situation, and this year after a good crop the world is also on the brink of duress or catastrophe.

In 1972 people could accept, at least intellectually, the harsh Malthusian reality that population growth was exceeding growth in the available food supply. It takes more mental effort to accept the same harsh reality in 1973 but it remains true.

Perhaps it's being a spoilsport to even bring the matter up in a week including the national day of gorging. But here we are, pushing farm exports like crazy rather than expanding our effort to replace food stocks and to help other countries grow more food themselves, permitting nutritional disparities to widen not only between the world's rich and poor but between our own rich and poor.

The country seems prepared finally, if belatedly, to cope with the fact that consumption and production of energy in the world have gotten badly out of whack but it has been slow to grasp the analogous fact that the same may be coming true of food.

In food, of course, the United States has the great advantage of being a marvelous producer. But we have yet to decide, or to discuss adequately, whether we regard this capacity as a national asset or as an international trust. It is the difference in broad terms between using food as a lever for our own purposes, economic or political, say, to counter the Arab oil boycott, or as one of a number of valuable commodities whose use must somehow be determined by nations acting in concert for their common good.

It is a fiercely difficult choice which can be made only step by step over a period of time, which cannot be avoided, and which will determine the kind of people we are.

UNITED FARM WORKERS' STRUGGLE

Mr. KENNEDY. Mr. President, during recent months, along with many other Senators, I have followed closely the dispute in the fields of California where the United Farm Workers Union has sought to give credence to the constitutionally protected rights of workers to organize and to select a union of their own choice.

The past months' struggle is only the latest chapter in a long history of the efforts to secure those rights for the Nation's farmworkers.

In that struggle, the Farm Workers Union has maintained its commitment to nonviolence despite often violent and brutal tactics employed by its opponents. Two farmworkers have been killed in that process. Many have been injured.

The response of the farmworkers has been to continue their organizing, to continue their tactics of nonviolence, and to continue their struggle to build a union.

Last week, the National Conference of Catholic Bishops adopted two resolutions in support of that effort.

I ask unanimous consent that these two resolutions be printed in the RECORD.

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

RESOLUTION

The National Conference of Catholic Bishops go on record in support of the right of the field workers in the agricultural industry to free secret ballot elections which will determine whether or not they want union representation and which union they want to represent them. The NCCB calls upon the growers and the Teamsters to accede to this demand of the United Farm Workers of America without further delay.

RESOLUTION

The National Conference of Catholic Bishops endorses and supports the United Farm Workers' consumer boycott of table grapes and head lettuce until such a time as free secret ballot elections are held.

Mr. KENNEDY. Mr. President, the tragic events of the recent past in the agricultural valleys of California have not yet come to an end.

The Teamsters Union apparently has turned its back on an agreement that might have spelled a final conclusion to the California jurisdictional dispute that has produced bitterness and violence in its wake.

Under the leadership of George Meany, president of the AFL–CIO, negotiations were held involving Mr. Meany, Mr. Frank Fitzimmons, president of the Teamsters Union, other Teamster officials and Cesar Chavez, president of the United Farm Workers Union. On September 28, news reports detailed that agreement. It represented

a recognition of the right of the United Farm Workers to organize and represent agricultural fieldworkers.

Weeks passed in which many of us awaited the finalizing of that agreement. Because of the special interest of members of the Committee of Labor and Public Welfare, Senator WILLIAMS, Senator JAVITS, and I sent letters to Mr. Meany, Mr. Fitzsimmons, and Mr. Chavez requesting information as to their intentions with regard to the ratification of the agreement which appeared to us to be a reasonable way to remove the potential for violent conflict which already had cost the lives of two men.

We received responses from Mr. Meany and Mr. Chavez indicating their willingness to ratify the agreement. We received a negative response from Mr. Fitzsimmons.

I ask unanimous consent that the correspondence be printed at the conclusion of my remarks along with the summary of the proposed agreement as reported in an AFL–CIO statement.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I ask unanimous consent that a news article reporting the Teamster rejection of any agreement and an editorial in the New York Times on the same subject be printed in the RECORD.

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

[From the Washington Post, Nov. 16, 1973]

TEAMSTERS REOPEN FARM LABOR BATTLE

SAN DIEGO, November 15.—Teamsters union President Frank E. Fitzsimmons, denying his union ever had a farm labor peace treaty with the AFL-CIO, today said most contracts negotiated this year with California growers will be honored.

His announcement, an apparent reversal of an earlier agreement with the AFL-CIO, followed a 30-minute meeting with representatives of California growers now operating under Teamsters contracts. Between 30,000 and 40,000 field hands are covered by the pacts.

In affirmation of what he said last week in Washington, D.C., Fitzsimmons told newsmen, "We assured the growers we have a moral and legal obligation in reference to all contracts, and we intend to enforce them."

Fitzsimmons' announcement sets the stage for a renewal of hostilities between the Teamsters and the United Farm Workers of America, which claims jurisdiction over farm labor.

When asked why the Teamsters had broken a tentative agreement with the AFL-CIO, announced Sept. 28, Fitzsimmons said, "There was no tentative agreement. It was a discussion of the facts. There was no agreement to be broken."

At that time, the labor federation announced that a tentative treaty in the bitter farm labor struggle had been reached and that it awaited only ratification by Fitzsimmons, AFL-CIO president George Meany and attorneys for both unions.

The agreement provided that the Teamsters would give up all contracts signed with grape growers this year and that they would not renegotiate contracts with lettuce growers that expire in 1975. The UFW was to have jurisdiction over organizations of farm field hands and the Teamsters jurisdiction in canneries, processing plants and packing houses.

As for contracts with Delano grape growers, which Fitzsimmons personally repudiated on Aug. 9, the Teamsters president said, "They remain in a status quo position."

He said there would be further discussions with the Delano growers to resolve the issue of whether the Teamsters hold binding contracts.

Lee Shaw, a Chicago attorney speaking for a number of the Delano grape growers position on those pacts. "Based on what he said today, they will not honor them," he said.

AFL–CIO spokesman said the labor federation would have no immediate comment.

Flanked by Western Conference of Teamsters head Einar Mohn, Fitzsimmons said he did not know if the Teamsters would continue to organize California farm work ers.

"What our future activities are going to be, you'll just have to wait and see what comes about," he told newsmen.

The Teamsters boss asserted it was now up to the growers to honor their part of the contracts. Some of them have already begun paying five cents an hour to the Teamsters pension fund and the Delano growers are scheduled to begin making such payments Dec. 1.

UFW attorney Jerry Cohen said from union headquarters near Bakersfield that Fitzsimmons' assertion that there was no agreement was false. "I've got a copy of it in my hands," he said.

The farm labor situation, which flared into violence this past summer, reverts to the position it occupied earlier this year when the Teamsters signed up virtually all the growers who once held contracts with the UFW. The struggling farm workers union now holds only 12 contracts, and its membership has dropped from more than 30,000 to about 6,000 members.

[From the New York Times, Nov. 19, 1973]

TEAMSTER FAKERY

In line with a long string of broken promises, the giant International Brotherhood of Teamsters seems well on its way toward repudiating its latest pledge to stop blocking the organizational progress of the United Farm Workers, a tiny union rich only in idealism.

Two months ago the Teamsters' president, Frank E. Fitzsimmons, assured George Meany of the A.F.L.–C.I.O. that his union would leave the organizing of laborers in California's vineyards and lettuce fields to the farm union. That commitment implied a readiness by the Teamsters to junk the shabby partnership some of its local leaders had formed with the large growers to exterminate the U.F.W. and discredit its crusading leader, Cesar Chavez.

Ever since the supposed promise to Mr. Meany, however, Mr. Fitzsimmons has been edging away, declining explicitly to reaffirm it. His evasiveness continued last week at a California meeting with leading growers. The result has been a decision by Mr. Chavez to widen his boycott of grapes and lettuce grown under Teamster contracts and also of wine made from such grapes.

The consumer boycott is a poor weapon; but the continued deceit practiced by the Teamsters and the gross imbalance in the forces aligned against Mr. Chavez leave him no other instrument of resistance. The basic need remains for passage by Congress of a law extending to farm workers the same machinery for free elections and enforcement of fair labor practices that other American workers have had for nearly four decades.

EXHIBIT 1

The text of the agreement reached on September 27 and referred to earlier, follows:

TEAMSTERS-FARM WORKERS

1. The Teamsters are to retain the contracts which they hold in lettuce and other raw crops with the exception of Finnerman and D'Arrigo, until July 15, 1975, at which time such contracts will not be renewed. The UFWA will not boycott the companies holding these contracts.

2. The Teamsters will not recognize any contracts they have signed in the grapes (table or wine), neither will they recognize the contracts which they signed with the D'Arrigo and Finnerman companies. They will immediately make this known to the companies involved by letter renouncing and unilaterally rescinding these contracts and disavowing further representation of the affected workers upon assurance by the AFL–CIO that through the UFWA it will undertake the protection and advancement of the welfare of such workers. Copies of said letters will be sent to the AFL–CIO.

3. The Teamsters will immediately announce that they will not organize in agriculture as defined in the jurisdictional pact of August 12, 1970. In instituting a boycott the UFWA will comply with the rules and policies of the AFL–CIO.

4. George Meany and Frank Fitzsimmons will be the final determiners of all differences between the Teamsters and the UFWA as to the application of this pact which remain unresolved on the local level.

[Telegram]

KEENE, CALIF.

Senator EDWARD KENNEDY,
Capitol Hill, D.C.:

The United Farm Workers of America, AFL–CIO, has been prepared since September to sign the agreement which was reached in principle with the teamsters. We are still prepared to do so, although we have learned via the press that the Teamsters are now reneging on the agreement.

Sincerely,

CESAR E. CHAVEZ,
President.

AFL–CIO,
Washington, D.C., November 13, 1973.

Hon. HARRISON A. WILLIAMS, Jr.
U.S. Senate,
Washington, D.C.:

DEAR SENATOR WILLIAMS: I have received the letter jointly signed by you, Senator Javits and Senator Kennedy with reference to the problems of the California farmworkers.

I know I do not need to recite the long history of our support for the farmworkers because you are familiar with that and I know that you are up to date on the latest developments on this matter.

As the situation stands now, I am waiting to hear from Teamster President Frank Fitzsimmons advising me of the final determination made by the Teamsters' Union with reference to the agreement which had been negotiated.

I note from the newspaper reports that President Fitzsimmons has said he will have some definite word and will consult with me on this matter some time next week.

Thank you for your continuing interest in this problem.

Sincerely,

GEORGE MEANY,
President.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, D.C., November 21, 1973.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR KENNEDY: I have your letter of October 24, 1973, in which you inquire as to the status of the attempt to work out an agreement between the Teamsters and the United Farm Workers Union.

I am sorry to report that I must reply in the negative as I announced today at a news conference in my office. I am enclosing a copy of the statement which I released to the press in answer to your letter.

Respectfully,
FRANK E. FITZSIMMONS,
General President.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. GEORGE MEANY,
President, AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

All of these events have created a situation which can only lead to further tragedy and further denial of the rights of workers.

The only bright light in the dark history was the announcement on September 28, 1973, that an agreement had been reached between the United Farm Workers Union and the Teamsters Union, under the joint aegis of yourself and Frank Fitzsimmons, President of the International Brotherhood of Teamsters. The agreement reported in the Los Angeles Times, September 28, 1973, would appear to successfully represent a peace settlement which would protect the rights of farm workers affected by the current jurisdictional dispute.

Since this reported agreement appears to represent a step toward removing the potential for violence which has been present in the current dispute, we would be most interested in learning of its status and details, and would also appreciate your advising us as to whether you anticipate that it will be signed by your organization.

We are sending similar inquiries to Mr. Fitzsimmons and Mr. Chavez.

Sincerely,
JACOB K. JAVITS.
EDWARD M. KENNEDY.
HARRISON A. WILLIAMS, Jr.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. CESAR CHAVEZ,
President, United Farm Workers,
Keene, Calif.

DEAR CESAR: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

All of these events have created a situation which can only lead to further tragedy and further denial of the rights of workers.

The only bright light in the dark history was the announcement on September 28, 1973, that an agreement had been reached between the United Farm Workers Union and the Teamsters Union, under the joint aegis of Frank Fitzsimmons, President of the International Brotherhood of Teamsters and George Meany, President of the AFL–CIO. The agreement reported in the Los Angeles Times, September 28, 1973, would appear to successfully represent a peace settlement which would protect the rights of farmworkers affected by the current jurisdictional dispute.

Since this reported agreement appears to represent a step toward removing the potential for violence which has been present in the current dispute, we would be most interested in learning of its status and details, and would also appreciate your advising us as to whether you anticipate that it will be signed by your organization.

We are sending similar inquiries to Mr. Fitzsimmons and Mr. Meany.

Sincerely,
JACOB K. JAVITS,
EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., October 24, 1973.

Mr. FRANK E. FITZSIMMONS,
President, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Washington, D.C.

DEAR MR. FITZSIMMONS: As members of the Senate Labor and Public Welfare Committee, we have maintained a deep and continuing interest in the labor conditions of the nation's farmworkers. In that regard, we have watched with grave concern the escalating violence in the fields including the deaths of two men, the beatings of many more and the forced confrontation between strikers and local law enforcement officers.

All of these events have created a situation which can only lead to further tragedy and further denial of the rights of workers.

The only bright light in the dark history was the announcement on September 28, 1973, that an agreement had been reached between the United Farm Workers Union and the Teamsters Union, under the joint aegis of yourself and George Meany, President of the AFL–CIO. The agreement reported in the Los Angeles Times, September 28, 1973, would appear to successfully represent a peace settlement which would protect the rights of farm workers affected by the current jurisdictional dispute.

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We are sending similar inquiries to Mr. Meany and Mr. Chavez.

Sincerely,
JACOB K. JAVITS,
EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.

EXPORTS OF COAL AND NO. 2 FUEL OIL

Mr. HARTKE. Mr. President, on Wednesday last, I introduced a bill, S. 2737, the proposed Energy Export Control Act of 1973, to stop all unnecessary exports of coal, fuel oil No. 2, propane gas, and methane gas. At the present time, the Federal Government continues to permit their exportation. These exports have continued to expand even during the emergency energy crisis which we are now facing at home.

The Cost of Living Council predicts that 1.5 million barrels or 53.3 million gallons 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.

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 export control legislation.

In the first 10 months of 1973, our exports of natural gas have increased almost 20 percent over the same period of 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.

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.

Concern for this problem was reflected in the debate on S. 2589, the National Energy Emergency Act of 1973, and by the adoption of export control provisions in that bill, as offered by Senators DOLE and MCINTYRE.

S. 2737 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 carryover 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.

In a time of nationwide emergency, we

cannot countenance the export of these 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. JACKSON. Mr. President, I assure the distinguished Senator from Indiana that his bill has a great deal of merit, and the Interior Committee would like to take up this matter in hearings which I promise the Senator will take place within the next 3 to 4 weeks.

The whole export question raises a number of very important issues not the least of which is who is shipping oil from our shores to whom, and for what reasons.

I am also very concerned about the whole issue of coal. I recognize, along with the Senator from Indiana, that our domestic production will have to increase, particularly in light of our policy of converting electrical generating plants from burning oil to coal. How much coal do we not have readily available? Will this amount be sufficient to satisfy our domestic needs in the coming months? What is the nature of the long-term export contracts of American coal to the steel industries of Canada and Japan? Will any action taken by the United States cause these countries to retaliate? Should we grant quotas to our historical trading partners to prevent disruptions in the international marketplace?

I compliment the Senator from Indiana on his attempt to find answers to these questions and others. I assure him that hearings will be held on this subject. S. 2737 is an important contribution to our efforts in dealing with these problems.

Mr. HARTKE. I thank the Senator from Washington (Mr. JACKSON) for his comments, and at this time, Mr. President, I am heartened by his assurances that hearings will be held within the month on this critical legislation.

BOSTON IS SHARING CITIES' TROUBLES WITH A DIFFERENCE

Mr. KENNEDY. Mr. President, I would like to bring to the attention of this Senate, an article from the Washington Post, describing some recent tragic events in Boston, Mass.

Last month after a series of tragic occurrences in that city, the people of Boston were gravely concerned about these troubling assaults.

I believe the account of these events as presented by Stephen Isaacs in the Washington Post is quite well done and deserves the attention of this Senate.

Mr. President, I request unanimous consent to print in the RECORD the article, "Boston Is Sharing Cities' Troubles With a Difference," by Stephen Isaacs, from the Washington Post, Sunday, November 11, 1973.

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

BOSTON IS SHARING CITIES' TROUBLES—WITH A DIFFERENCE

(By Stephen Isaacs)

BOSTON.—Cradle of the American Revolution. Founded in 1630. Now one of the oldest cities in the land. Citadel of Anglo-American high culture and learning. Spawning ground of colorful Irish ethnic politics and flamboyant politicians like James Michael Curley and "Honey Fitz" Fitzgerald. The preserve of the Cabots and Saltonstalls and Lowells.

Boston today, minus sentimentality, is the largest city in New England (pop.: 659,230), the center of America's academic establishment, a locus of modern electronic innovation and manufacturing, a growing focus of the insurance and banking industries and a city in grave trouble.

Elma Lewis, a 50-year resident of nearly all-black Roxbury, says, "Boston is now more like the rest of America. It is amazing here, but it's not amazing for America."

Mrs. Lewis' frustration may be an indication of the hostility afoot in Roxbury when she says:

"When you start saying Boston's a bad city, hell, America's a bad country. My white people aren't worse than your white people (in Washington). Agnew didn't come from here. Nixon didn't come from here. It's the system. It doesn't work any better here than there. It's the same everywhere."

But it is not the same everywhere. Boston is unique in many ways, and one of those is in its racial crisis.

For Boston has ethnic neighborhoods whose rigidity is legendary. It has a per capita tax burden amassed by no other city. Its per capita annual household income is lower than any other big city's—thousands of dollars lower, for instance, than Washington or Newark or Philadelphia or Buffalo.

And, with a tenacity that has been a hallmark of the American Irish, Boston has hung on by its fingernails to keep "the others" out. In particuar, its local politicians have blatantly flaunted their opposition to those "others," have successfully pandered to fears in ways that would probably be shocking in comparable cities in Alabama or Mississippi.

And all in the city that was the fount of the American abolitionist movement, the home of William Lloyd Garrison, the first major American city to prohibit segregation in its schools, in 1855. And all in a state that has the only black United States senator (Edward W. Brooke), and that was the first state to enact a law forbidding racially imbalanced schools.

"A DEEPLY CONSERVATIVE PLACE"

Boston's city election system, installed by "Yankee" reformers years ago to dilute the power of Irish ward bosses, now requires nonpartisan, at-large contests for all city council and school committee posts. This has translated into the Irish majority's domination of elections and, because elections fall every two years, into incessant, fear-baiting political rhetoric.

As a result, says political scientist and State Rep. Barney Frank, "The candidates are desperate for headlines. They can't build any record with a particular district. It's a random lottery in which names are everything. Issues are rarely discussed. The whole system puts a premium on irresponsibility."

Frank, Mayor Kevin White's liaison with black community groups during White's first three years in office here, says, "People are misled by the voting image of Massachusetts and of Boston. They think of Ed Brooke, of the McGovern vote, of the Kennedys. But this is a deeply conservative place socially. It's probably got the most left-wing congressional delegation in the country, but on social issues, it's the other way.

". . . I think people vote for people 'like them' for city council and for the school committees. But they vote 'up' for mayor, for governor, for senator, for President."

Voting for people "like them" has evolved into an acrid racial tenseness isolated primarily in inner Boston and perceived hardly at all in the more comfortable Boston outside the technical city limits nor in the image of the city held by the rest of America.

When one thinks of Boston, the imagery is likely to be of neighboring Harvard University and of Massachusetts Institute of Technology; of Paul Revere and the old North Church; of the basketball Celtics and the hockey Bruins and the baseball Red Sox; of Beacon Hill and the lovely Public Gardens downtown; of the Isabella Gardner Museum and the Museum of Fine Arts; of the Boston Symphony Orchestra; of the 700-plus electronics firms ringing the city along Route 128.

THE REAL BOSTONIANS

All of that means little or nothing—except for frustrating unattainability—to the real Bostonians, the Irish, Italians, blacks and growing numbers of Puerto Ricans who rub up against one another in this 47-square mile city.

The real Bostonians are the ones who have to contend with the immense tax loads of a city so institutionalized that more than half of its lands is tax-exempt.

And they are the ones left behind to pay the dues of urban tension. Only slightly more than a fifth of metropolitan Bostonians actually live within the boundaries of Boston, where the skirmish lines are manned perhaps more intently than they were in Revolutionary War days.

The weapons now are the baseball bat and the tire chain, the racial taunt and epithet and—more and more frequently—the gun and the knife. Continued resentment and anger are guaranteed by the inflammatory rhetoric of the Irish politicians and, occasionally, by the media.

Boston's black community, now more than 100,000 strong and 17 per cent of the population, grows increasingly frustrated and, it seems to feel, isolated. It is, as Mayor White says, peculiarly apolitical for this most political of cities. And it is, in the main, leaderless. Strangely, its principal leader has probably been the mayor himself, whose steps to bring blacks into government and into a share of the power structure earned him the label of "Mayor Black" during the last mayoral campaign.

But the nexus of Boston's racial problem lies not so much in the black community as it does among the Irish, who have long made up the majority in Boston but who have always perceived themselves as a weak and frustrated minority.

This perception of self is manifested in the tenacious Boston neighborhoods, in the consciousness of territorial imperative—their turf.

TURF CALLED IMPORTANT

Irish Bostonians, in fact, epitomize what the Rev. Andrew Greeley, the Chicago ethnic specialist, has been saying for the past decade. They are misunderstood, he says. They are not racists per se.

Instead, Father Greeley has said repeatedly, they are the less well off "middle Americans" whose turf is vitally important to them; whose lots and neighborhoods are extensions of identity and self; whose investments in their home and neighborhood are crucial; who are suspicious and afraid of intruders no matter what may be their color of skin.

When Boston's black population began to increase in the 1950s in places like Roxbury, then to Jamaica Plain and Mattapan, the Jews of Boston—like those in other cities—mostly picked up and left, for close-in suburbs like Brookline and Newton.

But the Irish have held on, in their parishes in South Boston and in Dorchester and in West Roxbury, their fears stoked constantly by their political leaders.

Boston's Irish have refused to yield.

When a black youth ventures onto the fringes of the Irish turf in Boston, he had best not venture alone.

"I've never imagined, I've never seen, such a confrontation of hate" in the Irish young, says one forlorn black community worker in Roxbury. "It grows up in these kids. I don't understand how people can be so poisoned.

"It's bad, it's bad, and the majority of our local political structure is peopled by so many of these kinds of people.

"They're definitely an impendment to progress, and they play that racial angle to the hilt. They pit race against race because that gets them votes. It's the most dangerous kind of politics that can be practiced, and it permeates the whole structure."

And, then, when incidents like those that occurred here last month arise, the hatred and fear pyramids.

TWO INTERPRETATIONS

The first incident came Oct. 3 when a white woman in Roxbury, who was carrying a can full of gasoline to a stalled car, was set upon by six or so black youths. They ordered her to douse herself with gasoline, then set her afire.

The Boston and national media rushed to their largest headlines. The interpretation of their message was clear: black versus white.

Then two days later came the reports that an old white man fishing in Dorchester Bay, along side a predominantly black housing project, had been stabbed and stoned to death by a gang of black youths.

Perhaps only in a city as race-minded as Boston could there follow the almost automatic assumption that the murders were racially motivated.

A Boston policeman, in a saner, more retrospective moment, acknowledged that the burning victim could have just as easily been black as white.

Another says that the youths probably never intended to kill the woman—that they were more likely trying to scare her, and like young people sometimes do, miscalculated the danger.

In any case, such a bizarre method of murder, premeditated or not, inevitably brought with it new examinations of black-white relations in Boston.

Police now wonder if the murder of the old man was at all racial. Three youngsters have been accused of the death and investigation indicates that they may have believed the old man informed on youths involved in another crime, and they may have retaliated to "get a rat," skin color irrelevant.

HUNGER IS CONSTANT

"People here aren't concerned with identifying criminals as criminals," says one black Bostonian. "They're only concerned with whether they're black or white."

Police Sgt. Earl A. Bolt, a 26-year veteran of the Boston force, doubts whether any of the crime at the housing project, Columbia Point, is particularly racial.

"You've got to understand the uniqueness of Columbia Point," says Sgt. Bolt, who is black. "You have a great number of people isolated in that project, with no economic, educational or housing opportunity. Those kids down there live all their lives exposed to no hope.

"It's a confined kind of place and perhaps they see no possibility of escape. And there's nobody else to prey on, no matter whether they're black, white or Chinese. They're really desperate down there. Some of those kids go to bed hungry every night and wake up hungry every morning."

Columbia Point was built during the 1950s when such public housing projects were standard in America.

"Columbia Point was two steps ahead of Pruitt-Igoe," says Barney Frank. "It was an enormous project, and it was well over a mile from anything else. There was no school, no shopping, it was kind of a landhound Devil's Island. It wasn't racist. It was just anti-poor."

The complexion of Columbia Point's tenants changed over the years from mostly white to, now, a few elderly whites and perhaps two-thirds blacks; several thousands of those blacks—a majority—are young.

The Irish, politicians point scornfully to the shopping center that was built alongside Columbia Point. It had a huge Stop 'n Shop, a department store, a restaurant, a bank, a drugstore. Now all but the bank are abandoned, windows boarded over, parking lots empty, a low-slung armory of failure, looted and vandalized out of business by the kids from Columbia Point.

SYMBOL OF RESISTANCE

"It's just awful what they did to us," said Louise Day Hicks, the symbol of Irish resistance in Boston, who recently finished first in the city council election, and who has run for office 10 times in Boston in the last 12 years.

"The project itself is situated in a beautiful setting," she says, "overlooking the bay. But now the firefighters can't go in without police protection, and the taxis won't take people in. I'm terribly concerned about the senior citizens in there.

"I truthfully think that for too long we've let these young black youths get away with too much. In the schools they're extorting and vandalizing. It's carried on too long. We've got to stop it.

". . . People in Boston are filled with fear. People have triple locks on their doors, white and black. I can't believe it. This is Boston, a city of culture."

It doesn't matter that Boston's crime rate is among the lowest of America's major cities, and that the number of policemen per capita is second highest in the nation. Or that the number of black-white murders in Boston is relatively low (nine of the 111 so far this year).

"We're going to have to take some real preventive measures," says Mrs. Hicks, just turned 50. "You can't take a pill and have it go away in the morning.

". . . Right now, we've got to call a halt, look at it, and do something before it's too late. We've got to face up to this problem.

". . . Maybe we have all the laws we need, but maybe people don't know we have them. And maybe they should be enforced."

"KIDS DON'T HAVE ANYTHING"

Sgt. Bolt sees Columbia Point somewhat differently.

"These are kids that don't have anything, anything at all," he said. "They look in a store window and they see things they can never hope to afford. Perhaps if I were in the same fix, I would do the same thing. A kid has no pair of shoes, and he knows he won't get a pair of shoes until he steals them."

And Sgt. Bolt sees crime in Roxbury differently, too.

"The same day that woman was burned," he said, "a black man was shot and killed on Northhampton Street. There was no human cry about that. To me, the problem is that people here don't consider people as human beings. The first question anybody asks is whether the victim was white or black.

"If there is a crime in Roxbury, they ask, 'Well, what was he?' and if the answer is 'black' then they relax and sit back and they're not concerned. But, as soon as we describe the victim as a white Caucasian, then it becomes a matter of public concern."

Sgt. Bolt, who lives in a six-room house in Roxbury, says he is having an ever-harder time convincing black people that "the system" can work.

"We take pride in the fact that we have an educational system that makes the majority of the people literate. So we read in the paper that the Supreme Court of the land has determined that segregated schools are not constitutional. Here it is 1973, and we're still having individual states fighting the integration of schools hammer and tong.

"If it takes 19 years, and the thing is still up in the air, and the black kid reads the paper, 'What the hell is going on? The man is talking out of both sides of his mouth. You say what a great system it is, but they're still fighting over whether I have the right to an equal education.'

"Education is basic to it, you know. It's the first thing we introduce our kids to in a public way. That's where we begin to train him there are differences in people."

A CLOSED WORLD

Sgt. Bolt is jarred by his own daughter, who is 15 and is telling him that "they're against us."

"She came up to me one night and said, 'What happened in World War II? Look at Japan and Germany today. This country had a lot to do with rebuilding those countries, who were once our enemies. We saw fit to make them powerful. If they could do that, why can't they do something now? Would it have been better for us to fight a war with the United States?' "

"And I don't know how to answer those questions.

"We're not talking about poverty programs and a few million dollars here and there that never filter down anyway. They really spent billions of dollars in those countries. It's simple logic, but if you think about it, it's devastating."

The blacks of Boston look around and, often, see a white man's world that is closed to them, white neighborhoods (parishes rather than neighborhoods in Boston), a fire department that is 99-plus per cent white, a police department that is nearly 98 per cent white. You can stand at Columbia Point on the bank of the bay where the old man fished and died or on Blue Hill Avenue in the heart of black Roxbury and speculate on the luxurious living that goes on in the glistening insurance office castles you see looming from the "new Boston" skyline beyond.

Some, like Elma Lewis, who runs the National Center for Afro-American Art, see hopelessness setting in.

"NOBODY CARES"

"I am convinced," she says, "that young people feel there is no way to operate with this system. They look at the so-called successes in the black community, who can't even get their garbage moved, and they say, 'Who needs that?'

"They'll do anything to get a dollar. They look at Agnew and see how he got off. 'He's rich, and he got away with it. That's America, so I'll do it. I'm taking certain risks, yes, but look how big I'll win if I'm a winner.' They say that in America the dollar is the biggest thing in the world, and they look around and they see that it doesn't matter how you get it.

". . . If you walk downtown, you'll see hordes of black kids like wolf packs, snatching hand bags, terrorizing office workers. And if one of those white policemen sees them, he doesn't ask them why they're not in school. These kids realize nobody cares about them. They're not a part of the system. And, when something happens, everybody gets uptight for 10 minutes.

". . . This is a very, very bad time—a very, very serious time."

No one is more cognizant of that than Mayor White, who is holding meetings all

day long with his community affairs specialist and with community groups, trying desparately to keep the lid on, hoping to appeal to what he feels is basic conservatism among Boston's black citizenry.

He feels that the media's overplaying of the murders and their racial aspect was "a disgrace."

He is worried that no one can seem to control young blacks like those who participated in the recent crimes, and whose own internal leadership turns over constantly. He is hoping to mobilize older youths to assume that role.

POLICE HAVE PLANS

Above all, he is disturbed by the thinly veiled racism of the political rhetoric, having been subjected to it in his mayoralty campaign, and has been pleading for calm. During the heat of the reactions to the two murders, he even held two press conferences in one day.

Like most other city officials, he will not tell you about the military-style battle plan the police have ready in case "it" happens in Boston, a plan designed to seal communities off from one another.

"I don't think that there's that deep a despair in the black communities," he says, and wonders whether Boston's black leadership, or anyone else for that matter, can gauge how deep or how hostile are the feelings on the street.

"But I honestly believe," he insists, "that we're nowhere near a racial war."

ATTORNEY GENERAL'S SALARY REDUCTION

Mr. HRUSKA. Mr. President, this week the Senate is scheduled to take up consideration of S. 2673, which proposes to return the salary of the Attorney General to the level in effect on January 1, 1969. This bill was introduced to insure compatibility between the proposed nomination of Senator SAXBE to be Attorney General and the constitutional provision which reads:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office. (Article I, Section 6, Clause 2)

There is no question as to Congress authority to raise and lower the salary of Cabinet officers. However, some have voiced concern that even after the enactment of S. 2673, Senator SAXBE may still not be eligible for the office to which he will be nominated.

This concern stems from the fact that Senator SAXBE became a Member of Congress on January 4, 1969 and subsequently salary increases for Cabinet offices were approved. Such concern is fair and understandable, for a cursory reading of that pertinent portion of the Constitution alone, as is the case with almost any portion of that document, could leave one in doubt as to its meaning. Because of this doubt, S. 2673 was referred to the Judiciary Committee for study of the constitutional issues involved.

After a thorough consideration of all the testimony heard before that committee, I am fully convinced that the enactment of this bill would be effective to confirm the eligibility of Senator SAXBE for the office of Attorney General.

The major theme sounded by those who doubt the efficacy of the approach taken by the subject bill, is that the plain, literal words of the clause forbid such a move. However, such an interpretation appears to fly directly in the face of the intentions of the framers, the rules of constitutional construction and available precedents.

The narrow, literal approach to the Constitution taken without reference to pertinent historical data is one which has been long rejected. In one of a line of similar pronouncements, the Supreme Court, in the *Legal Tender Cases*, 12 Wall. 457, 531 (1871) stated:

Nor can it be questioned that when investigating the nature and extent of the powers conferred by the Constitution upon Congress, it is indispensable to keep in view the objects for which those powers were granted. This is a universal rule of construction, applied alike to statutes, wills, contracts, and constitutions. If the general purpose of the instrument is ascertained, the language of its provisions must be construed with reference to that purpose and so as to subserve it. In no other way can the intent of the framers of the instrument be discovered.

A review of the history of the constitutional debates reveals that the framers were concerned with the prevention of the evils which might arise if Members of Congress could benefit from the creation of new offices or increase in the emoluments of existing ones. Much consideration was given as to how to best achieve that objective. One proposal, later rejected, called for an absolute prohibition of Members of Congress assuming civil office both during their term in Congress and for 1 year thereafter. Such an absolute provision, it was clearly recognized, would unfortunately effectively bar the tapping of valuable talent in the Congress, for use in executive offices. In approving the final form of article I, sections 6, clause 2, the framers guarded against possible corruption in the appointment process but also achieved their avowed objective of making available Members of Congress for other positions in the public service.

A restrictive reading of this provision ignores this second portion of its dual function.

The enactment of S. 2673 would be entirely in accord with the intentions of the framers. Upon his confirmation to the office of Attorney General, there would be no emoluments that Senator SAXBE would be entitled to receive which were possibly traceable to any action taken by Congress while he was a member of that body. Further, the country would have the opportunity to be served by a man of recognized experience and ability.

The proponents of a restrictive interpretation of the Constitution indicate difficulty particularly with the words "shall have been increased" found in the phrase in question.

In view of the framers' intentions it would appear that the phrase contemplates a continuing increase of emoluments. Congress by its approval of the 1969 pay increase simply created the condition to which the constitutional clause attaches. By enacting S. 2673, Congress, having the power to revoke as well as enact statutes, will have removed that condition.

The argument has been put forth that if the framers desired the course of action which is before us, they would have specifically provided for it. This argument assumes, however, that the Constitution was drafted in the same manner as a detailed statute. Chief Justice John Marshall, well aware that many constitutional provisions do not spell out contingencies in great detail, wrote in *McCulloch* v. *Maryland*, 17 U.S. 316 (1819):

A constitution to contain an accurate detail of all the subdivisions of which its great powers will admit and of all the means by which they may be carried into execution, would partake of prolixity of a legal code, and could scarcely be embraced by the human mind. It would, probably, never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced, from the nature of the objects themselves. . . . We must never forget that it is a constitution we are expounding.

Regarding principles of constitutional construction, we can readily point to instances in which the Supreme Court's interpretation of constitutional provisions go beyond the literal implication of the language in order to reach a result consistent with the intent of the framers. To cite one example, the Court, going beyond the words that prohibit compulsory self-incrimination "in any criminal case," has held that the fifth amendment includes such protection in civil cases, administration proceedings and congressional investigations. Likewise the Court has construed this amendment, beyond its mere words, to uphold the validity of immunity statutes. There are many more examples of construing the Constitution beyond its bare wording standing alone.

In addition to the general principles of constitutional construction, several favorable precedents are available in which Congress engaged in considerable debate upon similar matters.

One such precedent involved the appointment of Senator Morrill as Secretary of the Treasury in 1876. During his term, salaries for Cabinet officers were raised and then subsequently reduced to their former amount. Senator Morrill's nomination was nevertheless confirmed by the Senate without challenge based upon the constitutional provision in question.

A directly analogous situation to that presently before us occurred in 1909 with the nomination of Senator Knox to be Secretary of State. During Senator Knox's term the salary to that office had been increased, and, upon his nomination, legislation was introduced restoring the salary to the level at which it had been prior to Senator Knox's term. Upon passage of this remedial legislation, Senator Knox was named and confirmed by the Senate for that Cabinet position.

The relevance of the entire body of constitutional history in construing the meaning of its provisions was aptly summed up in the following quotation from a 1964 Supreme Court decision:

Our sworn duty to construe the Constitution requires . . . that we read it to effectu-

ate the intent and purpose of the Framers. We must, therefore, consider the history and circumstances indicating what the (provision in question) were in fact designed to achieve. *Bell* v. *Maryland*, 378 U.S. 226, (Mr. Justice Goldberg, concurring).

The inescapable conclusion one draws from a study of a constitutional debate, the rules of construction, and the available precedents is that S. 2673 effectively clears the way for Senator SAXBE's assumption of the Attorney Generalship. I, therefore, urge prompt and favorable action by this body upon this bill and upon the forthcoming nomination of Senator SAXBE.

FOOD FOR PEACE—THE JAMAICA STORY

Mr. HUMPHREY. Mr. President, from the inception of the "Food for Peace" program under Public Law 480, the U.S. Congress and its agricultural committees had expressed the objective of using food donations under title II of the act, not only for humanitarian purposes, but as an incentive for other governments to improve social feeding programs, particularly for children. It was also the goal of the U.S. Congress that the food donations would help countries "graduate upward" from direct food assistance to sales of U.S. food products on long-term concessional credit arrangements.

Jamaica is now providing a significant example of a Food for Peace "success story," demonstrating such a "graduation" from title II food donations to title I concessional credit sales—and by Jamaica's own determination setting a new precedent and example to other developing nations of the world.

For Jamaica's new title I agreement, signed last month, is the first in the world under which the Government is not using the concessional credit to purchase foods for resale into the market place but rather is using the credit to obtain foods for its own constructive social program purposes—in this instance, for its school lunch program under a "model" arrangement that will assure its young people of improved diets and improved nutrition.

Title II food commodities were provided to the Government of Jamaica for a maternal child health and school feeding program under a 3-year agreement which started in 1967. That program authorized 16,000 metric tons of food commodities valued at $5.2 million to feed 200,000 children each year, most of whom are very poor and whose diet otherwise would consist of starchy foods and very little protein. The Jamaica Government showed a willingness from the start to do its own part, committing itself to a cash input of $2,698,000.

The program had since been extended to December 31, 1973, under which the United States agreed to contribute an additional $3.5 million in commodities with the Government of Jamaica agreeing to finance all the administrative inputs, requiring about one million dollars annually.

Further, the Government of Jamaica agreed to build a new central kitchen at a cost of $1.3 million, and to enter into a contract with ARA Services, a private U.S. catering service operating a worldwide network of kitchens serving schools, hospitals, airlines, and other mass feeding centers, to design, supervise construction of and train operators for the central kitchen in the metropolitan area of Kingston and St. Andrew, Jamaica.

Jamaica has kept every pledge, and, under the leadership of an exceptionally able Minister of Education, the Honorable Eli Matalon, has not only dedicated the new central kitchen but has utilized it to move Jamaica forward toward better feeding patterns for all its people. ARA nutritionists working under the contract with Minister Matalon have developed recipes for lunches prepared at the new kitchen which will provide one-third of the daily protein and calorie requirements for 100,000 schoolchildren to be served from this kitchen—and, from its experience, future food policies of the country are evolving. The aim in Jamaica is to start with the children, in teaching the value of better nutrition, but then carrying it to the marketplace where all can share in higher protein products for which acceptance has been proven by these school feeding programs.

Jamaica has not only fulfilled the hopes and expectations of the United States in this forward-looking policy, but it has gone the "extra mile." Under the leadership of Prime Minister Manley, Jamaica is showing its concern for its youth and its ability to stand independently on its own feet, neither dependent upon nor beholden to anyone, yet grateful for cooperation and assistance from everyone appreciating their own goals and desires. Minister of Education Matalon has negotiated the agreement taking Jamaica out of the category of food donations and moving it into the category of paying, with U.S. credits, for the food it is using for social programs, of its own, like the school lunch program. Jamaica has every right to lift its head high on this move. It is an example for many other countries by making use of a U.S. Government program of long-term credits, normally devised for commercial purposes, to serve constructive social purposes.

Under Minister Matalon's leadership, the Government of Jamaica entered into a title I agreement with the United States for provision of the high-protein-blended food commodities which were previously donated under title II, such as wheat-soy blends.

The leadership of Jamaica in utilizing long-term credits of the United States—normally used only for commercial transactions by developing countries—for broader social purposes previously covered by straight food donations, set a new precedent that helps prove the value of the objectives behind the actions of the U.S. Congress in creating these food programs and comes at a time when tight food supplies make it all the more difficult—and costly—for a developing country to implement.

Jamaica has also wisely chosen to use the new high-protein-blended foods, to assure the maximum nutritional and protein value for each dollar it invests in food for its children.

Congratulations are in order, not only to the Jamaican Government, but also the Food for Peace Office in the Agency for International Development and the U.S. Department of Agriculture for pioneering with this new arrangement.

EDITORIAL COMMENT ON THE PRESIDENTIAL CRISIS

Mr. McGOVERN. Mr. President, I have been most impressed by a series of editorials appearing recently in the Washington Post relating to the Presidential crisis that now confronts the Nation. I ask unanimous consent that three editorials entitled "Operation Disney World" appearing in the Washington Post of November 20, November 21, and November 23, an editorial in the Washington Post of November 26 entitled "Mr. Nixon's Thanksgiving Day Offering" and an excellent column by the columnist Mr. William Raspberry in today's Post be printed in the RECORD.

Mr. President, the Sunday Washington Star of November 25 carries a perceptive analysis of the President's personality entitled "What Makes Nixon Tick." The article is authored by Dr. Eli S. Chesen, a psychiatrist who will enter the Air Force in January for 2 years of active duty as Chief of Mental Health at Nellis Air Force Base, Nev. I ask unanimous consent that this piece be printed at this point in the RECORD.

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

[From the Washington Post, Nov. 20, 1973]

OPERATION DISNEY WORLD (I)

Working our way laboriously through the transcript of President Nixon's extraordinary performance last Saturday night before the Associated Press Managing Editors at Disney World, it struck us with increasing force that on a number of specific points the President is not exactly clearing up the record on Watergate and related matters. Rather, he seems determined to add to the public's confusion at almost every turn. The President would have us believe, of course, that with Operation Candor (as the White House has called it) he is at long last setting out to sweep away public misapprehensions—that he is helping us to get to the bottom of the Watergate affair, once and for all. Yet, picking and choosing almost at random, one finds disturbing distortions of the record and misrepresentations of the facts. By way of a beginning effort to set the record straight, we would deal today with the President's misuse of two of his predecessors in office—Thomas Jefferson and Lyndon Johnson—in attempting to defend actions of his own.

Mr. Nixon's persistent use of the "Jefferson rule," as he called it in his Saturday night appearance, is startling. This is the second time in a month that the President has distorted the facts regarding the issuance of a subpoena to President Jefferson by way of justifying his own performance in the matter of the Watergate tapes. In his press conference on October 26, Mr. Nixon said that the court had subpoenaed a letter which President Jefferson had written and Mr. Jefferson had refused to comply, but rather had compromised by producing for the court a summary of the contents of the letter. Saturday night, he went further. He began his answer to a question having to do with executive privilege with the astonishing assertion that, "I, of course, voluntarily waived privilege with regard to turning over the tapes." This is a curious way to describe his ultimate decision to obey an order of the Federal District Court—an order which he first appealed to the U.S. Court of Appeals.

Having lost the appeal he then tried to compromise the issue with the famous Stennis proposal which cost him the resignation of his Attorney General and his Deputy Attorney General in the course of his efforts to fire the Watergate Special Prosecutor who had originally requested the tapes. Having rewritten this recent history, the President went on to elaborate on the "Jefferson Rule" and to rewrite some more. He repeated his version of the Jefferson case which he had given us in October and went on to say that John Marshall, sitting as Chief Justice, had ruled in favor of the Jefferson "compromise."

In just about every important aspect, it simply didn't happen that way. To begin with the letter was not written *by* President Jefferson. It was written *to* him. What is more, Mr. Jefferson agreed to testify in the case under oath (although he wanted to do so in Washington, rather than journey to the court in Richmond). And he sent the entire letter—no a mere summary—to the U.S. Attorney who in turn offered it to the court and authorized the court to use those portions "which had relation to the cause." Chief Justice Marshall, moreover, never ruled in his capacity as Chief Justice on any such compromise; he ruled as a trial judge in a lower court. So much for the misuses of Mr. Jefferson.

Now for President Johnson and Mr. Nixon's taxes. The first thing to be said is that the President was offered a specific opportunity to deny published reports that on a total income of $400,000 for the years 1970 and 1971 that he paid only $1,670 in income taxes. He did not deny it, but rather admitted that he had paid "nominal" taxes for those years. He then said that the fact that his taxes were nominal was not a result of "a cattle ranch or *interest* or all of these gimmicks . . ." Perhaps so. But it would be somewhat surprising if Mr. Nixon did not deduct interest from his gross income for those years. The figures the White House has put out concerning the transactions by which he acquired his Key Biscayne and San Clemente homes indicate that he paid substantial sums in interest in those years, and it is hard to figure out any other way he could have arrived at such a "nominal" obligation.

His own explanation for that "nominal" obligation was that President Johnson told him shortly after he became President in January, 1969, that he ought to donate his vice presidential papers and take a deduction for them. There are two things puzzling about the idea that Mr. Nixon was merely taking his cue from his predecessor. One is the inference conveyed by Mr. Nixon that all this was new to him; in fact, he had made such a donation of some of his official papers in 1968, prior to taking office as President. The second, and far more important thing that is puzzling about Mr. Nixon's story is his suggestion that Mr. Johnson had established the precedent and that both men followed the same general policy in their handling of the tax aspects of their official papers. Prior to 1969, they apparently did just that. But in 1969, Mr. Johnson made a careful decision not to do what President Nixon did, for very precise reasons having to do with property.

The facts of this matter are that in 1969 Congress was debating a significant change in the Internal Revenue Code which might have precluded anyone from taking such a deduction from this sort of gift of papers or documents. Both Mr. Johnson and Mr. Nixon expressed their opposition to this change in the tax rules but until late in the year it was unclear which way Congress would resolve the issue—or when any change would become effective. Under the circumstances, Mr. Johnson decided that it would be unseemly for a former President to attempt to make such a gift in an effort to beat a congressional deadline and so he did not do so—reportedly at a cost of millions of dollars to his heirs. Mr. Nixon, by contrast, made a gift that year of papers valued at more than $500,000 and took what he claimed to be the appropriate deduction.

So much for the inference that Mr. Nixon was only following President Johnson's lead. Beyond that, there is an even larger question—not specifically raised by the editors and consequently ignored by Mr. Nixon on Saturday night—as to whether what he did in 1969 with respect to his gift of papers and claimed tax deduction was in accordance with the requirements of law—quite apart from its propriety in the context of the congressional debate and the likelihood of an imminent change in the rules. Speaking of his predecessor, Mr. Nixon said that Mr. Johnson "had done exactly what the law required." What remains to be seen, as we have noted repeatedly in this space, is whether Mr. Nixon, in this particular instance, can make that same claim for himself.

We do not mean to say that the President does not have a cogent defense of his tax deductions, or of his policy toward the release of his tapes—or of any of a number of other charges and allegations that have been raised in connection with his performance in the broad category of matters which come under the broad misnomer of Watergate. We would simply argue (and we will be returning to the argument in this space) that the President is unlikely to clear the air and resolve public confusion in any conclusive way by the sort of muddying of history and misrepresentation of facts which characterized so much of his appearance before the managing editors on Saturday night in Disney World.

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

OPERATION DISNEY WORLD (II)

"If it had gone to the Supreme Court—and I know many of my friends argued, 'Why not carry it to the Supreme Court and let them decide it?'—that would, first, have had a confrontation with the Supreme Court, between the Supreme Court and the President. And second, it would have established very possibly a precedent, a precedent breaking down constitutionality that would plague future Presidencies, not just this President."

Thus Mr. Nixon, in his Saturday night question-and-answer session with the Associated Press Managing Editors, elaborated on his reasons for failing to carry his fight to protect the secrecy of the White House tapes subpoenaed by Archibald Cox to the Supreme Court. We cite at some length his remarks on the subject because they strike us as characteristic of the quality of the President's defense as a whole. It is marked by a perpetual shifting of argument, a series of astounding assumptions and a facility for distorting the facts of the case.

Consider only the quotation we have cited. Mr. Nixon, who on October 20th was declaring he was "confident" he would have won an appeal to the Supreme Court but didn't think it would be wise to leave the question open for the time it would take the Supreme Court to rule, now suggests that the prospect of losing was a strong factor in his decision not to appeal. So far as astounding assumptions are concerned, we invite your attention to the President's assumption that a Supreme Court ruling against him would have been of dubious constitutionality (surely the thing works the other way round). And finally, on the facts of the matter, does anyone have any doubt that the reason the President abandoned his plan to seek a Supreme Court test was that he considered he had a better chance of preserving the secrecy of the tapes by cooking up his so-called "compromise" or that he ultimately only agreed to release them to Judge Sirica as a consequence of the uproar brought on by his mishandling of Mr. Cox and the issue as a whole?

Yesterday in this space we addressed ourselves to Mr. Nixon's discussion of his taxes and to his misuse of two of his predecessors in the course of justifying his actions. Today, we will deal briefly with the President's arguments concerning the Watergate case itself.

Mr. Nixon's observations on the Watergate case, of course, revolved around the twin issues of Mr. Cox and the forbidden tapes. It is at least curious that the President who had a great deal to do with delaying Mr. Cox's investigation had the temerity to complain about that delay. Thus Mr. Nixon who earnestly discussed the reasons it had taken him so long to discover that two of the tapes did not exist and who, at least by indirection, acknowledged that he himself had been in a protracted and time-consuming legal battle with the Special Prosecutor concerning the White House documents that would be made available to the prosecution, in the same breath observed that the Special Prosecutor had taken much too long to get his cases into court. What does Mr. Nixon think Archibald Cox was doing for much of that time—if not battling the White House in order to acquire the material he regarded as necessary to bring those cases in an orderly and effective way, material which Mr. Nixon sought to deny him?

When Mr. Nixon observed that Assistant Attorney General Henry Petersen, who was replaced on the Watergate case by Mr. Cox, claimed to have had the case 90 per cent completed when it was put in Mr. Cox's hands, he again misled his audience. That is because, in the first place, Henry Petersen was referring exclusively to the case concerning the burglary of Democratic headquarters on June 17, 1972, and the subsequent cover up, and in the second place, because Mr. Petersen's claim referred to a period before it had been revealed that any White House tapes even existed—a revelation that inevitably produced attempts on the part of the Special Prosecutor to gain access to this potentially crucial new evidence.

Nor does the President's explanation of his delay in informing the court of the nonexistence of two of the subpoenaed tapes overwhelmingly persuade. If Mr. Nixon is so clear in his mind that he made the June 20, 1972, phone call to John Mitchell on a White House telephone that was not part of his recording system—he even recalls that he was on his way in to dinner when he placed the call—how could it have taken him from late September to late October to ascertain this fact? How is it, for that matter, that he wasn't aware there was no such tape back in July when Mr. Cox subpoenaed a tape of the call? If Mr. Nixon is now only deducing from the absence of a tape that he must have made the call on the phone in question, he is merely offering us a theory, not an assertion of fact—and if, on the contrary he is offering a clear recollection of fact, there is hardly any explanation for the many months it took him to remember or disclose it.

The case for the President's delay in discovering the nonexistence of a tape of his crucial April 15 conversation with John Dean is not much more persuasive. The President is known to have spent many hours on June 4th listening to tapes of conversations he'd had with Mr. Dean; the April 15 conversation was among their most important talks; and Mr. Cox subpoenaed this tape also in mid-July. Mr. Nixon, however, asks us to accept his argument that he did not discover that there was no tape until late September and that he had less sense of urgency about finding it than he had about the others because only Mr. Cox—and not the Ervin Committee—had asked for it.

Since the President did not intend to produce tapes for the Ervin Committee in any event, and since the Ervin Committee (unlike Mr. Cox) lost its case in court to gain access to them, it is hard to see how the Ervin Committee requests could have figured so prominently in Mr. Nixon's actions at the time.

So much for Mr. Nixon's capacity to twist beyond recognition the already complex matter of the tapes. And so much for his desire once and for all to clarify these matters with candor. Because the President has attached such great importance to this latest "once and for all" effort to set the record straight, we think it equally important to examine his words and the facts to which he alludes with great care. Therefore, we intend to return to the subject of Operation Candor. There is yet much to discuss.

[From the Washington Post, Nov. 23, 1973]

OPERATION DISNEY WORLD (III)

After President Nixon's meetings with the Republican governors in Memphis on Monday, Gov. Tom McCall of Oregon said Mr. Nixon "was very believable today—more believable than I've ever seen him before." White House deputy press secretary Gerald L. Warren, for his part, said Mr. Nixon hadn't told the governors anything he hadn't said before. There is only one way to reconcile these two comments and that is to assume that the governors are either so credulous or so hungry for reassurance that they can be inordinately cheered by a little special attention and a superficial plausibility—what White House aides used to call "stroking." For if Mr. Nixon's private sessions with the Republicans have been anything like his public performance before the Associated Press Managing Editors at Disney World last Saturday, he has been serving up generous portions of half-truths, illusions and outright distortions as substitutes for facts.

We have already discussed his penchant for rewriting the record of past Presidents and his confusing, not to say misleading, reconstruction of his role with respect to the Watergate investigation and the missing tapes. There is another pattern in his performance that takes the form of directing attention away from his own conduct and toward his opposition as some sort of justification or excuse for what he may have done. Scapegoating is, of course, a very human trait; but even children usually learn quite early that "everybody does it" and "he hit me first" seldom stand up as viable defenses—even when the finger-pointing has some validity.

Mr. Nixon compounds the weakness in this tactic by twisting the facts. Discussing the financing of the 1972 campaign, he said:

"Neither party was without fault . . . They raised $36 million and some of that, like some of ours, came from corporate sources and was illegal because the law had been changed, and apparently people didn't know it."

Now the fact is that no corporations have admitted or been charged with making illegal gifts to the McGovern campaign, while six have so far been convicted of making large unlawful donations to Mr. Nixon's reelection drive. Furthermore, the law barring such corporate gifts is hardly new; it was enacted in 1907.

There was a similar twist to Mr. Nixon's version of the milk deal—a story he was all too eager to advance. As he told it, the administration's sudden reversal on milk price supports in March 1971 came about not because of large contributions from the dairy lobby, but because "Congress put a gun to our head." Members of Congress comprising about one-fourth of each house, mostly Democrats and including Senator McGovern, were urging an increase to 85 or 90 per cent of parity. According to Mr. Nixon, the furor got so intense his "legislative leaders" said "there is no way" to avoid passage of a bill and the override of a veto.

There are two things that are unpersuasive about this. First, Democratic pressures don't explain some crucial concurrent events: the dairy lobby's contribution of $10,000 to the Republicans on March 22, 1971; a presidential meeting with spokesmen for three big dairy co-ops on March 23; another industry contribution of $25,000 on March 24; and the price support increase on March 25. Nor do Democratic pressures explain either the White House staff memo, alluding to a dairy industry commitment of $1 million or more, or any number of other curious facts about the size and the timing of the milk lobby's largesse. Moreover, if Senator McGovern and his colleagues did push Mr. Nixon to change his mind, that would be another historic first. Given the President's penchant for vetoes and extraordinary success in making them stick, this would have been the only time we can think of that the administration was cowed by a group of Democrats not numerous enough even to pass a bill—much less to override a veto.

Then there was the "everybody-does-it" approach to the sensitive matter of presidential taping of conversations. In the course of his tortuous remarks about the missing tapes, Mr. Nixon said in passing that the taping equipment used in President Johnson's term "was incidentally much better equipment . . . and I am not saying that critically." Well, so far as we can determine, the equipment President Johnson actually had was in no way comparable to the extensive, indiscriminate automatic voice-actuated system—"little Sony" or not—which President Nixon installed. Close associates of President Johnson can recall only recorders attached to two telephone consoles, one in the Oval Office and one in the presidential bedroom. Each box reportedly had two cylinders with a total recording time of 30 minutes, and the mechanism had to be activated each time by a toggle switch—and by the President's conscious decision that a particular conversation was sensitive enough to be worth recording on tape. According to his former aides, Mr. Johnson used this equipment, with its limited capabilities, primarily to obtain an exact record of conversations with the military and with foreign diplomats. If Mr. Nixon knows of any other bugging or telephone tapping operations by his predecessor—anything remotely like the all-embracing, voice-activated mechanisms Mr. Nixon himself employed—the facts should be disclosed. If not, the innuendo—"critical" or otherwise—should stop.

There were still more misleading comments, such as Mr. Nixon's description of his telephone conversation with John N. Mitchell on June 20, 1972. As Mr. Nixon tells it now, Mr. Mitchell "expressed chagrin to me that the organization over which he had control could have gotten out of hand in this way." However, on that same day, Mr. Mitchell was expressing no such chagrin publicly. On the contrary, in a formal public statement he was saying, "This committee did not authorize and does not condone the alleged actions of the five men apprehended Saturday morning. . . . The Committee for the Re-election of the President is not legally, morally or ethically accountable for actions taken without its knowledge and beyond the scope of its control."

In one sense, it hardly matters to what extent this constitutes a conscious, deliberate effort to distract and deceive, and to what extent Mr. Nixon has really come to believe that the record he's supposedly setting straight is the truth. Either way, such rhetorical evasions and distortions place an intolerable burden on the public and the government at a time of severe national stress. In short, when you take the trouble to examine with some care the contents of "Operation Candor," you discover that candor is precisely what is lacking in this latest effort by the President to present us, "once and for all," with the facts which could begin the long, slow process of restoring public confidence in Mr. Nixon's conduct of government.

[From the Washington Post, Nov. 26, 1973]

MR. NIXON'S THANKSGIVING DAY OFFERING

Did we dream it up over a heavy holiday weekend? Or did President Nixon's lawyers really go into court late last Wednesday, on the eve of Thanksgiving, and announce that there is an inexplicable, 18-minute missing passage in one of the more crucial Watergate tapes? It does not seem possible that this could happen when you consider everything else that has already happened in the matter of the President's tapes:

The formal subpoenas for nine recorded conversations, on behalf of the President's own Special Prosecutor; the losing Court fight on the constitutional principle of separation of powers; the attempted compromise in which, it was said, Sen. John Stennis of Mississippi had agreed to verify "every requested" tape; the subsequent firm commitment by the President to comply completely with the court's order to produce the tapes; the sudden revelation that two of the nine tapes were missing; and finally Mr. Nixon's solemn reassurance earlier last week to the Republican governors that at least the surviving seven tapes were intact and "audible" and that there were no more "bombs waiting in the wings" to shred what is left of public trust in the President.

And yet we didn't dream it—the evidence of the newspaper clippings is there. White House Special Counsel J. Fred Buzhardt did in fact tell Federal District Judge John Sirica on Wednesday that there had been this "phenomenon," as he put it—that part of the tape of a June 20, 1972 conversation between the President and his chief of staff, H. R. Haldeman, consisted of nothing more than an "audible tone." As a Thanksgiving Day offering, this would be quite sufficiently shattering. But in our view, the political reaction to it of the Republican governors who had come away from their Tuesday meeting with Nixon in an almost buoyant mood was more disturbing and demoralizing than the actual fact of this latest misadventure with the tapes. For what it tells us is that the President remains more than ever incapable—at least in the way he is now going about it—of recapturing the public confidence he so desperately needs if he is to conduct his office effectively over the next three years.

"He had probably the most representative and sympathetic audience of any group in the country and he just didn't square with us, level with us," said Gov. Dan Evans of Washington.

"I came out of there assured that we've bottomed out and now I'm not sure that we've bottomed out because this revelation does call for some further explanation," said Gov. Winfield Dunn of Tennessee.

Gov. Tom McCall of Oregon, who had said on Tuesday that he and his colleagues had been left with "a sense of relief that the President was leveling," said afterward that he was "sorely perplexed."

Now, these are not men, as far as we know, who wish for anything other than the President's political recovery. They want to believe that what he has been saying all through the long months of Watergate about his own innocence of wrong-doing—and about his ignorance of wrong-doing by others, as well—is true. So when their faith is shaken, right on the heels of the fresh sense of reassurance which has supposedly been generated as a result of the new "Operation Candor" we have been witnessing, it reinforces a point that we have been trying to make in this space for a good many months. The point is that it is not going to be enough for the President simply to protest his inno-

cence—or to pretend that he can afford to leave the final verdict to the courts or to an impeachment process. And neither is it going to be enough for him to treat his current predicament as a public relations exercise—something that can be handled by a show of self-confidence or by a great flurry of activity to prove that he is capable of "governing." The point is that he must deal with the complex facts of the matter in a way which suggests that he has some respect and concern not only for the technical requirements of a court of law but for the practical requirements of public sensibilities. And that is precisely what he is not doing. Leaving aside his handling of the record of the various cases which come under the heading of Watergate—the cover-up, ITT, the milk deal, his personal finances, the "plumbers" and all the rest—he is demonstrably not doing this even with so seemingly straightforward a question as his compliance with a lawful order of a court to yield up his famous tapes intact.

Instead, what the President has done is to give us yet another indication that, one way or another, this requested evidence has been grossly mishandled. Whether or not the mishandling amounts to actual tampering, we would not profess to know. But even giving the President the best of it, it amounts to gross negligence, if not monumental incompetence, on a level which invites suspicions of the darkest sort at a time when the removal of suspicion ought to be the President's first imperative. What Mr. Nixon is playing fast and loose with, after all, is potential evidence in a criminal proceeding, evidence which he has been commanded by the courts to produce. This evidence was requested by his Special Prosecutor in July and while it is true that the President decided, quite within his rights, to oppose the subpoenas (and a consequent federal court order upholding their legality) on broad constitutional grounds, this course of action in no way relieved him of an obligation to preserve and produce the requested material in the event that the courts ruled against him—as indeed they did.

On the contrary, it seems to us he had an obligation from the outset to ascertain immediately whether he actually possessed what the Special Prosecutor was asking for—and what was being fought over in the courts. In fact, it now appears that he did not even take the trouble to discover until the end of September that two of the requested tapes were missing and he did not reveal this information until the end of October. Thereupon, he offered as a substitute for one of the missing tapes a dictabelt recording of his own account of the meeting in question—only to announce later that this too could not be found. Now he is telling us that a big chunk out of one of the seven remaining tapes is also missing, and while there is no way of telling exactly how important its loss may be, this is the way Special Prosecutor Archibald Cox, in his request to Judge Sirica, explained the possible relevance of the tape covering Mr. Nixon's conversation with Mr. Haldeman on June 20, 1972:

"There is every reason to infer that the meeting included discussion of the Watergate incident. The break-in had occurred on June 17—just three days earlier . . . Early on the morning of June 20, Haldeman, Ehrlichman, Mitchell, Dean and Attorney General Kleindienst met in the White House. This was their first opportunity for full discussion of how to handle the Watergate incident, and Ehrlichman has testified that Watergate was indeed the primary subject of the meeting . . . From there, Ehrlichman and then Haldeman went to see the President. The inference that they reported on Watergate and may well have received instructions, is almost irrestible. The inference is confirmed by Ehrlichman's public testimony that the discussion with respondent [the President] included both Watergate and government wiretapping . . . The contemporary evidence of that meeting should show the extent of the knowledge of the illegal activity by the participants or any effort to conceal the truth from the respondent."

With 18 minutes missing from the recording of this meeting, we will now never know whether it was as potentially significant as Mr. Cox believed it to be—just as we will never know what might have been on the two tapes that are missing in their entirety. What we do know, however, is that it has taken Mr. Nixon the better part of four months to reveal to us that evidentiary material lawfully demanded of him by a court of law either never existed or has somehow disappeared. Given the resources at the command of the President and the care with which other urgent presidential business is carried out, to ask us at this stage to believe that this happened by accident—or even out of nothing more than incompetence or indifference—is to put the faith of an abused American public to an excruciating test.

WHY ASK IF HE'S GUILTY?

(By William Raspberry)

Satisfactory answers are yet to come, but President Nixon finally has got the question right.

"People have got to know whether or not their President is a crook," he told the 400 Associated Press editors in Florida. Naturally he didn't proceed to confess to a bill of high crimes and misdemeanors, saying instead, "I am not a crook."

But he was right on target when he said it is in the people's interest to know whether there is a crook in the White House.

It is this target that ought to be kept in mind while weighing conflicting testimony regarding the Nixon administration scandals. The advantage of keeping it in mind is that it helps to make sense of a lot of things.

For instance, if the question is: Am I a crook?, the answer, whatever the facts may be, is: No, I'm not. If he is in fact innocent, he certainly is going to say that he's innocent. But if he's guilty as sin, he'll still say that he is innocent. The only way he could say otherwise would be in a speech of resignation. Or in a suicide note.

If you know what his answer must necessarily be, then it's pretty well pointless to ask him the question. It's equally pointless, of course, to have him ask it of himself as he has been doing for the past couple of weeks in an effort to restore his credibility which, like certain other items in the White House inventory, either is lost or never existed in the first place.

It is to his advantage, of course, to try to create the feeling that he is being newly candid without providing any new information. To some degree, the attempt seems to be succeeding. Some of the AP editors, for instance, came away from Disney World saying their doubts concerning the President's credibility had been relieved.

But in the long run, it's hard to see how it can work. If he has information that would serve to establish his innocence, it would have been released long before now. If he had tapes that proved John Dean a liar and John Mitchell an honest civil servant, those tapes would long since be public knowledge.

On the other hand, if the documents and the tapes tended to disprove Richard Nixon's version of things, he would certainly resist any move to make them available.

Which, of course, is precisely what he has been doing, and which is why so many Americans take for granted that he is lying. It's very difficult not to believe that something funny is going on. First you have the President's flat refusal to furnish the tapes and other documents; then, when he is finally ordered by the courts (after an unsuccessful appeal) to produce them, two of the most important recordings turn out not to exist. And while an incredulous public is still laughing about that, it turns out that another significant tape is just whistlin' Dixie for 18 minutes.

A third of the supposedly crucial tapes have been eliminated. One expects to see any day now a newspaper headline reading: "And Then There Were None."

And this is just the tapes. There were presidential attempts to limit the scope of the Watergate investigation long before the world knew there were tapes, and the attempts continue even while the tapes are disappearing.

The President's problem is to make believable a series of muddy, incomplete explanations of White House interference in the investigation. What makes it so difficult a problem is that a much simpler explanation makes more sense. It all falls into place if you assume that the President is guilty of most of the things he is suspected of, and that any major new disclosure would tend to point out his guilt. Assume that, and the business of blocking investigations and withholding documents and having tape recordings go sour or evaporate makes absolute sense.

But also, if you assume that, it's silly to demand that the President be candid with the people. A call for candor from a guilty man is really nothing more than a demand that he confess.

I'm not saying that the President is unequivocally guilty, although both the objective evidence and the evidence of his own behavior suggest that he is. What I am saying is that he is the wrong person to ask whether he is guilty.

Instead of debating presidential "candor," which apparently consists of seeming very earnest while divulging no information, we ought to be paying more attention to the other thing he said:

"People have got to know whether or not their President is a crook."

There are ways of finding out.

[From the Washington Star-News, Nov. 25, 1973]

WHAT MAKES NIXON TICK?—ONE PSYCHIATRIST'S ANALYSIS

(By Dr. Eli S. Chesen)

(This article is excerpted from "President Nixon's Psychiatric Profile," a book written by Eli S. Chesen, M.D., and just published by Peter H. Wyden.

(Chesen, a 29-year-old psychiatrist, has not had Nixon as a patient, but gathered what he calls a "surplus" of evidence and of insights from observing him through the media, presidential writings, etc. The evidence actually exceeded that which a psychiatrist might have available in treating some private patients, he said.

(Chesen describes his analysis as politically neutral. He describes himself as a moderate—one who once voted for Goldwater, and who has voted for and against Nixon.

(He also said the study reflects no conclusion by him on whether these psychological characteristics make a person suitable or unsuitable for the presidency: that is up to the electorate.

(Chesen, educated at the University of Nebraska, is completing his residency in Phoenix, Ariz. In January he will enter the Air Force, as a major, for two years of active duty as chief of mental health at Nellis Air Force Base, Nev.)

Paradoxical as it seems, frequently more can be learned about someone's inner workings when the examiner is an interested spectator or observer rather than a prying interrogator. Much can be learned about someone just by looking at him, listening to him, looking at his accomplishments, and reading his writings.

The federal government has used this method. It has been the habit of the government, through some of its agencies, to

compile secret psychiatric profiles of its foreign enemies and, at times (the Ellsberg affair) of its own citizenry. During World War II, psychoanalytic studies of Adolf Hitler were carried out, in absentia, by our government as well as others.

The profile presented in this article is not secret, and for the most part was compiled in my own living room as I watched my own television set, using methods that are completely open to question and scrutiny. Public necessity dictates that this be done. It is imperative that we gain insight into the minds that have not only been governing us but investigating some of us.

We can know much more than we do about Richard Nixon and his fan club. We need only look closely at the subtle but revealing aspects of these men to discover what makes them run.

One early surmise that I can offer is that they run rapidly and powerfully, like a well-tuned Ferrari, but the fuel is not high-octane gasoline—it is Anxiety. More than any other factor, the neurotic need, shared by many people, to deny his own human limitations has led to Richard Nixon's successes as well as to his failures. It has perverted the political process and given us the Watergate phenomenon.

Richard Nixon made it all possible and even inevitable by serving as a rigid mold for his followers. He is a victim of his own inflexible, predictable personality. He takes himself and the intrinsic office of the presidency too seriously—thereby showing, among other things, that he lacks one of the redeeming attributes of his one-time mentor, Dwight D. Eisenhower.

Eisenhower knew that he was only part of Nixon, an extension of himself. It is no wonder, then, that many of his closest associates have seen themselves as mere appendages of the President, even at the expense of their own personal integrity.

NIXON VERSUS MILHOUS

An early conflict that has plagued Nixon from childhood through his political life is that of "Milhous versus Nixon." I refer to the dichotomy of a powerful, dominating, yet pacifist mother who was experienced by Richard along with an argumentative, punitive, hot-tempered, extroverted father.

Hannah Nixon was a gentle, peace-loving woman even though she dominated the entire family, including her husband. Frank Nixon, though dominated by his wife, was a political reactionary, in the sense that he reacted dramatically to what he felt were political injustices; he was a fighter.

It would be just about impossible for Nixon to live up to both of these standards simultaneously—they cannot coexist. This is a partial explanation for Nixon's puzzling patterns of ambivalence.

By repressing the Milhous identification, he is able to function smoothly as a war hawk. At other times he is a conscious Milhous, and shows it by way of his diplomatic missions designed as authentic strategy to achieve peace, such as his overtures to the long-hated Russian and Chinese Communists. In this parent-built paradox lies one of Nixon's greatest strengths and apparent flexibilities.

Because Nixon's primary identifications seem to be with his mother, he is able, most of the time, to keep the "Frank Nixon elements" repressed. Yet these elements continue to seek the light of day and at times come to the surface in the form of surprising explosions. These explosions produce the Nixon who "is never to be argued with", the Nixon who refuses to give in to the face of reality; the Nixon who on a few occasions gives out with gut reactions he is to regret and back down from later.

SELF-CONTROL

But overall Richard Nixon's most highly organized and finely honed weapon against his underlying insecurities is his ability to maintain strenuous self-control.

In Nixon's conscious and unconscious strivings to isolate his inner self from observation, he unknowingly is most revealing.

Opening statements such as "Let me be perfectly clear," "Let me be quite candid," "Let me speak with candor," and "Let me make this point crystal clear" are long-familiar trademarks of the Nixon rhetoric. On the surface, such statements appear to be reasonable ways to initiate points; but the excessive usage of them indicates something more. A closer analysis permits at least two conclusions.

At the risk of appearing politically naive, I will assume here that the public expects some emotional straightforwardness from a public official at a press conference. Everyone grants that no one can be totally honest all of the time; nevertheless, we do expect some candor in public colloquy.

Within that context such utterances as "Let me be quite candid" become unnecessary redundancies. Yet while such assertions are really not required by the public, they are obligatory for Nixon.

It is quite possible that during a press conference Nixon sees himself as candid even when he is not; the reality is acknowledged only unconsciously. Because of the constant presence of these unconscious forces, Nixon tends to use such expressions automatically and liberally. He needs to use these expressions to convince himself of "truths" that he is uncertain about.

As a psychiatrist, I find that when I take a history from a patient who employs excessive energy to defend his own credibility as a historian, rather than just being a historian, he is actually being less than candid. For example, during the course of an appointment John tells me that what he is about to say is "absolutely true." At this point I ask myself (and, if appropriate, I may ask John), "Why do you have to assure me of your veracity when I tend to assume it?" I find myself asking the same question about Richard Nixon.

GESTURES

Nixon's typical gestures offer another clue to his mysterious personality. The famous Nixonian arm movements resemble those of a robot. He moves like a cumbersome unitized structure. This appears to be the result of high muscle tone, which in turn reflects tension and control.

His facial expressions do not come across with any degree of warmth or naturalness. The familiar pensive look is interrupted occasionally by a rapid, transient smile which switches on and off like a neon sign. Even during the momentary smile one gets the glimmer of an ambivalent clown face subtly frowning through a painted smile. The sound of the infrequent laugh is forced and limited.

Why must this man so consistently display such an exaggerated measure of composure? Being in control is really an effort to ward off feelings of self-uncertainty. Unconsciously, Nixon is likely distressed by such feelings of being less than perfect. Despite the presence of a surplus of unconscious insecurities, one can successfully deny the existence of those insecurities to oneself if one can achieve absolute control over oneself.

Using these psychological mechanisms, Nixon has theoretically placed himself in a position of incredible power: He can anticipate and prepare for anything that might happen in his life! While many people (especially successful achievers) operate to varying degrees on the same principle, there is evidence that Nixon has followed it as a psychological modus operandi, a law of life.

DETAILS, DETAILS

Nixon has a "passion for facts." He likewise is passionate in his need to "take advantage of a situation," to have it under his total control. Our subject has a very real fear of leaving out any detail for fear he might overlook something important. An unfortunate aspect of this fear is that it can interfere with judgment: If nothing is considered unimportant and everything is important, the mind can get bogged down with trivia.

Nixon illustrates this vividly in his description (in Six Crises) of the fateful 1960 campaign: "At 4:30 Sunday afternoon, we took off for Alaska, a trip which was to mark the fulfillment of the pledge, made in my acceptance speech, to carry the campaign into every one of the fifty states. Not even our most optimistic supporters thought we had a chance to carry Alaska."

This accounting is revealing. First we get a sampling of Nixon's obsession with detail in his writing style: "4:30 Sunday afternoon"; the book is papered with such unneeded minutiae. More important, we see Nixon's obsession with detail on a much grander scale: He must campaign in every state, leave no stone unturned.

Politically such an all-inclusive crusade could not be justified. It was general knowledge that the election was pivoting on key precincts in Chicago and other large cities. The need to mount a pointless trip to Democratic Alaska arose from neurotic necessity, not political logic.

This is all part of Nixon's tendency toward overkill when he prepares to meet situations. He must do this to convince himself *unconsciously* that he is invulnerable, that he has done everything possible, covered every detail. In responding to those *unconscious* drives, he unfortunately short-changes conscious judgments.

Nixon's paramount dread is that he might overlook something and therefore commit an error. Mistakes are intolerable, a point that Nixon beats to death in his book, "Six Crises": The point of greatest danger is not during the battle itself, but in the period immediately after . . . Then, completely exhausted and drained emotionally, he must watch his decisions carefully. Then there is an increased possibility of error because he may lack the necessary cushion of emotional and mental reserve which is essential for good judgment."

This not only demonstrates an obsession to take up an emotional guard. It also testifies to the tremendous energy that is required to keep control. It is no accident that Nixon's crises go on and on. He tends to view life as a series of battles. Though he is always able to find an external enemy, more significant war is being waged on Nixon's internal battlefield.

GRANDEUR

Nixon's unconscious insecurities have contributed to much of his admirable success. Having achieved almost total control over himself, he advanced to the presidency of the United States, thereby assuming the most significant possible control of his environment. In command of himself and his government, he is able to fend off distressful unconscious feelings of helplessness and vulnerability that are ever threatening from within. As for Nixon's compulsive drive to accumulate all possible knowledge including details, while it is obviously impossible for anyone to master all knowledge, Nixon has an inclination to try. It gives him a subjective feeling of comfort, of preparedness. These strivings give rise to illusory feelings of omniscience. In turn, this pansophical illusion presumes uninhibited abilities or omnipotence.

By assuming this stance Nixon can see himself as superhuman and therefore not endangered by the usual threats that ordinary humans must face. In this unconscious milieu of heightened self-importance, he proves to himself and to the world that *he*

need not operate by the rules. The comforting illusion of grandeur tends to extend across all aspects of Nixon's functioning.

The mechanisms that turn insecurity into grandeur are not in themselves pathological. I do not mean to imply that Nixon is afflicted by "delusions of grandeur," as are patients in highly pathological mental states who have a fixed false belief. (Delusions of grandeur are seen in psychotic individuals who, for example, believe they are someone other than themselves. A most common example of this is the psychotic person who believes that he is Jesus Christ.)

This is not the case of illusional thinking. The more subtle mechanisms of evolving grandeur that I see in Nixon are almost universal. We all need to defend ourselves against anxiety, and this is one very effective way it is often done, unconsciously and consciously. In Nixon's case, I believe he looks upon himself as being more important and almighty than he is in reality. Nixon's apparent illusions of himself certainly suggest at least the presence of a personality problem.

I discuss Nixon's grandiosity because it is, first of all, a very consistent component of his personality. Second, it is one of several important Nixon characteristics that profoundly influenced the evolution of Watergate. Third, it is important to point out that, while the outgrowth of grandiosity is comforting and not in itself pathological, it does have untoward side effects.

Nixon's grandiosity is also illustrated by what is now being called his "imperial life style."

While no recent American President has been lacking in luxury, Nixon extended the personal perquisites of the nation's chief executive to an unprecedented degree. In the process he exhibited an intense desire to acquire not only extreme privacy for working and living but to create almost surrealistic buffers to place between himself and the vast mass of mere mortals.

When it comes to the President's personal working environment, *Fortune* magazine finds a flight from humanity in these tacts among many others: "Nixon's penchant for solitude has resulted in an unparalleled proliferation" of office suites for his personal use—nine at latest count!

Fortune concluded: "The attitude of the man at the top toward his perquisites is generally a reflection of his conception of his role and power. The deliberate expansion of presidential benefits tends to confirm and reinforce a monarchial vision of the office."

WATERGATE

Given critical amounts of sunlight, moisture, gravity, chemical elements, temperature, and time, the evolution of life becomes a certainty. Given our constitutional form of government and the personality dynamics of Richard Milhous Nixon, the evolution of the Watergate operation was equally inevitable.

The "Watergate operation" refers to the entire panorama of unusual and illegal activity emanating and/or controlled from the White House by Nixon and his staff. By analyzing the Watergate scandal, a great deal is learned about Richard Nixon's mental processes. Regardless of his detailed involvement or noninvolvement in the operation, his handling of this albatross has at times allowed the observer a closer look than could have been achieved at any other time. And by examining Nixon's psychological make-up, it becomes apparent why Watergate was a process of natural evolution—inevitable.

In the summer of 1971 Richard Nixon called for the formation of a special-investigations unit which has come to be known as "the Plumbers," to plug leaks of confidential White House information to the press, and to carry out other delicate responsibilities.

Nixon's very edict to form the Plumbers unit was an extension of his own need for omniscience. This takes on special personal psychological significance for Nixon when one considers that other established federal agencies exist which function in intelligence gathering—notably the Central Intelligence Agency, the Federal Bureau of Investigation, the Internal Revenue Service, and the National Security Agency.

Not only does Nixon need to have an inordinate amount and variety of private intelligence, he also requires direct control over the intelligence gathering. In reality, the Plumbers were not established because of any incompetence on the part of existing agencies. They were established because, unlike the FBI or CIA, Nixon could maintain total direct and indirect control of their operations.

The tiny elite group could have been better named "The Agency for the Maintenance of Personal Omniscience." It gathered information because intelligence-gathering decreases anxiety in the face of the otherwise unknown and puts Nixon in a unique position of power.

The taping of newsmen's telephones satisfies Nixon's appetite for omniscience in more than one way. To Nixon, the press, like the Communists, are looked upon with fear and assigned to the status of enemies. This attitude is based on Nixon's need to "shut the world out." The job of the newsman conflicts with his need. The reporter's job is to gather his own kind of intelligence. When this involves Nixon's activities, the presidential shell of anonymity is painfully threatened.

I think Nixon's fear of the press is constant but fluctuating. One index of his relative feelings of insecurity before the press might be his avoidance of using a podium during press conferences, as has been suggested by journalists. With the evolution of Watergate, there was a reappearance of the podium. Anyone who has done any public speaking is aware of the added feeling of security that a podium provides. While Nixon used to pride himself on standing directly before his audiences, he began using a podium again in the wake of his administration scandals.

OVERKILL

Again, I am obviously in no position to know what, if any, specific degree of guilt is attributable to Nixon personally. However, a break-in into the opposition headquarters reflects a general Nixon theme.

In this case the enemy was the Democratic party. If an effort to become all-knowing about Democratic activity could be successful, then enemy power would be defused. The question of Nixon's degree of direct involvement becomes academic in this psychological study.

A theme of overkill applies in the Ellsberg case, too: Everything must be done (regardless of legalities) to insure the "right" outcome. "Overkill" is a theme woven throughout the fabric of Watergate and the life of Richard Nixon. Its aim is to insure absolute control over the future whenever possible and at all costs.

As the Watergate scandal blossomed, it became possible to see Nixon's complex series of external psychological defense mechanisms first boldly exposed and then stripped away. A classic example is that of the famous White House tapes.

Among the most startling testimony before the Senate Select Committee was the soberly spoken revelation of a former White House functionary, Alexander P. Butterfield. A one-time aide to H. R. Haldeman, Butterfield straightforwardly described how Nixon had directed the Secret Service to install voice-recording equipment in Nixon's Oval Office, his Executive Office Building office, and the Cabinet room. (After Butterfield's disclosure, Nixon said he ordered the equipment's removal.)

This reiterates and adds credibility to much of my theoretical foundation of Nixon's psychiatric profile.

First we must examine Nixon's own professed motives for establishing the elaborate system of eavesdropping. He and his aides claimed that these recording devices were to preserve a running account of all oral communications for the sake of history. Even if we were to accept this at face value, Nixon is confirming personality characteristics that I have previously discussed. This is especially true since Nixon has an excellent memory that surely will serve him well in writing his own memoirs. But he is again preoccupied with all detail and shows a fear of leaving something out.

The open-ended, almost infinite gathering and mechanical memorizing of conversations represents the pinnacle of omniscience.

A "submarine effect" also comes into play with the Nixon tapes. Recalling this integral mechanism of his personality, we can see what was probably Nixon's primary motivation in setting up his office as a recording studio. Imagine Nixon as a submerged submarine captain whose periscope makes him aware of all that is going on about him, including all conversations.

Personally, the submarine captain (Nixon) is anonymous with respect to the tape recorder. I mean that he knows it is there: consequently, by controlling his candor in the recorder's presence, he enjoys selected anonymity.

Being aware of this unusual setup, Nixon gained a sense of power over anyone with whom he spoke in his office. Since the purpose of the recorder was to record history—and since Nixon's is to control history—Nixon was able to speak selectively with his victimized guests and edit himself so as to place himself in a favorable light vis-a-vis the microphone.

THE "SUBMARINE"

Guided by Nixon's knowledge of the recorder and his victim's ignorance of the machine, Nixon alone could always show his best side to the microphone. Like a periscope, the microphone bacame a one-way valve that put only Nixon's unsuspecting conversational partners in a bad light.

It is most important for Nixon to see himself in a good light, which the tapes certainly enabled him to do. This is the most dramatic example I can think of to demonstrate the use of omniscience by Nixon to place himself in a relative position of power over others.

A SIGN OF THE TIMES

Mr. BIDEN. Mr. President, we live in an exciting time. With the ever increasing pace of life, it remains extremely difficult to keep abreast of the latest changes. It is both exhausting and exciting. Just recently, I learned that the State of Delaware now has a woman football referee. Quoting from the Wilmington Morning News on November 16, 1973, itself:

Dale Levine isn't your average woman and she doesn't even come close to being your run-of-the-mill football referee—but she's trying to get sanctioned in the latter department.

Mr. President, I commend Ms. Levine's efforts and wish her continuing good luck as referee. I ask unanimous consent that the full text of the Wilmington Morning News article be printed in the RECORD in my remarks.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

MS. LEVINE—FOOTBALL UMPIRE

Dale Levine isn't your average woman and she doesn't even come close to being your run-of-the-mill football referee—but she's trying to get sanctioned in the latter department.

On Monday night, the 26-year-old Claymonter will go back to school to take her final exam in football officiating. If she passes the test given by the National Federation of State High School Athletic Associations, Miss Levine will become the first woman in the state sanctioned to officiate at Delaware varsity high school football games.

Miss Levine, who is a sports columnist for the Evening Journal, says she originally got into officiating to give her a different slant on the games. She didn't get "the (officiating) bug" until later.

Since the school year started, she has been a rookie official in junior varsity and peewee league games. She needs the National Federation sanction, though, to move up to varsity games.

Eventually, Miss Levine would like to take the National Collegiate Athletic Association officials test. This would allow her to referee at games involving high schools which play NCAA rules, such as members of the Independent Conference, and at college games.

To date, she has refereed games in Delaware, southern Pennsylvania and Maryland.

So far, she hasn't had any major beefs over her calls. She points out that football officiating is about 95 per cent judgment and five per cent rules.

"Most coaches realize I'm a rookie and have been more than willing to cooperate," she says.

Has she had any problems with the players?

Not really. At one game, however, things got a little suspicious.

The game two weeks ago was between Glasgow High School's junior varsity and Middletown High School's junior varsity.

As Miss Levine tells it, Middletown doesn't have a real, organized junior varsity. As a result most of the plays were sweeps.

All in her direction.

FINANCIAL STATEMENTS OF THE ALEUT CORPORATION FOR THE YEAR ENDING JUNE 30, 1973

Mr. JACKSON. Mr. President, in accordance with section 7(o) of the Alaska Native Claims Settlement Act, the Aleut Corporation has furnished to the Interior and Insular Affairs Committee their audited financial statements for the year ending June 30, 1973.

Mr. President, I would like to bring these to the attention of the Members of the Senate, so I am submitting the statements and ask unanimous consent that they be printed in the RECORD.

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

COOPERS & LYBRAND,
ANCHORAGE, ALASKA,
October 16, 1973.

THE BOARD OF DIRECTORS,
The Aleut Corporation,
Anchorage, Alaska.

We have examined the accompanying preoperating accountability statement of The Aleut Corporation (a corporation in the development stage) as of June 30, 1973 and the related statement of preoperating financial activities for the period June 21, 1972 (date of incorporation) to June 30, 1973. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances.

The Corporation is in the development stage and has no operating history. Recovery of preoperating costs (Note 1) through operations is dependent upon future events, the outcome of which cannot be determined at this stage of the Corporation's development, and the accompanying financial statements have been prepared to reflect these circumstances. Because of this, the financial statements do not present financial position or results of operations.

In our opinion, the aforementioned financial statements present fairly the cost of the assets, preoperating activities, and the liabilities of The Aleut Corporation as of June 30, 1973 and the source and use of its financial resources for the period June 21, 1972 (date of incorporation) to June 30, 1973 in conformity with generally accepted accounting principles.

COOPERS & LYBRAND.

THE ALEUT CORPORATION
(A Corporation in the Development Stage)
PREOPERATING ACCOUNTABILITY STATEMENT—JUNE 30, 1973

Cash	$19,786
Receivables:	
Village corporations	15,426
The Aleut League, an affiliated nonprofit corporation	51,705
Note from Alaska Federation of Natives, Inc., bearing interest at 6 percent	22,932
Accrued interest	1,574
Other	3,938
Total	95,575
Federal National Mortgage Association debentures, 7.25 percent, at cost which approximates market	130,000
Prepaid expenses	9,193
Notes receivable from employees, at 8 percent interest	13,631
Office furniture and equipment and automobile at cost, less accumulated depreciation of $1,633 (Note 1)	17,591
Preoperating costs (Note 1)	245,245
Total Assets	531,021
Less liabilities:	
Accounts payable	16,516
Accrued payroll and payroll taxes	14,505
Total Liabilities	31,021
Contributed capital, advanced by Alaska Native Fund (Notes 2 and 3)	500,000

STATEMENT OF PREOPERATING FINANCIAL ACTIVITIES

For the period June 21, 1972 (date of incorporation) to June 30, 1973

Source of financial resources:	
Contributed capital advanced by Alaska Native Fund (Note 2)	$500,000
Use of financial resources:	
Accounts and notes receivable	95,575
Investments	130,000
Prepaid expenses	9,193
Notes receivable—employees	13,631
Furniture, equipment and automobile	19,224
Preoperating costs (Note 1)	245,245
Less depreciation provision which did not require financial resources this period	1,633
	511,235
Excess of uses over sources represented by the excess of accounts payable and accrued liabilities over cash	$11,235

NOTES TO FINANCIAL STATEMENTS

1. Basis of Financial Statements and Significant Accounting Policies:

The Aleut Corporation was incorporated June 21, 1972 as a regional native corporation pursuant to the Alaska Native Claims Settlement Act. The Corporation will assist in administering the Aleut region's share of a) 40 million acres of land and b) cash distributions of $962,500,000, provided by the Act. The region's share (estimated to be 3.5 percent) cannot be determined until shareholder enrollment is completed (Note 4). The Corporation will receive title to the subsurface estate of the land selected in the Aleut region. Seventy percent of all revenues received from timber resources and subsurface rights received by each of the regional corporations shall be divided annually among all regional corporations based on enrollment of eligible Alaska natives.

The Corporation is affiliated with The Aleut League, a nonprofit corporation.

The accompanying financial statements give recognition to the fact that the Corporation is in the development stage and has no operating history. All costs incurred, reduced by incidental investment revenues, have been accumulated because they were incurred in the expectation that they would benefit future periods. It is not practicable, at the present stage of the Corporation's activities, to determine the extent of recoverability of the accumulated preoperating costs. Recoverability is dependent on future events, including the ability of the company to attain the goals of its development program, and to achieve a satisfactory level of operations. The outcome of these matters cannot be determined at this time.

Depreciation of furniture, equipment and automobile is calculated by the straight-line method over estimated useful lives of 3 to 10 years.

1. Basis of Financial Statements and Significant Accounting Policies, Continued:

Costs and expenses incurred by the Corporation from June 21, 1972 (date of incorporation) to June 30, 1973, reduced by interest income, are deferred as preoperating costs. These costs will be amortized over a period of years to be determined when the Corporation commences operations.

Preoperating costs deferred at June 30, 1973 consist of the following:

Salaries	$69,184
Directors' fees and per diem	16,941
Directors and other meeting expenses	25,781
Travel expenses	38,128
Legal and consulting fees	69,431
Office and equipment rent	9,944
Payroll taxes	2,474
Depreciation	1,633
Insurance	2,069
Employee relocation expense	9,997
Telephone and telegraph	3,502
Office supplies and expense	5,407
Pension plan expense (Note 4)	7,913
Total	$262,404
Less interest income	−17,159
Total	$245,245

Funds received under provisions of the Alaska Native Claims Settlement Act, from the Alaska Native Fund, are not subject to Federal, State or local income taxes. Real property interests received pursuant to the Act are not subject to income taxes, however, income derived from the real property interests and other operations of the Corporation are subject to Federal, State and local income tax regulations.

1. Basis of Financial Statements and Significant Accounting Policies, Continued:

Real property interests received under the Act are exempt from ad valorem taxes for a period of 20 years or until developed.

Investment tax credits will be reflected as a reduction of income tax provisions in the year utilized.

2. Alaska Native Fund Advance:

This is an advance from the Alaska Native Fund of the Corporation's share of cash to be received pursuant to the Alaska Native Claims Settlement Act. This advance is not subject to the percentage distributions described below. However, it will be deducted from the Corporation's portion of future funds payable by the Alaska Native Fund. The Corporation's share of cash distributions constitute contributed capital to the Corporation. All amounts received from the Alaska Native Fund, revenues from timber resources and subsurface rights and all other net income shall be distributed as follows:

(1) 10% to individual shareholders (for five years from December 18, 1971)

(2) 45% to Village Corporations and Class B shareholders (for five years from December 18, 1971 and 50% thereafter)

(3) Balance to be retained by the Corporation.

3. Common Stock:

One hundred shares of common stock is to be issued to each qualified shareholder when shareholder enrollment pursuant to the Act is complete (anticipated to be December 18, 1973), as follows:

Class A shares (no par value, 1,000,000 shares authorized, none issued) to Alaska natives enrolled pursuant to the Act in the Aleut region and who are stockholders in one of the village corporations in the Aleut region.

Class B shares (no par value, 1,000,000 shares authorized, none issued) to Alaska natives enrolled pursuant to the Act in the Aleut region but who are not stockholders in one of the village corporations in the Aleut region.

For a period of 20 years from December 18, 1971 the stock dividends paid or other stock rights are restricted, pursuant to the Act, and the stock may not be sold, pledged, assigned or otherwise alienated except in certain circumstances by court decree or by death. For the 20 year period the stock shall carry voting rights only if the holder thereof is an eligible Alaska native.

4. Pension Plan:

The Corporation has established a noncontributory pension plan covering one employee, in accordance with an obligation under an employment contract, and funds the cost currently under an annuity contract. Such expense for the current year was $7,913.

5. Subsequent Event:

In September, 1973 the Corporation received a Native Loan of $250,000 from the State of Alaska at 5.9 percent interest, which is not collateralized and is due December 1974.

METHODS TO COMBAT THE ENERGY CRISIS

Mr. HUDDLESTON. Mr. President, last night President Nixon announced a new six-point program to combat the energy crisis. This program includes: A ban on Sunday gasoline sales; rationing of heating oils; mandatory 50 and 55 mile-per-hour speed limits for cars and trucks respectively; restrictions on outdoor lighting; a reduction of scheduled airline flights to reduce jet fuel consumption; and a diversion of some petroleum that would normally be used for gas into the production of home heating oil to meet winter needs.

Like so much of what the administration has done in the energy field, some of these measures are rather late in coming. Had we taken strong, effective conservation measures months ago we would not be in such a crunch today. And but for the leadership of many Members of Congress—particularly Senator HENRY M. JACKSON—the President would not be in a position to take the steps he has taken. But all of that is past, and we must deal with the situation today.

I generally support the actions announced last night by the President, and I believe the American people will also give their support and make what sacrifices are necessary. We have perhaps been energy gluttons in the past and now we will have to tighten our belts. We are now paying for our past excesses—and our shortsightedness.

But I think it is also fair to warn the American people that the worst may yet be ahead. We may well be required to institute even tougher, more restrictive measures in the months ahead. We have only to keep a few facts in mind:

The President himself said the measures he announced would relieve only about 10 percent of an anticipated 17 percent shortfall in energy.

Studies by a congressional committee and the Library of Congress project the shortfall will be far greater than 17 percent—perhaps as much as 35 percent.

The situation in the Middle East, especially as negotiations approach, remains as volatile as ever.

So the very real possibility exists that much tougher measures will be required. And should that occur, I hope the administration will not go the route of putting a large surtax on gasoline sales. Far better methods are available.

I was very pleased that the administration announced that it had tentatively rejected that proposition. However, should the crunch get worse I fear that some within the administration may again push the gas tax as a method of reducing gasoline consumption.

The gasoline tax is unacceptable because such a tax would hurt the very people least able to afford it. Lower income people already have less discretionary use of gasoline than do other segments of the population. Increasing the tax on gasoline would certainly limit what discretion they now have.

As for middle-income Americans, they are already overtaxed and hard hit by the high cost of necessities. Another tax would merely take money out of their pockets and severely inhibit their ability to make ends meet.

In addition, a gas tax would take billions of dollars out of the economy and perhaps contribute to an economic recession which many economists are already saying is inevitable. A penny-a-gallon surtax would yield roughly $1 billion in Federal revenues. A 30-cent surtax would bring in almost $30 billion.

Projected real growth of the economy was anticipated to be about 2.5 percent before the energy crisis. Now economists see a no-growth year in 1974 or a 1- to 2-percent decline with resultant high unemployment. Indeed, the administration's game plan of an economic "soft landing" may end up being a big thud.

But with these facts in mind, it would be foolish to take another $10, $20, or $30 billion out of circulation through a gas tax. To do so would turn the possibility of a recession into a reality—in a hurry.

I believe other methods—including periodic restrictions on driving—would be far better than a gas tax increase. And while I certainly hope we will not have to go to rationing, if worse comes to worse that would be preferable to a gas tax hike.

Mr. President, in recent days two of my State's daily newspapers—the Lexington Herald and the Paducah Sun-Democrat—have editorially opposed higher gasoline taxes for many of the same reasons I have already stated.

As the Herald stated:

> However unpleasant a prospect of gasoline rationing may be, it offers room at least for an equal sharing of hardship, a cutdown of consumption at all levels of motorist society. That is something a new tax cannot do.

The Sun-Democrat said:

> The proposed tax increase should be buried in a "graveyard for stupid legislative proposals."

I agree. The paper goes on to point out that:

> The scheme would make more gasoline available to the rich at the expense of the poor.

I ask unanimous consent that these two editorials be printed in the RECORD.

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

[From the Lexington (Ky.) Herald, Nov. 14, 1973]

RATIONING BETTER THAN TAX INCREASE

A move to clamp another tax bite on motor vehicle fuel is a tempting option to Nixon administration officials dealing with the oil shortage and the question of how to cut gasoline consumption.

The officials should be given credit for trying, but they should be warned that they are on the wrong track.

They believe their proposed tax, if enacted by Congress, would do what other price increases do: reduce consumption. They see the added revenue from a resulting price increase going to the public treasury, and not to an industry that by recent accounts appears to be doing very well on its own.

They see additional advantage: A new gasoline tax of anywhere from 5 to 40 cents a gallon could be collected without much added effort. Machinery for collecting a federal tax of 4 cents a gallon has operated for many years.

What Nixon administration officials should see is that a new gasoline tax would force low-income people to do most of the cutting back in consumption. Also, it would run contrary to the idea that taxation should be employed to meet expenses of government, not to punish the citizenry.

Everything points to a continuing rise in gasoline prices because of international market conditions working to the detriment of the American consumer. Already he pays from 9 to 12.5 cents in state and federal tax levies on every gallon of gasoline he uses. The last thing he needs now is more tax, which would force prices even higher.

However unpleasant a prospect of gasoline

rationing may be, it offers room at least for an equal sharing of hardship, a cutdown of consumption at all levels of motorist society. That is something a new tax cannot do.

[From the Paducah (Ky.) Sun-Democrat, Nov. 15, 1973]

PROPOSAL DESERVES A "STUPIDITY" PRIZE

If a prize is offered for the most idiotic suggestion made to relieve the gasoline shortage, we nominate for the award the proposal to increase by a "large" amount the federal tax on each gallon sold.

So far, the authors of this proposal are identified only as "top officials of the Nixon administration." Even the mention of the President's name in connection with the suggestion is enough to step up the tempo of impeachment talk throughout the country.

The idea of jacking up the price of gasoline so high the average motorist could not afford to buy it is so blatantly unfair it's a wonder that even the "top officials" couldn't see its unfairness. What the scheme would do is make more gasoline available to the rich at the expense of the poor. Some democracy!

Maybe we do the authors of the proposal an injustice. Maybe they did recognize its unfairness. Why else would they propose that each gasoline consumer be allowed to deduct as an income tax credit the extra amount of gasoline tax levied to hold down gasoline consumption? Perhaps they never even considered the fact that the wealthy car owner—the individual who could afford to buy all the gasoline he needed at the higher price—would also receive the largest income tax credit at the end of the year. Perhaps—but we doubt it.

If there is a graveyard for stupid legislative proposals in Washington, we suggest that this suggestion be buried in it immediately. If it wins a stupidity prize, the award can be buried alongside without exhuming the putrid body.

WATERGATE AND AMERICAN FOREIGN POLICY

Mr. BIDEN. Mr. President, a week ago, on November 19, my colleague from Idaho, Senator CHURCH, spoke at the University of Delaware in Newark on Watergate and its effects on American foreign policy.

In his address, the Senator suggested that the time has come for America to consider a constitutional amendment to provide for removal of the President as a result of "no confidence." It is a thought-provoking suggestion, and one which I commend to the Senate for its consideration.

I ask unanimous consent, Mr. President, that the text of Senator Church's speech be printed in the RECORD.

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

WATERGATE AND THE AMERICAN FOREIGN POLICY

Outrage and indignation have largely served their purpose in the Watergate affair. This is not to suggest that the guilty be let off or that judicial proceedings be suspended. On the contrary, they must be seen through as the law requires, even as to the President, himself. It is rather my purpose to suggest that the issue now belongs in the courts, and in the House Judiciary Committee's inquiry into possible grounds for impeachment. The Ervin hearings have served a necessary and cathartic purpose, but that purpose seems substantially fulfilled. With gratitude for that accomplishment, we can now most usefully turn our attention to the roots of the corruption called "Watergate," to its causes and antecedents, not so as to judge and condemn, but for the more important purpose of gaining insight and perspective on which to base corrective measures.

This view, I suspect, may not be universally shared. It is reported, for example, that many Americans feel that Mr. Agnew was let off too lightly, and perhaps he was. Even more inflammatory was the President's ill-considered action in firing Mr. Cox and provoking the resignation of Attorney General Richardson, and in his tergiversations with the tapes. Nonetheless, it seems to me most important that we distinguish between punitive and corrective justice, not for the sake of the transgressors, but to spare the country unnecessary bitterness and division. Allowing then that judicial and Congressional processes may still require drastic action—perhaps even impeachment—I suggest that we await the results of those processes before taking further action in the political arena.

There are two reasons for restraint: One is the need for getting on with the country's business—a need which is underlined by the delicate and still dangerous situation in the Middle East. The other is the danger of aggressive self-righteousness, of imitating the attitudes if not exactly the methods of those whom we would bring to justice.

I. FIGHTING FIRE WITH FIRE

Imitating the methods of opponents is what got us into trouble in the first place. "Is it possible," Dr. Kissinger asked not long ago, speaking of Watergate, "to insulate foreign policy from the general difficulties we are facing as a nation?" "I don't know the answer," he added, "but that is the question that torments me." It is indeed a significant question, and I shall comment upon it. But there is a prior question that also requires comment—and that is the effect of foreign policy upon our domestic life. To paraphrase Dr. Kissinger: Is it possible to insulate our democracy at home from the kind of foreign policy we have conducted for the last twenty-five years, a policy of almost uninterrupted cold war, hot war, and even clandestine war? Or to put the question even more pointedly: Is it possible to engage in protracted conflict with totalitarian adversaries without coming to imitate their methods, first in dealing with the foreign adversaries themselves, then in dealing with critics and dissenters at home?

One can in fact trace a chain of events connecting President Nixon's Cambodian policy with Watergate. In 1969, the President initiated a policy of secret bombing raids upon the North Vietnamese sanctuaries in Cambodia, at the same time that Administration officials were solemnly and repeatedly proclaiming their respect for Cambodia's neutrality. Then, when reports of the clandestine bombing began to appear in the Press, Mr. Nixon, by his own account, established the notorious "plumbers," a kind of Presidential vigilante force, to plug these and other leaks. The plumbers were also employed for the break-in of the office of Daniel Ellsberg's psychiatrist, necessitated in the view of the Administration by "national security."

The clandestine bombing of Cambodia failed to wipe out the North Vietnamese sanctuaries, and American ground forces were sent in to do the job in the Spring of 1970, setting off the most violent of the anti-war protests at home.

These in turn provoked the beleaguered Administration to undertake widespread, illegal searches and surveillances at home, again, like the bombing itself, in the name of "national security."

Seeking as we have these many years to defend our democracy by undemocratic means—to fight fire with fire—we have come in sight of the point where the circle will close. It will close, if we do not change our course, with the demise of freedom itself, as a casualty of the struggle to defend it. As Alexis de Tocqueville put it in his great work, *Democracy in America:* "All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."

From its beginning, the conduct of the Vietnam war has dolefully borne out Tocqueville's aphorism. Between 1961 and 1964, our operations in Vietnam, through so-called "military advisers," were largely if not entirely covert. In 1964, as our involvement grew and seemed likely to grow even larger, President Johnson sought a semblance of Congressional acquiescence through the Gulf of Tonkin Resolution. Congress adopted that Resolution in the firm belief—spelled out in the Resolution itself—that the naval units of North Vietnam had repeatedly and deliberately attacked United States naval vessels on the high seas and that these attacks were, in the words of the Resolution, "part of a deliberate and systematic campaign of aggression" on the part of North Vietnam. It has since become known that the ships involved, "the *Maddox* and the *Turner Joy*, were engaged in provocative intelligence activities in the Gulf of Tonkin, and serious doubt has been cast on whether the alleged second attack ever took place at all.

In addition, in the course of adopting the Resolution, Congress made it abundantly clear that it did not consider itself to be authorizing a war but, by backing the President, helping to *prevent* a full-scale war. Nonetheless, the Gulf of Tonkin Resolution was later invoked as valid authorization for the Vietnam war, as if Congress could authorize war inadvertently, without knowing what it was doing. In fact, the Tonkin Resolution was more in nature of a "dirty trick," a foreign policy precursor, and something of a precedent, to the domestic dirty tricks of Watergate.

President Johnson entered and then escalated the Vietnam war behind a smokescreen of misstatements and evasions. I do not think President Johnson *wished* to deceive the American people or to usurp the powers of Congress. His principal motive, I would guess, was to spare his Great Society program at home from the effects of war, to combine guns with butter by underplaying the guns. In the end, of course, he lost both, as the war dragged on inconclusively and the nation became bitterly divided. The deception of Congress and of the people, and the usurpation of power, came to be perceived as a necessity of national security.

In these conditions of foreign war and domestic uproar, of secrecy, divisiveness and intrigue, the Nixon Administration came to office in 1969. At that time, Mr. Nixon might have restored public confidence in government by leveling with the American people, by setting forth his problems and perspectives with simplicity and candor. He chose, instead, to use advertising techniques, to "sell" the continuing war to the American people by trumpeting periodic troop withdrawals and the decline of American casualties. The Administration also employed secrecy to an unprecedented degree, not only as to the bombing of Cambodia but over the entire range of foreign policy, which came to be made by a White House elite, headed by Dr. Kissinger, with Congress and even the State Department relegated to the periphery.

Like its predecessors, but with far greater thoroughness, the Nixon Administration headed off controversy by secretiveness, dissembling, and the centralization of power, with scarcely a nod in the direction of the Constitution. The Johnson Administration at least paid vice's tribute to virtue by hypocritically invoking the Tonkin Resolution as authority for the Vietnam war. When that Resolution was repealed, the Nixon Administration was more candid—and more brazen—

offering no objection to the repeal because, they said, the Administration had never relied on that Resolution anyway. They were fighting in Vietnam to protect American lives, they said, and that was all the authority they needed. It sounded plausible until one stopped to consider that our soldiers' lives would not have needed protecting if they were not fighting to begin with. In due course, with the withdrawal of our ground forces from Indochina, the Administration was stripped even of this sophistry and was forced to rationalize its continued, but now quite open, bombing of Cambodia with the baffling argument that the bombing was justified as a means of enforcing the cease-fire agreements.

These various devices—secrecy, dissembling and outright deception—worked well for a time, muffling dissent and confounding the opposition. Still, in the absence of candor from its leaders, the country remained divided and mistrustful. Unable to win public trust, the Administration had to settle for grudging acceptance.

Then, as Mr. Nixon's term neared its end and it became evident that grudging acceptance would not guarantee the re-election of the President, it took no great leap of the imagination, perhaps not even a conscious decision, to begin to apply the tricks which had worked in foreign policy, and in the "selling" of foreign policy at home, to the electoral process itself. If the Nixon foreign policy was essential to the "national interest," surely, in the minds of the President's men, the re-election of the President was no less essential. In this frame of reference, the Watergate break-in, the Ellsberg burglary and the campaign sabotage were easy to regard not as "dirty tricks" but as patriotic duty, responsive to a cause that transcended the law of the land.

There is nothing new about any of this. From ancient times arbitrary government has been justified in the name of a higher law. Tyrants have always justified their tyranny in the name of high ideals, never, so far as I know, in the name of wickedness, greed or ambition. History shows that there is no illusion more dangerous than the illusion that the end justifies the means, and no men more dangerous than those who practice that doctrine. Their outlook is nothing less than subversive of the rule of law because of a fatal misunderstanding of the relationship between morality and law. Treating of morality, or of such concepts as "national security" or the "national interest," as if these were objective and incontestible categories, these believers in the "higher law" assume that anyone who does not agree with them must in fact be opposed to morality or "national security," and therefore deserves to be overridden by the most expedient means available, lawful or not. The path that begins with the "higher law" ends inevitably with "dirty tricks."

Conventional law—the law of statutes and constitutions—is based on a different premise: that ideas about morality and justice are subjective and that no one man's idea of what these are is to be relied upon. The law itself therefore serves as the common denominator of diverse opinion and of society's experience as to what morality and the national interest are.

Although it is neither perfectly moral nor perfectly objective, law represents the closest approximation of an objectified morality of which a human society is capable. In such a context, dissent from official views of the "national interest" is not only permissible but essential, because there is no "higher" law in any operative, usable or verifiable sense. All we can aspire to is an approximation of truth, generated through discussion and debate. There is, therefore, no national interest more vital than the preservation of the law itself; when government officials go outside the law, they become in the most literal sense outlaws, assailants of the national interest regardless of what they believe their purpose or motives to be.

In charity and fairness, it must be noted that neither the Johnson nor the Nixon Administration invented the modern practice of going outside the law in the conduct of public policy. Since 1940, crisis has been chronic, and one President after another has felt it necessary to go outside the Constitution, or to resort to secrecy or deceit, in order to defend the national interest as they have perceived it. No one of them, to the best of my knowledge, has wished to usurp the powers of Congress or to deceive the American people; each has been motivated by a desire to circumvent political obstacles in order to deal with real or seeming emergencies. The prevailing attitude was summed up accurately if inadvertently by Secretary of State Dean Acheson in 1951, when he impatiently dismissed Congressional questioning of the President's claimed authority to assign troops to Europe with this comment:

"We are in a position in the world today where the argument as to who has the power to do this, that, or the other thing, is not exactly what is called for from America in this very critical hour."[1]

In this outlook one perceives the seeds of Vietnam and of Watergate. The troops-in-Europe debate was followed by many another "critical hour" in which Constitutional procedure was sacrificed to an anxious expediency, until it became almost the normal way of conducting foreign policy. If this outlook is to be countered, we shall have to begin by returning to first principles. We must reaffirm what we have always known, that no individual—including the President of the United States—has a monopoly of good judgment as to what is or is not in the national interest.

Beyond this, we must reaffirm, as we have also always known, that the delays and inconveniences of the democratic process are not accidental but purposeful, useful and necessary. As Justice Brandeis explained it:

"The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."[2]

Let us return now to Dr. Kissinger's question: "Is it possible to insulate foreign policy from the general difficulties we are facing as a Nation?" Turning the question around, I have tried to show that it is impossible to insulate the Nation from its foreign policy. Conversely, the free working of the democratic process at home, even when it has involved protracted controversy, seems not to have been damaging to our foreign policy. Until recently at least, the Watergate scandal has done no apparent damage to our foreign relations, and in one area—Indochina—it has done a great deal of good.

It is scarcely to Congress' credit, but it took Watergate to embolden the legislators to put a final end to American participation in the Indochina war. The cutoff of funds last summer for any further bombing of Cambodia beyond August 15 might conceivably have been enacted in the absence of Watergate, but it is hardly likely that the Congress would have pressed the issue with as much determination as it did, or that the President, but for his chastened state, would have acquiesced by withholding his veto.

Most foreign governments are not especially interested in Watergate because it does not bear upon their own national interests. Some foreign diplomats have even expressed off-the-record astonishment over the fuss. "It's nothing compared to what we do," one Asian diplomat, who shall remain nameless, confided recently. "Corruption?" asked an incredulous Italian of visiting columnist Mary McGrory. "Signora, don't make me laugh . . . All politicians are robbers . . . we in Italy know that." Others abroad have been favorably impressed by the American reaction to Watergate, regarding the hue and cry, the hearings, press reports and judicial proceedings as testaments to the vitality of American democracy, because in most countries the leaders have no difficulty covering up their scandals. This is not to trumpet Watergate as a triumph of American democracy but to put it in perspective as far as its effects upon our foreign policy are concerned.

The great Communist powers have gone to lengths to avoid having Watergate interfere with their dealings with the Nixon Administration. The Chinese seem to have ignored it, and until President Nixon boasted of his military alert of October 25 as a victory over the Soviets in the Middle East, the Russians were expressing suspicion that the scandal had been cooked up by Communist-haters to derail the Nixon-Brezhnev detente. Only since then has the Soviet press alerted the Russian people to the possibility of President Nixon's impeachment. Prior to that, and for the most part even now, General Secretary Brezhnev has been scrupulously correct in treating Watergate as an internal American matter.

The great communist powers, obviously, are acting on their own interests, the Chinese desiring an American lever against the Soviet Union, the Russians desiring American trade, investment, and—one hopes—an arms agreement. Neither is so moralistic as to let an American scandal interfere with its own national objectives.

Still there are disturbing straws in the wind. At the very least Watergate has had the effect of intensifying the Administration's interest in the dramatization of foreign policy. The reason, of course, is that the Administration is interested in anything that gets people to think about something other than Watergate, the Agnew resignation, the tapes, the firing of Archibald Cox, or the President's income tax. Now, more than ever, the President needs to pull off success spectaculars in foreign policy in order to recapture faltering public support. The greater Mr. Nixon's domestic political need for success abroad, the larger his temptation to take imprudent concessions, and the more likely that foreign powers will come to perceive his vulnerable bargaining position.

The specter of a weakened, increasingly incautious Executive, reaching feverishly for "successes" abroad, raises exceedingly difficult questions for the Congress, questions to which I shall turn in a moment. Until now, however, the crucial connection has not been the effect of Watergate upon foreign policy but the chain of causation between secrecy and deception in foreign policy and the playing of dirty tricks at home. At this juncture, Watergate is most usefully examined not as cause but as culmination—the culmination of three decades of crisis abroad, of war and cold war and the methods used to conduct them, of a foreign policy broken loose from its domestic, democratic moorings. The circle has not yet closed; war and cold war have not yet destroyed the freedom of this democratic nation. But Watergate has given us a glimpse of what the future might hold; it has shown us the accuracy of Alexis deTocqueville's ominous warning.

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[1] "Assignment of Ground Forces of the U.S. to Duty in the European Area," Hearing by Committees on Foreign Relations and Armed Services, U.S. Senate, 1951, pp. 92–93.

[2] *Myers v. United States*, 1926, 272 U.S. 293, Mr. Justice Brandeis dissenting.

III. CONGRESS AND A CRIPPLED PRESIDENCY

There is no better restorative for a weakened democracy than the practice of democracy. Enfeebled institutions are not revived by invocation; they are revived by the exercise of power and by the acceptance of responsibility. Congress in recent decades has often seemed more interested in escaping responsibility than in discharging it, especially in foreign policy and in military matters.

Only the disasters of recent years have caused the Congress to stir from its inertness. Prior to Vietnam and the Watergate, the American Presidency was acquiring an aura of imperial infallibility. Perhaps it had always been an inherent pitfall of the office, but only in these years of chronic national emergency since the Great Depression and World War II has the imperial potential come near to being realized. A whole school of political science has been built on the cult of the Presidency; millions of university students in the Fifties and Sixties were indoctrinated with the idea that the President was the only reliable agent in our politics of progress, reform, and internationalism; whereas Congress was nothing but a bunch of reactionary, parochial, privilege-encrusted, superannuated dolts. If the cult of Presidential infallibility is now in decline—as it appears to be, at least temporarily—it is not the result of a deliberate return to the wisdom of the Founding Fathers, but rather the result of disastrous events—at home and abroad—which have demonstrated that Presidents, like ordinary men, sometimes have feet of clay.

So it is that we are confronted with the perplexing question of how to deal with a President who, by all available indices, has lost the people's confidence but who still wields vast, unchecked power over our foreign relations. The problem is both long-term and short-term; in the long run we may find it necessary to devise new institutional methods of upholding the national interest abroad when a Chief Executive stands discredited at home. In the short term, during the remaining tenure of the Nixon Administration, we must try to insulate our foreign policy from the President's domestic difficulties, conducting ourselves with such restraint as may be required to shield the President from the temptations of incautious but diversionary action abroad, as well as to discourage foreign powers from attempting to exploit his disabilities.

If Congressional resurgence is too little for the job, impeachment may well be too much. Limited in application by the Constitution to the drastic instances of "treason, bribery, or other high crimes and misdemeanors," the impeachment process is ill-suited to a President whose effectiveness has been undermined by incompetence, unsound policies, a lack of personal probity, or criminal conduct on the part of his subordinates. In parliamentary systems, a government can be removed by an expression of "no confidence," either by formal vote or informally as in the case of Chamberlain in 1940, or Anthony Eden after Britain's Suez fiasco in 1956. The ancient Chinese had an equally effective means of removing an emperor who had served the nation badly: the elders of the empire would ease out a discredited ruler by advising him that he had lost "the mandate of heaven."

In the American system—so effective, democratic and ingenious in so many ways—there is no way of removing a President who has lost the "mandate of heaven," except through the criminal-like proceedings of impeachment. President Nixon has clearly lost the confidence of the majority in Congress, but as long as he can have his vetoes upheld by a minority of one-third plus one of either House, he can work his will, at least in a negative way. The elders of the Republican Party might see fit to advise the President that his leadership has become detrimental both to the nation and to his Party, but President Nixon has already defied suggestions that he resign.

It has, therefore, become necessary, most regrettably, to proceed with the impeachment inquiry in the House of Representatives. The prospects are uncertain because of the drastic nature of the remedy, which has been employed only once in our history, and then in the wake of civil war. Public opinion is understandably ambivalent: Recent polls show popular confidence in the President at less than 30 percent; but the polls still show a majority against impeachment, 54 to 37 percent as of early November. Clearly, the nation is in need of a means less drastic than impeachment, but more effective than simple entreaty, to withdraw the "mandate of heaven."

To this end, I suggest that we turn our thoughts to a Constitutional amendment. The exact specifications will require careful, extended deliberation, but the basic requirement is a procedure for removal of a President who, though not necessarily guilty of provable, "high crimes and misdemeanors," has nonetheless lost the capacity to govern. I would not have this done by simple Congressional majorities, principally because our system of separation of powers does not require the maintenance of parliamentary "confidence" in the British sense; our system is not one of simple majoritarian democracy. Moreover, with our loose, undisciplined political parties, transient coalitions might topple Presidents for fractious reasons, reducing the Chief Executive to the condition of a French Premier prior to De Gaulle. The removal of a President on grounds of "no confidence" should require two-thirds majorities of both Houses of Congress. This would assure that, except in rare circumstance, the approval of a President could not be accomplished without substantial support from members of his own Party. A President so removed would be succeeded by his Vice President, either to serve out the remainder of his term, or perhaps only to serve as a caretaker pending a special election. In the latter event, it might be appropriate, and more in keeping with our checks and balances, to require the Congress to step down along with the President and submit to the electorate for a new mandate.

The advantage of such a change in our basic law is that it would spare the nation the burden of protracted periods of division, disruption or paralysis under discredited leaders. When the President himself becomes a national issue, aside from questions of public policy such as inflation or war, his departure becomes a matter of national interest. The greatest advantage of such a Constitutional amendment, however, is that its very existence might obviate the necessity to use it: an incumbent President would be constantly aware of the need to retain the confidence of Congress. The impeachment process might now serve that purpose if it were believable, but few Presidents, including Mr. Nixon, have ever taken seriously the threat of removal from office for "high crimes and misdemeanors." The believable threat of removal from office for reasons of "no confidence" could in itself have the salutary effect of inhibiting executive arrogance, by placing the President under a continuing obligation to work with Congress and faithfully adhere to the laws.

Despite its appeal, I would not have such a Constitutional amendment adopted, or even initiated, in the present overheated political atmosphere. It is never a good idea to make fundamental innovations at a time when emotions are running high, and in any case it would be inappropriate, even if it were feasible, to alter the Constitution in time to have the amendment apply to the present Administration.

The matter is for future regimes; Mr. Nixon must be dealt with under the existing rules. Moreover, various ramifications are likely to arise in the course of considering new methods of removing a President, and these will warrant careful, dispassionate deliberation.

The immediate problem, then, remains: how are we to prevent the Watergate affair from undermining our foreign policy during the remaining tenure of the present Administration? It would hardly be possible, even if it were desirable, to drop Watergate; prosecutions will continue in the courts, and if the House Judiciary Committee find grounds for a bill of impeachment, Congress will have to proceed with the case.

Over and above these processes, however, there is still a government to be run; there is still public business to be done. A crisis of government cannot be allowed to cripple the nation's capacity to deal with such matters as arms control, detente with the Soviet Union, peace in the Middle East, and the burgeoning energy crisis. All of us, therefore—Congress, the press, the people, and the President himself—are under a special obligation to avoid unnecessary recrimination, to confine the area of controversy to the specific issues involved, and to cooperate, wherever possible, for the public interest. Until his term expires in 1977, or until his prior resignation or removal from office, Mr. Nixon will remain the nation's chief magistrate, entitled to the nation's cooperation in the discharge of his legitimate, Constitutional responsibilities.

Mr. Nixon, himself, in these unusual conditions, is under a special obligation to cooperate with the other branches of Government. One hopes, too, that the President will spare the nation the divisive consequences of further polemics against Congress, the press and his critics in general. If the country owes the President a measure of restraint, he owes the country no less. The President can do no greater service to the country and to its institutions, including the Presidency, than to recognize the wisdom embodied in the opinion delivered by the Court of Appeals which affirmed his obligation to surrender the tapes: "Though the President is elected by nationwide ballot, and is often said to represent all the people, he does not embody the nation's sovereignty. He is not above the law's commands . . . Sovereignty remains at all times with the people and they do not forfeit through elections the right to have the law construed against and applied to every citizen."

The President—and all of us—would also do well to recall the words of Justice Brandeis in a 1928 wiretapping case: "In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example."

BALANCED GROWTH SAVES ENERGY

Mr. HUMPHREY. Mr. President, the costs to society of unbalanced and unplanned for growth have been cataloged by many of us on numerous occasions. The fact that 80 percent of our people live on 10 percent of our Nation's land area results in physical and social problems that affect all Americans in the quality of their lives.

A recent article in the New York Times, by Peter Goldmark, looks at the energy crisis within this context of unbalanced growth. Mr. Goldmark's observations on the tremendous energy conservation possible by a more balanced distribution of the American population over our Nation's land area, is based on his experi-

ence with the New Rural Society—NRS—project being carried out under HUD auspices in Windham, Conn.

Because of the insights provided into the energy conservation benefits of "balanced national growth and development," I ask unanimous consent that the Goldmark article, entitled "A Rural Approach to Saving Energy," from the November 11 issue of the New York Times, be printed in its entirety in the RECORD.

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

A RURAL APPROACH TO SAVING ENERGY: TECHNOLOGY COULD HELP EASE URBAN CONGESTION

(By Peter C. Goldmark)

Almost everyone is talking about the "energy crisis" (roughly defined as the shortage of gasoline and fuel oil) and we are being urged to do something about it, from unscrewing the unneeded light bulb to turning off the furnace to—heaven help us—selling the family station wagon.

The President sparked this "save a watt and conserve a gallon" campaign by pleading for restraint in using up our resources and targeting a 5 per cent voluntary reduction in over-all energy use by 1974.

Those who don't think much of the American capacity for self-discipline have been seeking other ways to improve the situation, ranging from innovative techniques (oil from shale, or gas from coal, for instance) or, in the case of petroleum, simply by suggesting more judicious techniques of dealing with the oil-rich Arabs.

Although the United States has only about 6 per cent of the world's population, we consume about 36 per cent of the world's energy. This means that the average American uses six times as much energy as his world neighbors.

Oil experts are calling for national rationing programs. They point out that if every household were to cut back 10 per cent on fuel use, American families will get through the winter. Similarly, if industry conserved 10 per cent of its energy use, some 1.5 million barrels of oil could be saved each day—the output of 24 average-sized refineries.

They're right. But I believe that consumer cooperation must be matched by Government and industry in sponsoring high-technology research. Unless there is a commitment now to begin research and development programs that will pay off in five, 10 or 15 years, no amount of consumer sacrifice is likely to solve the problem.

Scientists have looked into the glamour fuels of the future, from hydrogen to wind to nuclear elements. I have suggested to the National Aeronautics and Space Administration that we utilize the abundant power of the sun (which is readily convertible to heat) by lofting a cluster of solar batteries into orbit.

This can be done with present technology. Not a single new invention is needed.

High-technology programs should also explore nuclear power for energy sources, coal gasification, fusion and geothermal underground natural steam methods to generate electricity.

But will this be enough? I wonder whether short-term palliatives or even long-term technology is going to be enough this time to save us.

The curves that demonstrate how fast the petroleum reserves are being used up and the limitations on other resources are too persuasive to think anything short of a drastic change in lifestyle is going to solve the problem.

I feel, therefore, it is important now to start thinking not just of turning off switches, but of reversing the sorry trends of society—particularly the steady crowding of people into urban centers where more energy is constantly needed.

The mass-transit subway system, for instance, requires enormous amounts of power to bring people from home to work and back again. The new World Trade Center in New York, which is designed to do world business in one building, consumes as much energy in a summer day as a city of 120,000 people. Do we really need it?

My feeling is we do not, and I urge that we consider the possibility of a simple rebalance of population—a shift of the present trend toward the city back to the country. I am not proposing the establishment of a kind of rustic barefooted Walden for future Thoreaus.

What I propose is that the advances of telecommunications technology—satellites, cable TV, broadband circuits and similar devices—make it possible to attract future generations into the smaller towns of America beyond the commuting dependency range of the big city and suburbia and thus cut down on the excessive use of power.

Because of current trends, we are in the midst of an urban-rural problem that is intertwined with the energy crises. In many ways, this triangular problem is linked to the largest migration in the history of man—the migration since 1940 of more than 30 million people from America's rural areas to its cities, creating a population imbalance in which about 80 per cent of the population lives on 10 per cent of the land.

The resulting social problems affect more than three-quarters of our population and they occurred while science and technology triumphed in so many fields, unaware of the developing catastrophe.

My plan for coping with the urban-rural energy crisis, which I call the new rural society (N.R.S.), has been under way for two years as a Federal pilot project under the watchful eye of the Department of Housing and Urban Development in the Windham, Conn., area, 100 miles north of New York City.

We have shown there on a small scale that we can, through telecommunications such as two-way TV and electronic facsimile devices, conduct high-level business without constant personal contact, which uses up fuel in commuting or in other kinds of transportation.

We have also shown that it is possible for hospitals, colleges and state governmental agencies to provide their services from a distance with electronic communications. The basic idea is to find out how to bring even the most complex service to the consumer by imaginative uses of communications and thus to draw people to the country (or keep them there) by providing the same cultural, economic, health and educational services available in the city.

During the first phase of our N.R.S. work we conducted a national "quality of life" study which targets more than 6,000 small communities in rural America whose carefully planned growth can accommodate 75 million to 100 million people who may choose to live and work in an attractive rural environment by the year 2000.

If this kind of program is adopted on a national scale—and I doubt whether it could work otherwise—the effect on power demands will be dramatic. Not only will there be a lessened drain of power in the city but people in the country will rediscover the utility of the bicycle and the feet for transportation as well as for exercise.

If the New Rural Society eliminated commuting over 10 miles, I have calculated that we could save half our current consumption of gasoline while generating only negligible amounts of pollutants.

Heating and air-conditioning in private urban dwellings and business establishments require about 20 per cent of the nation's energy. In rural areas there is far less necessity for air-conditioning and there are no huge building complexes consuming large amounts of electrical power for elevators, heating and cooling, light and other services.

The problem associated with gigantic power generating plants by large cities could be relieved through the use of many smaller local plants, using other means of producing electricity. Today, our use rate of electricity is increasing 7 per cent annually, roughly twice the rate of growth of our total energy consumption.

I submit the N.R.S. is a bold scheme. It demands faith in the options provided by technology. But if such faith is not forthcoming and present trends continue I can see nothing short of disaster. I trust that America is too shrewdly survival-oriented to allow this to happen.

(Dr. Goldmark, former president of C.B.S. Laboratories, is president and director of research of Goldmark Communications Corporation, a subsidiary of Warner Communications, Inc., and a member of the board of trustees of Northeast Utilities.)

ACCIDENTAL FIREARMS FATALITIES IN THE CLEVELAND, OHIO, AREA

Mr. KENNEDY. Mr. President, I would like to place in the RECORD a copy of a report on accidental firearm fatalities in the Cleveland, Ohio, area, prepared by the Cuyahoga County Coroner's Office.

"The possession of firearms by civilians appears to be a dangerous and ineffective means of self protection." That statement critically summarizes the basic conclusion of the study completed by four community health officials in Cuyahoga County.

Throughout the years that I have worked for enactment of effective Federal firearms controls, the needless killing and maiming caused by guns has been repeatedly reported by serious observers of this grave social problem.

Cleveland, Ohio, like other large urban communities has seen a substantial increase in gun ownership by civilians over the past 12 years, according to the report. During that time, the rate of accidental firearms deaths increased five times for white males in the city of Cleveland, and four times for black male Cleveland residents.

And though, total accidental gun deaths are significantly fewer than accidental death from other causes, the accidental death rate for firearms increased 50 percent during the same period.

Last year, the Senate passed legislation to control the abuse of handguns. This study reveals the continuing need to enact effective handgun controls. Approximately 84 percent of all accidental gun deaths were caused by handguns; three-fourths of those deaths occurred in the home, and 70 percent of them occurred while playing with the gun.

Clearly this study, adds to the impressive documentation that the easy accessibility to guns has contributed to the continuing rise in the gun-related deaths and injuries. The importance of this study, once again emphasizes the need for the Nation to adopt stringent and effective controls on these harmful weapons.

I believe every Member in this Senate

deserves to review this cricital report, and I ask unanimous consent to enter in the RECORD the full report, "Accidental Firearm Fatalities in a Metropolitan City" with accompanying tables.

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

ACCIDENTAL FIREARM FATALITIES IN A METROPOLITAN COUNTY

By Charles S. Hirsch, H.D.; Deputy Coroner, Cuyahoga County Coroner's Office, 2121 Adelbert Road, Cleveland, Ohio 44106, Assistant Professor of Forensic Pathology, Case Western Reserve University School of Medicine.

By Norman B. Rushforth, Ph.D.; Professor of Biology and Chairman of the Department, Case Western Reserve University, 2080 Adelbest Road, Cleveland, Ohio 44106, Associate Professor of Biometry, Case Western Reserve University School of Medicine.

By Amasa B. Ford, M.D.; Associate Professor of Community Health and Medicine, Acting Director of the Department of Community Health, Case Western Reserve University School of Medicine, Wearn Research Building, University Hospitals, Cleveland, Ohio 44106.

By Lester Adelson, M.D.; Chief Deputy Coroner, Cuyahoga County Coroner's Office, 2121 Adelbert Road, Cleveland, Ohio 44106, Professor of Forensic Pathology, Case Western Reserve University School of Medicine.

Presented before the Epidemiology Section, American Public Health Association, San Francisco, California, November 6, 1973.

INTRODUCTION

We have recently reported an alarming increase in the number of homicidal deaths in the Cleveland area (1). The major proportion (80%) of these violent deaths was caused by firearms, especially handguns, and we concluded that a significant factor in the increase in the homicide rate was the ready availability of small arms. In order to investigate this phase of the matter further, we undertook a study to acquire additional independent evidence to test our hypothesis that the number of firearm incidents (nonfatal as well as fatal) is a function of the number of guns in civilian hands. This report is a statistical survey of accidental firearm fatalities in Cuyahoga County (Cleveland, Ohio and suburbs) during the interval from 1958 through 1972 inclusive.

Previous studies of accidental firearm deaths have shown a preponderance of male victims, with a peak incidence in the 15–24 year age range and a higher rate in nonwhites than in whites (2,3). From 1959–61, 56% of such fatalities occurred in the home when the place of occurrence was stated on death certificates (2).

METHOD

For purposes of classification and discussion, we have subdivided Cuyahoga County ("county") into two fractions: 1. the centrally located City of Cleveland ("city") and 2. the aggregate of 60 other municipalities ("suburbs"). All known and suspected violent ("unnatural") deaths in the county must be investigated by the coroner's office, regardless of the fashion in which the violence arose. Reporting the violent deaths is complete because a valid death certificate cannot be signed by a person other than the Coroner when injury causes or contributes to death.

We have tabulated all accidental gunshot fatalities in Cuyahoga County by the geographic subdivision where the incident occurred.

Establishing the cause of death in firearm fatalities usually offers no problem. However, determination of the *manner* of death, i.e., accident *versus* suicide or homicide, can be difficult. Two basic sets of circumstances exist: was the fatal wound self-inflicted (suicide or accident?) or was it inflicted by another (homicide or accident?). In either instance, an appropriate ruling as to the manner of death requires considered evaluation of information derived from all available sources. Useful criteria which help to substantiate or refute the statements of witnesses include the location of the fatal wound, the range and direction of fire, and the presence or absence of primer or gunpowder residue on the victim's hands.

Data supplementing the objective anatomic and toxicologic findings of the coroner's staff are supplied by police reports, eyewitness accounts, and hospital records. In Cuyahoga County, validity of judgment as to the manner of death is enhanced by experience and has been consistent within the limits of individual variability because one man (Samuel R. Gerber, M.D., J.D.) has been Coroner since 1936. When the manner of death cannot be determined "beyond a reasonable doubt," cases are classified as "violence of undetermined origin." From 1958 through 1972 seven firearm fatalities have been so classified.

We calculated accidental firearm fatality rates from the number of victims listed in the Coroner's records and from population figures in Census Bureau publications. The decennial cenuses of 1960 and 1970 furnished city and suburban population sizes in the respective years. These data were supplemented by a Special Census for the City of Cleveland in 1965.

Accidental firearm fatalities were analyzed with respect to the following variables: (1) rates for other types of accidental death; (2) geographic location of the incident (city, suburbs); (3) agent (self-inflicted, other); (4) age, sex, and race of victim; (5) presence of ethyl alcohol in adult victims; (6) types of firearms (handguns, long guns); (7) time and place of occurrence of the incident (primate dwelling, other places); and (8) circumstances surrounding the occurrence (cleaning gun, handling or playing with gun, etc.).

Cuyahoga County is an almost completely urban area, and there is very little legal hunting within its boundaries. Fatalities from hunting accidents, therefore, are conspicuously absent in our study population.

RESULTS

Table 1 shows the number of accidental fatal firearm victims in Cuyahoga County classified by race and sex for the City of Cleveland and suburbs for each year during the period 1958–1972 inclusive. In the city, accidental firearm deaths are most frequent among nonwhite males, whereas, in the suburbs, white males constitute the majority of victims. A marked increase in accidental firearm deaths in the city started in 1968 and continued through 1971. Although there was a reduction in such deaths in 1972, the total for the first nine and a half months of 1973 is 11, suggesting that the elevated rate is being sustained.

The increase in accidental firearm deaths in the city during the latter part of the 15-year period occurred at a time during which there were large changes in the size and composition of the population of the county. It is therefore necessary to examine rates for subgroups of the population. The total population of the city decreased over these 15 years by more than 14 per cent. During this interval, the nonwhite population in the city increased by about 12 per cent for males and 19 per cent for females, whereas the white population underwent a reduction of approximately 28 per cent for males and 25 per cent for females.

Rates for accidental firearm deaths increased for both nonwhite and white city males. The average annual rate of accidental firearm deaths for white males rose from 0.3 per 100,000 for the period 1958–1962 to 0.6 for 1963–1967, and to 1.6 for 1968–1872, a 5-fold increase over the initial rate (Table 2). Comparable rates for nonwhite males in the city show a similar trend, rising from 1.5 for 1958–1962 to 1.7 for 1963–1967 and up to 6.0 for 1968–1972. The city rate in the last five year interval is four times greater than it was in the period 1958–1962.

The suburban population, black as well as white, increased during the study period. For suburban white males, the rate of accidental firearm deaths per 100,000 rose from 0.2 to 0.3 and then up to 0.4 for the successive five-year periods, a doubling of the rate during the study interval.

Table 3 lists the average annual death rates for various types of accidents in Cuyahoga County for the successive five-year periods from 1958 through 1972. Firearm death rates are smaller than those for vehicular, industrial, home and "other" accidents. However, during this period, death rates from firearms have increased more than those from any other types of accidents, climbing 3-fold. While deaths from vehicular accidents increased 50% over the 12-year period, other accidental death rates rose only slightly.

We also tabulated accidental firearm deaths in the city and suburbs by month of the year, day of the week, and time of the day. There were no significant differences in the number of deaths by month or day ($P > 10$). Fatal accidental shootings were most numerous (72%) in the period from 3:00 P.M. to midnight for children up to age 15. They were relatively high for adults during this period also, and extended in similar high frequency over the time period from midnight to 3:00 A.M. (77% of the incidents occurred during the interval from 3:00 P.M. to 3:00 A.M.).

One hundred and ten of the 131 accidental firearm fatalities (84%) resulted from mishaps with handguns. Three-quarters of these fatalities occurred in the home, and the majority of them (70%) occurred when someone was handling or "playing" with a gun. Of the 87 victims whose blood was tested for ethanol, 43 (50%) gave positive results. For children up to age 15, slightly less than half (45%) of the accidental firearm deaths were self-inflicted as compared with 70% for adults.

The age-specific rates of accidental firearm deaths were calculated for the period 1968–1972, using the 1970 census data for both nonwhite males and white males in the city (there were insufficient numbers of deaths in other categories to compute meaningful rates). Figure 1 shows that annual death rates for both white and nonwhite males in Cleveland rose with to a maximum in the range 25–34 years and then decreased.

[Figure 1 not printed in RECORD.]

DISCUSSION

Aggressive behavior, social stress, poverty, disrespect for law, disintegration of families and a variety of other factors (exclusive of alcohol and drug abuse) which have been suggested as causes of homicide and other crimes of violence, have no direct relationship to the occurrence of accidental deaths inflicted by firearms. These tragic deaths result only from careless handling of guns and other types of misadventure. Our evidence suggests that the number of accidental firearm fatalities is determined primarily by the number of guns in civilian hands.

The annual number of accidental firearm deaths in Cuyahoga County tripled in 1968 as compared with the average for the previous ten years, and the increased level was sustained for four consecutive years. Since the criteria for a "Coroner's verdict" (ruling) of accidental firearm death were unchanged, and the system of reporting and recording such fatalities was consistent, the increase

must be regarded as significant. In 1972 the number of these deaths in Cuyahoga County dropped to pre-1968 levels, but the rate in 1973 again appears to be high.

Routine supporting of accidental deaths due to firearms on a national basis shows very little change in rates over the past 20 years (4). We have obtained figures from medicolegal offices in 13 metropolitan jurisdictions across the country. Roughly a quarter show increases during the past 4 or 5 years, while the majority show no definite trend. Evidently the experience in Cleveland is not unique, nor, on the other hand, is it confirmed in all urban areas.

Our data also suggests that guns in the home are more dangerous than useful to the homeowner and his family who keep them to protect their persons and property. During the period surveyed in this study, only 17 burglars, robbers, or intruders who were not relatives or acquaintances were killed by guns in the hands of persons who were protecting their homes. During this same interval, six times as many fatal firearm accidents occurred in the home. Furthermore, the total impact of accidental shootings includes disability, suffering and expense resulting from these needless injuries in addition to the mortality. The ratio of fatal to nonfatal accidental gunshot injuries admitted to hospitals in the Cleveland area is approximately 1:13 (5). (We do not know how many individuals are treated for gunshot injuries in emergency rooms and released.) Extrapolating from the number of fatal accidental shootings in Cuyahoga County, a minimum of 1,000–2,000 serious nonfatal accidental shootings occurred during the 12 years, 1958 through 1972.

In summary, we have documented a dramatic rise in homicides over the past 5 years in a large metropolitan community which is most clearly related to increased availability and abuse of handguns. Associated with this dangerous trend has been a parallel increase in accidental firearm fatalities in this community. The possession of firearms by civilians appears to be a dangerous and ineffective means of self-protection.

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ACCIDENTAL FIREARMS FATALITIES IN A METROPOLITAN COUNTY

Hirsch, C. S., Rushforth, N. B., Ford, A. B., and Adelson, L., Case Western Reserve University School of Medicine and Cuyahoga County Coroner's Office.

TABLE 1.—NUMBER OF ACCIDENTAL FIREARM DEATHS IN CUYAHOGA COUNTY, OHIO, BY RACE AND SEX FOR THE CITY OF CLEVELAND AND SUBURBS OVER THE PERIOD 1958–72, WITH POPULATION FIGURES BY CENSUS

Year	City of Cleveland					Suburbs					
	WM	WF	NWM	NWF	Total	WM	WF	NWM	NWF	Total	County total
Number of accidental firearm deaths:											
1958	0	0	5	1	6	0	1	0	0	1	7
1959	1	0	1	0	2	2	1	0	0	3	5
1960	1	1	2	0	4	0	0	0	0	0	4
1961	1	0	1	1	3	2	1	0	0	3	6
1962	1	0	0	0	1	0	0	0	0	0	1
1963	2	0	5	0	7	1	0	0	0	1	8
1964	1	0	3	0	4	1	0	0	0	1	5
1965	2	0	2	1	5	2	0	0	0	2	7
1966	2	0	1	0	3	1	0	0	0	1	4
1967	1	0	0	0	1	2	0	1	0	3	4
1968	4	0	8	2	14	4	1	0	0	5	19
1969	2	1	9	2	14	3	0	0	0	3	14
1970	2	0	11	1	14	2	0	1	0	3	17
1971	6	1	9	1	17	1	1	0	0	2	19
1972	3	0	4	1	8	0	0	0	0	0	8
Total	29	3	61	10	103	21	5	2	0	28	131
Population by census (thousands):											
1960	305	318	122	140	876	370	396	3	3	772	1,648
1965	257	275	132	147	811						
1970	219	239	137	156	751	444	482	21	23	970	1,721

Note: Abbreviations for table 1: WM, white male; WF, white female; NWM, nonwhite male; NWF, nonwhite female.

TABLE 2.—AVERAGE ANNUAL ACCIDENTAL FIREARM DEATH RATES IN CUYAHOGA COUNTY, OHIO, FOR SELECTED GROUPS,[1] FOR SUCCESSIVE 5-YEAR PERIODS (1958–72)

RATES (DEATHS/100,000)

	City		Suburbs, WM	County, total
	WM	NWM		
1958–62	0.3	1.5	0.2	0.3
1963–67	.6	1.7	.3	.3
1968–72	1.6	6.0	.4	.9

[1] Rates are not calculated for groups in table 1 having fewer than four deaths.

Note: Abbreviations for table 2: WM, white male; NWM, nonwhite male.

TABLE 3.—AVERAGE ANNUAL RATES OF ACCIDENTAL DEATH BY VARIOUS CAUSES (1958–72)

NUMBER OF DEATHS/100,000 POPULATION

	Vehicular	Home accidents (nonfirearm)	Other	Industrial	Firearm
1958–62	10.3	18.0	13.6	2.0	0.3
1963–67	12.3	18.0	13.6	2.1	.3
1968–72	15.7	19.0	13.9	2.2	.9

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. HRUSKA. Mr. President, this past Wednesday, the Committee on the Judiciary in executive session unanimously agreed to order reported two competing legislative proposals to establish an independent prosecution office with jurisdiction over Watergate-related offenses.

One proposal was S. 2611, introduced by Senator HART, as amended.

The second proposal was S. 2642 with an amendment in the nature of a substitute that represents the joint efforts of the distinguished junior Senator from Ohio (Mr. TAFT) and myself.

In order to allow my colleagues the opportunity to examine the Hruska-Taft amendment to S. 2642 at this time, I ask unanimous consent that it be reprinted in full immediately following the conclusion of these remarks, along with a letter dated November 26, 1973, from Acting Attorney General Robert H. Bork which is intended to supplement the legislation. I shall take this opportunity to outline the measure in a very general fashion.

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

(See exhibit 1.)

Mr. HRUSKA. S. 2642, as amended, would:

Authorize the Attorney General to appoint a special prosecutor with the understanding that the Senate would have a prominent de facto role to play in the appointment process.

The jurisdiction of the special prosecutor would generally parallel the jurisdiction of former Special Prosecutor Cox and would provide that, where deemed advisable by the special prosecutor, such jurisdiction would be primary in nature.

The special prosecutor could only be removed by the Attorney General for neglect of duty, malfeasance in office, or violation of the act. The Attorney General would have to notify both Houses of Congress 30 days in advance of such removal stating the reasons for such dismissal.

The district courts would have original jurisdiction of any action brought by the special prosecutor with respect to remedial or attempted removal and could is-

sue an order blocking such removal, if appropriate.

The U.S. District Court for the District of Columbia would have the power to appoint an interim special prosecutor if a vacancy did occur with the provision that the Attorney General could appoint a successor.

Sometime next week the Judiciary Committee will report out S. 2611 and S. 2642. Sometime thereafter, the Senate as a whole will begin consideration of these two proposals and any others which might arise on the floor in an effort to fashion the best legislation possible to deal with Watergate-related offenses.

The judicial appointment approach of S. 2611 has been suggested by many Members of Congress as the only solution to this issue. However, many would share the view of Senator TAFT and myself that the appointment of a special prosecutor by the judiciary raises numerous constitutional problems which need not necessarily be raised in order to adequately deal with the situation at hand.

The purpose of S. 2611 is to shield the special prosecutor from executive interference and to provide him with maximum independence in the performance of his duties. While all would agree with the goal of the bill, we must stop to consider the risks which are inherent in the procedures contemplated by the proposal.

The constitutionality of S. 2611 has already been attacked and will continue to be attacked in the near future. At best, the proposal rests on a questionable constitutional footing.

S. 2611 is certain to receive judicial scrutiny, but that test will not come until after evidence has been presented to the grand jury, indictments have been returned, defendants have been arrested and arraigned, and defense motions have been filed. At that point a judicial determination that the bill is unconstitutional would be more than an esoteric exercise in constitutional law. It would have an immediate adverse impact on all prosecutions arising out of the new special prosecutors activities.

Consider some of the possible consequences of the S. 2611 arrangement:

First. The independence of the grand jury may be compromised by the presence of a special prosecutor who brings into the grand jury room the aura of the judiciary;

Second. The secrecy of the grand jury proceedings may have been breached by the presence of a prosecutor who lacked authority to appear before the grand jury;

Third. Because of the irregularity of the proceedings before the grand jury, the indictments could be dismissed;

Fourth. Unnecessary delay would be incurred while evidence is represented to obtain new indictments;

Five. Convictions may be overturned and retrial prohibited because of the double jeopardy clause of the fifth amendment.

Sixth. If retrial is permitted, the Government's case may be weakened during the intervening time as evidence is lost, witnesses become unavailable and memories fade; and

Seventh. If retrial is permitted, the defendents would continue to be exposed to embarrassment, anxiety, expense, and restrictions on their liberty in contravention of the policies which underpin both the double jeopardy and speedy trial provisions of the Constitution.

Because the ramifications are real and great, Congress should be particularly circumspect in their consideration of S. 2611. The bill has the potential for immunizing future Watergate defendants from prosecution, and care should be exercised to avoid the result, to paraphrase Justice Cardozo, that "the criminal should go free because the Congress has blundered."

Further, Senators question whether the courts would exercise such appointment power, even if the Bayh-Hart bill were to become law in light of Judge Sirica's comments and Judge Gesell's recent opinion. I think that the answer would be that they would not.

In closing, I want to salute the enormous efforts of my friend and colleague from Ohio (Mr. TAFT) in working to fashion a legislative response to the "Watergate" problem and commend S. 2642 as amended by the Hruska-Taft amendment to the prompt attention of my colleagues.

EXHIBIT 1

OFFICE OF THE SOLICITOR GENERAL,
Washington, D.C., November 26, 1973.

HON. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Pursuant to your request, I have examined the two bills, S. 2611 and S. 2642, ordered reported by the Senate Judiciary Committee last Wednesday which would create the office of Special Prosecutor.

Of the two bills, S. 2642, the Taft bill as amended, is preferable because, in my opinion, it presents no constitutional difficulties that might cast doubt on the legitimacy of the Special Prosecutor's future actions. The other proposal could result in protracted litigation, causing delay and uncertainty.

Because I understand the need for public confidence in the Special Prosecutor, let me assure you that if S. 2642 is approved while I am the Acting Attorney General, I will consult with the Senate leaders prior to making any appointment to the office of Special Prosecutor. I also will not appoint anyone whom the Senate disapproves by resolution.

Sincerely,

ROBERT H. BORK,
Acting Attorney General.

S. 2642 AS AMENDED BY THE HRUSKA-TAFT AMENDMENT IN THE NATURE OF A SUBSTITUTE

A bill to establish an Independent Special Prosecution Office, and for other purposes

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 "Independent Special Prosecutor Act of 1973."

SEC. 2. The Congress hereby finds and declares—

(a) alleged crimes arising out of the Presidential campaign and election of 1972 have raised serious questions whether a full and complete investigation and prosecution of such charges will proceed without partisanship or favor;

(b) the Department of Justice is composed of men and women of the highest integrity and ability capable of conducting a fair, full, and impartial investigation and prosecution of these alleged crimes, but circumstances already existing call for special independent investigation and prosecution;

(c) the appointment of a Special Prosecution Force in the executive branch of the Government on May 24, 1973, began the process of restoring the faith of the American people in the integrity of this Administration and, in particular, in the belief that the ends of justice were to be served;

(d) the dismissal of the Special Prosecutor on the direct order of the President of the United States on October 20, 1973, has aroused public controversy and has the potential to place serious strains on the Doctrine of Separation of Powers inherent in our governmental system;

(e) in order to restore the public confidence, the investigation and prosecution of any offense arising out of the Presidential campaign and election of 1972 should be in an independent prosecutorial force; and

(f) the President of the United States has assured Congress of his commitment to such an independent prosecutorial source and that the Special Prosecutor appointed hereunder shall not be dismissed without first securing a consensus of the majority and minority leaders of both Houses of Congress and the chairmen and ranking members of the Judiciary Committees of both Houses of Congress.

SEC. 3. There is hereby established an Independent Special Prosecution Office responsible for investigation and initiating prosecution of all offenses arising out of the Presidential election of 1972 and matters related thereto and arising therefrom and all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General designate on May 19, 1973.

SEC. 4. The Attorney General of the United States shall appoint (within fifteen days of the enactment of this Act) a Special Prosecutor.

SEC. 5. (a) The Special Prosecutor is authorized and directed to investigate, as he deems appropriate, and prosecute on behalf of the United States:

(1) offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

(2) other offenses arising out of the 1972 Presidential election;

(3) offenses alleged to have been committed by the President, Presidential appointees, or members of the White House staff in relation to the 1972 Presidential campaign and election;

(4) offenses arising out of all matters which were under investigation by the Special Prosecutor force prior to October 19, 1973, pursuant to the agreement made between the former Special Prosecutor and the Attorney General designate on May 19, 1973; and

(5) any other matters which the Special Prosecutor consents to have assigned him by the Attorney General.

(b) The Special Prosecutor shall have primary jurisdiction over any of the offenses or matters enumerated in subsection (a) of this section when such primary jurisdiction is determined by him to be necessary for the proper performance of his duties under this Act.

SEC. 6. The Special Prosecutor shall have full power and authority in carrying out his duties and responsibilities under this Act—

(a) to conduct proceedings before grand juries and other investigations he deems necessary;

(b) to review all documentary evidence available from any source;

(c) to determine whether or not to contest the assertion and scope of "executive privilege" or any other testimonial privilege;

(d) to receive appropriate national security clearance and if necessary contest in court, including where appropriate through participation in camera proceedings, any claim of privilege or attempt to withhold evidence on grounds of national security;

(e) to make application to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements, or for warrants, subpenas, or other court orders;

(f) to initiate and conduct prosecutions in any court of competent jurisdiction, frame and sign indictments, file informations and handle all aspects of any cases over which he has jurisdiction under this Act, in the name of the United States;

(g) notwithstanding any other provision of law, to exercise all other powers as to the conduct of criminal investigations and prosecutions within his jurisdiction which would otherwise be vested in the Attorney General and the United States attorneys under the provisions of chapters 31 and 35 of title 28 of the United States Code, and the provisions of 26 CFR 301.6103(a)–1(q), and act as the attorney for the Government in such investigations and prosecutions under the Federal Rules of Criminal Procedure.

SEC. 7. (a) All materials, tapes, documents, files, work in process, information, and all other property of whatever kind and description relevant to the duties and responsibilities of the Special Prosecutor under this Act, tangible or intangible, collected by, developed by, or in the possession of the former Special Prosecutor or his staff established pursuant to 28 CFR Sec. 0.37, rescinded October 24, 1973, or his successors, shall be delivered into the possession of the Special Prosecutor appointed under this Act.

(b) All investigations, prosecutions, cases, litigation, and grand jury or other proceedings initiated by the former Special Prosecutor, or by his successors, shall be continued, as the Special Prosecutor deems appropriate, by him, and he shall become successor counsel for the United States in all such proceedings, notwithstanding any substitution of counsel made after October 30, 1973.

SEC. 8. The Special Prosecutor shall appoint a Deputy Special Prosecutor who shall assist the Special Prosecutor as the Special Prosecutor shall direct in the performance of his duties, and, in the event of the disability of the Special Prosecutor or vacancy in the Office of Special Prosecutor, shall act as Special Prosecutor until his successor is appointed in accordance with section 13 of this Act.

SEC. 9. (a) The Special Prosecutor shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5 of the United States Code. The Deputy Special Prosecutor shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

(b) The Special Prosecutor shall have the power to appoint, fix the compensation, and assign the duties of such employees as he deems necessary, including but not limited to investigators, attorneys, and part-time consultants, without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. The Special Prosecutor is authorized to request the Department of Justice or any other department or agency of the Federal or District of Columbia government to provide on a reimbursable basis such assistance as he deems necessary, and any such department or agency shall comply with such request to the fullest extent practicable. Assistance by the Department of Justice shall include but not be limited to affording the Special Prosecutor full access to any records, files, or other materials relevant to matters within his jurisdiction and use by the Special Prosecutor of the investigative and other services, on a priority basis, of the Federal Bureau of Investigation.

SEC. 10. The Administrator of General Services shall furnish the Special Prosecutor with such offices, equipment, supplies, and services as are authorized to be furnished to any other agency or instrumentality of the United States.

SEC. 11. Notwithstanding any other provisions of law, the Special Prosecutor may submit directly to the Congress requests for such funds, facilities, and legislation as he shall consider necessary to carry out his responsibilities under this Act, and such requests shall receive priority consideration by the Congress.

SEC. 12. The Special Prosecutor shall carry out his duties and responsibilities under this Act within two years from the date of enactment, except as necessary to complete trial or appellate action on indictments then pending.

SEC. 13. (a) The Special Prosecutor may be removed by the Attorney General only for neglect of duty, malfeasance in office, or violation of this Act.

(b) If the Attorney General believes grounds for removal under subsection (a) exist, he may suspend the Special Prosecutor immediately and prepare a notice of dismissal. Such notice of dismissal shall be effective 30 days thereafter and shall be transmitted to both Houses of Congress, stating the reasons for such dismissal. For the purpose of this subsection, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

(c) The district courts shall have original jurisdiction of any action brought by the Special Prosecutor with respect to his removal or attempted removal under subsection (a) of this section. Upon a finding of removal in violation of subsection (a), the district court shall grant a temporary restraining order, preliminary injunction, order compelling forthwith the reinstatement of the Special Prosecutor or such other relief as it deems appropriate. Any district court in which a proceeding is instituted under this section shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

(d) In the case of the disability of the Special Prosecutor or the vacancy of such office, the Attorney General shall appoint a successor. The United States District Court for the District of Columbia may appoint an interim Special Prosecutor to serve—

(1) in the event an appointment is not made in accordance with section 4 of this Act until such power of appointment is exercised; or

(2) in the event of the disability or the vacancy of the office of Special Prosecutor until such time as the Attorney General shall appoint a successor in accordance with subsection (d) of this section.

SEC. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 15. If any part of this Act is held invalid, the remainder of the Act shall not be affected thereby. The provisions of any part of this Act, or the application thereof to any person or circumstance if held invalid, shall not affect the provisions of other parts and their application to other persons or circumstances.

RECESS UNTIL 1:45 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1:45 p.m. today.

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

Accordingly, at 12:11 p.m., the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CLARK).

RENAISSANCE ON CAPITOL HILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD the lead editorial "Renaissance on Capitol Hill."

I believe the editorial gives a deserved pat on the back to Congress for the work it has done so constructively this year and for the way in which it has conducted itself in the carrying out of its responsibilities.

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

RENAISSANCE ON CAPITOL HILL

Every odd-numbered year about this time, editorialists across the land begin to tot up the score on what Congress has done and has not done in the first year of its session. Usually there is a lot more not done than done, including important but routine activities like passing the appropriations bills for the fiscal year already nearly half over. On the score of appropriations bills, this Congress has made no better start than usual. On the score of legislation, however, this Congress has shown more energy and initiative than any in a long, long time.

It has become routine in Washington for the basic policy decisions regarding legislation to be made not by Congress but by the President, the Cabinet departments and the Office of Management and Budget. That state of affairs began before President Nixon came to the White House and continued for several years while he served. But this year Congress has written a novel farm bill with a target price system that attempts to get away from some of the follies of the past. The President opposed much of it, but in the end signed it. Congress also wrote a new foreign aid bill that makes basic changes in aid philosophy, and the President, though he has some objections, is probably going to sign it. Then there is the war powers bill, which Congress passed over the President's veto. Also, Congress seems on the verge of establishing a federal land-use program though Mr. Nixon objects. Congress, not the White House, has taken the lead on writing meaningful legislation dealing with protecting private pensions; with increasing school lunch aid; with subsidizing medical organizations which will get the costs to patients down; and all or most of this can be expected to become law by some time next year.

In addition to this innovation and leadership, Congress, meanwhile, has for the first time tried to come to grips with its own deficiencies in controlling the total federal budget, and a law setting up a central budget committee may be the result. Also in this area of political-governmental housekeeping, so to speak, the Senate has passed a greatly needed campaign finance reform bill, and we trust the House will follow suit. The Senate has, of course, served an educational function with its Watergate committee hearings. Both chambers have performed responsibly in their investigation of Vice President-designate Gerald Ford, a responsibility for which there were no precedents. Nor is that

all, in 1973. Congress has shown it can move with speed in the whole energy crunch brought to a head by the Middle East oil embargo.

We usually criticize Congress every other autumn. This year we would like to salute it and its leaders. We don't support all the measures listed above, but we believe that what President Nixon called "a renaissance" of influence on Capitol Hill is now under way, and that it is good news for all Americans.

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

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

LEGISLATIVE PROGRAM

Mr. HUGH SCOTT. Mr. President, I rise for the purpose of inquiring as to both good news and bad. I am anxious to know, for the benefit of all of us, what is the program for the rest of the week and for the rest of the year. So I rise in a spirit of optimism, which I hope will be justified by the reply of our distinguished majority leader.

Mr. MANSFIELD. Mr. President, in response may I say that what I am about to say to the Senate will not be optimistic.

The unfinished business is the Rhodesian chrome bill, S. 1868. It will be laid aside from time to time to accommodate the Senate's program, including these major items:

First. The Ford nomination.

Second. The Attorney General's pay bill, S. 2673.

Third. The debt ceiling, with the campaign financing amendment, H.R. 11104.

Fourth. Social security amendments, H.R. 3153.

Fifth. Daylight saving, S. 2702. I understand there will be a motion to lay on the table the amendment dealing with the minimum wage.

Sixth. Legal Services Corporation, S. 2686, reported unanimously.

Seventh. Energy conservation, S. 2176, with amendments.

Eighth. Midwest and Northeast rail crisis legislation. It is hoped that that will be reported out later in the week.

Ninth. Confirmation of the nomination of the Attorney General.

Tenth. Independent Watergate prosecutor. It is my understanding that two reports will be filed by the Committee on the Judiciary next Monday.

Eleventh. Energy Research and Development, to be reported by the Committee on Interior and Insular Affairs tomorrow.

In addition to that, under item 12, we have three appropriation bills on which the Senate is waiting from the House of Representatives:

First. Department of Defense, to be reported in House today, and I understand very likely to be taken up tomorrow.

Second. Foreign Aid, awaiting the signing of the authorization bill.

Third. The supplemental appropriation bill, to be reported in the House today.

Other items, if possible:

First. Congressional budget procedure, S.1541.

Second. The supergrade bill, S. 2548.

Third. Abandoned money orders, S. 2705.

Fourth. Omnibus housing, to be reported some time in December.

Fifth. Flood insurance.

Sixth. Consumer credit reporting.

Seventh. International financial institutions authorization.

Eighth. Omnibus rivers and harbors authorization.

Ninth. Allocation of waste treatment funds.

Tenth. Emergency mortgage credit.

Mr. HUGH SCOTT. I was only asking the distinguished majority leader for the 1973 schedule.

Mr. MANSFIELD. Well, I have tried to split it in half, and indicate what would be taken up and what might be taken up "if possible."

Mr. HUGH SCOTT. I thank the distinguished majority leader. I take it that it is not possible to say how long we will be in session this year, but I am wondering whether there are any overtones of jingle bells in the Senator's announcement, or whether or not Members will be home in time to deck the halls with holly.

Mr. MANSFIELD. Well, as long as they do not light the holly, I think it will be all right. It is my understanding that the House of Representatives will try to complete its business by the 15th, and of course the Senate will do just as well as the House if it can get the necessary appropriation bills over here, so that we can face up to them. But this is a most difficult list of legislative pieces which I have enumerated to the Senate today. Much of it is important; much of it is wanted by the administration, and I assure the distinguished Republican leader that the Democrats on this side of the aisle will do all they can to further the wishes of the administration, especially in the field of energy.

Mr. HUGH SCOTT. I thank the distinguished majority leader. I am sure that Senators on this side of the aisle are equally anxious to cooperate and expedite it. There are some very important items of legislation involved, and I believe we have time limitations on only a few of them.

I think there is a 4-hour time limitation on the Attorney General emolument bill, plus limitations on amendments—five amendments, I believe; but there are certain limitations on amendments. Do we have time agreements on any other legislation?

Mr. MANSFIELD. That is all, I am informed by the assistant majority leader.

Mr. HUGH SCOTT. Senators should be alerted to the fact that we will continue to try to reach time agreements, if we can, subject to their wishes.

Mr. MANSFIELD. That is correct.

Mr. HUGH SCOTT. I thank the Senator from Montana.

Mr. COTTON. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. COTTON. Only last week it was my understanding from members on the Committee on Commerce who were opposed, or at least wished to amend the daylight saving bill that we would not act on it last week. In the meantime, I understand they are now willing to agree to a time limitation. I believe that the distinguished Senator from Kentucky (Mr. COOK), who is not here at the moment, said that he would even agree to 2 hours.

Mr. TAFT. If the distinguished Senator will yield, we understood that was the case. However, the distinguished Senator from Colorado and I have given indication of our intention to offer by way of an amendment to that bill the substitute minimum wage proposal that we offered previously in substance at that time. So, in view of that, at this point, we thought it proper not to have a unanimous-consent agreement.

Mr. COTTON. That is news to me.

Mr. MANSFIELD. I am sure that the assistant leadership on both sides of the aisle, in the notices they send out to our colleagues, will incorporate what has been said today so that those who are not in the Chamber at this time will be made aware of what the situation will be in the weeks ahead.

We hope that we will not be here at Christmastime. If need be, we will have to give serious consideration to Saturday sessions in order to expedite the schedule and to carry out the wishes of the President in the field of energy.

If I may have the attention of the Senate once more, before we go into executive session, I neglected to mention that the Senator from Louisiana (Mr. LONG) expressed the wish to bring up the debt ceiling legislation. There is a time limitation on it, to be brought up the end of this week, or as soon as possible, so that it would follow the disposition of the Ford nomination tomorrow.

I thank the Chair.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9575) to provide for the enlistment and commissioning of women in the Coast Guard Reserve, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD.)

EXECUTIVE SESSION

PROTOCOL AMENDING THE 1928 CONVENTION ON INTERNATIONAL EXPOSITIONS—EXECUTIVE N; AND PROTOCOL TO THE INTERNATIONAL CIVIL AVIATION CONVENTION—EXECUTIVE Q

The PRESIDING OFFICER (Mr. HELMS). Under the previous order, the hour of 2 p.m. having arrived, the Senate will now go into executive session to proceed to vote on Executive N, 93d Con-

gress, 1st session, and Executive Q, 93d Congress, 1st session.

There will be one vote on these two treaties, broken down so as to count as a separate vote on each treaty.

EXECUTIVE N, 93D CONGRESS, 1ST SESSION—PROTOCOL AMENDING THE 1928 CONVENTION ON INTERNATIONAL EXPOSITIONS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive N, 93d Congress, 1st session?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. STEVENSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 511 Ex.]

YEAS—76

Abourezk	Buckley	Dominick
Aiken	Byrd, Robert C.	Eagleton
Allen	Cannon	Fannin
Baker	Case	Fulbright
Bartlett	Chiles	Gravel
Beall	Church	Griffin
Bellmon	Clark	Hart
Bennett	Cotton	Hartke
Bible	Cranston	Hatfield
Biden	Curtis	Hathaway
Brock	Dole	Helms
Brooke	Domenici	Hollings
Hruska	Metcalf	Saxbe
Huddleston	Montoya	Schweiker
Hughes	Moss	Scott, Hugh
Humphrey	Muskie	Scott, William L.
Inouye	Nelson	Sparkman
Jackson	Nunn	Stennis
Johnston	Packwood	Stevens
Kennedy	Pastore	Taft
Long	Pearson	Talmadge
Mansfield	Pell	Thurmond
Mathias	Proxmire	Tower
McGee	Randolph	Young
McGovern	Ribicoff	
McIntyre	Roth	

NAYS—0

NOT VOTING—24

Bayh	Goldwater	Percy
Bentsen	Gurney	Stafford
Burdick	Hansen	Stevenson
Byrd, Harry F., Jr.	Haskell	Symington
Cook	Javits	Tunney
Eastland	Magnuson	Weicker
Ervin	McClellan	Williams
Fong	McClure	
	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 76 and the nays are zero. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

EXECUTIVE Q, 93D CONGRESS, 1ST SESSION—PROTOCOL TO THE CIVIL AVIATION CONVENTION INTERNATIONAL

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification of Executive Q, 93d Congres, 1st session?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Colorado (Mr. HASKELL), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Illinois (Mr. STEVENSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Florida (Mr. GURNEY) and the Senator from Idaho (Mr. MCCLURE) are absent on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Connecticut (Mr. WEICKER) would each vote "yea."

The yeas and nays resulted—yeas 76, nays 0, as follows:

[No. 512 Ex.]

YEAS—76

Abourezk	Fannin	Moss
Aiken	Fulbright	Muskie
Allen	Gravel	Nelson
Baker	Griffin	Nunn
Bartlett	Hart	Packwood
Beall	Hartke	Pastore
Bellmon	Hatfield	Pearson
Bennett	Hathaway	Pell
Bible	Helms	Proxmire
Biden	Hollings	Randolph
Brock	Hruska	Ribicoff
Brooke	Huddleston	Roth
Buckley	Hughes	Saxbe
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Inouye	Scott, Hugh
Case	Jackson	Scott, William L.
Chiles	Johnston	Sparkman
Church	Kennedy	Stennis
Clark	Long	Stevens
Cotton	Mansfield	Taft
Cranston	Mathias	Talmadge
Curtis	McGee	Thurmond
Dole	McGovern	Tower
Domenici	McIntyre	Young
Dominick	Metcalf	
Eagleton	Montoya	

NAYS—0

NOT VOTING—24

Bayh	Goldwater	Percy
Bentsen	Gurney	Stafford
Burdick	Hansen	Stevenson
Byrd, Harry F., Jr.	Haskell	Symington
Cook	Javits	Tunney
Eastland	Magnuson	Weicker
Ervin	McClellan	Williams
Fong	McClure	
	Mondale	

The PRESIDING OFFICER. On this vote the yeas are 76 and the nays are zero. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

By unanimous consent, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes today.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. tomorrow.

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

ORDER FOR CONSIDERATION OF DEBT CEILING BILL AND FOR VOTE ON NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I have cleared the following pro-

posed unanimous-consent agreement with the distinguished Republican leader and the distinguished assistant Republican leader, and I am authorized by the distinguished majority leader to propound the request. It has been cleared also with the distinguished Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance, and with the ranking Republican member of that committee (Mr. BENNETT), and the distinguished senior Senator from Massachusetts (Mr. KENNEDY), and other Senators.

Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow, the Senate proceed to the consideration of H.R. 11104, the Debt Ceiling Extension Act, and that the Senate, at the hour of 3:30 p.m. tomorrow, resume consideration, in executive session, of the nomination of Mr. FORD to be Vice President of the United States, and that a vote occur on the confirmation of the nomination of Mr. FORD at 4:30 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, does that mean that further action on the debt ceiling bill would continue after that vote?

Mr. ROBERT C. BYRD. Yes. It would mean that if action on the debt ceiling bill had not been completed before the hour of 3:30 p.m., the Senate would resume consideration of the debt ceiling bill after the vote on the Ford nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the disposition of the committee amendment on H.R. 11104, the Debt Ceiling Extension Act, the Chair lay before the Senate amendment No. 651, dealing with public financing of elections; provided that debate on amendment 651 be limited to 6 hours, to be equally divided in accordance with the usual form; that debate on any amendment to the amendment be limited to 1 hour; that debate on the amendment to H.R. 11104 that is to be offered by the Senator from Minnesota (Mr. MONDALE) be limited to 2 hours; that time on the bill be equally divided between and controlled by the distinguished chairman of the Finance Committee (Mr. LONG) and the distinguished ranking Republican member thereof (Mr. BENNETT); and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I wonder if the distinguished majority whip could tell us what the amendment that the Senator from Minnesota (Mr. MONDALE) may offer is about? Is there a number to it, or is it a printed amendment?

Mr. ROBERT C. BYRD. I wonder if the distinguished Senator from Massachusetts would respond to that.

Mr. KENNEDY. Mr. President, it is my understanding that the Senator from Minnesota (Mr. MONDALE) and the Senator from Pennsylvania (Mr. SCHWEIKER) intend to offer the portion of the overall amendment that deals with public financing of Presidential primaries, through matching grants.

Mr. GRIFFIN. I think that puts the Senate on notice concerning the nature of the amendment. I appreciate the brief explanation of the Senator from Massachusetts. It will be a very important matter with a 2-hour limitation, but Senators are free to make their own judgments as to whether that is an appropriate limitation.

Mr. KENNEDY. Mr. President, further on this point, since the Mondale-Schweiker proposal for Presidential primaries is a significant part of amendment 651, I would expect that a substantial amount of the 6 hours on the amendment itself would be used in talking about the proposal for Presidential primaries.

Mr. PELL. Mr. President, if the Senator will yield, there is one point I would like to raise. This is the first time I have heard publicly or have heard any Senator mention to me that this amendment would be brought up on the floor in connection with the debt ceiling bill. I have heard a rumor to that effect. It disturbs me a little bit because, as chairman of the subcommittee involved, we had either 3 or 4 days of hearings and about 40 witnesses. I had my own bill, which goes substantially further than to provide for primary and general elections of Representatives, Senators, Presidents, and Vice Presidents.

I wonder if this is correct. It seems to me that no one has yet said to the subcommittee, officially or in writing, that this matter was coming up.

Mr. KENNEDY. Mr. President, I had the good fortune of appearing before the subcommittee which the Senator from Rhode Island chairs, as did many of my colleagues who are also cosponsors of this measure.

I tried to indicate during the course of those discussions, along with the minority leader, the Senator from Pennsylvania (Mr. HUGH SCOTT), that we were hopeful of offering an amendment at the earliest possible time.

The hearings mentioned by the Senator from Rhode Island were an outstanding contribution to the development of the issue, and I commend him for his leadership.

The amendment the Senate will be considering concerns the matter of public financing of elections. It has been debated many times on the Senate floor, going back to 1966. And, as a matter of fact, during the Senate floor consideration of the debt ceiling measure that passed the Senate last June, major amendments were adopted.

I completely respect the initiative of the Senator from Rhode Island and the thoughts and the concern which he has. However, it is the feeling of the nine cosponsors of the amendment that the Debt Ceiling Act provides us with the best opportunity to have a prompt, full and open discussion on the floor of the Senate concerning a matter that is of extreme importance and significance to the future well-being of our political system.

Mr. PELL. Mr. President, if I offer my amendment, which goes a little further, as a substitute, what would be the wish of the cosponsors?

Mr. GRIFFIN. The Senator from Rhode Island would have an hour of debate on his amendment, a half-hour to the side.

Mr. PELL. Mr. President, I would add that if it is a question of voting up or down on the proposal of the nine Senators, I would vote for it because I think the idea is right. However, I would naturally prefer to see the amendment considered which came out of the committee as the result of hearings. We worked very hard on this, and I would like to see it voted on.

Mr. KENNEDY. Mr. President, I would like to give assurances to the Senator from Rhode Island that there were substantial contacts at the staff level. However, there was no contact with the chairman of the subcommittee, and I regret that.

Mr. PELL. The Senator is correct. We were not informed at the staff level until after the amendment had been submitted. This is the first notice to the Senate, however.

Mr. GRIFFIN. Mr. President, further reserving the right to object, I wish to indicate that I share the concern of the distinguished Senator from Rhode Island, the chairman of the subcommittee of the Committee on Rules and Administration, which has jurisdiction over such legislation as that to be offered by the Senator from Massachusetts (Mr. KENNEDY). Because I serve on the subcommittee I am conscious of diligence with which the Senator from Rhode Island has pursued this particular matter. Considering the jurisdictional question, it would be unfortunate if the amendment being talked about should be tacked on to the debt ceiling bill, and then should be sent to a conference between the Senate Finance Committee and the House Ways and Means Committee.

It seems obvious that this is not a very good way to legislate in such an important area, allowing only 1 hour for debate of such important amendments. On this side of the aisle, of course, we must be concerned about getting to passage of the debt ceiling legislation before the week is out. So, we do not have much choice.

I would inquire of the distinguished majority whip whether I am correct in understanding that, under the unanimous consent request tabling motions would not be precluded?

Mr. ROBERT C. BYRD. The Senator is correct. May I add to the request, Mr. President, that there be a time limitation on the bill itself of 4 hours.

Mr. MATHIAS. Mr. President, further reserving the right to object, do I correctly understand the distinguished majority whip to make the request in the usual form?

Mr. ROBERT C. BYRD. The Senator

is correct. Mr. President, I withdraw the addendum, that there be 4 hours on the bill. I withdraw that provision. That is not a part of the request.

Mr. MATHIAS. Mr. President, I appreciate the difficulty which the distinguished majority whip has in forming and proposing these requests. I do not want to make his job more difficult. However, I have in mind a situation that could develop in which it might be useful and necessary to offer an amendment which would be analogous to the Mondale-Schweiker amendment, but which would be excluded under the unanimous-consent request.

I wonder if under the unanimous-consent request I could be granted the right to offer such an amendment regardless of germaneness.

Mr. ROBERT C. BYRD. Would it be similar?

Mr. MATHIAS. It would be in that category.

Mr. ROBERT C. BYRD. Mr. President, would the chairman like to comment?

Mr. LONG. Mr. President, if we are talking about an amendment in the campaign financing area, I have no objection.

Mr. MATHIAS. It is in that area.

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator desire, the 1 hour accorded to other amendments?

Mr. MATHIAS. I would say one and one-half hours.

Mr. ROBERT C. BYRD. Very well, Mr. President. I include the Senator's request in the overall request.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. KENNEDY. Mr. President, if the Senator would yield further, I wanted to indicate to the acting leader that with respect to the raising of this particular issue on the Debt Ceiling Act. Members of the Senate know that over the period of the last 2 years, the Senator has acted to adopt major amendments to the debt ceiling legislation. A little over a year ago, we did so on the expansion of social security benefits to provide what the overwhelming majority of the Senate thought were essential increases in social security. And last June we adopted an end-the-war amendment to the Debt Ceiling Act. So there are ample precedents for the public financing amendment we intend to offer. On matters of overriding importance and consequence in the past, the Senate has used this particular vehicle to achieve desired public policy.

It certainly seems to those of us who are cosponsoring the amendment—and hopefully the majority of the Senate will think so as well—that significant and important reform in the area of campaign financing is a matter on which we should have similar speedy consideration by the Senate.

Mr. President, I thank the acting leaders for yielding.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears none, and, as in legislative session, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed in executive session to the consideration of the nomination of Mr. GERALD R. FORD for the office of Vice President of the United States.

Mr. CANNON. Mr. President, I ask unanimous consent that William M. Cochrane and Richard Casad be permitted on the floor during the consideration of the nomination.

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

Mr. CANNON. Mr. President, the Senate Committee on Rules and Administration has submitted its report to the Senate, unanimously recommending the confirmation of Congressman GERALD R. FORD as Vice President of the United States.

The committee's report, together with the printed hearings, are on the desks of all Members of the Senate and, taken together, speak for themselves on the scope and depth of the investigation into the qualifications of the nominee during the period beginning October 12, 1973, when President Nixon named him to succeed to the vice presidency, and ending last Tuesday, November 20, when the committee cast its vote to report the nominee favorably to the Senate.

Members and staff of the committee worked diligently to examine every pertinent facet of the nominee's private and public life to determine to the very best of its ability whether any defect or flaw in the character, or misdeed or misconduct in the record, of Congressman FORD might be uncovered as a bar or impediment to his confirmation.

The Department of Justice was pressed to conduct a thorough investigation into the background and present activities of the nominee. Hundreds of agents interviewed in excess of a thousand individuals.

The Internal Revenue Service was asked to conduct audits on the income tax returns of Mr. FORD, and the Congressman was requested to furnish copies of his returns for each of the past 10 years.

As stated in the table of contents of the report, the committee studied particular issues in detail. Those included:

Payroll data.
Disclosure of income, assets, honoraria.
Payroll information.
Real estate holdings.
Business affiliations, and
Campaign finances.

Also, the nominee was questioned concerning his views on several public issues of great import, including:

Foreign policies.
Domestic issues.
The impoundment of funds.
Grounds for impeachment.
The Warren Commission.
The "Watergate" problems.
Executive privilege, and
Special prosecutor.

The matters listed are not and were not exclusive. They were some of the many areas of inquiry delved into during the course of the investigation. The printed hearings and the report contain all of the major and minor points into which action was directed.

The allegations made by Mr. Winter-Berger in his book, "The Washington Pay-Off" were all examined carefully on a painstaking, individual basis.

If there are any sources of information not fully explored, the committee is not aware of them, nor have any such sources been mentioned by the general public, the press, or any department or agency of Government.

Members of the Senate will note in the records of this investigation that Congressman FORD was closely questioned on his views with respect to a number of policy and legal matters so that the Senate and the Nation might know his position and his possible future action should he be confirmed as Vice President, or, much more vitally, should he ascend to the highest office in the land—the Presidency of the United States.

The committee has been gravely cognizant of the possibility that its investigation of Congressman FORD might offer greater significance than its stated purpose—his qualifications to serve as Vice President.

In that light, its energies have been devoted toward satisfying every question existing in the minds of the Members of the Senate and of the citizens of this Nation who were relying upon the committee to fulfill their right of choice at the polls.

The committee, in accepting this responsibility, determined to place the nominee under the microscope of public scrutiny in order to ascertain in an objective, logical, and analytical manner whether he possessed the qualifications requisite for the high elective office to which he had been named.

Restraint was required in order to remain within the proper limits of honest and thorough inquiry.

There are undoubtedly those who will find some of the nominee's policies objectionable, and there may be others who think that Congressman FORD is not the most outstanding candidate available to the President in the selection of a candidate to fill the vacancy in the office of the Vice President.

The judgment of the committee was and is that the President had the right to choose from among the general citizenry, or from among Republican ranks, a nominee of his own general political persuasion and in whom he could place confidence that the policies and programs of this administration would be supported.

As chairman of the committee, Mr. President, I am confident that my colleagues on the committee were committed to the goals and the means to attain those objectives that I have expressed today, and I am pleased to state that the committee has lived up to its obligations with integrity.

I wish to commend my colleagues on the committee and all of the staff personnel who were assigned to this confirmation investigation, for their diligence, their spirit of cooperation in a difficult task, and for the unanimity of purpose displayed throughout the proceedings.

Mr. President, the committee has unanimously recommended to the Senate that Congressman GERALD R. FORD be confirmed as Vice President of the United States.

For myself, and for all of the members of the Committee on Rules and Administration, I urge the favorable consideration of this nomination.

Mr. THURMOND. Mr. President, it is with great pleasure that I rise in support of the nomination of my good friend and colleague, GERALD FORD, to be Vice President of the United States. As a brief review of GERALD FORD'S background will clearly indicate, he is eminently qualified for this position of high trust in our Government.

In 1948, he defeated the incumbent and went on to win his first term as Representative of Michigan's Fifth Congressional District. He has subsequently been reelected 12 times, and has won by over 60 percent of the vote cast in every election. It is obvious that the citizens of Michigan's Fifth District—those who know him best—have complete confidence in their Congressman.

In the Congress, GERALD FORD has served on the House Public Works and Appropriations Committees. He has served on a number of Appropriations Subcommittees, including Army Civil Functions, Emergency Agency, Foreign Operations, and Department of Defense. He has served as a member of the Republican leadership in Congress since January 1963, and has been minority leader since 1965. As a prime example of his dedication to hard work, throughout his entire 24-year tenure, he has maintained an attendance record of over 90 percent.

In 1961, the American Political Science Association conferred on GERALD FORD its Distinguished Congressional Service Award and lauded him as a "Congressman's Congressman." In 1971, the American Academy of Achievement selected him as one of 50 "giants of accomplishment" and presented him with the Golden Plate Award. Much earlier in his career, he was named as one of "America's 10 Outstanding Young Men" by the U.S. Junior Chamber of Commerce. Truly, GERALD FORD is a man of accomplishment and achievement—a man who can get things done.

GERALD FORD has also obtained high achievement in his private life. He graduated with honors from the University of Michigan in 1935, and received his law degree from Yale in 1941. His prowess in high school and collegiate athletic competition is widely known. He served with distinction in the U.S. Navy during World War II, and continues to be active in the American Legion, the Veterans of Foreign Wars, and AMVETS.

I could go on, but I believe this brief summary of GERALD FORD'S background clearly shows his qualification for the office of Vice President. He has the experience, and is known for his integrity and fairness. He is not afraid of hard work, and he can get the job done. Perhaps most important, he can help restore to the Government the confidence of the American people. It is with great pleasure that I support his confirmation.

Mr. HATHAWAY. Mr. President, I have reluctantly concluded that I cannot support this nomination to fill the current vacancy in the Vice Presidency. My opposition to the nomination, however, should not be interpreted as a reflection on the character or qualifications of Representative FORD, but is based instead upon my conviction that the consideration of any nominee is improper under the present circumstances. Simply put, it is my feeling that a President currently undergoing an impeachment investigation by the House of Representatives should not be allowed to name his potential successor and that the country should not be subject to the immediate possibility of a prolonged period under an appointed Executive. The former is inconsistent with my sense of propriety and the latter with my understanding of the basic principles of our Government. Therefore, until the matter of the President's future is resolved, I think it is appropriate for the Congress to refrain from any further action on this nomination.

During the consideration of the 25th amendment, Prof. Richard P. Longaker of U.C.L.A. stated prophetically:

> When the twenty-fifth amendment is first applied, flaws not hidden will no doubt appear. Some of the inevitable imperfections are already evident, though their seriousness will depend on factors extrinsic to the wording of the amendment.

This case has made manifest one of these flaws. Surely, the framers of this amendment did not contemplate the present situation: a Vice President's resignation in the face of criminal prosecution only to leave a President facing the first serious impeachment proceedings in over 100 years. To carry through with the confirmation of any Vice-Presidential designee under these circumstances, especially when there are other alternatives available, would, it seems to me, not be in the national interest.

What if the present President is impeached and removed from office? As one who may have to sit in judgment on the case, I voice no opinion on the likelihood of such an eventuality, but merely state what must be conceded to be a realistic possibility. If this were to happen, the occupant of the White House and the holder of the free world's most critical position would then be one appointed by the very leader deposed by the people. Such a result seems contrary to the principles of our entire legal and political tradition.

Further, a President thus installed would, for the first time in our history, not be one elected by the people. This is inconsistent with the underlying principle of democratic government: that sovereignty and legitimacy derive only from the people themselves. That this idea was basic to the conception of our Presidency is clear from the writings of Madison and Hamilton. With the progressive extension of suffrage, this objective has become even more firmly imbedded in our system. Confirmation of Mr. FORD at this time unnecessarily increases the likelihood of this principle being breached.

Because of my concern with this problem, I have developed—in consultation with many others—and introduced a proposal for its solution. My bill, S. 2678, would establish, by statute, a procedure for the holding of a special election when there is a vacancy in both the Presidency and the Vice Presidency. This would, in essence, be simply a return to the Presidential succession statute which was passed in the Second Congress and which was law for the first 100 years of our history. If such a statute were now in force, the outcome of the impeachment proceedings could be awaited without the need for precipitate action on this nomination. If the President were removed, the people would choose his successor and charges of partisanship in the removal would not lie; if the President were vindicated, then this nomination could be confirmed with all dispatch and the 25th amendment will have served its purpose. I am convinced that this alternative is preferable to the choice with which we are confronted.

I realize that the views I express today may not be accepted by some of my colleagues; but it is my responsibility, nonetheless, to oppose what I feel to be a mistake of policy as well as a dangerous constitutional precedent. It is for these reasons that I intend to vote against the nomination of Mr. FORD when it comes up tomorrow afternoon.

Mr. CRANSTON. Mr. President, I rise to support the nomination of GERALD FORD to be Vice President of the United States. I will cast my vote for him.

Frankly, I am astonished to hear myself, a lifelong Democrat, support a Republican for Vice President of the United States.

We are living through an incredible time of unprecedented events, however. And so we in this Democratic-controlled Congress find ourselves, under this new and untested 25th amendment to our Constitution, doing what a Republican National Convention, and then the people themselves, would normally do in nominating and electing a Vice President.

Together, we in Congress share a unique and heavy responsibility—particularly in view of the present plight of the Presidency.

I have not taken this responsibility lightly. Nor has the chairman of the Rules Committee, the thorough and able Senator from Nevada (Mr. CANNON). I congratulate and thank him, and all the members of his committee on both sides of the table who, under his fine leadership, have handled the consideration of the nomination so carefully, so expeditiously, and so wisely.

I have relied substantially—but far from entirely—on the committee to determine the qualifications of GERALD FORD to serve as our Vice President and, if need be, our President. I have followed the committee's hearings and findings closely.

I am relieved that the testimony of witnesses, the committee's own investigation, the FBI investigation it requested, and the press in its independent investigations all failed to produce any evidence challenging the integrity and character of GERALD FORD. After all that has transpired of late, such a discovery would have been a great shock, and a new and deep disappointment, to the people of our country.

I am delighted that the committee found no other reason to oppose the nomination, and that it therefore supports him unanimously.

It is great, finally, that the committee, while doing a very thorough job, has completed its assignment with considerable speed—for any undue delay would only have aggravated the sense of instability and uncertainty that already troubles and torments our fellow citizens so very deeply. Instead, by their responsive and responsible performance, the Senator from Nevada and his committee colleagues have shown the Nation a firm faithfulness to the letter and the spirit of the Constitution.

Much as I respect the chairman and the members of his committee, however, I have not been content to delegate all responsibility in this matter to them. My own contacts with FORD have been casual and infrequent. I did have an encouraging experience recently when, on the emergency medical services bill that was primarily mine on the Senate side, he came through on a commitment he made to the House that the President would sign the measure, after an original veto, despite the fact that all but one of the several changes the President had demanded in the measure had not been made. This, however, only finally worked itself out a few days ago.

I set out, on my own, weeks ago, to learn all I could about FORD.

I have consulted very widely. I have held several hundred meetings and phone conversations with those I represent in California—and others elsewhere—who might shed some light on GERALD FORD. I have talked with colleagues of his of both parties in the House and with Senators who have served with him there or had reason to deal with him directly from here; with people of Michigan whom he represents; with men and women in other States who have crossed his trail, or observed him; and most of all with hundreds of Californians whose views I thought would have particular value, and whom I phoned or visited with out there in the State in the past few weeks.

Californians I have consulted include business, labor, and civic leaders, Democrats and independent voters. I have consulted particularly with Republicans who, under normal circumstances, would have had a more direct role in considering the nomination of a member of their party for Vice President, and who would be most likely to know GERALD FORD, or to have information or insights about him. Among others, I talked with 56 of the 57 Republican county central committee chairmen, with leaders of the official and unofficial statewide GOP organizations in California, including the State chairman, Gordon Luce, and the national committeeman, Dr. William Banowsky. I discussed FORD with Gov. Ronald Reagan and other constitutional officers, and I sought the advice of the delegates to the 1968 Miami Republican National Convention. I also solicited the views of a large number of official and unofficial leaders of California's Democratic Party at the State and local level, including the State chairman, Assemblyman John Burton, the vice chairman, Charles Manatt, members of the national committee, and many county central committee chairmen.

Of all the people I consulted, only two Republicans and three Democrats spoke out strongly against FORD and urged his rejection.

Some Republicans, and a number of Democrats, said that they would have nominated someone else—but that, given the prevailing situation and the procedures available under the 25th amendment, all of them said they nevertheless favored approval of GERALD FORD.

A large number of the leaders of both parties, along with many others I spoke to, said they felt that FORD, considering the circumstances and the man, was just about the best choice that could have been made.

Not one person raised any question about GERALD FORD's honesty.

One prominent California businessman offered specific evidence of his integrity and good judgment. A wealthy Michigan industrialist, who is a friend of his and of FORD's, concerned about FORD's modest income and standard of living, has several times offered to let FORD in on some legitimate real estate deals that seemed promising. Invariably, this man told his California friend, FORD politely and firmly declined.

Several Republican leaders, too, told me of personal experiences of their own involving financial contributions given to FORD to be transmitted to other Republican candidates. Their common conclusion was summed up by one, who said:

The money was always handled scrupulously, always accounted for just the way the law required.

Explained another:

Sometimes we simply gave Ford the money, and told him to pass it along to whatever congressional candidate he felt needed it most. He not only always reported back to tell us what he'd done with it, but he told us we could have the money back if we didn't like the candidates he'd picked.

Other comments on this aspect of the man:

A businessman who has dealt with FORD on legislation over the years:

He's not an equivocator, or a liar, or a slip-around the corner guy.

A rural Republican county committee chairman:

He's probably as straight a guy as I've known, or even known about, in politics.

Another of the same:

I don't know him personally, but he seems like a right good man—appears honest. I sure hope he is.

Another:

He seems straight. If a man isn't, you hear whispers. I've never heard any about him.

A Republican colleague of FORD's in the House, a Californian:

He's so square, I'd be absolutely shocked and astounded if he'd ever done anything wrong.

An urban Democratic county committee chairman:

Thank God he's got character, not charisma. We've had too much of the one, too little of the other. I like his low-key style, after all the high, shrill notes others have been striking.

I chatted about FORD with our former Republican colleague, Charles Goodell of New York, who was one of the leaders in the move that deposed Charles Halleck and propelled FORD to GOP leadership in the House, and who, ironically, was later a Senate victim of Spiro Agnew. Said Goodell about FORD:

He's open, honest, decent, solid. You can believe him, even when you don't want to follow him. No arrogance. Reaches out for help. Comparisons to Truman has a ring of truth to them.

Early, when the many investigations of FORD had barely gotten underway, the plaintive hope that nothing bad was in his background to be turned up was reflected in the remarks of a Republican county committee chairman:

My wife and I are terribly troubled by the whole situation. We just hope he checks out o.k. on his income taxes.

Another Republican official said at about the same time:

He seems honest to me—but don't rush things because of the crisis. Make sure you know all there is to know about him before you act back there.

The only serious question voiced to me about GERALD FORD went to his competence—not to serve as Vice President but as President.

The general impression seems to be, both on the part of those who know him casually or who knew him only by hearsay or through impressions gained through the media, that FORD is something of a plodder—not brilliant, not creative, but adequate, competent, reliable.

"I have a great sense of relief that it's FORD," said a very prominent Democrat in the State. "We could have had a terrible controversy over somebody else. He's very acceptable."

A leader of Republican women told me;

In my opinion he, like many of us middle class Americans, works more for his country than his own personal ambition. He's not arrogant, and he works well with others.

A noted Democratic business leader in California:

We know Gerry and Betty more socially than anything else. He's a straight shooter whom you instinctively trust; superb for this particular, tough situation. Re the allega-

tions that he isn't bright, that's silly. He isn't scintilating or sparkling, but he's far from being a dummy.

A top Republican Party leader:

I had some feeling of letdown when he was picked. I'd have preferred some more extraordinary person. There's nothing about him that causes me to be enormously enthusiastic—nor particularly negative.

Those who know FORD better than these tend to agree that he is no superbrain—but they generally give him high marks for ability to work things out and get things done. He's got a good bit of savvy," said one longtime FORD-watcher.

And, from these who have had direct opportunities to size him up in action—over the years or in brief but significant encounters—I picked up some fascinating, and encouraging, insights.

John McCone, Los Angeles industrialist who was head of the CIA in the Kennedy administration, told me that FORD has a penetrating, inquisitive approach to serious problems. In briefings of congressional leaders during the Cuban missile crisis, he felt FORD had some sound intuitions, sensing there was "something more to it" than some supposedly well-informed officials in the executive branch originally believed to be the case. "FORD's cold, correct judgment about the nature of the missiles was proven sound," McCone told me. "The so-called experts were wrong."

David Packard, likewise a California industrialist, who worked with FORD two administrations later during President Nixon's first term, while serving as Undersecretary of Defense, used some of the same words to convey much the same impression:

A good, steady hand . . . responsible . . . solid insights . . . thoughtful . . . I'd put faith in his experience.

Marvin Watson, the Texan who was in the White House with Lyndon Johnson and who now practices law in Los Angeles and Washington, observed FORD often in congressional liaison sessions, and recalled:

He was quiet and reserved in those meetings; straight in negotiations; never offered compromises, but didn't oppose them, either. He supported foreign policy, opposed domestic policy. He was fair, although a couple of times his speeches on the House floor after a White House session annoyed us. No question about his integrity. Good organizer.

Other comments in this category:

A Republican woman leader in California who has known FORD for years:

A native intelligence—not a schooled "intellectual." Horsesense.

Another Republican woman in the State:

He's modest and humble, and we need some of that. We've had all too much, for all too long, of people who think they know it all, of leaders with limitless confidence in their own superiority who lead us into unlimited nightmares.

A former chairman of the Republican Party in California:

The fact that he's been in politics and government so long should make him a real plus for this administration. The President's had too many people around him with no political experience.

He then recalled the story about Sam Rayburn, Lyndon Johnson, and the bright and brilliant people President Kennedy brought down to Washington, when the Speaker supposedly said:

They may be mighty intelligent, Lyndon, but I'd feel a lot better about them if one of them had run for sheriff once.

A prominent educator:

He seems to respect representative government. If he becomes President, he won't develop a God-like, dictator-like complex.

Former Senator William F. Knowland:

I had a very favorable impression during the thirteen and a half years we were there together. He's got his feet on the ground. He knows the issues—you've really got to learn them you know, in those leadership roles.

A Republican county committee chairman, one of many who have become acquainted with FORD in the course of constant travels across the country to speak on behalf of GOP congressional candidates:

Not brilliant, but a sound, solid citizen who'll do the best he can.

A nationally known figure who was behind him at Yale Law School:

He's a real Eagle Scout. As bright as many people who've served as Vice-President, and a heck of a lot brighter than some Veeps.

Time and again, Charles Goodell's point about Ford "reaching out" to others for help was stressed. A conservative Californian who was until recently a colleague of FORD's in the House, H. Allen Smith of Glendale, told me he supported Halleck against FORD in the struggle that made FORD minority leader.

But he surprised me afterwards. Always straightforward, always consulted—consulted everybody. "What about this?" he'd ask. "What about that?" Always listened. Never gave orders. Works terribly hard, endlessly. Has a great memory. You can trust him as far as you can trust anybody.

"Why did you oppose him?" I asked.

"Only because I was close to Halleck in those days, and barely knew FORD."

I did get a strong negative from one prominent aerospace-defense executive in California, a Republican who has seen something of FORD in business-government relations. Said he:

There's nothing wrong with him. Also, there's nothing right with him. He's not the kind of guy I'd hire to get a job done. He's a non-entity.

Most people, by now, seem to have heard about the caustic comments Lyndon Johnson allegedly made about, Ford, particularly the one about playing football too often without a helmet.

One Republican I conferred with turned that football background right around, however. He said:

Things might be better if Richard Nixon had made that Whittier football team. Thank God, GERALD FORD made the Michigan team. He's strong, and he knows it. He's tough, and he knows it. He won't have to prove his manhood—and I'm not thinking only about Nixon when I say that. Look at his predecessor. Thank God, too, that FORD wasn't a quarterback. He knows he doesn't know all the answers.

And a Republican county committee chairman from the Mother Lode said:

I've been impressed with Gerry Ford since I saw him play football in the East-West Shrine Game.

GERALD FORD's record on the issues was the major point of controversy that I encountered—primarily among Democrats but also, to a minor degree, among Republicans.

It was on the basis of his voting record—and mainly on civil rights issues—that the few Democrats opposed to FORD urged that he be rejected. Only one black leader with whom I spoke urged that he be turned down for that reason, however.

"I disagree with him 100 percent on the issues," said a Democratic candidate for governor. "But we've got no choice, under this new Amendment. We can't expect Nixon to pick anybody with a Democratic voting record. And he could have done worse. Remember how, after Haynsworth was defeated, he tried to give us Carswell?"

A leader of the volunteer California Republican Assembly suggested, in the conceivable context of a FORD presidency, that he would be better than President Nixon on domestic matters—"through his experience in grappling with them over so many years in the House"—but that he would be weaker on foreign policy: "so I'm relieved by his apparent respect for Henry Kissinger and the prospect that he'd keep him as Secretary of State."

A Republican conservative delegate to the Miami convention:

I'd have preferred somebody with a position more to the right. But he's o.k. I'd put him slightly to my left—which may please you!

A local Democratic leader:

He's sure been a Nixon supporter, and he was bad on the war—but he's honest, people can believe in him, so I hope he's confirmed.

A labor leader:

He's got a terrible voting record on the COPE charts—but I think you have to approve him.

Several Republicans, and a few Democrats, cited FORD's support of GOP Congressman PETE MCCLOSKEY's successful bid for reelection last year—despite his strong opposition to President Nixon and to the Vietnam War—as evidence of a broad-gauged, unprejudiced attitude on FORD's part. "I'm all for him," MCCLOSKEY himself told me. And, apropos of FORD's support of the Vietnam War all through the Johnson and Nixon years, a liberal, anti-war Democrat who serves in the House, said:

Sure he was a hawk, but a lot of hawks learned a lot out of the Vietnam tragedy, and I think one of them was Ford. Don't forget that it was Ford who finally negotiated Nixon's acceptance of the cutoff date that ended our combat role in the war.

The hope that FORD was just the man to improve relations between the executive branch and Congress was expressed by a great many people of all political persuasions and philosophies. "If I had to pick one thread out of the

quilt," said a county supervisor, "it would be how timely it is to have FORD emerge on the national scene. The confrontation between the President and the Congress is deep and dangerous, and maybe FORD can do something about it. President Nixon was very wise to pick him."

Quite a few with whom I consulted, some in agreement with FORD on the basis of his voting record and some in disagreement, felt that it was impossible to judge him on the basis of that record.

"His sense of responsibility, of duty, as Republican leader in the House, explains his support of Nixon's program. It is not fair, or accurate, to size up his philosophy solely on that basis. It does not necessarily reflect his views," said one Republican, expressing a view voiced by several others and by a couple of Democrats as well.

Other Democrats expressed concern that FORD simply seemed to swallow whole whatever program Richard Nixon laid down. But John Veneman, former Republican assemblyman, who came to HEW as Under Secretary to Bob Finch, and who encountered FORD every now and then on legislative matters, told me:

He had more than an average grasp of H.E.W.-type issues. I found him very pragmatic—not at all a hard liner. Eager to weigh the merits. He wouldn't just take the White House line because somebody called him up from down there. A very key point about him is that he has a good staff—seems to know how to size up people and select assistants very well.

A remarkably restrained and fair comment—one that might surprise foes of OEO's legal services program—came from a young attorney who has worked in that program in GERALD FORD'S congressional district:

He really represents that district of his. That district would distrust anybody who was innovative, and throw out anybody who was liberal. So his voting record doesn't necessarily reveal his real beliefs. I'll be watching to see if there's any change when he gets away to a national base, like there was in Lyndon Johnson—on domestic issues—when he was liberated from his Texas base. I wouldn't expect as dramatic a change in Ford, yet I'd be surprised if there wasn't some change.

Incidentally, I was struck during my canvas of so many citizens that no one—no Republican, no Democrat, no labor leader, no minority group leader, no civil rights activist, no attorney—no one ever raised the issue of FORD'S abortive effort to impeach Justice William O. Douglas, let alone suggested that as a reason to vote against him.

A shrewd and seasoned Democratic leader in California, who has great experience in national politics, expressed the same theme about FORD and his District in these words: "The papers in Grand Rapids—FORD'S hometown—are ultra-conservative. Their influence on FORD will diminish now."

And how thoroughly FORD, indeed, does represent his district was described by a Saginaw banker who was queried about FORD by a leader of one of California's Republican volunteer organizations.

He communicates constantly with people here in the district, the banker said. He understands our problems and tries hard to solve them. His leadership responsibilities in the House may have something to do with the fact that he's never gotten any nationally significant bills of his own through Congress. But he's never been too busy to pay attention to our needs. He's never overlooked us.

Actually, far and away the best comment on the issues aspect of GERALD FORD came, I think, from our own Democratic colleague from Michigan (Mr. HART), when he said:

I have known Gerry Ford for many years. During that time we have often disagreed, but I have never had reason to doubt his integrity and his sincerity. As for his voting record, I suspect he views mine in about the same light I view his, and in this period of swift change only the foolhardy offers his own voting record as a standard of wisdom and consistency.

Thinking back now upon all the varied views of GERALD FORD I have absorbed, I find I am most of all impressed by what seems to me to be an almost startling concensus of conciliation that is developing around him.

Virtually if not totally unknown to many of those with whom I have spoken until he burst so suddenly and so recently into their consciousness, GERRY FORD has come into focus as someone who appears to offer the Nation a steadiness and a dependability for which it yearns.

I doubt if there has ever before been a time when integrity has so surpassed ideology in the judging of a man for so high an office in our land.

I have never before found so many Democrats so universally and utterly devoid of partisanship when giving their measure of a Republican leader.

I have never before found so many Republicans so free and frank in discussing and dissecting, with a Democrat, their own leaders as they affect the future of their party and our Nation.

Many of these conversations, of course, branched out beyond GERALD FORD to Richard Nixon, the Congress, the courts, the Constitution, the country.

The possibility of a Ford Presidency was always implicit, often explicit. No Democrat urged that Congress hold up FORD in hopes of instead landing CARL ALBERT, Democrat, in the White House. Many spoke out strongly against that course, including the State Democratic chairman and vice chairman, John Burton and Charles Manatt. "That would be taking partisan advantage of a national crisis," was a common comment. "It would be breaking trust to try to put a Democrat in," said John Henning, executive secretary of the State AFL–CIO.

A Republican delegate to Miami ended our conversation by asking with a chuckle:

Will you call up to ask my views when Ford submits his vice-presidential choice to Congress?

Out of all this, out of the strange and untoward events now transpiring in our America, I strongly sense that there may come not the dividing of Americans that has been feared but a uniting of Americans that has not been foreseen.

And, in an odd, unexpected, unpredictable way, GERALD FORD may serve as the catalyst for this.

"I feel comfortable about him," was said to me three times in three separate conversations, repeated in those exact words, once by a Democrat, once by a Republican, once by one whose party affiliation is unknown to me.

GERALD FORD may seem bland and uninspiring to those whose tunnel-vision politics is limited to a compulson for the charismatic leader. But I think he will prove to be a man of solidity in a time of turbulence.

GERALD FORD may not, however, be a man for all seasons. He will need the prayers, the guidance, the help of all of us if history forces him into the Presidency.

On the issues, FORD described himself in his testimony before the Rules Committee in words I might use if I sought to describe myself. He said he's "conservative in fiscal affairs, moderate in domestic affairs, internationalist in foreign affairs." I am sure my definitions would differ quite deeply in detail in all three categories, but FORD'S self-analysis did offer me, too, a sense of reassurance—and compatability.

So, as a Democrat who must vote "aye" or "no" on a Republican nominee for Vice President who may well become our President, I have come to my decision.

I vote for GERALD FORD with trust in his trustworthiness, with faith in his fairness, with sufficent confidence in his capability—and with great hope.

Mr. PELL. Mr. President, as a member of the Committee on Rules and Administration, I recommend the approval by the Senate of the nomination of Representative FORD to be Vice President of the United States.

With the other members of the Rules Committee, I have conducted a searching inquiry into Representative FORD'S public and private record. I am satisfied based upon that inquiry and my own interrogation of Representative FORD that he is a man of integrity, character, and probity, and one who will not abuse the powers and prerogatives of his public office.

I would add that integrity—basic honesty—is a quality in very high demand in the highest reaches of our Government these days.

I have some very basic philosophical differences with Representative FORD on Government policies. But I also believe that the President of the United States, elected by the majority of the people, has a right under the 25th amendment to the Constitution, to nominate a Vice President who is in agreement with him on basic policies.

In recommending the approval of the nomination, therefore, I am supporting the nomination of a man of integrity and am respecting the wishes of the people as expressed in the 1972 national election, but I am not endorsing what I consider to be Mr. FORD'S conservative philosophy of government.

I also wish to express publicly my re-

gard for the care, firmness, and efficiency with which our Chairman, Senator CANNON, handled his responsibility in conducting these historic hearings.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Nevada (Mr. CANNON), chairman of the Committee on Rules and Administration, for the outstanding job he did in providing leadership for the committee throughout the historic proceedings which have led up to the Senator's present consideration of this nomination.

It is fair to say that a sense of the historic significance of our undertaking pervaded all the actions of the Committee on Rules and Administration. We were well aware, not only that GERALD FORD, but also the committee and the 25th amendment were under intensive scrutiny throughout the proceedings; and that public judgment would be rendered on all three. In my opinion, all three have passed the test with flying colors.

Those of us who have had the pleasure of serving in Congress with JERRY FORD knew him well before the hearings began. We know him even better now. Until recently, JERRY FORD was known to the public at large as the minority leader of the House. But JERRY FORD, the man was not as well known outside the Congress. That is no longer the case. The impression JERRY FORD made on the public and on the committee in the course of the hearings was overwhelmingly favorable. I am personally gratified, and not at all surprised, that that has been the case.

Representative JERRY FORD has been my friend and associate in Congress for many years. So it was with special satisfaction that I noted comments like those of David Broder, of the Washington Post, when he commented in recent days as follows:

> The gentleman from Grand Rapids is the man on the spot. He is the key figure in an unprecedented experiment, testing whether a government of divided partisanship can make an untried provision of the Constitution operate in a climate of pervasive public distrust.
>
> His conscientious preparation, his evident cooperativeness and his candor are making his confirmation hearings an occasion in which the country can not only learn something of the character of its new Vice President but re-learn the value of one of its oldest traditions—the tradition of civility . . .
>
> Ford . . . operates, under any circumstance, in a tradition of civility, of mutual accommodation, of respect for persons and institutions.

Such an evolution and response to JERRY FORD's personality and performance as the nominee for Vice President augers well for his prospects as Vice President.

I know that JERRY FORD is the right man for the country at this time in the office of Vice President.

JERRY FORD is a man of character—at a time when the people of this country want assurance that those who hold leadership responsibilities are men and women of integrity and principle.

JERRY FORD is a man of candor and sincerity—at a time when people are looking for openness and frankness in their leaders; when they want nothing so much as the plain, unvarnished truth.

JERRY FORD is a man of consistent commonsense and steady judgment—at a time when the people are looking for stability, stamina, and levelheaded strength for the long haul ahead.

JERRY FORD is a man of the Congress—at a time when the people are looking toward Congress for help in restoring confidence in our government and its institutions.

And, JERRY FORD is a man of the center, respected across the whole broad spectrum of responsible political opinion—at a time when the people are looking for common ground and a basis for unity.

Mr. President, I am delighted that the vote by which the Rules Committee reported this nomination was unanimous. And I look forward to the vote in the Senate tomorrow at 4:30 p.m.—a vote which I confidently expect will register overwhelming approval of this nomination.

Mr. President, one matter has been raised in the hearings in the other body which should be mentioned in this discussion on the Senate floor, I refer to Congressman FORD's role in suggesting at one time the possibility of impeaching Justice William O. Douglas. Some have suggested critically that our Committee on Rules did not look deeply enough into that matter.

While the chairman of the Rules Committee is here in the Chamber, I wish to indicate my view that any such criticism of the Senate Rules Committee is not justified. The Senate Rules Committee and its staff did carefully look into that particular episode. Among various inquiries that were made on the subject to satisfy ourselves, individually and collectively, was a request to the Library of Congress. The response provided in analysis form by Richard Sachs, of the Government and General Research Division, is worth attention in RECORD to put the matter in proper perspective.

Accordingly, I ask unanimous consent that the document be printed in the RECORD.

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

ROLE OF VICE-PRESIDENT-DESIGNATE GERALD FORD IN THE ATTEMPT TO IMPEACH ASSOCIATE SUPREME COURT JUSTICE WILLIAM O. DOUGLAS

(By Richard Sachs, Analyst, American National Government, Government and General Research Division, October 24, 1973)

Gerald Ford's involvement in the effort by the House of Representatives to impeach Associate Supreme Court Justice William O. Douglas reportedly began in the Spring of 1969 with the resignation of another member of the high court, Abe Fortas. Fortas had stepped down after coming under severe attack over his relations with Louis Wolfson, the financier. This marked the first time a justice had resigned under a shadow of impropriety.[1]

Much of the controversy over Fortas concerned his association with foundations and fees he had received from foundations. Several years earlier an investigation by the *Los Angeles Times* had revealed that Douglas was being paid $12,000 by the Albert Parvin Foundation for serving as its only paid officer.[2] With Fortas' resignation as a precedent, Douglas' conduct was being called into question and Members of Congress began receiving a considerable amount of mail critical of Douglas. House Minority Leader Ford was impressed at the response and decided to launch his own investigation of the allegations surrounding Douglas. One source close to the investigation recalled, "Jerry decided to look into it, but it wasn't being pressed on a crash basis." [3] As part of the investigation, Ford contacted White House aide Clark Mollenhoff who, as a former journalist, had written several articles on Douglas' position with the Parvin Foundation.[4] The investigation by Ford and his staff proceeded quietly through the summer and into the fall of 1969.[5]

Meanwhile, Justice Douglas, perhaps one of the more controversial members of the Court, often criticized for his outspoken liberal viewpoints and unconventional lifestyle, continued to be a figure of contention. In late May, as Douglas was resigning his position with the Parvin Foundation for the stated reason that the foundation's activities posed too heavy a workload it was revealed that he had been receiving fees from another foundation which he headed, the Center for the Study of Democratic Institutions in Santa Barbara, California.[6] Douglas then publicly criticized an Internal Revenue Service investigation of the Parvin Foundation as a "manufactured case" designed to force him from the bench.[7] As the extent of Douglas' involvement in the foundation's affairs became known, he was further criticized by House Judiciary Committee Chairman Emanuel Celler (D-N.Y.) and his outright resignation was called for by Rep. H. R. Gross (R-Iowa) and John R. Rarick (D-La).[8] He was assailed by critics in the Senate for authoring articles that appeared in Playboy and in Avant-Garde, a magazine put out by controversial publisher Ralph Ginzburg who had recently been convicted of violating Federal obscenity laws.[9] In late July the ethics committee of the American Bar Association refused to decide whether Douglas had violated the canons of judicial ethics by his relationship with the Parvin Foundation. The ABA had been asked to look into the matter by Senator John J. Williams (R-Del.).[10]

In early November, as the Senate was embroiled in debate over the confirmation of Supreme Court nominee Clement F. Haynsworth, Ford's investigation was revealed. Haynes Johnson, reporting for the Washington Post, wrote later that "Ford himself suffered an embarrassment. A Washington reporter learned of the investigation and asked Ford point-blank about it. Ford, understandably, wanted to keep his investigation out of the public arena—particularly at a time when the President, the leader of his party, was facing a major fight over his Supreme Court choice. News that a key Republican congressman was looking into a liberal justice appointed by a Democrat might harm Haynsworth's chances. Faced with either confirming or denying the report, Ford said it was true." [11]

In announcing the investigation, Ford emphasized that ethical standards being applied to nominee Haynsworth should also apply to present justices. "If the Senate votes against a nominee for lack of sensitivity," Ford stated, "it should apply the same standards to sitting justices." Ford said that several colleagues had come to him suggesting the investigation, including GOP Conference Chairman John Anderson (R-Ill.) and Rep. Guy Vander Jagt (R-Mich). He said that he had not discussed the matter with the President and at the White House Press Secretary Ron Ziegler made a similar statement.[12]

Footnotes at end of article.

Whether the investigation was disclosed as Johnson later reported it, whether Ford leaked the news himself, or whether the effort was coordinated at the White House remains a matter of speculation. But response to the news was immediate and many observers saw it as heavy-handed attempt to hold Douglas hostage for a Haynsworth confirmation.[13] The New York Times editorialized: "The transparency of Mr. Ford's move does him no credit either as statesman or tactician. . . . we think he will find that anti-Haynsworth Senators will hardly be induced to switch by a poorly veiled threat."[14] The Senate failed to confirm Haynsworth but Ford said he was continuing his investigation. In a UPI interview he said that his original decision to study possible impeachment of Douglas was related not to the Haynsworth matter, but to the published charges about Douglas' connection with the Parvin Foundation.[15]

While the issue dropped from sight, the Haynsworth defeat apparently intensified the bitterness among many conservatives and strengthened their determination to do something about Douglas.[16] Signs that preparations were being made to move against Douglas when Congress reconvened in January were revealed in a Washington Evening Star story in late December by Lyle Denniston. Denniston wrote: "A commitment to go ahead with the often-discussed challenge . . . is—at this point—a loosely organized effort. It has several champions, but no leader. It has no timetable, beyond the plan to file 'articles of impeachment' during the House's 1970 session. Moreover, the preparation of the case against Douglas involves an unusual combination of House staff work, plus continuing private investigations of the Justice by news organizations. These private investigations almost have the status of a semi-official inquiry, since the anti-Douglas lawmakers are definitely counting on the results to help make their case.

"The move is dominantly if not exclusively a Republican effort. While the House GOP leader, Rep. Gerald R. Ford of Michigan, is among the promoters of the continuing probe of Douglas' activities, he has not yet assumed the role of leading the effort, or even the job of coordinating it. Ford's own staff is generally doing the House part of the investigation. That activity gained a windfall of 'tips'—some believed to be solid, others plainly frivolous—after Ford's staff investigation of Douglas became public over a month ago.

"While the GOP House leader is centrally involved, he apparently is not yet ready himself to conclude that the impeachment effort will go forward. His staff, in fact, expressed surprise at being told that a commitment to go ahead had been made.

"Among those known to be either a part of the group that will seek impeachment, or else acting as an adviser to the group, are Reps. Clark MacGregor, R-Minn., and H. R. Gross, R-Iowa. It is understood that there are at least two or three others in the group."[17]

Douglas, meanwhile, continued to infuriate his critics. On February 18, Random House published his latest book, "Points of Rebellion." The volume, employing much of the controversial political thought and rhetoric of the day, argued that revolution might prove the only alternative to oppression by the "American establishment." Douglas wrote, "George III was the symbol against which our founders made a revolution now considered bright and glorious. . . . We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress, honored in tradition, is also revolution."[18-19]

"Points Of Rebellion" produced a predictable response among the anti-Douglas faction in Congress. One Congressman, Louis Wyman (R–N.H.), already troubled by Douglas' foundation activities, recalled that after reading advertisements about the book, he sent a staff aide out to buy an advance copy. "I took the whole morning off and read it. It disturbed me very much."[20] Without informing anyone else, Wyman began drafting a resolution calling for the need to investigate Douglas with a possible view of impeachment. When he went to Ford's office, he was asked by an aide not to introduce his resolution, the timing was inappropriate. The Senate was once again considering a Supreme Court nominee, G. Harold Carswell, and it was considered politically unwise to make any moves that might jeopardize the Republican nominee's chances.[21] One individual reportedly close to the matter recalled, "By this time quite a number on both sides of the aisle wanted to go after Douglas, but to be perfectly honest about it, they didn't have the material Ford's staff had. That staff had been working off and on for about a year."[22]

After the Carswell defeat, conservative emotions intensified. Haynes Johnson wrote: "When news of Carswell's defeat reached the House floor, it is understood that several Congressmen immediately approached Ford. They were angry and emotional. In effect, they laid down an ultimatum: either Ford would act on Douglas or one of them would. All it took was for one member to stand up and call for impeachment, Ford was reminded.

"Ford, who was not available for comment on this episode, is reliably reported to have told them to hold off. If anything was going to be done it should be done right, and not just for one day's headline in someone's hometown newspaper.

"Ford deliberated for several days. Part of the time he went to his home district in Grand Rapids, Mich. He returned to Washington on Sunday and studied the case further. About noon the next day, Monday, April 13, Ford met with several key congressmen at the Capitol. Among them, it is reported, were Leslie Arends of Illinois, Robert Sikes of Florida, Joe D. Waggonner Jr. of Louisiana and William L. Scott of Virginia.

"Wyman remembers the essential question as boiling down to this: whether to ask for impeachment or an investigation to see if impeachment proceedings were justified.

"Ford told them he intended to lay out, publicly, his probable cause case against Douglas in a speech later that week. He also said he favored an investigation rather than impeachment.

"'Jerry,' one Capitol Hill source speculated, 'was in the position of being stampeded or of staying in front of the pack.'"[23]

At about the same time Vice-President Agnew called for a thorough examination of Douglas' record. He said: "It seems rather unusual for a man on the bench to advocate rebellion and revolution, and possibly we should take a good look at what he thinks, particularly in view of the fact that two fine judges have been denied seats on the bench for statements that are much less reprehensible, in my opinion, than those made by Justice Douglas."[24]

As Ford was preparing his speech against Douglas, another incident served to further enrage the anti-Douglas faction and catalize many who were undecided about joining the move against the Justice. The April issue of Evergreen magazine appeared on Washington newsstands and among its contents was an excerpt from "Points of Rebellion." The substance of the article was offensive to his critics, but as Johnson wrote, ". . . it wasn't the justice's words that set off a furor; it was their juxtaposition with other material. There was a full-page caricature of Richard Nixon made to look like George III. There was an article by Tom Hayden on repression and rebellion. But the centerpiece was the object of most attention. A seven-page rotogravure section contained 13 half page photographs of nudes. Men and women were embracing, making love. Genitals were clearly shown. . . . As pornography goes these days, the pictures were not that titillating, but they were enough to solidify the opposition against Douglas."[25]

Describing the magazine, Ford later told Congress; "There are nude models of both sexes in poses that are perhaps more shocking than the postcards that used to be sold in the back alleys of Paris and Panama City, Panama."[26]

Feelings against the Justice were thus running high as Ford delivered his promised speech on the evening of April 15. "It was," Johnson wrote, "something of a Roman circus atmosphere on Capitol Hill. One Republican congressman who sat listening that night says he was reminded of Julius Caesar and Mark Antony. Indeed, a feeling of the Forum and the public trial was present. Ford himself added to the impression. At one point during his speech, he recalled that the censor was an ancient Roman office, the supervisor of the public's morals. He and his colleagues didn't intend to set themselves up as censors, but he added: 'Let me substitute, if I might, another Roman office, the tribune. It was the tribune who represented and spoke up for the people. This is our role in the impeachment of unfit judges and other federal officials. We have not made ourselves censors; the Constitution makes us tribunes'."[27]

In his speech, Ford made five major charges against Douglas:

Douglas' failure to disqualify himself from the obscenity cases of Eros publisher Ralph Ginzburg. In 1969, Ginzburg had also paid Douglas $350 for an article on folk-singing which appeared in "Avant Garde." Ford termed the action a "gross impropriety."

Ford charged that "Points of Rebellion" violated the standard of good behavior and was "an inflammatory volume."

Ford charged that Evergreen magazine which had published the excerpt from "Points of Rebellion" was "hardcore pornography."

Ford again brought into question Douglas' relationship with the Albert Parvin Foundation linking the Justice with gambling concessions in the United States and the Dominican Republic and alleged international gangsters.

Ford charged that the Center for the Study of Democratic Institutions, of which Douglas was chairman of the board of directors and had received consultant's fees, was a "leftish" organization and a focal point for organization of militant student unrest.[28]

Two days before Ford's speech, he had called a news conference and announced that a bipartisan group would introduce resolution creating a special investigating unit to look into the Douglas matter and report to the House in ninety days.[29] By calling for a select committee, the anti-Douglas forces sought to avert any impeachment measure away from liberal Representative Emanuel Celler's (D-N.Y.) Judiciary Committee, the group that normally considers any House action to impeach. Aware of this tactic, Celler's aides had contacted Andrew Jacobs Jr., (D-Ind.), and in the midst of Ford's speech, Jacobs "marched to the well dropped in the hopper"[30] a resolution stating; "Resolved, that William O. Douglas, associate justice of the Supreme Court of the United States, be impeached of high crimes and misdemeanors and misbehavior in office."[31] Fifty-two Republicans and fifty-two Democrats, mostly from the South, signed the Ford resolution but as the result of Jacobs' action Celler's committee had jurisdiction and the conservative's measure later died in the Rules Committee.[32]

At the White House, Press Secretary Ron Ziegler denied any role in the Ford investigation by White House aide Clark Mollenhoff and stated: "There is no involvement

Footnotes at end of article.

and no concentration on this matter from the White House." [33]

Celler moved swiftly to form a special subcommittee to investigate the charges against Douglas. On April 21 he announced that Byron Rogers (D-Col.), Jack Brooks (D-Texas), William M. McCulloch (R-Ohio) and Edward Hutchinson (R-Michigan) would serve on the subcommittee created by Jacob's resolution, H. Res. 920. Celler himself, would chair the group. He said the unit would report its finding to the full Judiciary Committee in 60 days.[34] Earlier Celler had joined with a group of forty other House liberals in protesting the Ford move as "an attack on the integrity and the independence of the United States Supreme Court." [35] He had also commented that the timing of the anti-Douglas move suggested that "this probably is somewhat in the spirit of retaliation" for Carswell's defeat.[36]

Douglas remained unworried, at first refusing to take the matter seriously. In an interview with ABC News he said that if his latest book advocated rebellion, "I'll eat it without mayonnaise or anything." [37] When asked whether "you find this controversy more heated than some of the others you've been in," Douglas countered, "What controversy are you talking about?" [38] Some of Douglas' friends finally convinced him the impeachment move was serious. The group—including Clark Clifford, former Secretary of Defense; Ben Cohen, one of the original New Deal "brain trusters;" and David Ginsburg, a Washington lawyer and Douglas' first law clerk—saw the move as "nothing less than an effort by the Nixon Administration to stifle dissent and build a campaign issue for the fall election. After analyzing Ford's statement and the impeachment resolution, they concluded—over Ford's strong denial—that the Administration was deeply involved in it at all." [39] Douglas agreed and announced that he was disqualifying himself from participating in rulings on obscenity appeals involving the film "I Am Curious (Yellow)" and a libel suit against Look magazine (in response to which Ford commented that the action was "tacit admission" that Douglas should have disqualified himself from the Ginzburg libel and obscenity case),[40] and retained an old friend and former Federal judge, Simon Rifkind, to represent him against possible impeachment charges.[41]

The first action the special subcommittee took was to request from Ford and the other sponsors of the impeachment resolution material relevant to the charges against Douglas. The subcommittee also requested relevant material from the Department of Justice, the Securities and Exchange Commission and the White House.[42] The subcommittee began the long process of collecting, collating and analyzing the information. However other events, the incursion of American troops into Cambodia and the accompanying unrest on college campuses, overshadowed the work of the investigating group, and for his role, Ford was forced to turn his attention to defending the Administration's actions in the fact of renewed anti-war efforts in Congress.

By early June, it appeared that the subcommittee had made little progress. Members of the group complained that they had received little cooperation and little new information from fellow Congressmen. Most of the evidence, solicited in earlier letters, proved to be newspaper clippings and the like. Rep. Brooks added that the Federal Government was not much more of a productive source of evidence. He commented: "They're just as slow as molasses to come up with any facts. We're slowly getting papers from the Justice Department. They didn't have very much, apparently." [43]

The subcommittee, stating that it needed additional time to conduct its investigation asked for, and was granted, sixty day extension. It issued, on June 20, an interim report containing material on the investigation up to that point.[44]

At the same time that some members were stating that there appeared little substantial evidence to impeach Douglas, there were reports that "recent checks on House attitudes" revealed that "if the House votes on charges any time before election day, Nov. 3, it very likely would vote to impeach Douglas." The reports stated that public opinion was running so heavily against Douglas, that most Congressmen would be forced to vote against him or run the risk of losing at the polls in November. Therefore, there was pressure from the leadership not to conclude the subcommittee investigation before the fall elections.[45]

On August 3, amid further reports that the Douglas unit was stalling its investigation,[46] Ford, who had little to say publicly about the Douglas investigation for the past several months,[47] joined with Reps. Waggonner and Wyman in a charge that the investigation was a "whitewash" and a "travesty." [48] Ford demanded that the panel hold public hearings, examine witnesses under oath and make public "all pertinent documents." He also revealed that one of his staff assistants, Robert Hartman, had been working with Waggonner in an independent investigation of Douglas. Waggonner had reportedly hired Benton L. Becker, a former trial lawyer in the Criminal Division of the Justice Department to conduct the probe. Becker had been on Waggonner's office staff for about two months.[49]

Celler replied saying that his inquiry was being obstructed by the refusal of Federal agencies to supply necessary information. He said that the State Department, the Justice Department and the Central Intelligence Agency had not furnished his material requested six weeks ago. Celler stated: "These delays and obstructions have hampered the special subcommittee in this investigation and hindered the completion of its task. In the light of the lack of cooperation from the executive branch, criticism of the special subcommittee is not justified." Celler indicated the investigation could run on for many months. So on August 11, the subcommittee released a second document, "Legal Materials on Impeachment," containing briefs by Rifkind and a Detroit law firm retained by Ford.[50] [51]

While political charges and countercharges continued, the case seemed to crystallize around Ford's views of what constituted an impeachable offense. In his April 15 attack on Douglas, Ford had stated: "The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history." [52]

On May 18, Douglas' attorney, Simon Rifkind, had submitted a Memorandum On Impeachment of Federal Judges. Rifkind wrote: "A careful examination of the Constitution itself . . . clearly demonstrates that Federal judges may be impeached only upon charges of 'Treason, Bribery, or other High Crimes and Misdemeanors'. There is nothing in the Constitution . . . to suggest that Federal Judges may be impeached for anything short of criminal conduct. Rifkind's memorandum concluded: "There has developed the consistent practice, rigorously followed in every case in this century, of impeaching Federal judges only when criminal offenses have been charged . . . In consequence, while the Federal judiciary has over the years suffered a few judges who were unable to perform their duties, since 1805 it has been free from political purges and from harassment directed at the beliefs, speeches and writings of individual judges." [53]

On August 5, Ford had submitted a memorandum to the subcommittee from the Detroit law firm of Dykema, Wheat, Spencer, Goodnow, & Trigg, which at Ford's request had studied the question of what constitutes an impeachable offense. Bethel B. Kelley, a member of the firm, wrote Ford, "If a judge's misbehavior is so grave as to cast substantial doubt upon his integrity, he must be removed from office regardless of all other considerations. . . . We conclude, that misbehavior by a Federal Judge may constitute an impeachable offense though the conduct may not be an indictable crime or misdemeanor." [54]

On August 18, Rifkind wrote a letter to Celler indicating astonishment at the Kelley Memorandum. "Mr. Ford's definition of an 'impeachable offense' means that judges serve as the pleasure of Congress. This is so utterly destructive of the principles of an independent judiciary and the separation of powers that I could not believe that convincing historical support could be found for so radical a proposition. Now that I have read the Kelley memorandum, I am more than ever convinced that Mr. Ford's view is historically and legally as untenable as it is mischievous." [55]

In defending Douglas against the particular charges of Ford and the anti-Douglas forces, Rifkind made the following points:

On the Ginzburg case: "The Justice has never had any dealings with Ralph Ginzburg."

On "Points of Rebellion:" "The attack on the Justice's book . . . is not only profoundly subversive of the First Amendment, but is based upon an inexcusable distortion of what the Justice actually wrote . . . The book . . . is a patriotic call for our democratic processes to meet challenges of the day so as to pull the rug from under the small minority advocating violent rebellion."

On the Evergreen magazine article: "The Justice did not authorize its editors to reprint a portion of his book. Pursuant to its standard contractual rights, Random House, one of the nation's most prestigious publishers, made the decision."

On associations with Albert Parvin, alleged international gamblers, and the Albert Parvin Foundation: "The Foundation had no connection with the 'international gambling fraternity.' . . . Justice Douglas does not know the alleged underworld persons named in the attacks upon him . . . (He) has not engaged in the 'practice of law' . . . The corporate papers he is alleged to have drafted were drafted by a Los Angeles attorney . . . In serving as a director of the Albert Parvin Foundation, and receiving modest compensation for such services, Douglas followed long precedent—as, for example, did Chief Justice Warren Burger and Justice Harry Blackmun with respect to the Mayo Foundation and the Kahler Corporation."

On the Center for The Study of Democratic Institutions: "Mr. Douglas has participated in the activities of one of the free world's great academic institutions . . . So have Chief Justices Warren and Burger, George Romney and Robert Finch, and scores of other distinguished Americans. His services . . . have been uncompensated." [56]

While Ford was leading the Washington challenge against Douglas, he was reportedly presenting a different image in his reelection campaign in his home district of Grand Rapids, Michigan. In an election that was marked by emotional appeals from many contenders, Ford's campaign was surprisingly low-key. Wrote a Washington Post correspondent: "In the GOP's grand crusade for victory over permissiveness this fall, House Republican Leader Gerald R. Ford is clearly out of step. It is largely a matter of style and emphasis, but the distinction keeps popping up on TV screens throughout Michigan's heavily Republican 5th Congressional District: 'Return a man of peace to Congress. Support Jerry Ford. He gets things done.' That's it. No shrill cries for law and order. Not one of Ford's TV ads dwells on street crime or cam-

Footnotes at end of article.

pus unrest. Perhaps more significant, not one of them mentions President Nixon—or the Republican Party—by name." [57]

After the November election it appeared that the Douglas impeachment move was running out of steam, despite reports that the action might be continued by some unnamed "lame-duck" Congressmen.[58] Celler's special subcommittee staff had completed the bulk of its work in mid-September and on December 3, the subcommittee met and voted three to one that there were no grounds to impeach the Justice. One of the two Republican members, Edward Hutchinson of Michigan, announced that he would file a minority view. The other, William M. McCulloch of Ohio, refrained from joining in either the majority or minority view. McCulloch later said that there was "just not enough evidence to come to a final, fast, hard conclusion on whether an impeachable offense has been committed." Celler termed the report, "the most exhaustive inquiry I've known of during my 48 years in Congress." [59]

In response to the subcommittee's vote, Ford said: "For the present I can only say that this matter is far from finished and that the sentiment of House members, both Democrats and Republicans, is not accurately reflected in the subcommittee's vote." [60]

But when the new session of Congress opened in January, Ford indicated that he had decided to spend less time and effort in leading the public challenge against Douglas. One source was quoted as saying that Ford "doesn't intend to be so much the ball-carrier." And, though the anti-Douglas forces offered an opening day resolution to create a special six-member committee to conduct what they called a "meaningful" investigation, nothing came of the effort.[61]

FOOTNOTES

[1] Haynes Johnson, "The Douglas Case: No Neutral Ground," Washington Post, April 26, 1970.

[2] "Foundation Headed by Douglas Sells Its Stock in Company That Owns Casinos," New York Times, May 20, 1969.

[3] Johnson, *op. cit.*

[4] Fred P. Graham, "Ford Hints Move To Oust Douglas," New York Times, November 8, 1969.

[5] Johnson, *op. cit.*; Graham, *op. cit.*; Spencer Rich, "Ford Eyes Ousting Douglas," Washington Post, November 8, 1969.

[6] John P. MacKenzie, "Douglas Resigns From Foundation," Washington Post, May 24, 1969; "Foundation Says That It Paid Douglas $4,000 for Two Seminars," New York Times, May 22, 1969.

[7] Bernard Collier, "Douglas Says Tax Inquiry Aims to Get Him Off Court," New York Times, May 25, 1969.

[8] Congressional Record, May 26, 1969, pp. 13774–13775; George Lardner, Jr., "Celler Raps Douglas On Letter to Parvin," Washington Post, May 28, 1969.

[9] George Lardner, Jr., "Sen. Fannin Assails Douglas on Article," Washington Post, May 29, 1969; Bernard L. Collier, "Thurmond Urges Douglas To Quit," New York Times, May 30, 1969; Congressional Record, June 16, 1969, pp. 15861–15865.

[10] "Justice Douglas Gets A Pass," Chicago Tribune, July 23, 1969.

[11] Johnson, *op. cit.*

[12] Spencer Rich, "Ford Eyes Ousting Douglas," Washington Post, November 8, 1969; Fred P. Graham, "Ford Hints Move To Oust Douglas," New York Times, November 8, 1969.

[13] Royce Brier, "Douglas Hostage For Haynsworth," San Francisco Chronicle, November 19, 1969; "The Impeachment Bungle," Washington Post, November 11, 1969.

[14] "Contempt of Court," New York Times, November 11, 1969.

[15] "Rep. Ford Says He Pushes Study Of Justice Douglas," Washington Post, November 22, 1969.

[16] Johnson, *op. cit.*

[17] Lyle Dehniston, "Lawmakers Pushing Effort To Impeach Justice Douglas," Washington Evening Star, December 21, 1969.

[18] Israel Shenker, "Justice Douglas Says Revolution May Be Only Honorable Reply to Oppression," New York Times, February 1, 1970; William McPherson, "On Revolt," Washington Post, February 20, 1970.

[19] *Ibid.*

[20] Johnson, *op. cit.*

[21] *Ibid.*

[22] *Ibid.*

[23] *Ibid.*

[24] Milton Viorst, "Bill Douglas Has Never Stopped Fighting The Bullies of Yakima," New York Times Magazine, June 14, 1970, p. 52.

[25] Johnson, *op. cit.*

[26] Congressional Record, April 15, 1970, p. 11916.

[27] Johnson, *op. cit.*

[28] Congressional Record, April 15, 1970, pp. 11912–11927; "House Committee Studies Charges Against Douglas," Congressional Quarterly Weekly Report, November 13, 1970, pp. 2786–2789.

[29] Warren Weaver, Jr., "Inquiry By House On Douglas Urged," New York Times, April 14, 1970.

[30] Marjorie Hunter, "Ford Asks Douglas' Ouster," New York Times, April 16, 1970.

[31] Philip Warden, "2 Factions Grab For Probe Of Douglas," Chicago Tribune, April 17, 1970.

[32] Hunter, *op cit.*

[33] *Ibid.*

[34] Norman C. Miller, "House Judiciary Committee Names Panel To Investigate Charges Against Douglas," Wall Street Journal, April 22, 1970.

[35] Hunter, *op cit.*

[36] Richard L. Lyons, "Ford Seeks Removal Of Douglas, "Washington Post," April 14, 1970.

[37] "Douglas Denies Book Advocates Rebellion," Washington Post, April 18, 1970.

[38] *Ibid.*

[39] Viorst, *op. cit.*

[40] "Douglas To Skip 3 Court Rulings," New York Times, April 28, 1970.

[41] Majorie Hunter, "Lawyer is Retained By Douglas To Help In Impeachment Fight," New York Times, April 29, 1970.

[42] U.S. Congress. House. Committee on the Judiciary. First Report By The Special Subcommittee on H. Res. 920. 91st Congress, 2d Session. June 20, 1970. p. 9–10.

[43] "Evidence Meager On Douglas," Washington Post, June 7, 1970.

[44] U.S. Congress. House. Committee on the Judiciary. First Report by the Special Subcommittee on H. Res. 920, 1970. pp. 25–26.

[45] Lyle Denniston, "Pressure Building in House For Douglas Impeachment," Sunday Star, June 14, 1970; Willard Edwards, "Word For Douglas Case—Delay," Chicago Tribune, July 2, 1970.

[46] Robert S. Allen and John A. Goldsmith, "Celler Probe Of Douglas Raises Doubt of Sincerity," Jackson, Miss. Daily News, July 27, 1970.

[47] Ford had said very little on the floor of the House and in an appearance on the ABC radio and television program "Issues and Answers," On June 22, had not commented on the subject at all.

[48] Carroll Kilpatrick, "Douglas Whitewash Charged," Washington Post, August 3, 1970; Marjorie Hunter, "Critics of Douglas Call Inquiry A 'Whitewash' and 'Travesty'," New York Times, August 3, 1970; Shirley Elder, "Waggonner Irked, Starts Own Probe of Douglas," Washington Evening Star, August 3, 1970.

[49] *Ibid.*

[50] Warren Weaver, "Celler Says 3 Agencies Obstruct Douglas Inquiry," New York Times, August 5, 1970.

[51] U.S. Congress. House. Committee on the Judiciary. Legal Materials On Impeachment. Special Subcommittee on H. Res. 920. 1970.

[52] Congressional Record, April 15, 1970, p. 11913. The Constitution, Article III, Section one, provides that "The judges both of the Supreme and inferior Courts, shall hold their offices during good behavior. . . ." Article II, Section Four, provides that "The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

[53] Congressional Quarterly Weekly Report, November 13, 1970, p. 2788.

[54] *Ibid;* Fred P. Graham, "Impeach Douglas Plea Raises Constitutional Question," New York Times, August 24, 1970.

[55] Congressional Quarterly Weekly Report, op. cit., pp. 2788–2789.

[56] *Ibid.*

[57] George Lardner Jr. "Ford Strides Out of Step With His Party," Washington Post, November 2, 1970.

[58] Arlene Alligood, "Impeach Douglas Drive May Be Pushed by Lame-Ducks," San Francisco Chronile, November 15, 1970.

[59] Marjorie Hunter, "House Unit Finds No Basis For Action On Douglas," New York Times, December 4, 1970; Lyle Denniston, "Bid To Impeach Douglas Fails," Washington Evening Star, December 4, 1970; Richard L. Lyons, "No Grounds To Impeach Douglas Found," Washington Post, December 4, 1970.

[60] "Ford Calls Efforts To Oust Douglas Far From Finished," New York Times, December 5, 1970.

[61] Lyle Denniston, "Justice Douglas' Critics In House Renew Attack," Washington Evening Star, January 22, 1971.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from Nevada.

Mr. CANNON. Mr. President, I want to thank my distinguished colleague for the kind remarks he had to make about the chairman of the committee and our committee's actions on that matter, as well as the distinguished Senator from Rhode Island for his gracious remarks.

I certainly agree with my colleague from Michigan that we did consider very carefully the matters relating to Mr. FORD'S role in what has been referred to as the attempted impeachment of Justice Douglas. We went into the research quite thoroughly to determine that that matter had been settled upon and that it was not necessary to bring that matter up further and to delve into it further beyond the information the committee had at hand.

I thank the Senator for pointing that out and for making a part of the RECORD the study that was given to the matter by the Rules Committee.

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.

Mr. HATFIELD. Mr. President, the action to be taken by the Senate in participating in the selection of the next Vice President of the United States will be a first in our country's history. Little did we know that the 25th amendment would be utilized so soon after its enactment or under such circumstances.

As you know, the Senate Rules Com-

mittee has just completed one of the most thorough investigations of any nominee for any Federal office. I am proud to have served on this committee and want to publicly express my appreciation to Senator CANNON for the able leadership he provided the committee throughout the FORD hearings.

Mr. FORD's record as a public servant is well known to all Members of Congress and, therefore, I do not feel that it is necessary to review his career at this time.

Mr. FORD assured the Senate Rules Committee that he intends to serve as a liaison between the executive branch and the legislative branch. Mr. FORD is eminently qualified to serve the Nixon administration in this role.

The latest revelations concerning the Watergate tapes only cast more suspicion on the administration. The President's credibility is at an all time low and his ability to provide this country with honest leadership is being questioned. GERALD FORD's confirmation as Vice President will calm the questions of Presidential succession as well as bring an indiivdual of unquestioned integrity into the administration.

GERALD FORD will be in an unique position to serve as a liaison between the American people and the Nixon administration. Mr. FORD's greatest challenge over the next 3 years will be to convince the American people that Government officials can be trusted. GERALD FORD can be trusted and the American people will be able to believe in him. I believe GERRY FORD will be able to relate to the American people and in turn restore their faith in our political system.

Mr. FANNIN. Mr. President, due to a long-standing commitment in my home State of Arizona, it will be impossible for me to be here Tuesday for the vote on confirmation of JERRY FORD as Vice President of the United States.

I wish to state my enthusiastic support for Mr. FORD and go on record as saying that I would vote for confirmation if I could be here. I am deeply disappointed that I will not be present to add my voice to those voting for confirmation.

Mr. FORD has a distinguished record in the House of Representatives and he is superbly qualified to assume the duties of Vice President.

I know the vote here will be overwhelming in favor of Mr. FORD, and I would hope that the House of Representatives will expedite the confirmation proceedings there so that our new Vice President can be sworn into office promptly.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER FOR RECOGNITION OF SENATOR MANSFIELD AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the majority leader be recognized for not to exceed 15 minutes, after which there be a period for the transaction of routine morning business not to extend beyond the hour of 10:30, with statements therein limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has the order already been entered to provide that at the hour of 10:30 a.m. the Senate proceed to the consideration of the extension of the debt limit legislation?

The PRESIDING OFFICER. It has.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

ORDER FOR DIVISION OF TIME ON EXTENSION OF DEBT CEILING LEGISLATION, H.R. 11104

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a division of time beginning tomorrow at 3:30 p.m. on the Ford nomination, between the Senator from Nevada (Mr. CANNON) and the Senator from Kentucky (Mr. COOK).

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, the majority leader will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond the hour of 10:30 a.m. with statements limited therein to 3 minutes.

At the hour of 10:30 a.m., the Senate will proceed to the consideration of H.R. 11104, an act to provide for a temporary increase in the public debt limit, and debate will ensue thereon with action on amendments thereto.

At the hour of 3:30 p.m., the Senate will go into executive session to resume the consideration of the nomination of Mr. GERALD R. FORD to be Vice President of the United States.

At the hour of 4:30 p.m., the vote will occur on the nomination of Mr. GERALD R. FORD to be Vice President of the United States.

Following the vote on the nomination of Mr. FORD on tomorrow, the Senate will resume the consideration of H.R. 11104, the extension of the debt limit legislation if that legislation has not been disposed of prior to that time, and undoubtedly it will not have been disposed of. Votes could continue to occur into the evening thereon.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 3:43 p.m. the Senate adjourned until tomorrow, Tuesday, November 27, 1973, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 26, 1973:

CIVIL AERONAUTICS BOARD

G. Joseph Minetti, of New York, to be a member of the Civil Aeronautics Board for the term of 6 years expiring December 31, 1979. (Reappointment.)

OVERSEAS PRIVATE INVESTMENT CORPORATION

David Gregg III, of New York, to be Executive Vice President of the Overseas Private Investment Corporation, vice Herbert Salzman, resigned.

DEPARTMENT OF JUSTICE

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years. (Reappointment.)

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years. (Reappointment.)

IN THE NAVY

Adm. Richard G. Colbert, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE NAVY

The following named officers of the U.S. Navy for temporary or permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Abernathy, Thomas H.
Ablett, Mark C.
Achille, Franklin S.
Acton, Thomas A.
Adams, David A.
Adams, Harold S., Jr.
Adams, James J.
Adams, Kay L.
Adams, Thomas D., Jr.
Adkins, Robert F.
Agnor, Robert J.
Albright, Jeffrey H.
Alburger, John F.
Aldrich, Daniel J.
Alexander, Ronald K.
Alexander, Patrick F.
Alexander, John F., III
Alexander, John W.
Alford, Ralph M., Jr.
Algarotti, Mary C.
Alger, James A.
Alleman, David P.
Allen, Dale I.
Allen, James J.
Allen, James R.
Almendinger, Sylvia S.
Almy, Thomas B.
Altmayer, Magnus S.
Alvarez, Richard E.
Ammerman, David C.
Ammons, Edward A.
Andersen, James B.
Anderson, Christopher E.
Anderson, Leonard M.
Anderson, Robert L.
Anderson, Robert A.
Anderson, Wayne H.
Aninowsky, William E.
Annis, Robert E.
Anthony, Joseph D.
Apley, Walter J., Jr.
Appleby, Robert T.
Archdeacon, Francis J., Jr.
Architzel, Ralph E.
Ardizzone, Vincent
Armstrong, Ralph F.
Arnold, Berthold K.
Arnold, Hollis D.
Arnote, Stanley D.
Athow, Karl J.
Atkinson, Leland D.
Austin, Robert B., Jr.
Austin, Simeon H.
Avera, Troy G., Jr.
Avery, Richard C.
Ayers, Carleton R., II
Babarik, Dan E.
Bach, Terrance S.
Baird, Robert K.
Baittinger, Eric W.
Baker, David L.
Baker, Leonyx G.
Baker, Peter A.
Baker, Timothy L.
Bakken, Gary C.
Baldasari, Nicholas E.
Ball, John C.
Balson, William E.
Baltz, Donald M.
Banellis, Charles E.
Banwarth, Mark C.
Bardwell, Robert R.
Barker, Jimmy L.
Barker, Laughlin M.
Barnes, Robert F., Jr.
Barnett, Harry E.
Barnett, Richard L.
Barnett, Richard L.
Barnum, Kenneth P.
Barrett, John M., Jr.
Barrington, John S.
Barron, James D., Jr.
Barron, Timothy R.
Barrowman, Glenn J.
Barry, John M.
Bartley, John A.

Barton, David C.
Barton, Walter H.
Bartosh, Stephen A.
Bartram, Roger W.
Bashore, Harry W., III
Bateman, Clifford B.
Bauer, Carl O.
Bauer, Dennis D.
Baughman, Wilfred E., Jr.
Bausili, Mark T.
Baxter, Richard B.
Beacham, Frederick B.
Beasley, Drew W.
Beatty, Charles T.
Beatty, Daniel A.
Beauchamp, David N., Jr.
Beaudet, Carl A.
Beavers, Michael C.
Beck, Ardie L.
Beck, Edward C., III
Becker, Fred R., Jr.
Beckham, Don H.
Beckham, Tommy L.
Beckman, Robert J.
Beckham, William L.
Bedell, Ronald A.
Beelby, Michael H.
Beeson, Dennis R.
Beier, Werner J.
Bekkedahl, Stephen L.
Bender, John P.
Beneflel, James W.
Bennett, Arthur K., III
Benson, Eric J.
Benziger, Philip E.
Berger, Robert D.
Bernard, Sanford K.
Berns, Michael S.
Bersticker, Keith P.
Bertelson, John D.
Bickford, John C.
Bickler, Jerome E.
Bien, Jay K.
Bingaman, James A.
Black, Carolyn F.
Black, Joyce R.
Blair, Coy L.
Blair, Gary W.
Blair, Gregory A.
Blair, Thomas B., II
Blake, Richard D.
Blakesley, Larry L.
Blanton, Sankey L., III
Blase, William E.
Blauvelt, Russell M.
Bloom, James A.
Bluestein, Michael S.
Boardman, Geoffrey P.
Bogdewic, Daniel D.
Bogdewic, Linda L.
Bogle, Ronald C.
Bohannan, James G.
Bohannon, Joseph A.
Bohrer, Herbert A.
Bolcar, James A.
Bolduc, David T.
Boller, George R.
Bolton, Patrick J.
Bond, Richard W.
Bongard, Charles R.
Boniface, John M.
Bonner, Patrick J.
Boomhower, Paul M.
Booth, James E.
Boriotti, Thomas
Borland, John
Boswell, Barry E.
Bottenberg, Richard B
Boucher, David L.
Bouton, Edwin H., Jr.
Bowen, John D., III
Bowman, Richard T., Jr.
Boyd, William K., Jr.
Brady, Patrick D.
Brady, Peter D.
Brake, Terry A.
Braman, Frederick A.
Branaman, Larry G.
Brandes, John C.
Brandt, Ted M.
Breedlove, Rodger D.
Breitinger, Thomas L.
Brender, Mark E.
Brennan, Michael E.
Breuer, Valerie L.
Brewer, Donald S.
Brick, James M.
Brinker, John A.
Brinson, Buck, Jr.
Brooker, Richard I.
Brooks, David A.
Brouhard, Jack W.
Brown, Charles W.
Brown, Daniel E.
Brown, Douglas L.
Brown, Duane W.
Brown, Harry P., Jr.
Brown, James B.
Brown, John R.
Brown, Lonnie C.
Brown, Nellie R.
Brown, Stephen H.
Brown, Steven A.
Brown, Steven J.
Brown, William B., Jr.
Brown, William B.
Brubaker, Robert C.
Bruce, Stephan R.
Bruggemann, Glenn A.
Brunelli, Duane L.
Bruwelheide, Dennis R
Bryant, James B.
Bullard, George C., Jr.
Bullock, James L.
Bumgardner, Paul R.
Buntrock, George E., III
Burd, John S.
Burgess, Lee E.
Burgess, Richard S.
Burkhead, Ferree R.
Burkland, Peter W.
Burlingame, Charles F.
Burman, Richard A.
Burns, Timothy J.
Burtt, Chester A.
Buschbaum, Dennis E.
Butkus, Stephen B.
Butler, Bruce A.
Butler, Frank K., Jr.
Butler, Thomas A.
Butler, William A.
Butt, Cyrus H., IV
Byers, Stephen A.
Byrd, Robert E.
Cadden, Charles J.
Cady, William D.
Cahill, John J.
Callahan, Joseph A., II
Campbell, Edward P.
Campbell, Richard D.
Cann, John D.
Capizzi, David A.
Capra, Robert A.
Carlin, James J., Jr.
Carlin, Thomas J.
Carlson, Richard J.
Carnahan, Thomas M.
Carr, Russell M.
Carro, Stephen J.
Carroll, Edward B., Jr.
Carson, Thomas H., III
Carter, Larry J.
Carter, Michael W.
Caruthers, William P.
Cash, Loule O.
Casselman, Richard D.
Catarella, Philip D., II
Cauchon, Richard P.
Cech, Ladd M.
Chadwell, Robert G.
Champagne, Gerald E.
Champagne, Lee W.
Chandler, Jeffrey D.
Chandler, Michael E.
Chaney, David A.
Chapman, Robert B.
Chappell, Thomas E., Jr.
Charvat, David E.
Chase, Peter M.
Chattin, James W.
Cheliras, Richard M.
Chew, David W.
Chimenti, Robert A.
Chiquelin, William R.
Christian, Robert H.
Christiansen, Terry G.
Christy, Leonard C.
Cichucki, Jon L.
Civiello, Constance E.
Clark, Augustus W., III
Clark, Lawrence F.
Clark, Mackenzie C.
Clayton, Gregory
Clements, Joseph E.
Clemons, Patricia E.
Clopper, Richard J.
Closs, John W.
Closson, Bradley D.
Coatney, Brian L.
Coats, Bruce A.
Cochran, Charles T.
Cocolin, David P.
Cocos, William J.
Cohen, Michael F.
Cohlmeyer, Alan S.
Cole, Christopher W.
Cole, Fred G.
Cole, Warren B.
Collier, Charles M.
Collier, Michael J.
Colling, Arthur K., Jr.
Collins, James P.
Collins, John H., Jr.
Colquitt, Richard E., Jr.
Comer, Stephen A.
Condon, John K.
Conkey, John A.
Conklin, Douglas G.
Connell, Mary K.
Connelly, Michael J.
Connelly, Richard J.
Conner, William R., III
Conners, Jeffrey D.
Conover, Richard P.
Conrad, Jack L.
Conte, Enrico E.
Cook, Roger D.
Cooksey, Mark G.
Coolbaugh, Robert J.
Cooper, Richard W., II
Cooper, Ward J.
Corack, Mary T.
Corbin, James H.
Cornelison, Ronald F.
Cosgriff, Kevin J.
Costa, Pat A.
Courtney, Thomas B., Jr.
Covington, George B.
Cowherd, Robert F.
Crabtree, Thomas E., Jr.
Cradduck, David C.
Cramer, Mark J.
Crane, Jeffrey R.
Crawford, Robert O.
Creath, Timothy G.
Creech, James W.
Creelman, James E., III
Crescimanno, Terry A.
Crompton, David R.
Croom, Miles M.
Crouch, Richard M.
Crow, Paul E.
Crowe, Robert K.
Crowther, Jackie M.
Crum, Robert C.
Culbertson, Frank L., Jr.
Cummings, Harold H., Jr.
Cummings, Jon R.
Cupps, Stephen L.
Curry, Daniel L.
Curry, Ronald N.
Curtis, Stephen K.
Cusick, Stephen K.
Custer, Robert C.
Dale, Charles J.
Dale, Thomas N.
Daley, Bradley L., Jr.
Damron, John S.
Danforth, Peter A.
Daniel, Gerald L.
Daniels, Andrew M., Jr.
Daniels, Thomas L.
Darnstaedt, Gloria J.
Daugherty, Jack E.
Davis, Jack M.
Davis, James A.
Davis, Kenny D.
Davis, Leroy W., II
Davis, Michael E.
Davis, Terry L.
Davis, Thomas E.
Davis, William B.
Dawson, Michael K.
Day, Fay, Jr.
Day, Ralph D.
Deacon, Glenn R.
Dean, Raymond E.
Decesari, Robert J.
Delaney, Dennis M.
Delbalzo, Michael F.
Deloof, Ronald M.
Demmon, William J. R.
Dennis, Ronald W.
Densmore, Russell A.
Denson, James P.
Dereniuk, Harry M.
Derrick, Jerry W.
Desandre, Lewis F.
Desmond, Dennis A.
Dessert, Ross S.
Dessommes, Jack C.
Devey, Graham R.
Devins, Robert S.
Devos, Peter F.
Dial, Kathy L.
Diantonio, Steven M.
Dick, Lawrence L.
Dickey, Thomas P., Jr.
Dies, Gregory B.
Dimmette, Joel P., Jr.
Disney, Donald B., Jr.
Dobrovoiny, Timothy G.
Dobrydney, Frank J.
Doherty, James E., Jr.
Dokos, James A.
Dolan, John K.
Donald, Balfour J.
Donges, William H.
Donlon, Stephen E.
Donnelly, Michael S.
Doores, Gale N.
Doorly, Dale M.
Dorman, Peter F.
Dornan, John R.
Dougherty, Terryll, Jr.
Douglas, Diantha L.
Doyle, Patrick M.
Drake, Carroll M.
Dresner, Jay D.
Driscoll, Edmund F., II
Driscoll, Michael L.
Dubay, Eugene N.
Dubay, Roland C.
Dubeck, John B.
Dubois, William L.
Duclos, Edward D.
Dudek, Frank J.
Duma, David W.
Duncan, David A.
Duncan, Michael G.
Dunford, Patrick J.
Dunlap, Barry C.
Dunlap, Philip S.
Duquette, Marc R.
Durocher, Peter H.
Durst, David P.
Dussman, Thomas R., Jr.
Duzy, Charles A.
Dvorak, William C.
Dyer, James R.
Dykes, Edward R.
Eakin, Philip J.
Earhart, Ralph P.
Earley, Anthony F., Jr.
Easley, Stephen W.
Easter, David T.
Easterday, Kenneth P., Jr.
Eastin, William P.
Ebright, Arthur L.
Ecker, William M.
Ector, Richard H.
Eddleman, Rickee D.
Eden, Michael S.
Edmonds, Robert W.
Edson, David P.
Edwards, Terence D.
Eldridge, John K.
Elfelt, James M.
Ellis, Ronnie J.
Ellis, William R.
Ellison, Alan A.
Emerson, Joseph D.
Emslie, William A.
Enderle, John P.
Enderly, Richard H.
Endo, Victor
Engel, Douglas T.
Engel, Gregory A.
Engelmann, Bruce H.
Englehart, William P.
English, Jerome R.
Enright, Joseph E.
Enzinger, Richard S.
Erickson, Bruce N.
Erickson, Charles A.
Erickson, Jerald L.
Ericson, Alfred E., Jr.
Erwin, Troy J.
Esposito, Vincent J., III
Estes, James L.
Estrada, Carmen C.
Etnyre, Terrance T.
Ettredge, Michael L.
Evans, John C.
Exstrum, Terry D.
Faith, Everett W., Jr.
Farrand, Thomas W.
Farrell, Richard J.
Fazio, Joseph L.
Feeley, Michael E.
Feeney, John P.
Feldman, Brian D.
Felts, William S., Jr.
Fenech, Robert A.
Fennell, Walter F., Jr.
Fergione, John A., Jr.
Fichter, John E.
Fields, David A.
Filka, Ronald A.
Finch, Randal C.
Findeiss, Lawrence W.
Fine, Jerry M.
Finegold, Brian D.
Finley, Richard G.
Finn, Michael P.
Finney, Robert D.
Fischer, Halsey R.
Fischer, Theodore A., II
Fishel, Henry G.
Fisher, Robert S., Jr.
Fitzsimons, John R.
Flanagan, Edward M.
Flanagan, Thomas J.
Flannery, Peter A.
Fleming, John B., Jr.
Fleming, Kenneth W.
Fleming, Richard P., Jr.
Fleming, William L.
Flenniken, Michael E.
Fletcher, Patrick J.
Fletcher, Richard S.
Flickinger, Stephen L.
Flones, Richard L.
Flood, Jeffrey L.
Flowers, Philip R.
Floyd, Thomas F., II
Foe, Christopher G.
Foerst, John E.
Foley, John M.
Foltz, Ricky A.
Foote, Edward P., Jr
Foraker, Allen S.
Foster, Bradley S.
Foster, Finley B.
Foust, John T.
Fox, Barry L.
Fox, Edward C.
Frame, Terrance C.
Frank, Joel S.
Franssen, Roger A.
Fredericksen, John S.
Fredricks, John A., Jr.
Freeman, Parker C.
Freeman, Russell D.
French, Michael J.
Freund, Robert H.
Frey, Robert A.
Friedman, Paul, Jr.
Fritchman, Wilson J.
Fritz, Robert W.
Frnka, Robert D.
Frohlich, Thomas W.
Frost, Charles W.
Frost, Jack W.
Fry, Scott A.
Fryman, Donn L.
Fujimoto, Gene T.
Fulton, Thomas B.
Funk, Richard L.
Funk, William T.
Funke, James C.
Funke, Richard H., III
Fuqua, Harry E., II
Furrevig, Harold L.
Gabe, Daniel E.
Gaffney, Michael G.
Gafney, Edward J., III
Gaiser, Manfred J.
Gallagher, Robert M.
Gallemore, James B.
Galloway, Thomas A.
Galloway, Thomas R.
Gandy, Russell E.
Gannon, Thomas H., III
Garcia, Frank C.
Garrow, James W.
Gatchell, James K.
Gates, Ronald A.
Gauthier, Normand C.
Gavrich, Douglas D.
Gearhart, Michael W.
Gecan, Anton S.
Geci, Karl E.
Geddes, Norman D.
Gehl, Michael T.
Geiger, Donald G.
Gemmell, Stephen L.
Gerlach, Gerry L.
Gessis, Scott N.
Gill, Robert L., Jr.
Gessner, Robert L., Jr.
Gilley, Edward R.
Gillogly, Jay T.
Gilmer, John B., Jr.
Girvin, Charles R., III
Givens, Joel D.
Gizzi, Lucia M.
Glanzmann, Christopher F.
Glick, Randall A.
Glynn, Dennis W.
Gokey, James W.
Golding, Joseph F.
Goldschmitt, Marc L.
Gonzales, James G.
Gorman, John J., Jr.
Gorski, Thomas H.

Gorton, Grant J., II
Gosma, James A.
Grabiel, Marolee
Grace, William J.
Graeber, Grant L.
Graham, Barry W.
Graham, Clive, Jr.
Graham, John E.
Graham, Linda L.
Graham, William R.
Grames, Steven M.
Granberry, Michael G.
Graves, Davie W.
Gray, Charles L.
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Green, Barton L., II
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Greene, Brenton C.
Greeno, John L.
Gregory, Troy R.
Griffiths, Charles H., Jr.
Griswold, Henry C
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Groff, Lawrence L.
Groman, Mark S.
Gronroos, William E.
Gross, Mitchell I.
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Grupe, David A.
Gryde, Stanley K., Jr.
Gubanc, David M.
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Gunn, Donald P.
Gunther, Donald L.
Gurke, Lee S.
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Hackett, David J.
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Hagstrom, David W.
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Harkness, Mary A.
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Harms, Alfred G., Jr.
Harper, Gregory P.
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Harris, Eldon D.
Harris, Jodie R., Jr.
Hart, John M.
Hart, William S.
Hartmuller, Roger L., Jr.
Hartshorn, Randy L.
Harvey, Gary W.
Haseltine, Raymond F.
Hash, David F.
Hass, Timothy F.
Hatcher, William L., III
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Hay, Willard C., Jr.
Hayden, Michael P.
Hayes, Bradd C.
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Headrick, Joseph R.
Health, Donald E.
Heath, Gregory G.
Hebert, Edward R.
Hecomovich, Michael R.
Hedegor, John W.
Heflin, William N., Jr.
Heil, Frances T.
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Heine, Roger R.
Heinz, James A.
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Helfrich, James C.
Helgeson, Marc A.
Hellmann, William E.
Helwig, Gary L.
Hemphill, William B.
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Henderson, Haywood H., Jr.
Henson, John W.
Herald, David M.
Herbst, Alan K.
Hergenroeder, James
Herger, Joseph F.
Hermanson, Bruce
Hermeling, Theodore A.
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Herring Frederick S.
Herring, Sonja M.
Herring, Thomas, III
Herris, John W.
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Hess, Mark W.
Hessler, Thomas J.
Hewett, Ronald E.
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Hickey, Daniel G.
Hicks, Leonard L.
Higgins, Timothy
Hiles, Charles H., Jr.
Hilton, William R.
Hines, Edward C., III
Hines, Jerome H.
Hingle, Leander L., Jr.
Hirsh, Louis M.
Hitt, Curtis W.
Hobart, Joseph R.
Hoepper, Charles T.
Hoert, Michael J.
Hoewing, Gerald L.
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Hoffoss, Peter O.
Hogan, Raymond J.
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Holland, Nathaniel L.
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Hollingsworth, Arnold G.
Holloway, Robert H.
Holm, John A., I
Holmquist, Kurt E.
Holmstrom, Garry
Holstrom, Marshall V.
Hook, Kenneth J.
Hoover, William C.
Hope, Roger K.
Hoppus, Michael L.
Horais, Brian J.
Horgan, Mark M.
Hormel, Richard C.
Horn, Richard D.
Hornung, Scott A.
Hosier, Mark S.
Hoskins, Michael H.
Houck, Timothy L.
Hough, Thomas H.
Hovermale, Mark D.
Howard, David G.
Howard, John L.
Howe, David B.
Howe, Mark H.
Hower, James D., Jr.
Howze, Catherine D.
Hoxie, Joel P.
Hribar, James A.
Hubbard, John H.
Hudson, Steven D.
Huffman, Thomas D.
Hufford, Harriett M.
Hughes, Eric M.
Hughes, Joseph A.
Hughes, Thomas F.
Hulsizer, Stephen A.
Hume, John G., Jr.
Hunt, James C.
Hupp, Alfred R., Jr.
Hura, Leo O.
Hurst, Brian D.
Huss, Boyce W.
Hussey, John W., Jr.
Huston, Norman E., Jr.
Hutchins, Alfred G., Jr.
Hutchins, Stephen C.
Hutchison, Raymond D.
Hutson, Thomas W., III
Hyman, Harold D.
Ibert, Peter J.
Ilku, Michael
Isen, Forester W., Jr.
Ives, Kenneth R.
Jackson, Floyd S.
Jackson, John E., Jr.
Jackson, Walter A.
Jacobs, Alfred J.
Jacobs, Robert W.
James, Michael T.
Janes, Charles E.
Janiec, Jan D.
Jannusch, Craig M.
Jarabak, John P., Jr.
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Jastrab, Michael E.
Jenkins, Harry D.
Jenkins, Judith B.
Jenkins, Michael O.
Jensen, Jens A.
Jensen, John A.
Jerome, Douglas J.
Johanek, James F.
Johns, Joseph H.
Johnsen, Jeffrey K.
Johnson, David M.
Johnson, Dennis J.
Johnson, Eric C.
Johnson, James D.
Johnson, Jerry R.
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Johnson, Kenneth P.
Johnson, Larry C.
Johnson, Michael J.
Johnson, Michael B.
Johnson, Philip G.
Johnson, Ralph P.
Johnston, Phillip L.
Johnston, Steven A.
Johnston, Wayne A.
Jones, Douglas C.
Jones, Francis
Jones, Jimmie G.
Jones, John H., II
Jones, Mark W.
Jones, Roger N.
Jones, Stanley L.
Jones, Walter E.
Jones, Wayne M.
Jordan, Franklin W.
Jordan, Kenneth S.
Josefson, Carl E., Jr.
Josephson, Hardy R.
Jouannet, Peter R.
Judson, James H.
Junge, Dennis M.
Jurkowsky, Thomas J.
Kaiser, Edward W., Jr.
Kaltneckar, Steven R.
Kane, Dennis L.
Karlovich, James E.
Kaskin, Jonathan D.
Kasmiroski, Lige H., III
Keating, Charles L.
Keating, Timothy J.
Keenan, Philip V.
Kehoe, Michael J.
Keith, Fredrick W.
Keith, James S.
Kelley, Daniel W., Jr.
Kelley, Michael J.
Kelly, Dennis J.
Kelly, Edward W.
Kelly, Patrick R.
Kelso, Robert B.
Kemp, Allan W.
Kemp, Dieter K.
Kendall, David C.
Kendall, Gene R.
Kennedy, Francis J., Jr.
Kern, Dennis J.
Kesling, Willard R., Jr.
Keuhlen, Phillip J.
Keyser, Emmett M., III
Kidder, Jeffrey B.
Kimball, Jackson G.
Kimmel, Robert L.
Kindberg, Richard R.
King, Kendall J.
King, Michael R.
Klein, Fred C.
Klose, Craig W.
Knight, John R., Jr.
Koch, Ronald B.
Kocmich, Eugene J.
Koczon, Andrew
Koehler, Kathleen M.
Koerner, Douglas G.
Koger, Gary L.
Kohut, John G.
Kolle, George N., Jr.
Kolody, Paul W.
Kopec, John M., Jr.
Korff, Susan C.
Korin, Michael W.
Kortman, Gregory M.
Kosar, Peter G.
Kovacinski, Boleslaw A.
Kramer, Klaas
Kraus, George F., Jr.
Krech, Donald W.
Krouse, Cheryl M.
Krueger, Edward H., III
Kruger, Frederick B., Jr.
Krupsky, John W.
Kubic, Tad A.
Kubovchik, John F., Jr.
Kuemmel, James D.
Kuhlman, James R.
Kuhn, Kathryn M.
Kulikowski, Joseph G.
Kunselman, David E.
Laing, Clinton L.
Lalonde, Larry W.
Landers, Judson T.
Landrum, Richard H., Jr.
Lane, Christopher K.
Lane, Lawrence C., Jr.
Lanier, Richard J.
Lantier, Patrick D.
Lappano, Gilbert C.
Large, William R., III
Larkin, Robert J.
Larson, David A.
Larson, Gregg D.
Lassman, Abraham J.
Latsch, Bonnie C.
Lavery, William H.
Lawrence, Russel G.
Laws, David T.
Leake, Beverly F.
Leary, Dennis J.
Ledvina, Thomas N.
Lee, David L.
Lee, Thomas E.
Leestma, David C.
Legacy, Alan E.
Lehman, Michael P.
Leiby, Kenneth L., Jr.
Leichtnam, James J.
Leidholdt, Edwin M., Jr.
Leinenweber, Lewis E.
Leitch, Jerrold M.
Lemkin, Bruce S.
Lemoine, David E.
Lenfant, Philippe M.
Lengerich, Anthony W.
Lennon, Gerard T., Jr.
Leo, Barry L.
Leon, John A., Jr.
Leonard, Peter J.
Lepick, Mark H.
Leroy, Richard D.
Levien, Keith L.
Lewandowski, Allan A
Lewis, Frank L., Jr.
Lewis, Jeffrey E.
Lewis, Jerry L.
Lewis, Kirk T.
Ley, Gary W.
Liberatore, Donald J.
Linck, Victor T.
Linder, Bruce R.
Lindgren, Paul W.
Lindsay, William H., III
Linnehan, John J.
Linnenbom, Victor J., Jr.
Linton, Barbara J.
Liseno, Robert T.
Little, William H.
Loague, Anthony A.
Locke, James W., Jr.
Locke, William N., Jr.
Lohman, Gary W.
Loiselle, James W.
Long, John H.
Long, Paul B.
Long, Theodore W.
Long, William T.
Longinotti, Paul J., Jr.
Longworth, Michael W.
Loring, Paul M.
Louden, Peter E.
Loustaunau, Paul J.
Love, Glenn E.
Love, Vicki R.
Lovell, Bruce A.
Love, Aljurnel E.
Lowe, John M.
Loyd, Robert C.
Lucy, Robert W.
Ludowise, John D.
Luengen, David W.
Lusky, Charles A.
Luten, James G.
Lutkenhouse, Michael A.
Lutz, Michael H.
Lynch, Michael J.
Lynch, William D.
Lynn, James J., III
Lyons, Daniel W.
Lyons, Joseph F., Jr.
Lytwyn, Peter
MacCarthy, Patrick
MacDonald, Richard S.
MacDonald, Thomas L.
Macris, Athos C.
Mader, James F.
Madurski, Paul E.
Mahan, Robert L.
Maher, John W.
Mahoney, Stanton V., Jr.
Mahony, William B.
Maier, Larry K.
Mallgrave, Fred J., III
Mallory, Harry B., III
Maloney, Michael J.
Manning, William B., III
Marich, Milutin
Maris, James R.
Marks, Kenneth A.
Marks, Michael D.
Marle, William H.
Martin, David T.
Martin, David P.
Martin, John F., III
Martin, Michael R.
Martin, Paul H.
Martin, Robert R.
Martin, Ronald R.
Martin, Stephen R.
Martini, Perry J., Jr.
Martino, Nathan P.
Maskaluk, David C.
Mason, Lewis G.
Mason, Russell T.
Massa, Richard
Massengale, Saint E. M.
Massie, John L.
Masters, William D.
Mathews, Monty G.
Mathus, Edward F.
Matsunaga, Geoffrey D.
Matz, William P.
Mauriello, Mark E.
Maxey, John D.
Maxfield, Dennis W.
Maxfield, Gregory J.
May, Charles W.
May, James W.
Mayon, Michael H.
McAfee, Frank M., Jr.
McBride, Michael P.
McCabe, Robert J.
McCamish, Michael J.
McCarriar, Thomas L., Jr.
McCauley, George B.
McClary, William W.
McClellan, George W.
McClendon, Erwin L.
McClure, Bruce P.
McComb, Lorne B.
McConkey, David L.
McConnell, Daniel D.
McCormick, Robert C.
McCotter, Michael G.
McCoy, Kenneth F.
McCroskey, Bruce A.
McCuddin, Michael E.
McCulloch, Ben, Jr.
McDermott, James K.
McDevitt, Gerald R.
McDonald, Lawrence L.
McDonald, Terrance S.
McDougal, James M.
McDowell, Joel G.
McDuff, Douglas M.
McFarland, Clyde E., Jr.
McFarlane, Craig L.
McGee, Bruce B.
McGillvray, John W., Jr.
McGough, Larry W.
McGovern, Peter J.
McGrody, Robert J., Jr.
McIntire, Paul G.
McKay, Duane L.
McKee, Robert L.
McKee, Stanley W.
McKinstray, James M.
McLaughlin, Peter J.
McLaughlin, Timothy M.
McLean, Peter, III
McLeod, John B.
McLochlin, John M.

McMacken, John C.
McMann, Donald F.
McManus, Donald E.
McMartin, James F., III
McMullin, Geoffrey L.
McNallen, John M.
McNamara, Donald H.
McPherson, Mark H.
McQuigg, Marion, L., Jr.
McSweeny, Joseph M.
McVoy, Richard E., Jr.
Meade, John T.
Measel, Richard A.
Meisenbach, Edward W.
Meister, John T.
Mell, John K., Jr.
Mellin, Peter J.
Melton, Daryl K.
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Mendenhall, Thomas L.
Mendez, Robert
Mercer, Lawrence D.
Mercier, Kevin G.
Merdes, Daniel W.
Meriwether, Gordon K., III
Merwin, Ronald J.
Metzger, James W.
Meyers, William A.
Micone, Theodore R., Jr.
Midgett, Joe C.
Miernicki, Michael J.
Mihalak, Edward
Milbrath, Arthur G., Jr.
Millenbach, Bruce E.
Miller, Arlington R., Jr.
Miller, Charles R.
Miller, David B.
Miller, David E.
Miller, Donald P.
Miller, Douglas L.
Miller, George R.
Miller, Kathleen A.
Miller, Lee C.
Miller, Mark W.
Miller, Richard S.
Miller, Ronald R.
Miller, Steven M.
Milligan, Jan S.
Milne, Thomas J.
Mims, Dwight C.
Miner, John B.
Minnich, John H., III
Mischen, Stephen C.
Mitchell, Donald R.
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Mizer, Herald S.
Modes, Ronald W.
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Moffitt, Eric C.
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Morawski, Richard T.
More, Gary K.
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Mosher, James K.
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Mullins, Patrick C.
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Murchison, Grover R.
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Murphy, Douglas A.
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Musso, Thomas F.
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Naple, Richard P.
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Naugher, Loran D., Jr.
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Nichols, Thomas J.
Nicholson, Harry X., III
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Nise, James R.
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Orrison, Michael L.
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Oslund, Dwayne A.
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Owens, John R., Jr.
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Palmer, Henry B.
Palmer, Michael C.
Palmer, William W., III
Paoletti, Aldo T.
Pappas, Gregory W.
Park, James A., III
Parker, Phillip K.
Parks, Edward J.
Parks, Philip D.
Parrish, Sharon E.
Parsons, Robert C.
Patterson, Thomas F., Jr.
Paul, Roy L.
Paulson, John J.
Pautler, David B.
Pearce, Robert K., Jr.
Pearl, David A.
Pearson, Charles W., II
Pech, Gerald R.
Pelstring, Stephen
Penley, Stephen S.
Penner, Stephen E.
Penniman, William T., II.
Perin, Jeffrey M.
Perkins, George W., Jr.
Perkins, Keith A.
Perkuhn, Claus P.
Pesce, Charles S.
Peters, Wayne A.
Petersen, Richard M.
Peterson, Kenneth E.
Petitte, Mark H.
Petrie, John N.
Petty, Randolph A.
Pharr, Alvis S., Jr.
Phelps, Norman J.
Phillips, Don A.
Phillips, David E.
Phillipson, William R.
Phipps, John W.
Pieper, Charles P., Jr.,
Pine, John S.
Pinkham, Timothy H.
Pipis, John S.
Pitcher, William C.
Pittman, Ernest D. B.
Plank, Richard G., Jr.
Plourde, Elwood H.
Pluta, Joseph, Jr.
Polatty, David P., III.
Poleshaj, Valentin.
Pollard, Mark E.
Pollock, Weston J.
Polwarth, John B.
Polzien, David E.
Ponthan, Steven H.
Poole, Timothy E.
Poorman, Kenneth A.
Porter, Samuel J.
Porter, Thomas P.
Potter, Thomas L.
Powell, Frank R.
Powell, John R.
Powers, Lynn F.
Poyer, David C.
Prantil, John G.
Prather, David W.
Preston, Michael L.
Prevar, John R.
Prevatte, Carolyn V.
Price, John R.
Price, Michael L.
Prochaska, Norine A.
Proctor, Scott C.
Prunty, Robert W., Jr.
Ptak, Alan C.
Pugh, David C.
Pugh, William N.
Purcell, Colleen A.
Purdy, Stephen R.
Pyles, Thomas C.
Quadri, Anton S.
Quinn, Richard E., Jr.
Quinn, Timothy J., Jr.
Quint, Jeffrey D.
Radcliff, David H.
Radcliffe, David E.
Rader, Mark A.
Radich, Thomas F.
Ragnetti, Michael J., Jr.
Raines, Richard K.
Rainey, David R.
Rand, Michael M.
Rankin, Richard J.
Rankin, Robert H.
Raphael, Stephen T.
Rathbun, Michael S.
Ray, Samuel L.
Reasoner, James D., Jr.
Redmayne, Peter C.
Redshaw, Michael D.
Reece, Stephen M.
Reed, Billie M.
Reese, Gary A.
Reese, James C.
Reeve, Edward J.
Rehkopf, James A.
Rehwaldt, Anthony J.
Reinauer, Gordon S., II
Reinertsen, Donald G.
Reitz, Stephen L.
Repicky, John J., Jr.
Resch, Philip R., Jr.
Revolinsky, Joseph A.
Reynolds, John C.
Rice, Robert E., Jr.
Rich, Albert D., III
Rich, Patrick A., Jr.
Richards, Philip E.
Richardson, Isaac E., III
Richardson, Kenneth A.
Rickard, Danny L.
Rickman, Loy D., Jr.
Rickman, William L.
Rider, John D.
Ridgway, Donald C.
Ridley, John S., Jr.
Rigby, William H., Jr.
Rightmire, James W., Jr.
Riley, Daniel D.
Riley, Steven L.
Rinker, James R.
Rinz, William H.
Riordan, Michael E.
Ritter, William M.
Rivera, Robert
Rizzo, Michael F.
Roberts, Dana A.
Roberts, Ralph D., Jr.
Robertson, Brian D.
Robertson, Ronald L.
Robertson, David C.
Robinson, David R.
Robinson, Douglas R.
Rockwell, Donald E., III
Roda, Richard D.
Rodgers, Bette A.
Rodgers, Richard L.
Rogers, Ted E.
Rohrbaugh, Michael G.
Romann, John E.
Roscoe, Stacy A.
Rose, Robert R.
Ross, John C.
Ross, Jonathan M.
Ross, Roger D.
Rottler, Howard C., Jr.
Rottman, Robert E.
Route, Ronald A.
Roux, Max D.
Rowe, Daniel J.
Rowland, Mitchell L.
Rubel, Robert C.
Rubino, Woody M.
Ruddock, Theodore D., III
Runnion, Robert S., III
Rupertus, Leonard R.
Rusch, Christopher A.
Rush, David P.
Russell, Donald C.
Russell, Howard S.
Rutherford, Allan
Rutkowski, Edwin G.
Rutledge, William C.
Rychener, Bruce E.
Ryder, Richard E.
Sacia, Roger E.
Sackett, Craig P.
Sage, Michael J.
Sagendorf, Robert D.
Sagi, John P.
Salerno, Michael J.
Salinas, Manuel G.
Samar, Jack J., Jr.
Sameit, Douglas E.
Samons, George M.
Sampson, John A.
Sampson, Robert D.
Sanders, James H.
Sanderson, Edward J.
Santangelo, James A.
Sassen, John C.
Sauls, John I., Jr.
Saunders, Kenneth P.
Savage, Robert R.
Sawyer, Duane R.
Sax, Karl, II
Saylor, Roger S.
Schaeffer, Jacob D.
Schaffter, Alan B.
Schall, George E., Jr.
Schaper, Dorsey D., Jr.
Schapira, Joel R.
Scharfe, Mark C.
Schaufelberger, Albert A.
Scheina, Martin J.
Scherr, Michael R.
Schierer, Leon A.
Schilder, James F.
Schilling, Robert L.
Schlueter, Rory L.
Schmidt, Robert W.
Schmidtkunz, James E.
Schmitt, Stephen R.
Schmitt, William E.
Schneider, Peter P., Jr
Schnellenberger, James E.
Schoonmaker, Catherine D.
Schoonover, Robert A.
Schroder, Ronald D.
Schuknecht, Richard E.
Schuler, John J.
Schultea, Patrick D.
Schultz, John A.
Schultz, Joseph M.
Schultz, Robert R.
Schultz, Robert G., Jr.
Schultz, Warren R.
Schulze, James L., Jr.
Schutzman, Jay S.
Schuyler, John H.
Schwarz, Edward G.
Schwedhelm, Martin H.
Scott, John E.
Scott, Kenneth H., Jr.
Scroggins, Bradley D.
Seaton, Robert D.
Secorsky, Thomas A.
Seil, John W.
Selde, Peter J.
Seminoff, Gregory N.
Senior, Michael W.
Sentman, Orville L.
Settlemoir, Rex W.
Setzer, Charles W., Jr.
Severson, Robert E.
Sevi, Alfred N.
Shackelford, Leland S.
Shaffer, Daniel R.
Shatzer, Lewis A., Jr.
Shaver, Eric B
Shaw, Henry M., Jr.
Shaw, Robert S.
Shaw, Russell J.
Shaw, Samuel D.
Shay, Robert H.
Sheehan, Glenn W.
Sheffield, Harold L.
Sheldon, Patricia J.
Sheline, Theodore C., II
Shellem, James B.
Shellhammer, Gary R.
Shelton, John P., Jr.
Shepard, Fredric A.
Shepherd, William M.
Sheppard, James J.
Sheppard, Walter T.
Sherrard, John C.
Sherrard, Martin V.
Shields, Robert D.
Shoaff, Ray L., Jr.
Shobe, Ronald K.
Shockley, William R.
Shoffner, Mann A., III
Short, Kenneth D.
Shuk, John G.
Shutt, William L.
Sidor, Mary F.
Sieminski, Kenneth M.
Simila, James D.
Simmons, Charles H., Jr.
Simonds, Robert H.
Simoneaux, Lawrence F.
Simpkins, Earl L., Jr.
Simpson, Paul L.
Sims, Donald B., Jr.
Sinclair, William F., Jr.
Sisk, David P.
Sitler, Stephen D.
Sitterson, Allan E.
Sivers, Mark R.
Sixta, John A., Jr.
Skelton, Robert T.
Skibitsky, William S.
Skidmore, Michael G.
Skinner, Michael E.
Skirm, George L., III
Skurski, Paul R.
Slater, Arthur F.
Sloat, Mark S.
Smartt, Douglas A.
Smith, Craig H.
Smith, Duke A.
Smith, Gary J. E.
Smith, Gary L.
Smith, Harris L.
Smith, Jeffrey T.
Smith, Jeffrey C.
Smith, John K.
Smith, Lawrence D.
Smith, Leonard G., III
Smith, Paul T.
Smith, Richard M.
Smith, Samuel A.
Smith, Stephen W.
Smith, Steven C.
Smith, Steven, T.
Smith, Stuart W.
Smith, Sue K.
Smoogen, James L.
Snell, Frank W.
Snodgrass, Guy B.
Snook, Thomas R.
Snoots, Theodore E.
Snowdon, William H.

Snyder, Michael D.
Solomon, John W.
Somers, Larry L.
Soriano, Joseph R.
Sorrentino, Ludwig A.
Soule, William E.
Sowers, Gary G.
Spanbauer, Mark E.
Spancake, Steven C.
Speer, John P.
Speer, Robert G.
Spencer, Chares H., Jr.
Sperberg, Lester W., Jr.
Spotts, William W.
Staffel, Peter L.
Stage, Ronald A.
Stahlak, Russell F.
Stahler, Scott W.
Stahlhut, David M.
Stanke, Jay D.
Stanke, John G.
Stansfield, James D., III
Stanton, Karen A.
Stark, Richard R.
Starr, Kenneth W.
Starr, Lester L., Jr.
Stas, Nicholas J.
Steelman, William J.
Stefanick, Andrew
Steffen, Norman W.
Steinke, Paul D.
Stelling, Geoffrey H.
Stephens, Michael R.
Stephens, Michael W.
Stephens, Susan H.
Sterusky, Robert D.
Stevens, William T.
Stevenson, John G.
Stevenson, John H.
Steward, Paul E., Jr.
Steward, Scott C.
Stewart, Daniel D.
Stewart, Frank W.
Stewart, Michael B.
Stewart, Richard M.
St Germain, Robert D.
Stone, James B. Jr.
Stone, Timothy G.
Storms, Ernest N.
Strain, Hugh J.
Stratton, James W.
Strobbe, Robert J.
Strom, William W.
Strong, Robert A.
Struble, James F.
Stuart, Robert W.
Stubblefield, William H.
Stuhlman, Robert H.
Stull, Mark J.
Sullivan, Edward L.
Sullivan, Eugene
Sullivan, Kerry J.
Suman, Steven M.
Sudin, Melvin L., Jr.
Swacker, Robert N.
Swearingen, James D., Jr.
Swepston, Anderson H.
Swetland, Paul D.
Sydnor, Thomas L.
Szemborski, Stanley R.
Tapajcik, John M.
Taplett, Kenneth J.
Tappen, Frank R.
Tappen, Frank R.
Taylor, Dean E.
Taylor, Joseph E.
Taylor, Lee B.
Taylor, Perry R., Jr.
Taylor, Richard W.
Tempest, Mark J.
Tennant, John W.
Tennesen, Gary M.
Ternes, Thomas J.
Thaggard, Robert S., Jr.
Thalman, David M.
Thayer, Paul D.
Theis, James M.
Thom, John L., Jr.
Thomas, Harry F.
Thompson, Alan J.
Thompson, Douglas F.
Thompson, Jerry D.
Thompson, Peter M.
Thomson, David D.
Thorley, Robert A.
Thornton, James T.
Thornton, Peter B.
Thorpe, Lloyd A.
Tilden, Averill E.
Timmins, John P.
Tinsley, James W., Jr.
Tobergte, David J.
Todd, Dale E.
Tody, Stephen L.
Tolliver, Lynden R.
Tomlinson, Phillip F.
Toms, Brian L.
Toomey, James E.
Towers, Kenneth W.
Towne, Bruce G.
Travis, Thomas L.
Treadwell, William P.
Tredway, Leo J., Jr.
Troutman, Stephen B.
Trudell, Michael A.
Turk, Richard S.
Turner, Jay E.
Turner, John S.
Turrentine, Luanne A.
Tuttle, Larry J.
Tylenda, Francis P.
Ulaszewski, Terence J.
Unger, Norbert S., Jr.
Uplinger, Joseph C.
Utschig, Thomas J.
Vagts, Steven W.
Vandeman, Frank L., IV.
Vandenbergh, Henry J., Jr.
Vanderels, David M.
Vanderpool, Michael E.
Vandover, David L.
Vanfleet, Larry W.
Vanhaute, Raymond T., Jr.
Vanhoy, William A.
Vannatta, John O.
Vansickel, Michael E.
Vassos, George A., III
Vaughan, Timothy L.
Vercellino, David L.
Vest, Louis C.
Vickery, Thomas E.
Viglienzone, Dennis E.
Villarosa, John P.
Virus, Terry P.
Vivian, John W.
Vivoli, James W.
Wassell, Joseph R.
Waddell, James B.
Wagemaker, Wallace J.
Wagner, Cort D.
Wagner, Randall D.
Wagoner, Henry M.
Wagoner, Robert C.
Walker, David L.
Walker, Frank T., Jr.
Walkwitz, Jon J.
Wall, Allan D.
Wallace, Robert C.
Wallis, Robert C
Walsh, Dennis F.
Walsh, Dennis M.
Walsh, Gregory E.
Walsh, Richard F.
Walter, Robert L.
Walters, John J.
Walton, Robert L.
Walz, Victor M., Jr.
Ward, Charles R.
Ward, Michael C.
Wargo, Joseph W.
Washam, Gary I.
Washington, Robert J.
Waters, Raymond S., Jr.
Watts, Patrick R.
Weatherington, Michael W.
Weaver, Charles S.
Weaver, Christopher E.
Weaver, Richard K.
Weaver, Vaughan C.
Webb, Lincoln P.
Weber, Frank C.
Weedon, Gerald W.
Weibley, Rolland E., Jr.
Weidler, Darlene R.
Weidman, Richard D.
Welch, Danield R.
Welles, Charles F., III
Welling, David C.
Wellman, William E.
Welsh, Edward J., III
Welsh, Harold K., Jr.
Wenner, David L.
Werner, Gerald C.
Werthmuller, Roy W.
Wessman, Ernest E.
Wessman, Mark D.
West, Michael C.
Westbrook, Gary M.
Wharton, Darryl M.
Wheatley, Charles D.
Wheeler, Richard C.
Wheldon, Richard G.
Whitacre, Robert F.
White, Grover L., III
White, Judith A.
White, Marcia A.
White, Richard L.
White, Russell A.
Whitefield, H. Leland, III
Whiteford, Daniel L.
Whitelatch, Robert C.
Whiteman, Charles W.
Whitman, David A.
Whitney, John D.
Whitson, William F.
Whittaker, Forrest R.
Whittle, Alfred J., III
Wiedemann, Carl J., II
Wieferich, James R.
Wiegand, Sue L.
Wiggins, Ronald L., Jr.
Wilbur, Steven G.
Wilder, Henry L. B.
Wile, Ted S.
Wiles, Tom D.
Wilhelm, John R., Jr.
Wilkinson, Lester P.
Will, Alan D.
Williams, Bruce A.
Williams, Dale E.
Williams, Donald G., Jr.
Williams, Eugene J., Jr.
Williams, Gary E.
Williams, John A.
Williams, Michael L.
Williams, Robert W.
Williams, William R.
Williamson, John D.
Willoughby, Michael L.
Wills, Theodore C.
Wilson, David G.
Wilson, Frederick D.
Wilson, James M.
Wilson, Michael K.
Wimett, William T.
Winsky, Gregory J.
Winter, Mark C.
Wish, James A.
Withrow, John A.
Wnek, Francis M.
Woerner, David A.
Wohler, Stephen A.
Wolfsen, Terrence H.
Wolnewitz, Robert L.
Wood, Charles E., Jr.
Woodall, Allen G.
Woodard, Donald L.
Woodyard, William D.
Woolard Reginald W., II
Worrall, Eric H.
Worth, Joseph C., III
Wray, Lawrence F.
Wright, Carroll G.
Wright, Charles J.
Wright, Richard G.
Wright, Richard F.
Wright, Wilbur G.
Wunder, Bernard A.
Wunsch, Charles S.
Wyatt, Patrick R.
Wylie, James M., Jr.
Yale, James A.
Yeakley, James R.
Yeatman, Lawrence L.
Yee, Thomas H.
Yocum, William E., Jr.
Young, Cassin, II
Young, David K.
Young, Robin H.
Zabala, Vincent N., Jr.
Zajicek, Richard G.
Zapf, William E., Jr.
Zavaglia, Ronald F.
Ziska, Richard F.
Zmuda, Raymond A., Jr.
Zuorro, Kenneth J. P.
Zurfluh, Michael T.

SUPPLY CORPS

Anderson, David G.
Argento, Terry J.
Armstrong, Frank D., III
Ayers, Robert S.
Baggett, Joseph E.
Bakaley, Stephen L.
Barcinski, Robert A.
Beassie, Leslie J.
Becker, Gregory P.
Bell, Douglas A.
Bender, Danny A.
Benson, Eugene T.
Bird, Robert R.
Blancq, John P.
Blanton, James E., II
Bocchino, David L.
Boecker, Theodore J.
Bond, Lewis F., III
Bott, Kerry C.
Butcher, Thomas C., Jr.
Byrnes, Gerald L.
Calia, John E.
Callaway, Michael P.
Camp, Gary L.
Carden, Robert J.
Caskey, John William, Jr.
Chamberlain, Stephen P.
Chambers, Thomas R.
Clack, Jeffrey R.
Clark, David W.
Clark, Thomas C.
Cole, John L.
Collier, Robert L.
Colvin, Bruce A.
Conroy, Denis S.
Cummins, John L.
Dewell, Kenneth G.
Difrancesco, Albert P.
Dmetruk, Stephen F.
Donlan, Robert J.
Edgerton, Joseph F.
Emerson, Jimmie D.
Engel, Steven R.
Ensminger, David S.
Etcher, John S.
Fages, Sheldon N.
Farrell, Anthony J.
Faulders, Cyril T., III
Faurie, Bruce R.
Flora, James H.
Fuller, Dana A., Jr.
Gilbert, Jack A.
Gillespie, Daniel D.
Gordohn, Richard E.
Griggs, William C.
Grimes, David M.
Grotjahn, Paul J.
Gulden, Gary W.
Gunia, Earl G.
Hammons, Thomas J., III
Hart, Philip N.
Heleniak, James F.
Henn, Loring K.
Hickey, Paul D.
Houlihan, Timothy P.
Howell, Arthur E., III
Hurley, Patrick E.
Jackson, John E.
Joens, Steven K.
Kaloupek, William T.
Keckley, William A.
Kelly, Daniel C.
Kilroy, Clark E.
Kirkland, Donald E.
Knauss, Walter W., III
Lakes, Danny E.
Lambert, John R.
Landes, Norman E.
Langevin, Richard R.
Lauer, Thomas H., II
Lowe, Michael D.
Lowry, Robert S.
Lundberg, James B.
Madge, Norman W.
Martinec, Dennis P.
Mathew, Paul A.
Matsushima, Rodney F.
McClellan, Lex L.
McGee, Gary O.
McKinney, William L.
McLaughlin, James P.
McLean, William D.
Moffitt, Michael A.
Moore, Joseph N.
Moran, Michael D.
Morrisset, John W.
Nichol, Eldon E.
Nightingale, Frederick C.
Nolan, Lawrence F.
Okeson, Kenneth L.
Parrino, Jack J.
Pathwickpaszyc, John C.
Payne, George A.
Perkins, Charles A.
Pierce, William B.
Rogers, John W.
Rose, Robert W., Jr.
Rova, Bruce W.
Royer, Frank E.
Rutledge, Dennis H.
Saunders, Daniel T.
Schlax, Thomas P.
Schmidt, William G.
Schneider, Jeffrey W.
Schwartz, Allen B.
Sharrocks, Charles S.
Shelton, Betty J.
Shiffman, Robert L.
Shoemaker, Charles K.
Sides, Stephen L.
Siembieda, Eugene J., Jr.
Simmons, Roger S.
Slettvet, Richard M., Jr.
Smith, Thomas P.
Soron, John E.
Stephenson, Ronald J.
Stevens, Lawrence A.
Stillwell, Robert R.
Storm, Louis O., II
Sumrow, Ronald G.
Sunday, John L.
Sweeney, Francis E.
Taylor, Robert W., Jr.
Tufts, John E.
Underwood, Brian C.
Ustick, Michael L.
Valade, Richard H.
Vining, Michael P.
Ward, James T.
Weidemann, James L.
Wells, Randolph R.
Wells, Robert B.
Williams, Jan L.
Williams, John W., Jr.
Williams, Richard L.
Wood, Robert H., II
Woods, Kevin J.
Young, Roger A.

CIVIL ENGINEER CORPS

Ackerbauer, Blair
Allen, James R.
Allen, Junius D.
Allshouse, Clare R.
Biter, Denzil J.
Campbell, Bruce S.
Cherry, John M.
Cortney, Michael C
Craft, Gary M.
Dean, Joseph C.
Dierckman, Thomas E.
Elsbernd, Robert L.
Foster, William W.
Gebert, David K.
Golden, Patrick F.
Haas, Richard F., Jr.
Hall, William M.
Herriott, Thomas R.
Hill, Jerry D.
Hocker, Robert G., Jr.
Huber, Paul R.
Hyatt, Andrew J.
Kotz, John S.
Laboon, Thomas A., Jr.
Leppert, John D.
Marcy, Hugh W.
McConnell, Craig V.
Moll, David C.
Morrow, James F., III
Pizzano, Robert C.
Plockmeyer, Dennis R.
Pyles, Troy K.
Ramsower, David C.
Rautenberg, Robert C.
Robins, John M.
Sandell, Charles G.
Schroeder, Donald J.
Scullion, Leonard P.
Shaw, Danny G.
Simon, Lee E.
Stockwell, Christopher J.
Stone, John T., Jr.
Terry, Ronald E.
Thomas, Clarence E., Jr.
Tull, Terrence W.
Turowski, Henry G., Jr.
Walker, William F.
West, Joseph D.
Weyrauch, Edwin F.
Wong, Jack J., Jr.
Zachary, James M.
Zuber, David E.

MEDICAL SERVICES CORPS

Barina, Fred G., Jr.
Cosenza, Joseph M.
Fristad, Arvid C.
Love, Douglas, Jr.
Malinoski, James W.
Martin, Donna R.
Peters, Anthony J., III
Williams, Warren, Jr.

NURSE CORPS

Connelly, Susanne T.	Picchi, Christine A.
Cothern, Jimme G.	Ruschmeier, Elizabeth M.
Fiddler, Iris E.	Santos, Debra A.
Graham, Alfred E., Jr.	Schemmer, Carol L.
Haley, Kathleen A.	Siegel, Robert M.
Hamachek, Susan M.	Smith, Margaret L.
Jones, Donald G.	Spangler, Catherine E.
Leifeld, Deanna R.	Wright, Mitchell P.
Lloyd, Thomas M.	

Lt. Comdr. Allan C. Byrne, Jr., for temporary appointment to the grade of lieutenant commander in the Supply Corps of the U.S. Navy, subject to qualification therefor as provided by law.

Lt. Cmdr. Allen H. Wirzburger, for temporary appointment to the grade of lieutenant commander in the line of the U.S. Navy subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the staff corps of the Navy, as indicated, subject to qualification therefor as provided by law:

MEDICAL SERVICE CORPS

Barber, Norman J.	Dittman, David
Bartlett, James	Dunkleman, Dennis
Bauer, Peter J.	Ewing, Ronald C.
Bennett, Ronald	Fry, Wendell J.
Boyles, Robert W.	Gibson, Kenneth
Broadhurst, Rona	Greenan, John E.
Brown, George R.	Hastings, Jerry
Buffington, John	Hetrick, John R.
Carroll, Robert	Hickey, Rodney D.
Crabtree, Roger	Hisoire, Dennis
Dawson, Richard	Hixson, Steven R.
Defibaugh, Thoma	Holman, Larry D.
Delong, Douglas	Hovis, Robert S.
Denayer, John W.	Hughes, Francis
Dial, William S.	Huju, John I.
Johnson, David E..	Ruffin, Tommy L.
Joseph, William	Schick, Gary E.
Kane, Robert J.	Schweinfurth, Ka
Keenan, James M.	Seelbach, Richard
Knee, Dale O.	Shannon, Kenneth
Kochis, James B.	Shepherd, Jack W.
Kunkel, Clyde E.	Sheridan, Peter
Kurtich, Richard	Silvas, Jose M.
Lemmerman, Donald	Skog, Roy R.
Lewis, Morris N.	Smith, Steven L.
Malinky, Robert	Stewart, George
Manley, Edward	Stratman, Robert
Maskulak, Michael	Thompson, J. Rona
McBride, Joseph	Tingley, Terry J.
McNair, John D.	Todd, David J.
Mills, Wayne M.	Todd, Michael L.
Moody, Johnny M.	Tomlinson, Tommy
Morey, Arlen D.	Upton, Billy G.
Moses, William R.	Waggoner, Lemuel
Mullen, Michael	Wallace, William
Mullin, Jack A.	Wanamaker, John
Mullin, Jimmie J.	Watts, Len S.
Oldham, Richard	Weappa, Larry R.
Penn, Jerry D.	West, Joseph J.
Peterson, Jack L.	Willis, George R.
Raymond, James L.	Yost, Harry E.
Roman, Michael J.	

Lt. Adrian T. Doryland, of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W–3 subject to qualification therefor as provided by law:

Hallinan, Joan E.
Spencer, Saundra K.
Chandler, Susan A.

Lt. Tommy G. McDowell, U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade) and temporary grade of lieutenant.

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant (junior grade).

Bang, Paul G.	McKenzie, Donald R., Jr.
Burton, Robert N., Jr.	Pitkin, Richard C.
Gregory, Troy R.	Wimett, William T.
Holland, Benjamin A.	
McCoy, Rex C.	

The following-named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Assad, Shay D.	Holland, Benjamin A.
Atkinson, Eric J.	Mokodean, Mark M.
Bang, Paul G.	O'Connell, Matthew P.
Cavanaugh, John H.	Schrader, Thomas D.
Feltes, Dale J.	Wimett, William T.
Gregory, Troy R.	

Lt. (junior grade) John B. Montgomery, U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade).

WITHDRAWAL

Executive nomination withdrawn from the Senate November 26, 1973:

IN THE ARMY

Col. Leonard F. Stegman, [redacted], U.S. Army, for temporary appointment in the Army of the United States to the grade of brigadier general, under the provisions of title 10, United States Code, sections 3442 and 3447, which was sent to the Senate on October 10, 1973.

EXTENSIONS OF REMARKS

FRANK E. SULLIVAN RECEIVES JOHN NEWTON RUSSELL MEMORIAL AWARD OF THE NATIONAL ASSOCIATION OF LIFE UNDERWRITERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 26, 1973

Mr. BRADEMAS. Mr. Speaker, I was delighted to learn that an outstanding citizen and valued friend, Mr. Frank E. Sullivan, vice president of the Mutual Benefit Life Insurance Co., was recently honored by the National Association of Life Underwriters.

Mr. Sullivan received the John Newton Russell Memorial Award at the association's annual convention in Chicago. The award is the highest individual honor accorded by the life insurance industry, and is for "dedicated service above and beyond the call of duty."

Mr. Sullivan, until recently a resident of South Bend, Ind., in the district I represent, is not only an extremely successful insurance executive but has also made a lifetime career of civic service. I take great pleasure in his being recognized in this way by his industry, and include at this point in the RECORD the tribute to Mr. Sullivan which was delivered at the award dinner held a few weeks ago:

TRIBUTE TO FRANK E. SULLIVAN, CLU, RECIPIENT OF THE 1973 JOHN NEWTON RUSSELL MEMORIAL AWARD

If there is one truism that has validity and meaning in our lives, it is the reality that time is fleeting; that each moment given us to love, learn, serve, and share is truly precious and irreplaceable.

Even this perception of life does not deter most of us from being wasteful of time. However, there are those few in each generation who give it much higher priority . . . who are responsive to Marcel Proust's admonition: "The time which we have at our disposal is elastic; the passion that we feel expands it; those that we inspire control it; and habit fills up what remains."

You, Frank E. Sullivan, CLU, have used your God-given time in such fashion . . . in a manner that has not only brought you bountiful satisfactions and rewards; but, more importantly, has motivated the well-being of a socially-significant calling, enhanced the quality of life for your fellow citizens, and energized a commitment to excellence and service by thousands of your fellow life underwriters.

Frank E. Sullivan, CLU, you recently undertook great challenges as a senior officer of a large and esteemed life insurance company. You came to this position of trust and influence with impressive credentials as a life and qualifying member of the Million Dollar Round Table and a successful general agent, life insurance organizational leader, author, speaker, good citizen. Even more, you are acknowledged and lauded by your peers as a man of ever-stretching mind, of concern and empathy, of generosity of spirit and worldly goods.

Throughout an illustrious life insurance career beginning in 1953, you have held firm a conviction that the life underwriter's primary mission is to help protect the security of the family. Thus, you have followed assiduously and imparted to others the philosophy: "Life insurance still has to be sold."

Your fulfillment of this personal obligation was graphically achieved with skill, hard work and dedication—and, particularly, through the creative and innovative use of time. In your professional endeavors and in writings, speeches, and encouragements, you have demonstrated it is possible to systematize use of time in life insurance salesmanship so that routine is minimized and creative service to others maximized.

Frank E. Sullivan, CLU, you are a native of Massachusetts and a loyal alumnus of the University of Notre Dame. After United States Naval service, you joined the American United Life Insurance Company to attain company leadership as both a personal producer and general agent.

Because of your self-imposed discipline in managing and employing time well and for the benefit of others, you have made notable contributions to your business, your fellow life underwriters, your community . . . without reneging on devotion to your family, daily church attendance, and a regimen for physical and mental fitness.

You have been president of the South Bend, Ind., Association of Life Underwriters; president of the Million Dollar Round Table in 1967—the youngest man ever to hold this prestigious post; and chairman of the American Society of Chartered Life Underwriters *Journal* board . . . and you now are chairman of the Life Underwriter Training Council.

You have written three acclaimed books