

gress, the Speaker had appointed Mr. HALEY, Mr. UDALL, and Mr. STEIGER of Arizona as members of the Joint Committee on Navajo-Hopi Indian Administration.

The message also informed the Senate that, pursuant to the provisions of section 201(a), Public Law 92-599, the Speaker had appointed Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. ROSTENKOWSKI, Mr. SCHNEEBELI, Mr. COLLIER, and Mr. BROYHILL of Virginia, of the Committee on Ways and Means, and Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. SIKES, Mr. CEDERBERG, Mr. RHODES, and Mr. DAVIS of Wisconsin, of the Committee on Appropriations, and Mr. REUSS and Mr. BROYHILL of North Carolina on the part of the House, as members of the Joint Committee to Review Operation of Budget Ceiling and to recommend procedures for improving congressional control over budgetary outlay and receipt totals.

The message further informed the Senate that, pursuant to the provisions of section 5(a), Public Law 87-758, the Speaker had appointed Mr. CARNEY of Ohio and Mr. FREY as members of the National Fisheries Center and Aquarium Advisory Board on the part of the House.

The message also informed the Senate that, pursuant to the provisions of section 2, Public Law 92-500, the Speaker had appointed Mr. BLATNIK, Mr. JONES of Alabama, Mr. WRIGHT, Mr. HARSHA, and Mr. GROVER as Members on the part

of the House of the National Study Commission under the Federal Water Pollution Control Act Amendments of 1972.

The message further informed the Senate that, pursuant to the provisions of section 2(a), Public Law 91-354, as amended, the Speaker had appointed Mr. EDWARDS of California and Mr. WIGGINS as members of the Commission on the Bankruptcy Laws of the United States on the part of the House.

The message announced that the House had passed, without amendment, the joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal-Aid Highway Act of 1970.

ORDER ON PRINTING OF DAILY PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, for the remainder of this session of the 93d Congress, that the statement of the program daily appear just prior to the motion to adjourn or to recess, whatever the case may be.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock meridian.

After the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. McCLELLAN, Mr. ROBERT C. BYRD, Mr. HUGHES, and Mr. PROXMIER.

At the conclusion of the 15-minute orders, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, after which there will be a period for eulogies to the late former President Harry S. Truman. There is a time limitation on such period of not to exceed 2 hours, and it will be under the control of the distinguished senior Senator from Missouri (Mr. SYMINGTON).

At 4 o'clock tomorrow afternoon, the Senate will proceed to the consideration of the so-called Watergate resolution, on which a vote may occur.

ADJOURNMENT

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 12 o'clock meridian tomorrow.

The motion was agreed to, and at 5:05 p.m., the Senate adjourned until tomorrow, Tuesday, February 6, 1973, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

NINETIETH BIRTHDAY ANNIVERSARY OF FORMER REPRESENTATIVE HOWARD W. SMITH, OF VIRGINIA

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. SCOTT of Virginia. Mr. President, my predecessor in the House of Representatives, Judge Howard W. Smith, celebrated his 90th birthday last Friday. As a token of our esteem for him the senior Senator from Virginia, HARRY F. BYRD, JR., and I had him as our guest for luncheon in the Senate dining room. Judge Smith represented the Eighth Congressional District of Virginia for 36 years, which ended January 3, 1967. Everyone knew where he stood during his term of office whether they agreed with his position or not.

The Alexandria Gazette had an editorial on Friday which discussed how the people of Virginia feel about the venerable gentleman. I would like to share the editorial with many of whom, are also good friends of the former Congressman. Therefore, I ask unanimous consent that the editorial be printed in the RECORD.

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

A VENERABLE "REACTIONARY"

Without a doubt, Judge Howard W. Smith Sr. is one of Alexandria's most distinguished

residents. During his years in the U.S. House of Representatives, one might say he was also one of Alexandria's most talked about and controversial residents. Lean, gray-haired, charming and reflective, Judge Smith celebrates his 90th birthday today.

Born in a farmhouse, which was bought by his grandfather in 1833, in Fauquier County, the Judge quips that he was weaned and raised on conservatism. Having graduated in law from the University of Virginia, he began his productive career in Alexandria at 21 years of age. At that time, according to Smith, "the Constitution was the Bible of the Nation." Admittedly a "strict constructionist," he fought his way up the political ladder through the 8th District, winning a seat in Congress in 1930 under the Hoover administration. It was a seat he was destined to hold for the next 36 years under six presidents.

During his rousing political career, he waged a tireless campaign to uphold what he considered to be the Founding Fathers' ideals as set forth in the Constitution. Even to this day, Judge Smith displays high admiration and respect for George Washington in particular. Much concerned over what he considers to be flagrant misconceptions and misinterpretations of the Constitution, the Judge traces the disturbing trend to Roosevelt's New Deal. Basically, Smith says, "I disagreed with the extravagance of expenditures" initiated by the New Deal. He also accuses Roosevelt of "packing" the Supreme Court, a practice not uncommon today. Because of his furious attacks upon the New Dealers, Smith claims Roosevelt once called him "the worst reactionary in Congress." Smiling, the Judge says, "I am rather proud of that."

As his reputation as a staunch conservative grew, so did his powers. Judge Smith held the mighty position of Chairman of the House Rules Committee for 12 years. During

that time, liberals harshly rebuked him for discouraging "progressive" bills as they were proposed. Smith was especially hostile to bills which might increase federal spending. Today, he feels that his most gloomy predictions have become reality as he points to the nation's unprecedented trade deficits and debts. If this country hopes to survive, warns Smith, it must steer toward "sound fiscal policies."

Commenting on the current battle between Congress and the President, the Judge insists that Congress has no one else to blame but itself for its weakness. "What powers they've (Congress) lost, they've given away," he contends. Furthermore, he laments the fact that now "organized minorities control Congress." Even at 90, his insight is young. Regarding Congress' claim that the President has grown callous to their demands, Smith feels that "Nixon should be more diplomatic."

Undeniably, Judge Howard Smith will go down as a great American figure who dedicated his time and talents to keep his country strong and proud. Although many will hotly disagree with his opinions, none will ever question his sincerity, his dedication and his unwavering patriotism. Wholeheartedly, the Gazette joins the community in wishing Judge Smith a very happy birthday.

TRIBUTE TO ROBERT RAMSPECK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, as a member of the House Post Office and Civil Service Committee, and as chairman of

its Subcommittee on Retirement, Insurance, and Health Benefits, I had the opportunity to know Mr. Robert Ramspeck.

He was a great friend to all Federal employees. His obvious competence was exceeded only by the personal affection which everyone felt for Bob.

Mr. Speaker, I ask that the following memorial be included in the Record as a tribute to the life of a man who made a difference:

ROBERT RAMSPECK—DEDICATION, PROFESSIONALISM, EFFECTIVENESS

(By Vincent Jay, Executive Vice President, Federal Professional Association)

The passing of former Congressman Robert Ramspeck ends for the FPA, a close and beneficial relationship that dates back to the early days of the Founding Committee meetings at Brookings Institution. It also ends a warm, personal relationship for the writer.

All who knew Bob could not help but be impressed by his dedication to the principle of a true, career merit system and all that that stands for in the Federal service. His long and productive years of service: in the Congress, as Chairman of the U.S. Civil Service Commission, and on many Presidential committees, commissions, and councils was notably marked by the demands he made on himself and his search for dedication in others. He inspired and brought out the very best in people. Every task with which he was ever involved benefited from his participation. His ideal was an efficient, effective Federal service that would keep waste of all sorts to a bare minimum, and thus bring about reduced Federal expenditures.

He dreamed of a general manager of the Executive Branch, reporting directly to the President who would exercise control over the vast Federal establishment and hold managers at all levels accountable. He dreamed, also, of professionals, from the entire range of professional disciplines in the Federal service, uniting within the FPA for the achievement of greater efficiency in Government, for enhancing the value of the professional service to the Nation, and for improving the professional environment in the Federal service in order that it might be a far more productive and satisfying experience for all Federal employees.

He recognized the role of Federal employee labor unions and demonstrated in many ways his support for many of their activities, but he was outspoken in his view of the urgent need of professionals to be represented by their own organization, and not by a labor union. Time and time again in speeches, the last one at FPA's reception for Members of the Congress in June, he urged FPA members to take some of their time daily to promote FPA membership among their professional colleagues. He believed sincerely in the person-to-person approach for increasing FPA membership and pleaded with us to spread the word and personally sign up new members.

Bob opened many doors for the FPA on Capitol Hill and among the departments and agencies. He assured that FPA would get respected attention, and inspired us to greater effort in developing our presentations of the issues and our recommendations for their resolution. The significant successes that FPA has had over the past ten years can be attributed in large measure to the counsel and presence of Bob Ramspeck at the witness table, in person or in spirit.

He will always be by my side in the development and presentation of positions or issues. I am a far better and more effective person because of my long exposure to his honesty, integrity, and dedication. FPA officers, past and present, share in the loss that

we all feel, just as we all benefitted from having known and worked with him.

ACHIEVEMENTS

During the ten years plus that Bob was substantially involved in the affairs of the FPA, he served officially with distinction as Legislative Consultant. In so many other ways though, he was our general advisor. Specific FPA accomplishments that were substantially advanced by Bob's wise counsel, telephone calls, and personal letter writing included Congressional acceptance of the principle of pay comparability, enacted in the Federal Salary Act of 1967; the review and improvement of Civil Service Commission appeal procedures; the liberalization of Federal retirement laws, the expansion of higher education and training opportunities, in the form of advancement of the Federal Executive Institute concept; far more equitable per diem during periods of official travel; advancement of the man-in-the-job concept; and protection from invasion of privacy. Much still remains to be done in all of these areas, but a sound foundation has been established thanks to Bob's wise counsel and personal efforts.

It is my strong conviction that the FPA will grow and prosper as a living tribute to this great statesman who deeply loved the United States, who suffered acutely from the problems besetting this great Country, and who gave of himself unstintingly to improve it. He believed deeply that working together within the framework of the FPA, professionals could substantially contribute to the stability, prosperity, and strength of this Nation. As one of the largest, most knowledgeable, articulate and potentially influential groups in our country, Federal career professionals can make Bob's dream become a reality. I believe that increasing numbers of us will continue to work for this ideal and will make it come to pass for the welfare of the United States, for Bob, for our loved ones, and for those who follow us in the years ahead.

WAR MEMORIAL, SCRANTON, PA.

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. SCHWEIKER. Mr. President, the coming of peace to Vietnam is cause for men everywhere to rejoice. And nowhere will it be celebrated more meaningfully than in the homes of the families and friends of our prisoners of war.

But for many Americans, peace marks the conclusion of a tragic conflict that took the life of a loved one. Many Americans gave their lives in Vietnam, and we must never forget their sacrifice.

Mr. President, in Scranton, Pa., there is a community effort underway to memorialize Americans who died in Vietnam, as well as those who died in World Wars I and II and the Korean war. I wholeheartedly endorse the effort to erect a war memorial in Scranton's Courthouse Square, and I congratulate those involved in the effort for the patriotism.

Mr. President, Joseph X. Flannery, of the Scranton Times, and his newspaper have been leaders in the effort to create a war memorial in Scranton. I ask unanimous consent that a Times article de-

scribing the project be printed in the Record.

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

LEGION BACKING MONUMENT IDEA FOR WAR DEAD

District 11 of the American Legion went on record Wednesday night to give its powerful backing to the effort to create a Courthouse Square monument in honor of area residents who died in World Wars I and II and the Korean and Vietnam Wars.

With the sponsorship of Dr. Almo Sebastianelli, Jessup dentist, the district agreed to help create the monument originally suggested in a Sunday Times column by Times writer Joseph X. Flannery.

As the idea was picked up by the Legion unit, it said it desires to share in its creation, not to assume total sponsorship. Thus, other veterans' organizations and individuals also were being urged to lend support to the idea of the monument which might be installed in time for Memorial Day services in May.

The concept of the monument is to pay tribute to the memory of about 50 local persons who have died in the Vietnam War, about 150 killed in the Korean War, 1,500 in World War II and about 300 in World War I.

County Commissioners Charles Luger, Robert Pettinato and Edward J. Zipay have given approval to the concept, clearing the way for locating the monument on Courthouse Square. The square has several monuments but none which relate to the dead of American wars of the 20th century.

While Legion District 11 did not spell out a fixed sum to donate to the project, it was reported it will make a substantial donation after costs of the project are pinpointed and the cooperation of other veterans' organizations and individuals is determined. Persons interested in cooperating may obtain further details from Mr. Flannery.

District II delegates at Hricak-McAndrew Post 869 in the Riverside section of Archbald, named a committee to join with others interested in carrying the project to completion.

The unit includes Dr. Sebastianelli, a past district commander; Charles Strause, Moscow, present district commandant; William Kayes, Dunmore, past state commander, and Prosper Spalletta, Scranton, another past district commander.

The monument project received its first donation several weeks ago from Mrs. Kitty Collins, 115 Electric St., who gave \$25.

Meanwhile, Atty. James Kelly, Scranton, volunteered his service as temporary treasurer. Donations may be made to him at his residence, 1500 S. Webster Ave., or his office in the Scranton National Bank Building. They also may be made to Dr. Sebastianelli or Mr. Flannery.

CONGRESS AND BUDGETARY CONTROL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 5, 1974

Mr. ANDERSON of Illinois. Mr. Speaker, in his budget message to Congress a week ago today, the President made the following statement:

The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control Federal spending.

The President went on to say:

I therefore propose that before the Congress approves any spending bill, it establish a rigid ceiling on spending, limiting total 1974 outlays to the \$268.7 billion recommended in this budget.

On the following day, Tuesday, January 30, 1973, House and Senate Democratic leaders met for breakfast in the Capitol to discuss matters of mutual concern. On Wednesday, January 31, 1973, the Washington Post carried an account of that breakfast meeting which included the following:

Mansfield said there was a general consensus at yesterday's meeting that Congress should stay within the President's proposed spending total of \$268.7 billion for Fiscal 1974 but should shift priorities to save programs of aid to people enacted by Democrats.

Mr. Speaker, I want to applaud the joint Democratic leadership on its announced resolve to hold spending at the level recommended by the President. I sincerely hope that the leadership is not merely paying lipservice to the concept of a spending ceiling, for if that is the case, we can kiss off any hope for exercising fiscal restraint and responsibility in this Congress. Instead of a spending ceiling with lipservice, we need a spending ceiling with teeth, and that means a self-imposed spending ceiling with strict enforcement machinery. But the question is, Do we have the guts to do this?

On October 10 of last year, this body voted 221 to 163 for a debt ceiling bill which included a \$250 billion spending ceiling for fiscal 1973. But due to Senate resistance, the debt limit bill finally cleared on October 18 contained no spending ceiling.

Mr. Speaker, at the time that debt limit-spending ceiling bill was before us last October, I addressed myself to the criticism that we were ceding to the President broad authority to make spending cuts and thereby diminishing our rightful role in this area. I pointed out that the authority was limited and would expire in 8 months, or on June 30, 1973, and that, moreover, we were providing a vehicle by which the Congress could restore its rightful role; namely, the Joint Committee on Budgetary Control provided for in title III of that bill.

As I said on the floor of this body when we were debating that bill last October 10.

Without title III, very frankly, I would not be as solidly in support of this legislation as I am this afternoon, but I think if we adopt it, this is essentially legislating congressional reform. It is going to show the country that we recognize the deficiency in the present system of dealing on a piecemeal basis with the budget.

Although we lost the spending ceiling in the final conference with the other body, title III did survive and the Joint Committee on Budgetary Control has been established. It is comprised of 32 members, seven each from the House Ways and Means and Appropriations Committees and the Senate Finance and Appropriations Committees, and two at-large Members from each body. The Joint Committee is specifically charged by the law to:

Make a full study and review of the procedures which should be adopted by the Con-

gress for the purpose of improving congressional control of budgetary outlay and receipt totals, including procedures for establishing and maintaining an overall view of the anticipated revenues for that year. . . .

Furthermore, the joint committee is required by law to:

. . . report the results of such study and review to the Speaker of the House of Representatives and to the President pro tempore of the Senate, not later than February 15, 1973.

I was therefore disturbed to read the following in a memorandum dated January 24, 1973, from the Joint Committee's House Cochairmen, Congressman WHITTEN and Congressman ULLMAN:

The public debt law requires the study committee to present its preliminary report to the Congress by February 15.

Mr. Speaker, I must object to this interpretation that the joint committee need only file a preliminary report by February 15. I find no reference whatsoever in either the law or the legislative history to a preliminary report, and in fact, the law and the legislative history are rather explicit that the joint committee shall make its final recommendations to the Congress no later than February 15. The report issued by the Ways and Means Committee on the debt limit-spending ceiling bill (Rept. No. 92-1456) says the following on page 10:

Because your committee is hopeful that it will be possible for the new joint committee to prepare its recommendations sufficiently early to give Congress an opportunity to act on this matter in the next session of Congress, recommendations are requested from the new joint committee by February 15, 1973.

And at the bottom of that same page:

Although the joint committee is instructed to submit its report not later than February 15, 1973, the committee will not be discharged from its responsibility until the completion of the first session of the 93d Congress. The continuation of joint committee responsibility for this period gives assurance that the joint committee will be available as an entity to testify and present its recommendations to the committees of Congress in their consideration of its recommendations during the first session of the 93d Congress.

So, I think it is rather obvious, Mr. Speaker, that it was the clear intent of the Congress that the joint committee report its final recommendations by February 15 of this year so that we could proceed to implement those recommendations and thereby get our own handle on the fiscal 1974 budget. That was the assumption we were operating under when we debated this matter last fall. We do not want a replay of the 1972 fall season when we were forced to delegate broad authority to the President for holding down spending because we had not earlier equipped ourselves to assume this responsibility. By adopting title III we were saying that we were finally ready to face up to our responsibilities of allocating resources within a clearly defined limit, and we were going to begin with the fiscal 1974 budget. Indeed, the gentleman who authored title III and is now a cochairman of the joint committee (Mr. ULLMAN) said the following during the debate on that bill:

The recurring fiscal crisis which we have faced in recent years, in my view, has reached the stage where we must not postpone dealing with the problem any longer.

And yet, now we are being told by the same gentleman that we must "ponepone dealing with the problem" and the chances are that we would not get any final recommendations out of this joint committee until late in the fall, far too late to be applied effectively to the fiscal 1974 authorization-appropriations process. I would not doubt but what the next stage in this stalling scenario will be to refer the recommendations of the joint committee next fall to our new Select Committee on Committee Structure, so that they in turn can study this problem for another year. I am not being cynical or frivolous in suggesting this possibility. The day the gentleman from Missouri (Mr. BOLLING) and the gentleman from Nebraska (Mr. MARTIN) introduced their resolution to form this select committee, they held a joint press conference. The Washington Post account of that press conference contained the following paragraph:

Bolling said the study would certainly deal with the question of how to cope with the budget and federal spending, which seems to have gone outside congressional control.

So, it is not inconceivable, Mr. Speaker, that we could be studying this budgetary control problem until the cows come home, thus perpetuating what the gentleman from Oregon (Mr. ULLMAN) has referred to as "the recurring fiscal crisis," and not moving one step closer to resolving what many are now calling a "constitutional crisis."

I am somewhat encouraged by an announcement made by the distinguished majority leader of the other body—RECORD, January 31, 1973, pages 2624-25, that their majority caucus has approved a resolution offered by Senator TUNNEY which states that:

It is the sense of the Caucus that the Senate members of the Joint Committee to Review the Operation of the Budget be urged to conduct studies and investigations for the purpose of recommending to the Congress by February 15, 1973, (1) procedures for establishing a ceiling on budget outlays and new obligatory authority, (2) procedures for relating individual appropriations and other spending actions to the expenditures ceiling, (3) revisions in the Federal budget and appropriations process to assure the proper relationship between expenditures and revenues.

Mr. Speaker, I would sincerely hope that the joint committee will make these recommendations by the February 15 legal deadline so that we may proceed immediately with implementing an enforceable spending ceiling for fiscal 1974. I am well aware of the fact that although the joint committee was authorized to immediately begin its work with the enactment of H.R. 16810 on October 27, 1972, it was late in organizing due to post-election vacations and the Christmas-New Year holiday season, and it did not convene its first official business meeting until January 15, 1973, only 1 short month before it is required by law to report its final recommendations. If it becomes apparent that it is impossible to

meet this legal deadline, it is my understanding that the joint committee will have to bring to this body a concurrent resolution extending that deadline—a resolution which would also have to be approved by the other body. I would certainly be open to a brief but reasonable extension if a strong case is made that it is absolutely necessary. But I would insist in the Rules Committee that such a resolution be brought to the floor under an open rule so that the entire membership will be permitted to work its will on a specific deadline.

Mr. Speaker, despite all the lipservice that is being paid to the concept of a budget ceiling and the need for a congressional budgetary control mechanism, there are a number of indications that the majority leadership is more interested in provoking confrontations with the executive branch on spending issues than in first setting our own fiscal house in order. The Washington Post of last Friday carried the headline, "Hill Strikes at Budget on Three Fronts"—Senate passage of a \$593 million water project authorization, House Agriculture Committee action on a bill to force the Secretary of Agriculture to spend \$225 million on rural environmental assistance, and the beginning of Senate debate on a bill to require the confirmation of the OMB Director and Deputy Director. And it should be mentioned that in addition there is strong pressure in both Houses to take early action on legislation to prohibit Presidential impoundment of funds, and talk of pressing for early action on a number of expensive program authorizations.

Mr. Speaker, I do not intend at this point to speak to the relative merits of any of the programs involved; I voted for some of these in the last Congress. And I certainly do not come here today to argue for unlimited Presidential impoundment authority in perpetuity; we would not have this impoundment problem if we had bitten the bullet last fall on the spending ceiling issue, and we can easily resolve this problem now if we provide a mechanism for allocating resources within a defined limit.

But instead, what we are witnessing is the deliberately designed attempt to provoke a confrontation for political advantage rather than a responsible effort to equip ourselves to act responsibly. This is clearly a case of putting the proverbial cart before the horse. There is a lot of talk in this Congress about the need to reorder priorities, but I would suggest that if we are serious about this we must make the matter of setting an enforceable spending ceiling our very first priority. The mark of responsible leadership is not to launch attacks against the administration on various fronts without first having a coordinated game plan which consists of constructive alternatives. The mark of responsible leadership should be to first put our own house in order by laying a firm fiscal foundation and nailing down a leak-proof budgetary ceiling. According to the Post story I have just referred to:

Senate Majority Leader Mike Mansfield (D-Mont.) said the issue between Democrats and the President isn't the need to hold overall spending within reasonable limits, a point on which he agrees with the President, but what priorities to observe in cutting up the agreed-upon total. Mansfield said he hopes Congress will stay within Nixon's recommended \$268.7 billion spending total for fiscal 1974, but "we'll just reorder priorities—make cuts in defense, foreign aid" and other programs in order to fund needed social programs which Mr. Nixon wants to cut.

Mr. Speaker, in response I would suggest that the issue is very much a matter of holding spending within reasonable limits so long as the leadership can only "hope" the Congress will stay within those limits. The issue is very much a matter of holding spending within reasonable limits so long as the Democratic leadership can only speak in vague terms about how the answer is simply a task of reordering priorities—of making cuts in foreign aid and defense. None of this talk about a responsible reordering of priorities is going to be taken seriously until we demonstrate our willingness to exercise self-restraint and self-discipline through a self-imposed and enforceable budget ceiling with specific subceilings for each of the appropriations categories.

Mr. Speaker, the issue will continue to be very much a matter of holding spending within reasonable limits so long as this concept only receives lipservice and so long as efforts to correct our "recurring fiscal crisis" are characterized by stalling tactics due to our inability or unwillingness to face up to our constitutional responsibilities, take the tough decisions and make the difficult choices.

No amount of buck-passing, name-calling, or grandstanding is going to obscure the fact that the roots of this crisis are imbedded deeply beneath this building and that the responsibility is basically ours to set things right. I, therefore, call upon the Democratic leadership in the Congress to join with the Republican leadership in setting an enforceable spending ceiling as a matter of first priority before we proceed any further in the authorization-appropriations process for fiscal year 1974. If we do not act now on this, we will only continue to stumble along in the irresponsible, piecemeal fashion which has characterized our past efforts—further compounding the problem and piling crises on top of confrontations. While there may be limited political mileage to be gained in this shortsighted approach, in the long haul we will only bring further discredit to the legislative branch, and the country will ultimately be the loser. We cannot and must not allow this to happen. Let us, therefore, now resolve together, both parties and both Houses, to immediately meet this first priority so that we may proceed in an orderly, sensible and responsible manner. If we ignore this priority and shirk this responsibility, the epitaph of Congress may well be taken from Wordsworth:

The world is too much with us; late and soon,
Getting and spending, we lay waste our
powers. . . .

ADDRESS BY LT. GEN. HARRIS W. HOLLIS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, February 5, 1973

Mr. THURMOND. Mr. President, last Saturday, I had the honor and pleasure to hear Lt. Gen. Harris W. Hollis, Chief of Reserve Components, Department of the Army, address the Mark Clark Volunteers Association in Charleston, S.C.

Since the remarks by General Hollis are of broad interest in the area of our defense forces, I felt it would be appropriate to call this fine address to the attention of the Senate.

Mr. President, I ask unanimous consent to have this address printed in the Extensions of Remarks of the RECORD at the conclusion of my comments.

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

PLUCKING UP COURAGE

Francis Marion, no stranger to these parts, once said to Captain Snipes of his brigade, "... as to the difficulty of the undertaking, that's the very thing that should make us jump at it . . . for if we do not pluck up courage and do it, it will never be done."

At that instance Marion was talking, not about war primarily, but about the forging of peace, in anticipation of an early end to that war in which he fought and about which he said, "It must be but a momentary quarrel!" so "let us do nothing now that may throw a cloud over the coming sunshine."

Marion made his own contributions to that Eighteenth Century peace and our national independence by a balancing of military power with a spirit of beneficence.

Three weeks ago I came across an aging copy, out of Pennsylvania, of General Horry's biography of the Swamp Fox published in 1834, dogeared, moldy and breaking apart rescued from behind an ancient mantelpiece. True, the print was moldy, but the words from those pages which I have just read are pertinent wisdom, alive for us today.

Alive particularly for us as we approach new chances for a generation of peace, in a difficult world.

It's good to be with you tonight, citizen soldiers and friends.

General Mark Clark, in the tradition of Francis Marion, has, himself, worked mightily on behalf of the nation's well being in this century, and the members of this Association have chosen a stalwart and faithful leader as a symbol for your goals. His deeds stand alone, requiring no embellishment from me.

I feel warm, too, in the company of members of the South Carolina delegation to the Congress. This delegation, from its distinguished senior Senator to its junior Representative, has given strong leadership and support over the years to the stewardship of national defense and the fiber of the United States Army—active, National Guard, Army Reserve. The wise counsel of each has been substantial.

My message tonight is military preparedness. At this new dawn of peace, I talk of military arms.

Are arms consistent with peace?

Some have answered this with a resounding, "No!" Some have said, "Create an Army

and it will find itself something to do; eliminate the Army and you eliminate conflicts." This is simplistic thinking at its worst.

Of course we should seek arms control among the nations of the world where that is attainable. But a vacuum of arms in America will not contribute to this. Often and elsewhere in history it has produced the opposite effect, inviting aggression from stronger arms.

The military strength we need is that to deter aggression, to provide a balance of power favorable to that end. That is what I am talking about.

The notion has been more than once advanced that, in advocating a sound military posture, the soldier is a warmonger. But that is not so. The soldier risks an awful lot in war, whether victory is achieved or not; and the institution of which he is a part, the military, is more unsettled by the turbulence of war than any other institution. Witness the Army of recent years. The soldier wants to prepare for war in order that, by being clearly able to fight a war, he will deter an aggressor from starting one. The soldier wants peace that is honorable and just—a peace that can be kept.

The soldier is painfully aware that peace has been a some time stranger in the tapestry of history, evasive and illusive; an infrequent visitor in an uncertain estate. In an increasingly shrinking world, man still crowds in, pollutes, despoils, builds aggressive designs and threatens.

The peace we have today is a somber one. Sporadic shots still ring out. As a new beginning, this peace is fragile. Each of us owes it to the human race to support this beginning and to improve the conditions on which it is to be strengthened. This will cost a price; a price that begins in each of us—self-denial on behalf of larger interests. We cannot rest content to live in a world of fantasy and cringe at the thought of becoming involved with the real world.

The construction of a negotiated, long-term lasting peace, within a faulted, competitive, sometimes grasping world begins with a sober awareness of what it takes to make peace, and a readiness to use the elements of our power to give substance to our sentiments. The essentials of this kind of peace involve much more than mere "peace" marching. They involve, as well, an objective understanding of the naked reality and the lurking violence abroad. For a world power they involve the maintenance of a strong defense.

It is not militarism to understand this; it is not warmongering to appreciate it. It is rather basic to our discharge of citizenship. And the thoughtful, educated citizen should be in the forefront of such understanding. He will turn away from it to his own peril and to the peril of all.

In this connection, about five months ago Barbara Tuchman, author of the prize-winning "Guns of August" and a recent memoir on Joe Stilwell and the China experience, made a thoughtful plea to the American people that is worth indorsing tonight. She warned that we must not, in an unthinking and apathetic way, permit a break to occur between the citizen and the soldier. "In our form of democracy," she said, "the political system which is the matrix of our liberties rests upon the citizen's participation, not excluding—indeed especially including—participation in the armed forces."

This is a democratizing influence, she observes, underlying the fundamental American principle of the right to bear arms "for the specific purpose of maintaining 'a well-regulated militia' to protect 'the security of a free state' . . . we need to readmit some

common sense into conventional liberal thinking—or feeling—about the military."

I agree with Mrs. Tuchman. There is an indivisibility of interests between the soldier and the people that must not be fractured. Belittling ROTC in a spirit of elitist self-righteous absolutism, ridiculing the Reservists, being apathetic about the citizen soldier are some of the best ways I know to drive the military inward and to fracture that bond which holds us together in our free society. The catchwords and slogans of the past periods, paraded by these elements, that have distorted and exaggerated and exacerbated, now need to be put aside. They are counter productive in the climate of this day.

We are not disenfranchised, Edmund Burke suggested, "by being disencumbered of our passions."

The militia men and their supporters within the Mark Clark Volunteers and elsewhere in South Carolina understand the significance of Mrs. Tuchman's remarks. In the period ahead we ought to strengthen our sense of what is right in these affairs.

As we seek the dividends of peace, we cannot, as we have done before, symbolically "march the Army down the end of Pennsylvania Avenue and disband it." We cannot "sit with folded arms from the fatigues of war." It is rather an era for us to work, to improve, in the interest of common sense, the institution of the citizen soldier; far from abandoning the concept we need more and more to update it, to refresh it, and to perfect it. If America is to fulfill its role as a world leader in the years ahead, the citizen soldier must play his part.

With the expiration of the draft we have a contingent responsibility to man our military with volunteers. All Americans have an interest in this. But there are some current attitudes that get in the way.

I think we would all agree that military service is perceived by many people as a burden rather than a responsibility. The Puritan ethic, which characterized the nation for so many years, seems no longer in the Seventies to obtain with the force it once held; and a romantic kind of idealism that and simplism, a potent combination, seems to prevail widely, suggesting that the military requirement can be drastically reduced.

Added to this is another tendency. After each past war, in our revulsion to this form of human behavior, we have tended to confuse a security policy of military preparedness with a war policy and, in the consequence, have dangerously cut our military muscle. If we make this mistake again, General George Marshall has counseled, "we will be carrying the treasure and freedom of this great nation in a paper bag."

We will have to maintain as an adjunct to a peaceful world a strong military posture: active, National Guard, Reserve. As to these latter forces, which fall within my responsibilities, let me say this.

If we are serious about the role now assigned to our Reserve Component forces, in this respect all of us in this nation had better put honest money on the table. "Let a person have nothing to do for his country," said John Stuart Mill, "and he will not care for it."

It goes without saying, we need new approaches to attract high quality people, and to insure that we have a well-trained professional force of citizen soldiers to augment the active forces.

The leadership and effectiveness of the force throughout the land need continuous invigoration. We are already making good progress, but we have to keep at it. Our new initiatives announced by the Secretary of the Army and the Chief of Staff two weeks ago are a part of this. We hope to be better organized to get our Reserve Com-

ponents fully ready. The active Army has a primary role. Improvement is a never-ending thing.

The character and purpose of the force must be made more clearly relevant to youth. They must understand why we need the Reserves. There are heartening signs already.

We need, too, a more effective interface with the civilian community, especially with the state, county, and city fathers. We've been slow here in some aspects, in some localities; thankfully not in this locale. Public support, including academia, is an imperative if the Reserve system is to flourish. Domestic Action programs are a step in the right direction and assistance during natural disasters does much to improve this outlook.

Imaginative incentives are also needed. We have proposed bonuses, but direct monetary rewards are not the only answer. Today's youth want education, job satisfaction, a sense of involvement. Maybe a GI Bill of Rights for Reservists will help satisfy the needs and interests of today's potential Reservist—in education, in other walks, with spin-off benefits to society at large.

In the second Punic War, twenty-two centuries ago, one of Hannibal's aides said to the Carthaginian before his eclipse by the Romans, "General, you know how to win a victory, but you do not know what to do with it."

We know from history in Hannibal's case that Scipio Africanus took away the fruits of Hannibal's victory and returned to Rome with the prize.

The basic conditions for an honorable settlement to the Vietnam conflict, our President has told us, have been met in the agreement signed in Paris a week ago. These aims were achieved, by hard won valor and diplomatic skill and by courageous leadership in the Presidency, despite those who marched and dissented and demonstrated; and perhaps a kind of peace that can be constructively called a victory will be the ultimate result. As a people we had better not make Hannibal's mistake. Rather, let us think soberly about how we are going to support our national leadership to keep such a "victorious" peace alive. Let us learn what wisdom we can in these times to see that this particular peace does not soon die, as have so many before.

It is good to find satisfaction in the events of the recent days. It is good to find some respite from shooting war. It is therapeutic to rejoice and to give thanks for the opportunities these events offer. As a people we are entitled to indulge in these impulses. Yet, we should be wary of the tendency to euphoria here. We ought not to be "wooly headed" in our outlooks. There is still a real, hard, competitive grasping world outside.

Honorable peace costs a price. This price is high. It begins with self-denial. Some people don't want to pay the price of denial. But this is not the time to retire in exhausted solitude from the rigors of war. We have gained a precious chance to strengthen the prospects for tranquility. May we make the most of it.

May we help shape the world as it is into more of a world we would like it to be.

This will require, I stress, a sober view of that world. There are profound differences among the nations arrayed on the globe. These differences will not be overcome in a day. Mischief can arise again from Pandora's box. The greedy, the self-righteous, the impassioned, the angry, the arrogant, the "true believers" in utopia, who would jam us in their mold, are all a part of that potential for mischief.

"Our permanent enemy," observed William James, at the beginning of this century, "is the rooted bellicosity of human nature." We

need to recognize this, he said, and to develop a more realistic outlook of who we are and how we are to fulfill the imperatives for a more peaceful world. To this I say, let us strive for peace but keep our powder dry. This will require enlarged understanding, new inspiration, an enhanced sense of responsibility beyond ourselves, and more sweat and strain.

And yes, as Francis Marion understood so well two hundred years ago—it is necessary anew in these matters for us to pluck up our own courage, in a spirit of order, unity and action; and in that spirit to get on with what we have to do.

INVESTMENT IN COMMUNISM PREFERRED BY SOME AMERICAN FINANCIERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, if an American banker has enough money to seek investments in Communist countries, then logically he should be able to provide better service at lower costs to Americans.

The Communists historically are bad risks. Our great financiers should expect a more certain return on investments in America.

Merrill Lynch may be bullish on America, but it appears that Chase Manhattan is bullish on communism.

I include a related newsclipping:

WARSAW GETS U.S. BANK OFFER

WARSAW.—David Rockefeller, chairman of the Chase Manhattan Bank, said here yesterday that he had proposed a substantial credit to the Polish government by his bank.

Rockefeller, who met Communist Party Leader Edward Gierak and Prime Minister Piotr Jaroszewicz, said the Polish leaders seemed favorably disposed to his proposal.

But he declined to indicate the amount of the credit until the two leaders were ready to comment.

SOIL CONSERVATIONS IS IMPORTANT ISSUE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ZWACH. Mr. Speaker, the House Committee on Agriculture, on which I serve, recently passed out a bill calling for the reinstatement of the rural environmental assistance program.

Many people looked upon this program as one of primary benefit to our farmers, but that is not the case, as the following editorial by Madonna Kellar in the Heron Lake News points out.

Mr. Speaker, I insert Mrs. Kellar's editorial in the CONGRESSIONAL RECORD and I urge my colleagues, who soon will be called on to vote on this proposed legislation, to read it.

As Mrs. Kellar so aptly points out, our country cannot afford to have more depletion of our soil, more pollution of our water and more destruction of our wildlife.

REAP cost-sharing programs, protected these irreplaceable values.

SOIL CONSERVATION IS IMPORTANT ISSUE

When the subject of soil and water conservation is broached urban individuals seem to be unconcerned, considering that the subject is only the concern of the dirt farmers. How wrong they are. It is the concern of every man, woman and child of the nation.

Consider for a moment, the possibility of more soil depletion, more pollution of our streams and more destruction of wild life. In time—perhaps not in our life span—but in that of our children—there will be no natural resources. Enough of our resources have been lost as it is. We have used, desecrated and wasted many of our God-given rights expecting them to be unlimited. All good things come to an end—this we know. And that time is approaching.

Not too many years ago, children swam in the rivers, creeks and pits and any swimming hole they could find. Now that could be near suicide. The waters are not fit to swim in. Too much corruption has been introduced into their banks. Too much rubbish has been dumped by inconsiderate and ignorant folks who cared not a whit about the other guy.

It is impossible to reclaim what has been already lost, but it is possible to retain what resources remain. That is our mission. Conservation practices have been well supported in the past by governmental agencies. Farmers have been oriented to the need for protecting resources. Now it is up to us to carry through the knowledge we have.

How sad to see what has happened following heavy rains. Beautiful and productive black soil washes away into the streams because no one has bothered to impede the erosion. The loss of revenue because of this is very high.

Loss of trees has been extensive and this accounts for much of the noise pollution we endure, plus the fact that the decor trees have lent to our landscapes has been depleted.

Conservation is something to think about with great concern. We are losing a great deal every year by not following the guidelines of the experts and everyone will pay the cost. If the farms lose their productive soil, every business will suffer in accordance with them.

A NATIONAL ENERGY STRATEGY

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. du PONT. Mr. Speaker, at no time in our history has the need for a national energy strategy been so great. News of impending rationing and brownouts comes as no surprise to those who have recognized the dangers of pursuing an ad hoc, uncoordinated national energy policy. One of the legacies of our ineffective and often irrational energy policy, is the burgeoning demand for imported crude oil from the Middle East. To accommodate the demand, several private organizations and Government agencies have been developing plans for the construction of an offshore oil terminal capable of receiving supertankers. The Delaware Bay area has been chosen as a prime location for such facilities, because of the unique physical characteristics of the bay and the proximity of the bay to refineries and large markets.

The Corps of Engineers which is conducting a study of potential sites in the

North Atlantic for a deepwater terminal, recently held public hearings in Delaware to discuss their findings and to gather testimony from local citizens. The issues raised in these hearings rise far above purely local and even regional concern. The development of a deepwater terminal would have far reaching national and international ramifications, affecting diplomatic relations, land use policy, the environment, and the balance of payments, to name a few. I am, therefore, inserting the remarks which I gave at these public meetings at this point in the RECORD, in hopes that my colleagues will find the information useful in their consideration of the energy crisis:

REMARKS OF CONGRESSMAN PETE du PONT, ARMY CORPS OF ENGINEERS HEARING, REHOBOTH BEACH, JANUARY 5, 1973

INTRODUCTION

I want to thank Colonel Strider for agreeing to hold this meeting in Delaware and to thank his staff for their cooperation in making the preparations for the meeting on such short notice. I know that all Delawareans wanted to have a forum for the superport hearings in Delaware, and I am particularly grateful to have this opportunity to submit my views for the record.

In recent months we have all read about numerous studies and proposals for an offshore oil terminal on the Atlantic Coast, encompassing a wide range of facility designs and possible locations. While these studies represent preliminary conceptual work, requiring further detailed study, I have drawn some tentative conclusions which I want to submit today.

1. The superport location

The present proposals for an offshore facility include three tentative sites in or near the entrance to Delaware Bay. Despite the alleged economic benefits of these sites in the Bay, the hazards associated with the operation of an oil transfer terminal, near Delaware's coastline, lead me to conclude a site near or in Delaware Bay is unacceptable.

The one hazard foremost in everyone's mind is a massive oil spill such as the one which occurred off the coast of England when the Torrey Canyon broke up on a ledge. The description of such spill potential is best summarized in an article written by General Francis P. Koisch, director of civil works of the Army Corps of Engineers, written for the February 1971 *Journal of Waterways, Harbors and Coastal Engineering Division, Proceedings of the American Society of Civil Engineers*.

National Journal, volume 3, No. 49:

"Recall the national furor which followed the oil well drilling leak off the California coast, near Santa Barbara . . . Esthetically and in all likelihood, ecologically, it was a disaster situation.

"Yet the Santa Barbara incident would appear trivial compared to the scope and the impact of a possible spill or fire involving a contemporary supertanker . . .

"Imagine the damage which could result if a 312,000 DWT carrier such as those which are now operating were to spill its cargo of 2,250,000 barrels of oil.

"The cargo load would have the potential of saturating every foot of a 200 mile reach of shoreline with over two barrels of crude oil."

The operating characteristics of these vessels suggest that within restricted waters, such as the Delaware Bay, there will be a high risk of collisions and groundings. A 250,000 DWT tanker, for example, when moving at a speed of 15.6 knots, requires 16 minutes and more than two miles to reach an emergency stop.

Unfortunately, the location of a superport within or near the mouth of Delaware Bay

would only magnify the problems associated with supertanker operation and oil spills.

A major problem for supertankers will be maneuverability within the Bay. The amount of sea room available to such a large tanker would be very restricted and offer very limited leeway for meeting unexpected circumstances. Because maneuverability is such a critical factor in the safe operation of supertankers, I have requested that the Commandant of the Coast Guard undertake a study to determine the parameters within which a supertanker can safely operate.

If a spill were to occur in or near the mouth of the Bay, experts concede that the chances of containing the spill are sharply decreased by wave and tide action. It would only take a short time for the oil slick to reach shore, and the oil would have little opportunity to weather and diminish in toxicity and density. If a supertanker is to be built at all, it seems far wiser to construct it well offshore. If a spill takes place out at sea, at least there is more time to conduct a containment operation, and the weathering of the slick would substantially reduce density of materials which might eventually come ashore.

A location close to the coastline seems totally impractical with the limitations of today's technology. The danger to our coastal resources and the coastal industries would be immediate, leaving no margin for error. This risk is simply too high for Delaware and one which the state cannot afford to take.

II. Superports become magnets

Aside from the impact of the superport on Delaware Bay and on the coast, a superport would undoubtedly stimulate accelerated industrial development on or near the coast. An Arthur D. Little study of deep water oil ports around the world show a standard pattern of intense industrialization in the vicinity of the port. A typical example is the Port of Gladstone in Queensland, Australia. Ten years ago this was a small, undeveloped agricultural town. After a decade of oil port development, this is an industrial town of 13,000 people with all the problems of a major industrial center. Housing has become increasingly short as increased industrial development claims more acreage. The need to stockpile by-products and to store oil has led to a massive reclamation of wetlands and dredging of the harbor, destroying the existing ecosystem in the harbor. Town residents found their real estate assessments increased by as much as 1200% from 1960-1968 to keep pace with increased demand for municipal services.

I fear that a superport located anywhere near Delaware's coast would cause similar pressure for industrialization. Fortunately, the Delaware General Assembly, under the leadership of Governor Peterson, mandated the end to industrial development of the coastal zone. Delaware's citizens have long recognized the value of the coastal resources and have wisely exercised their right to protect them.

A superport would undoubtedly attract tank farms, trucking and rail depots and entire petrochemical complexes. Since the laws of Delaware have so expressly banned this type of development within the 3 mile limit, I think the proposals for development of a terminal near Delaware's coasts should reflect the wishes of the State. Plans for a superport within the 12 mile limit should have been effectively eliminated when the Legislature and the Governor enacted the Coastal Zone law.

III. Conflicting data

The major studies which have been released to date, have done little to dispel the doubts which Delawareans have about the proposals for an offshore oil transfer terminal. In fact, many new questions are raised by the new reports.

The environmental issues associated with the superport are of prime importance, yet we read in the Nathan Report, the preliminary report requested by the Corps from Nathan Assoc., that "lack of knowledge concerning environmental and ecological parameters" prevented an assessment of environmental impact. This is an area which must be studied first, as an integral part of the planning process, not just a peripheral factor studied to appease local citizens.

The Nathan Report raises the question of the limits of the existing refining capacity in the Delaware Valley. Since the refineries in the area are already operating at close to 100% capacity, how can all the imports from the superport be refined without expanding the existing complexes? A superport would naturally create enormous pressure for increased industrialization, and as I stated a moment ago, if the state and local governments have already spoken on the issue of increased growth, Delaware seems to be an unsuitable location for a superport.

Even more unsettling are the discrepancies in data which exist between the Nathan and Soros (U.S. Dept. of Commerce study) reports. Without passing judgment on the accuracy of either, I found significant disagreement in the figures on the economics of scale of the supertankers as well as the figures describing the economic feasibility of dry bulk transfer terminal operations.

It is improper to start building the conceptual framework for such a project with conflicting and inadequate information. It is important that Congress begin to take notice of this project before all these inadequacies and conflicts are buried in the volumes of a final report. With such great national and regional interests at stake, I think it is important that the Congress direct the decisions making of the planners.

I have, therefore, written to Mrs. Leonor K. Sullivan, the new chairman of the House Committee on Merchant Marine and Fisheries, of which I am presently a member, requesting early hearings on the entire question of superports on the East Coast.

IV. International implications

While the existing studies have devoted their time to supporting the construction of an offshore oil transfer terminal, and deciding where it should be, I am most disturbed by the lack of concern shown for the overall long range implications of a superport to the nation as a whole. While the regional impact of a superport is of great importance, the initial focus should be on the effects of this port on our national energy policy and on our international political and economic relations. Without such a focus, the study of the superport is presumptive and without a sound basis. As in so many cases, zealous planners have put the cart before the horse.

The evidence I have seen indicates that the construction of a superport would lead to an irrevocable commitment to oil as our sole source of energy and to almost total reliance on the Middle East nations for our imported crude oil.

Today our energy supply is derived from a variety of supply locations, foreign and domestic. In 1970 imports from the Middle East and Africa averaged some 300,000 barrels a day, a small portion of the national demand of nearly 15 million barrels daily. These figures, however, are expected to change dramatically; projections show that we will be importing two-thirds of our petroleum supply by 1985.

The Middle East is the single area which has the wealth of reserves to meet this demand. Of the 430 billion barrels of proven reserves in the Eastern Hemisphere, 350 billion barrels are located in the Arab nations. This compares to only 80 billion barrels of proven reserves in the entire Western Hemisphere. A superport would undoubtedly ac-

celerate the switch to Middle Eastern oil since the supertankers offer such economies over the long haul. As the United States turns more to the Middle East for crude oil, the premium for stability in the Arab world becomes increasingly high. Internally, the Arab nations, particularly, face possible political instability. Unfortunately, as our dependency grows, our control over the flow of oil diminishes. Emerging nationalism among the Arab states has already strained relations between the international oil companies and the oil exporting countries. Negotiations are underway which center on the issue of control of oil exporting operations. Indigenous governments are determined to expand their control over their own resources. While some countries have been satisfied to increase participation in the operations, more nations are developing their own national companies. Although these are only a small factor today, their efficient performance and their present capability to market oil can only be a harbinger of their future importance.

Future uncertainty is compounded by changes in the supply situation. From 1951 to 1966, there was surplus oil production in the area. By 1975, however, there will be little, if any, surplus capacity, thereby driving prices higher and diminishing the bargaining position of the importing nations. In addition, the storage capacity of the Europeans, the Japanese, and the Americans is limited, making us all vulnerable to a prolonged cut off in supply. The Arab nations will soon hold all the trump cards.

Closely related to the economic factors are a series of internal and international political factors which contribute to the uncertainty of future relations with the Arab nations.

The decision to build a superport also amounts to a watershed in our ad hoc national energy policy. Although we have become heavily dependent upon oil, it is not too early to develop a more flexible energy program, to minimize the danger of cuts in supply.

Research must be carried out to develop some alternatives to the complete dependency on Middle Eastern crude. This should include exploration of the reserves which exist in the Outer Continental Shelf beyond the 200 meter isobar, development of the hydrocarbon reserves which exist in shale and coal. We should also accelerate research on atomic, solar, and geothermal energy. A single commitment to one source of energy, without the ability to fall back on alternatives is a dangerous policy. The superport cannot be considered in a vacuum without regard to our total energy needs. If considered at all, the superport must be considered as only one part of a national strategy.

This nation, however, has no national strategy. It is for this reason that I introduced legislation to create a White House level Council on Energy Policy. Without a national, coordinated strategy for our energy needs in the future, I believe proposals for superports are shortsighted and offer a dangerous piecemeal solution to our energy needs which could eventually jeopardize our national security and position in the world.

REMARKS OF CONGRESSMAN PETE DU PONT, ARMY CORPS OF ENGINEERS HEARING ON THE ATLANTIC COAST DEEP WATER PORT STUDY, REHOBOTH BEACH, JANUARY 18, 1973

I want to thank Colonel Strider and his staff for arranging this third meeting in Delaware to discuss the most recent installment of their Atlantic Coast Deep Water Port Study. Although the development of such a port necessarily encompasses a wide spectrum of considerations, I will confine my statement to the environmental issues raised in the report released on January 8.

When I first read the reports on this study, my initial impression was that site locations recommended both inside and outside Delaware Bay were made in apparent disregard to both local opposition and environmental issues. In the body of the report, however, I found many unequivocal statements about the unavoidable environmental hazards to both marine life and to life on land which attend deep water port development. I therefore, find great irony in Colonel Strider's tentative conclusion that "... it is in the national interest to develop such facilities provided that the environmental values can be adequately protected." On the contrary, the conclusion which I draw from the findings of the report suggests that our technology will never be able to adequately protect the environment if such a facility is located anywhere near Delaware Bay.

I also question the criteria which Colonel Strider is using to describe the national interest. While it is in the national interest to develop a continuous and plentiful source of fuel for our energy needs, I do not believe that it is in the national interest to completely transform lower Delaware or Southern New Jersey from its present unspoiled state into a center for petrochemical complexes and oil refineries. Yet this seems to be the choice so strongly suggested by the report. If national interest means the destruction of an environmentally invaluable estuarine area, the industrialization of an important agricultural area and the destruction of an important recreation area serving three major east coast metropolitan areas, and an end to intelligent land use planning, then I think our national priorities are seriously misplaced.

Although the Corps is drawing off the same findings that I am, I have reached an opposite conclusion. Because of this fundamental disagreement, I would like to review the bases for my conclusions.

LANDSIDE IMPACT

I think the section on landside impact only reinforces the so-called magnet theory which I discussed in my testimony which was delivered on January 5. Very simply stated "... the location of a deep water terminal will tend to induce industrial concentration, particularly of refineries and petrochemical complexes. In turn, this concentration of basic petroleum-related industries would induce concentration of associated commercial and economic activities." (page 14, "Summary of Environmental Considerations".)

Implicit in this development would be a whole range of demands placed on the environment and natural resources by the industries and by the people themselves. Using the Corps' set of assumptions for the year 2000, the industrial development would create effluent which would have a basic oxygen demand equivalent to the raw sewage of 845,000 people. Water withdrawals would approach 1 billion gallons per day, and air pollution would be increased four fold. The additional human population which would be attracted to the industries would total 138,000 by 2000 according to present estimates. The sum total of this development would place drastic demands on local resources and public services.

The development caused by the tourist industry alone in lower Delaware has already posed serious problems for local officials. For example, Sussex County has encountered serious obstacles in development of waste treatment facilities in order to meet the existing water quality standards. Industrialization and a rapidly growing population would only exacerbate this situation.

The demands of land alone are staggering. The Corps projects that "if the North Atlantic were to supply all of its projected growth for petroleum products for the year 2000, nearly ten times as much acreage would be required for refineries, petrochemical plants,

and storage facilities..." (Page 16, "Summary of Environmental Considerations").

Assuming the projections hold true for lower Delaware, this would imply that ten more refineries, like the Getty refinery in Delaware City, would be built in lower Delaware. To commit some 45,000 acres for industrial purposes in lower Delaware would be tantamount to abandonment of rational land use policy. Delaware has already committed vast amounts of acreage and resources to the oil and petrochemical industry in Northern Delaware, and to further commit the unspoiled Southern region which is recognized for its environmental, recreational and agricultural value would be shortsighted, not to mention a violation of the policy stated in the Coastal Zone Act.

Development on the magnitude indicated in the Corps report would certainly result in a major transformation of the lower Delaware region from a predominantly rural area into an industrial center for the oil and petrochemical industry. The Coastal Zone Act recognized the wholesale transformation which can occur with oil refineries, and the state strongly expressed their intention and their right to maintain lower Delaware in its present state.

CARGO SPILLS

Underlying all the comments in the Cargo Spills section is a particularly ominous thought. "There is a lack of adequate knowledge of ways to design and operate a system without spillage, of techniques capable of handling major spills, and of total impact of oil spills on the ecosystem." (Page 7, "Summary of Environmental Considerations".)

While the estuaries and coastal wetlands are acknowledged to be the most biologically productive areas of the marine ecosystem and to be the most sensitive to oil spills, the Corps has concluded that damage to these areas would be unavoidable. Even in the absence of a major spill, the expected chronic spills will have critical impact at the inshore sites. The water quality in the vicinity of the recommended inshore sites has already been significantly degraded by existing sources of pollutants. Chronic spills can only increase water quality deterioration and have possibly disastrous long term impact on fish, shellfish and recreation. Both the Cape Henlopen and the Delaware Bay site pose a serious threat to the coastline, even if the chronic spillage were kept at minimum levels. A major spill at either site would, in the words of the Corps report, be "disastrous".

A tentative conclusion drawn by the Corps is that the further off-shore you place the facility, the less risk of environmental damage by either chronic spills or a major spill. This conclusion may be supported by the information which the Corps itself has collected; however, man's persistent use of the open ocean as a dumping ground for his waste material has already affected marine life, to such a degree that Congress passed a law putting strict limits on what can be dumped at sea. About two million metric tons of oil are introduced into the oceans each year already, and any facility which will have chronic spills or even major spills may well have delayed an unpredictable impact on the coastal and marine environment.

CONCLUSION

All the sites recommended by the Corps have attendant environmental hazards which seem to vary in degree rather than in kind. As I stated in my earlier testimony, the risks associated with the sites near Delaware's coastline are simply too great to be acceptable to Delaware. While the superport is important to the whole nation, Delaware has the right and duty to protect its precious coastal resources, its recreation areas and its use of the Bay. Above all, I think Delaware's citizens have stated their intention to keep Delaware as it is. This is not a reflection of provisionalism but a recognition that the

unique features of lower Delaware must be protected under rational land use policy. To industrialize lower Delaware would effectively bring an end to options for land use.

GEORGE FOREMAN, A TWICE
WORLD'S CHAMPION

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. CLARK. Mr. Speaker, we have all heard that the playing of our national anthem at the upcoming Olympic Invitational Track Meet at Madison Square Garden may not be permitted—lest it provoke an incident.

This type of negative thinking is deplorable and it serves only to focus attention on the pitiable few while the attributes of the many go unnoticed. We have seen so many times in the recent past, these acts of defiance and protest which are calculated to attract optimum attention and our Nation's press often chose to give these people a platform for a grossly disproportionate portrayal of this type of thinking.

We should contrast this veiled threat of potential "incident" to the thrilling—even inspirational behavior of our newest world champion, George Foreman, who has won the admiration and respect of Americans everywhere, not only for his ring accomplishments, but for his public statements outside of the ring.

While some few other athletes chose to insult their country, Foreman stood on the Olympic platform and waved the Stars and Stripes for all to see; and now he is a world champion.

On February 16 at Madison Square Garden, we will be witnessing a preview of international athletic competition, not city against city or college against college. It is an Olympic competition wherein those talented athletes will compete with a goal of going on to represent us as a nation—and they do so under our colors and our anthem and our support and hopes, just as do the great athletes from other countries all over the globe.

There are scores of other black athletes who are striving to emulate George Foreman and they have a long and illustrious heritage of the champions from their race who have brought honor to the United States, from Jesse Owens in the thirties to some as yet unknown champion in the seventies.

DONALD R. LARRABEE, WASHINGTON CORRESPONDENT FOR MASSACHUSETTS AND NEW ENGLAND NEWSPAPERS, INAUGURATED AS 65TH PRESIDENT OF THE NATIONAL PRESS CLUB

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLAND. Mr. Speaker, I take this opportunity to congratulate a longtime

friend and journalist, Donald R. Larrabee, who was installed last night as the new president of the National Press Club.

It has been my pleasure to know and work closely with Don Larrabee for more than two decades in Washington. When I was elected to the 83d Congress and took my seat in January 1952, Don reported Capitol Hill news for several Massachusetts newspapers, including three in my Second Congressional District, for the Griffin-Larrabee News Bureau.

Quiet and unassuming, Don Larrabee is known in the Washington press corps as a competent and thorough journalist who pursues his profession with candor, perceptiveness, diligence, a profound sense of purpose and dedication, tempered at all times with his willingness to hear all sides of an issue and with a deep respect and patient understanding for fellow human beings.

He is one of the most likeable persons I have come to know in Washington, and he is one of the fairest and hardest working journalists in the Nation's Capital. Don Larrabee is certainly a credit to his profession. It is because of his great qualities that he was chosen by his colleagues to become the 65th president of the National Press Club, a professional and social organization of 5,000 members, including 1,000 newsmen now covering the Washington beat.

Mr. Speaker, I want to wish Don Larrabee every success during his tenure as president of the National Press Club. A fellow New Englander who started his journalistic career four decades ago on the Portland, Maine, Press Herald, Don Larrabee attended Syracuse University, and served in the Army Air Corps in World War II. He joined the Washington press corps in 1946 with the news bureau he now owns, Griffin-Larrabee Bureau, which serves 32 newspapers from the Nation's Capital.

FOOD FOR THOUGHT—AND OTHERWISE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. PICKLE. Mr. Speaker, I noticed a news story in the Christian Science Monitor recently discussing the use of unapproved chemicals for the raising of commercial catfish.

From time to time, the news media reports on substances being fed or administered to cattle, swine or poultry that have been found harmful to human consumption. Happily, this is not the case with the catfish chemicals.

More importantly, I think we need to readjust our thinking about drugs, chemicals, and our food production. Well that it is that we are on the guard to protect the health of our citizens by keeping harmful substances from their diets, it does not necessarily solve the overall problems.

Precisely, we are a growing country and a growing world. Much of the world

is starving and undernourished.

I hope through all the attention that is drawn to the harmful chemicals in our foodstuffs we will not fail to see the forest because of the trees. Chemicals and substances that promote productivity and which are harmless do play an important role in the growth of our food supply.

Emphasis should be given to their beneficial aspects as well as the potential harmful role they play. At this point, I include the catfish story:

**AN FDA BAN WOULD HURT: CATFISH FARMERS
DEPEND ON UNAPPROVED CHEMICALS**

(By John Dillin)

ATLANTA.—A number of catfish farmers in the United States are using unregistered, unapproved chemicals to treat fish that are being raised commercially for human consumption.

The chemicals are used to kill parasites and fungus which, if not checked, could severely deplete a farmer's crop of fish, according to research scientists. The chemicals, however, have not received clearance from the U.S. Food and Drug Administration for use in fisheries.

Farmers in the catfish industry have turned to the unregistered chemicals primarily when there was nothing else available that would save their crops or assure high yields.

NO PROOF OF HARM

The unregistered chemicals include malachite green and formaldehyde, or formalin. Government research specialists emphasize that there presently is no reason to believe that the chemicals are harmful to man as now used.

At the same time these scientists indicate that more laboratory work is needed to confirm the safety of some chemicals, including malachite green. They note that if the FDA found any trace of malachite green or any other unapproved chemical in catfish in the marketplace, the fish could be confiscated. This is because no tolerance level for chemical residues has been established.

The FDA, however, has no program in operation for testing residues in pond-grown fish, although the agency is responsible for enforcement in this area, according to FDA spokesmen.

Dr. Robert E. Lennon, chief of the fish control lab. Bureau of Sport Fisheries and Wildlife, in La Crosse, Wis., says that the fisheries industry has been a "scavenging" group. Most of the chemicals in use for fisheries have been borrowed from other industries. Farmers have simply adopted chemicals that would work, often without much examination, he says.

Until recently, fisheries did not have to meet the stringent standards for chemicals and drugs that were required for the dairy, poultry, and swine industries. Now, any compound used to treat a fish disease is supposed to undergo thorough testing which can cost millions of dollars and take years to complete.

"We were kind of caught flatfooted," says Dr. Lennon, "and it's going to take a tremendous effort to clear some of these compounds."

PRIVATE ASSISTANCE URGED

Dr. George Post, an associate professor in the Department of Microbiology at Colorado State University, has urged private efforts to supplement government clearance research.

"I don't think we're ever going to get enough money out of Washington to clear these drugs for fish," Dr. Post said in a telephone interview. "I think it's probably going to have to come from the industry."

"There are two pretty big groups in the country: the catfish growers and the trout growers. And it seems to me that these two

groups could get their heads together and put a little money in the pot to get things started."

Dr. Fred Meyer, a federal research scientist who has worked closely with the catfish industry, says that unregistered chemicals are presently very important to the farmers.

"I think that if the government were to rule out only one chemical, like malachite green, we could live," Dr. Meyer says. "If they said we can use no chemicals that are not cleared, then we are going to be in trouble."

TINY BUT GROWING

Catfish, of course, comprise a minuscule industry when compared with poultry, cattle, or other major segments of agriculture. Production has been climbing straight up, though—to a record 45 million pounds of live fish in 1972.

The small size of the catfish industry means that markets for chemicals and drugs used with catfish are insufficient, in many cases, to support multimillion-dollar research by manufacturers to get their chemicals cleared in Washington. The cost can reach more than \$10 million for a new compound, according to Dr. Joseph Hunn, assistant director of the federal government's La Crosse lab.

Another research scientist who asked not to be named says of present catfish industry practices:

"I think that there is very little danger associated with the current usage program. I won't say that there is none. But there is minimal danger."

"LEAST POSSIBLE HAZARD"

The researcher continued: "My feeling is that the people who have worked with the development of these chemicals have been ethical and moral in discussing the use of these compounds; and the current usage in the industry represents the least possible hazard."

There is also concern, he notes, that since the use of unapproved chemicals is not lawful, farmers' fish could be condemned. The risk is just to great, especially for large producers with hundreds of acres of fish.

Partially for this reason, he says, use of unregistered chemicals has dropped sharply on Arkansas farms in the last two years.

DOMINANT CHEMICAL

At Auburn University in Alabama, a center for catfish research, Dr. W. A. Rogers says however, "I think most of the fish-farming operations will have malachite green on hand. People are using it all over the country. . . . I think most catfish producers use it."

Dr. Rogers, like several other researchers, does not believe there is a great hazard from the most widely used unregistered chemicals if they are used at recommended rates.

"I think if anything were going to happen, it would already have happened," he says. "They've been using this stuff, so far as I know, ever since anybody's been in the catfish business. It hasn't caused any ill effects that I know of."

ROBERTO CLEMENTE

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to direct my colleagues' attention to the passing of a man whom we can all admire and take inspiration. I speak of Roberto Clemente, rightfielder of the Pittsburgh Pirates baseball club, who died in a plane crash New Year's day while on a mercy mission

to Nicaragua. Mr. Clemente was an amazing athlete. His list of awards is almost endless; National League All-Star team 12 times, Golden Glove Award as the best fielder at his position 11 times, most valuable player in 1966, a .317 lifetime batting average, member of two World Series champions, and most valuable player of the 1971 World Series are just a few. But in the end, perhaps these awards are secondary to the fact that Mr. Clemente was a great humanitarian. Knowing how humble a man he was, I am sure he would rather be remembered as a man who cared about his people and did something about it.

Mr. Clemente played baseball with a passion known to few yet his off-the-field activities were marked with compassion for all. He as a proud man, but one who never lost sight of his humble origins. Mr. Clemente's dedication to his people was revealed in his working to bring a nonprofit sports city for Puerto Rican youth into reality. There are endless tales of how he could never turn down any civic request.

It is with this in mind that we should remember Roberto Clemente. He not only spoke about social action, he acted himself. It is truly poetic justice that he should perish aiding those less fortunate than himself, the earthquake-ravaged people of Nicaragua. This Nation and the entire world need more men of Roberto Clemente's character and dedication. His presence will be sadly missed by all those who appreciate men of dignity and responsibility.

Our condolences go out to Mrs. Clemente and her family on this sad occasion.

AID TO NORTH VIETNAM AND OUR SPENDING PRIORITIES BY HAROLD RUNNELS

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RUNNELS. Mr. Speaker, article 21, chapter VIII of all versions of the recently signed cease-fire agreements states:

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

I note in the press that preparations are already underway to have a certain Presidential assistant visit North Vietnam for reasons which include the discussion of U.S. aid to that government. Last year our President said, in his State-of-the-World message, that we might spend about \$7.5 billion toward the reconstruction of Indochina. The figure of \$2.5 billion was later mentioned as the quantity of our tax dollars which would be given to North Vietnam. Recently, there have been editorial references to

expenditures by the United Nations. Experience tells me that the American taxpayer will end up footing the bill however this is done.

In short, the American workingman is faced with another proposed budget deficit, increased spending for defense, increased spending for our space activities, and possibly the expenditure of billions of dollars of aid to North Vietnam.

Our President's budget request for fiscal year 1974 for the Veterans' Administration lists \$4.8 million in unobligated funds for prosthetics research. If you look at that budget request closely you will find \$64 million in unobligated funds for medical care for our veterans.

It is time for Congress to stop talking about priorities and impounded funds and congressional powers and start acting. I urge my colleagues to read the National Priorities Act which I have introduced and which is listed below. I urge all my colleagues to ask themselves if this would not be an ideal place to start, if this is not the one initial priority upon which most of us can agree. From this tiny acorn of a priority a mighty oak of planned responsible Federal spending could rise.

H.J. RES. 295

Joint resolution establishing expenditure priorities between care for American war dead, American prisoners-of-war, American veterans and the reconstruction of North Vietnam.

Whereas Article 21 of Chapter 8 of the Cease Fire Agreement between the United States and the Democratic Republic of Vietnam states, in part, that "the United States will contribute to . . . postwar reconstruction of the Democratic Republic of Vietnam . . ."; and

Whereas 45,937 of America's best fathers, brothers and sons have died fighting aggression by the Democratic Republic of Vietnam; and

Whereas 303,622 of America's best fathers, brothers and sons have shed their blood and in many cases sacrificed their eyes, their arms and their legs fighting aggression by the Democratic Republic of Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, except to determine the location and take care of the graves of the American war dead so as to facilitate the exhumation and repatriation of the remains, no money shall be drawn from the Treasury of the United States for expenditures in the Democratic Republic of Vietnam until all funds appropriated (a) for the creation and care of the graves of the American war dead, (b) for compensation to be granted to American prisoners-of-war, (c) for the care and retraining of veterans, and (d) for other purposes as may be determined by Congress shall have been either expended or made available for expenditure.

SEC. 2. This Act shall be cited as the "National Priorities Act".

1973 ISSUE: NIXON'S CUTS IN SOCIAL PROGRAMS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, Hobart Rowen has written an interesting analy-

sis of the Nixon budget cuts and their economic impact. The article appeared in the Washington Post of February 4 and follows:

1973 ISSUE: NIXON'S CUTS IN SOCIAL PROGRAMS

(By Hobart Rowen)

President Nixon has confounded his critics, and commentators including myself, by doing what they said during the election campaign he couldn't do: slash the budget sufficiently to avoid an increase in taxes in fiscal 1974.

He did it by being ruthless in reducing the social obligations of the government to a growing population. The axe he wielded was a bigger one than envisioned by the Brookings Institution, the American Enterprise Institute, former Republican Congressman Johnny Byrnes and former Treasury aide Murray L. Wiedebaum, to name a few.

On Dec. 17, in this space I wrote: "It now appears realistic to believe that the President will hold spending for the current fiscal year (1973) to \$250 billion . . . If so, it is possible an administration dedicated to austerity could hold the fiscal 1974 budget to be presented in January to \$270 billion, with a unified budget deficit trimmed to \$13 or \$15 billion—and a balance in the full employment budget."

To accomplish this feat of austerity, as Ralph Nader, the black caucus on the Hill, and other public interest groups pointed out, Mr. Nixon whacked the money out of social programs for individuals, and left the major corporate "tax expenditure" subsidies virtually untouched.

The budget leaves intact a regressive Social Security tax system, while the investment tax credit and accelerated depreciation privileges add to the corporate take. And the administration's pledges to bring in tax reform proposals are not honored with as much as a token.

A letter this week from 23 public interest advocates and groups to President Nixon says:

" . . . we would urge that before you stop programs for the many, you at least should scrutinize programs for the few. Before there are fewer libraries and hospitals and low-income apartments and sewage control systems, there should be fewer subsidized ships, less expensive drug and arms procurement, and more taxes paid by coddled corporations."

In other words, if today's economic imperatives call for reducing the federal budget deficit to counter inflation, Mr. Nixon had an opportunity to whack away at billions used to subsidize the maritime, aviation, defense and other industries, in addition to cutting whatever social programs had failed, or had already fulfilled their purposes. And at the same time, more sense could have been made out of the tax structure.

A close analysis of Mr. Nixon's 1974 budget for which he claims savings of \$16.9 billion in "program reductions and terminations" indicates that about \$5 billion are in gimmicks or part of a numbers game, and the rest is real.

Some of the "cuts" are most inventive. Remember the son who told his father, "Dad, I saved a dime by walking home instead of taking the bus"? The father responded: "If only you had walked instead of taking a cab, you would have saved three bucks."

An example of that is a claimed \$400 million saving in the 1974 defense budget set down as follows: "Limit new spending for All-Volunteer Force and other legislation." But that's a "cut" from a total commitment that had never been made.

A bigger phoney item is a claim for savings on social service grants. The assumption in the budget is that this figure would have

grown to \$4.7 billion in fiscal 1975, although Congress had already put a ceiling on such expenditures at \$2.5 billion. Independent budget experts figure that the 1974 saving in this category is over-stated by \$2.1 billion. Agriculture "cuts" assume unrealistically high support costs in the neighborhood of \$600 million. Another double 1974 item is a \$1.0 billion claim for oil recipients.

But putting all that aside, the real cuts are substantial, and are made at a time when many public needs are unmet.

This is where the cuts in the 1974 budget were made:

[In billions]	
Welfare	\$1.5
Medicare and housing	1.5
Manpower programs	1.0
Health, Education and Poverty programs	1.0
Pensions and retirement	1.0
Environment (by not full-funding the Muskie bill)	1.0
Agriculture	1.5
Water and natural resources	0.5
Defense and foreign	2.0
Space	0.3
All other	1.0

That all adds up to \$12.3 billion. If the \$2.3 billion saved on defense, foreign, and space commitments is subtracted, there's an even \$10 billion that's been sliced out of money basically ticketed in fiscal 1974 for the poor and the underprivileged.

Perhaps that represents the will of the majority of people. Certainly, that's the way the President is interpreting his election "mandate." To a certain extent, the "I'm all right, Jack" philosophy is pervasive, as Potomac Associates good new book, "State of the Nation" shows.

Mr. Nixon has proposed the issue in unmistakable terms, in his interview with Jack Horner of the Washington Star-News, in his Inaugural Address, and now, in concrete terms, in the budget.

But some people in this society do need help, despite the bland and unsupported assumption made by this administration that anything the federal government can do, the states can do better.

Experience casts doubt on this assumption. Fifty different states and the District of Columbia have 51 different standards. One doubts that what motivates Mr. Nixon is a real belief that revenue-sharing with the local communities will do more for the less affluent in our society.

What comes through is the belief that for the most part, people ought to be fending for themselves, and if they can't—tough. We see the true Nixon: austere, conservative, strait-laced, and uncompromising, despite the string of surprises he has achieved abroad. His domestic record will go down in the history books, too.

CHANGE IN FISCAL YEAR NEEDED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. PICKLE. Mr. Speaker, today I am introducing a bill to change the fiscal year for the Federal Government to a calendar year.

In reviewing the President's budget message, I noted the following statement,

Delay in congressional consideration of the budget is a major problem. Each time I have submitted a budget, the Congress has failed

to enact major portions of it before the next budget was prepared. Instead, it has resorted to the device of continuing resolutions to carry on the activities for which it has not made appropriations. Such delay needlessly compounds the complexities of budget preparation, and frustrates the potential of the budget as an effective management and fiscal tool.

He goes on to recommend:

Prompt enactment of all necessary appropriation bills before the beginning of the fiscal year.

With fiscal year 1974 beginning in just 5 months, it would be extremely difficult to enact all appropriations before July 1, 1973, and give the budget the close consideration needed.

If the fiscal year was a calendar year instead, then Congress would have 12 months to write its appropriations bills.

In past years, I have introduced legislation to change the fiscal year from a July 1 starting date to a October 1 starting date. I did this because I feared that having December 31 end the fiscal year would be an admission that Congress had to be in session year round.

But the budget is complex, and it takes time to pass the appropriations. I have, thus, decided a 12-month lead-in time for Congress to consider the next year's budget might be necessary.

I would hope, however, Mr. Speaker, that Congress could still get its business done in 9 months regardless of when the fiscal year begins. In short, I support the in and out theory for Congress.

The more we stay, it seems the more trouble we cause.

In any regard, Mr. Speaker, I think my bill represents a needed change. It would help Congress meet its budgetary responsibilities. I join with all my other colleagues who have introduced similar legislation in supporting this change, and urge all Members to give the proposal their serious consideration and support.

INTRODUCTION OF A BILL TO SET MILK SUPPORT LEVEL

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. OBEY. Mr. Speaker, I am introducing in the House today a bill which requires the Secretary of Agriculture to set the milk price support level for the coming marketing year at at least 85 percent of parity and to henceforth require quarterly adjustments in the support price.

As many of my colleagues know, the price support level must be established for each marketing year at between 75 and 90 percent of parity. Last year the support price was left at the \$4.93-per-hundredweight level established in April 1971 for the 1971-72 marketing year.

When that \$4.93 level was set, it amounted to 85 percent of parity. A year later, in April 1972, \$4.93 was only 78.8 percent of parity. Today it is below the legal floor of 75 percent.

I feel strongly that the support level should be increased, Mr. Speaker, because the costs of production for our farmers has increased dramatically.

The cost of feed for Wisconsin farmers has gone up in some cases over 50 percent, and indications are that the cost of feed such as soybean meal will go even higher.

Where does this leave our farmers? Well, simply put, it leaves them in a pretty severe financial bind. And, in some cases, where the costs of production have simply increased so much that a farmer has had to sell his herd, I would guess you would have to say he has been left out in the cold.

While many of my urban colleagues may think this is all "farm stuff" to be ignored, I think we have all got to realize that the consumer should be concerned about this cost-price squeeze too.

Right now the housewife can find milk on her grocery shelves. Fluid consumption has actually increased for the first time in years, and cheese consumption has continued to skyrocket.

But because hundreds of thousands of pounds of fluid milk is being shipped to areas which are short of it, there is relatively little left for manufacturing purposes. Some cheese plants in Wisconsin are refusing to fill new orders. They do not have milk to make cheese. Plants that use nonfat dry milk, for ice cream and other products, cannot buy that either. The Government, in fact, has allowed 25 million pounds of nonfat dry milk to be imported into the country on an emergency basis.

What all this means is that we will be in trouble if milk production continues to decline as it did in December 1972 as compared with December 1971. And, if that happens, there is going to be an increase in prices for consumers.

That does not need to happen. We can assure ourselves an adequate supply of milk if we assure farmers an adequate price for it. And we can do that by raising the support level to at least 85 percent of parity, or about \$5.76 per hundredweight.

I have asked Secretary of Agriculture Butz to do just that, and I ask that a copy of my letter to him appear at the end of my remarks.

Not only do I want an increase in the support level for this marketing year but I think that it's time we protected ourselves against potential shortages with a quarterly adjustment in the support price of milk.

Throughout any marketing year, the dairymen's purchasing power is eroded because the support price of milk remains constant while production costs constantly increase.

This year—one of a drought in the South and wet weather and low quality forage in the Midwest—was especially bad. But look at last year.

The support price of \$4.93 was 85 percent of parity in April 1971. By March 1972 that support price was only 78.8 percent of parity.

Unfortunately declines similar to those experienced during the past 2 years have been experienced through each of the

previous 6 marketing years, as shown by the table below:

Marketing year (Apr. 1 to Mar. 31)	Support price (per hundredweight)	Support as percent of parity, marketing year		Decrease, percent
		Beginning	End	
1965-66	\$3.24	75	72.5	2.5
1966-67	3.50	78	78.0	
	4.00	89	86.6	2.4
1967-68	4.00	87	83.5	3.5
1968-69	4.28	89	83.1	5.9
1969-70	4.28	83	80.0	3.0
1970-71	4.66	85	80.5	4.5
1971-72	4.93	85	79.4	5.6
1972-73	4.93	78.8	72.1	6.7

¹ As of June 30, 1966.

² Estimate for Mar. 31, 1973.

Mr. Speaker, this is unfair. Congress has established a support price in an effort to assure an adequate supply of milk to consumers, and to give farmers a fair return for their labor and investment. Right now the consumers have their milk, but the farmers are being shortchanged.

The price dairy farmers receive for their milk must rise at least enough to offset increases in production costs if dairymen are ever going to maintain—let alone improve—their income position.

If the provision of this bill providing for quarterly adjustments had been in effect last year, the \$4.93-per-hundredweight support price would have been increased three times to maintain the support level at the 78.8 percent it was at the beginning of the marketing year—to \$5 per hundredweight on July 1, to \$5.09 per hundredweight on October 1, and to \$5.19 on January 1.

Mr. Speaker, former Under Secretary of Agriculture Campbell recently pointed out that financial returns for dairymen are presently so low that most dairymen do not recover their capital investment during their occupational lifetimes. I cannot think of anything that better illustrates just why we need improved incomes for these farmers.

I believe the proposal that I am introducing today makes a justified improvement in our dairy price support program. I hope the Congress gives its positive consideration.

A copy of this bill appears below:

H.R. 3675

A bill to amend the Agricultural Adjustment Act of 1949 as amended to establish a support price for milk for the marketing year beginning April 1, 1973, and to provide for adjustments in the support price of milk during its marketing year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446), as amended, is further amended by adding the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning April 1, 1973, and ending on March 31, 1974, the price of milk shall be supported at not less than 85 per centum of the parity price therefor."

SEC. 2. Section 401 (d) of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new sentence:

"Notwithstanding the first sentence of this subsection, the Secretary shall adjust the support price of milk at three month inter-

vals during its marketing year in order to accurately reflect any increase in the parity price of milk as of the date of each such adjustment when compared to its parity price at the beginning of such marketing year."

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 1, 1973.

Hon. EARL BUTZ,
Secretary, U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to ask you to raise the dairy price support level to at least 85% of parity for the marketing year beginning April 1, 1973, and I encourage you to announce that decision well before the marketing year begins.

In my judgment, an increase to 85% of parity, or about \$5.76 per hundredweight, is needed if the policy of the Congress, as stated in the Agriculture Act of 1949 as amended, is to be complied with. That policy states that:

"It is the policy of Congress to assure a stabilized annual production of adequate supplies of milk and dairy products; . . . and to stabilize the economy of dairy farmers at a level which will provide a fair return for their labor and investment when compared with the cost of things that farmers buy."

You are aware, I'm sure, of the tremendous increase in feed costs which dairy farmers faced this year—costs far in excess of any gains in the prices they received for their milk.

In Wisconsin, for example, the price farmers received for their milk increased from \$5.52 to \$6.00 per hundredweight from December, 1971 to December, 1972, an increase of about 9%. But during that time the price of hay has increased from \$21.50 to \$33 a ton, or about 53%; the price of soybean meal increased from \$112.40 to \$163.62 a ton or 45%; and the price of corn increased from \$1.10 to \$1.30 a bushel, or about 18%.

That increase in costs has caused some dairymen in my district to leave dairy farming. Others in Wisconsin and elsewhere are leaving for other reasons, just as they have been for years. My concern, Mr. Secretary, is that if we do not keep a sufficient number of farmers on their farms, which we can do by giving them a fair price for their product, there could be a serious milk shortage with resultant increases in the cost of dairy products.

In my judgment, the milk supply situation is not something which should be taken lightly.

Many areas now are relying on Wisconsin milk to fill their fluid needs. For the week ending January 18, 1973, for example, 212 loads of milk of about 47,000 pounds each were shipped out of Wisconsin, in addition to normal loads which go to Illinois, Ohio, Indiana, Missouri and other places. This is compared with 31 out of state spot shipments this time a year ago. And because milk is being shipped out of state in such large quantities, cheese plants in Wisconsin are having a difficult time purchasing milk for manufacturing purposes.

Government purchases of cheese and nonfat dry milk have been almost nil in recent months. And we in Wisconsin are well aware of the fact that 25 million pounds of nonfat dry milk were imported into the country above the normal quota because the demand was great and the supply low.

Mr. Secretary, we have a number of factors at work now which taken together could spell trouble for the consumer in future months. The number of dairy farmers continues to decline and the number of cows being milked is decreasing. The cost of feeding them has increased dramatically and the quality of the forage harvested this fall, especially in the midwest, is not good. What this means is that production levels could continue to fall, as they did in December, 1972 as compared with December, 1971. If

production does fall below present levels there could easily be increased prices for consumers in future months.

I think we all agree that consumers should be assured an adequate supply of milk at a reasonable price. There should be no question but that milk will be available on the grocery shelves.

But farmers cannot and should not be expected to remain in business unless they can be assured a fair price for their milk, and I don't think many will feel so assured unless you announce now that the price support level for the coming marketing year will be at least 85% of parity.

Mr. Secretary, he is indeed foolish who likens cows to water spigots—easily turned on and off when the need for liquid refreshment arises. To be sure it is very easy to decrease the milk supply quickly. If farmers cannot at least meet their costs of production, they can simply get out of what can only be described as a very demanding business. And who can blame them.

But increasing the milk supply is another ball game entirely. It cannot be done easily or quickly, a fact which must be taken into account when looking at our future dairy needs for an increasingly large and affluent society.

So, I want to reiterate, Mr. Secretary, that I believe you should increase the support price to at least 85% of parity and announce your decision to do so soon. Such a decision would be fair to the farmer who will be assured an adequate price for his product, and it would be fair to the consumer who will be assured an adequate supply of nutritious milk, cheese and other dairy products.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

SOUTH VIETNAM IS LUCKY

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HUNGATE. Mr. Speaker, the following article presents some interesting analyses:

[From the Des Moines Register, Jan. 9, 1973]

SOUTH VIETNAM IS LUCKY

(By Donald Kaul)

I've never considered myself a superpatriot. Oh, I may get a little misty-eyed when I hear Anita Bryant sing "The Star-Spangled Banner" before a football game, but who doesn't?

Still, I must admit to getting a little choked up whenever I think of what we've done for South Vietnam.

Here we are, the richest, most powerful nation on earth—nay, in the history of the earth—yet we have taken the time and trouble to see to it that little South Vietnam has not become a fruit of aggression. And a lot of time and trouble it's been, too.

It makes you proud to be an American, doesn't it?

I just wish we'd had the advantages of South Vietnam when we were an emerging nation.

Imagine what it might have been like if France, for example, had taken us under her wing during our revolutionary war and done for us what we've done for the South Vietnamese. This is what it might have been like:

George Washington, commander of the American revolutionary forces, is at the Delaware River, trying to learn how to stand up

in a rowboat, when a messenger rushes up and says:

"Sir, they've just bombed Philadelphia to the ground."

"Damn the British!"

"The British didn't do it, sir, the French did. General Lafayette said it was the only way to get the British back to the bargaining table and shorten the war."

"Isn't that what he said last year when he burned out Baltimore?"

"No sir. Baltimore was destroyed in order to save it, if you'll remember."

"Oh yes, I keep getting those towns mixed up. What city did he reduce to rubble in order to see the light at the end of the tunnel?"

"New York, sir. But we evacuated the civilian population first."

"Yes, to Philadelphia as I recall. Well, I guess you can't make an omelette without breaking a few cities. Anyway, we still have Boston."

"Not any more, General. It seems that the British have pacified it."

"Pacified? That's a curious term. What does it mean?"

"Pretty much the same as seeing the light at the end of the tunnel."

"Boston gone? That's an outrage! The French won't take this lying down."

"They haven't. General Lafayette has ordered all of northern Pennsylvania burned in retaliation."

"Good for him! It's nice to have allies you can count on."

"You don't have to worry about Lafayette, sir. He said he would never allow France to be a pitiful, hopeless giant in the eyes of the free world."

"He certainly has a turn of phrase. I owe a lot to that man. You know, that crowd around the court back in France would like him to get rid of me."

"You, sir? But why? You're going to be the father of our country."

"Oh, it has to do with some nonsense about me owning slaves and them not wanting France to go around propping up corrupt democracies. They want Ben Franklin to be the father of this country."

"They're just saying that because Franklin speaks French."

"Possibly, but I'd be a goner if it weren't for Lafayette. That's why I look the other way when he shells a hospital by mistake or wipes out a village of civilians. His heart's in the right place. Still and all, if we ever do win this miserable war and I get to be the father of this country, do you know the first thing I'm going to do?"

"No sir."

"Avoid entangling alliances."

NEW JERSEY STATE BUILDING AND CONSTRUCTION TRADES COUNCIL RAPS NIXON'S PHASE III

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, on January 24, 1973, the New Jersey State Building and Construction Trades Council's executive board adopted a very hard-hitting resolution dealing with phase III.

Mr. Speaker, workers in the construction unions are very concerned, and rightly so, that phase III discriminates against employees of these trades.

Mr. Speaker, I ask unanimous consent that this resolution appear follow-

ing my remarks. I urge all Members of this House to read carefully what the building and trades council members are saying.

The resolution follows:

RESOLUTION

Whereas President Nixon has urged the Wage Stabilization Act to defeat the efforts of Organized Labor in their fight for fair wages in the past, and

Whereas in Phase III he openly discriminates against the Union Construction worker, we, the New Jersey State Building and Construction Trades Council resolve,

That we will actively solicit support in an effort to insure that the Wage Stabilization Act not be extended beyond its expiration date of April 30, 1973.

The present Phase III of Economic Stabilization containing mandatory controls only over the Construction Industry, means that where all costs and standards are increasing, Construction workers will be frozen, so that of all the workers in the country, only the Construction workers will suffer a decreasing standard of living.

We find President Nixon's use of this Act to so openly discriminate against certain groups is intolerable, and he should not be allowed to continue in this manner under the Act.

Adopted January 24, 1973 by the Executive Board of the New Jersey State Building and Construction Trades Council.

THE WEEK THAT WAS

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. GROSS. Mr. Speaker, on Sunday, January 28, 1973, our former colleague from Michigan, the Honorable August E. Johansen, accepted the invitation of Dr. Lester O. Schriver, pastor of the Mt. Dora, Fla., Community Congregational Church, to deliver an address at the regular church service.

It is a pleasure to have the opportunity to insert Mr. Johansen's excellent and timely address in the RECORD at this point:

THE WEEK THAT WAS—AND WHAT IT CAN MEAN

"Or what king, going to make war against another king, sitteth not down first, and considereth whether he be able with ten thousand to meet him that cometh against him with twenty thousand?"

"Or else, while the other is yet a great way off, he sendeth an ambassador, and desireth conditions of peace." Luke 14: 31, 32.

Thank you, Dr. Schriver, for your deep understanding and generous confidence in inviting me to speak on this historic and solemn occasion.

Within a single week much has transpired to stir us deeply, to challenge us to most earnest thought, and to prompt our sincerest prayers.

President Nixon has been inaugurated for his second and final term.

Former President Johnson has died and received a state funeral, leaving us, for only the fifth time in our history, with no living former Chief Executive to remind us that in our Republic strong men do willingly relinquish great power.

In Paris, on yesterday, there was signed an agreement to end the Viet Nam war.

And last evening the guns, for the most part, fell silent.

Now, even as we gather here, there begins implementation of the agreement . . . the neutral supervision of the cease fire . . . military disengagement . . . liberation of war prisoners . . . and as a swift token of American good faith, the announcement of immediate termination of the draft.

One personal word:

As you said to me so generously and so perceptively, Dr. Schriver, a decade of service in the Congress of the United States (even though it ended an unbelievable eight years ago) still gives me a sense of personal involvement in the events which converged so dramatically this past week.

It is a sense of involvement in terms of many personal associations, memories, emotions, and deeply held convictions.

And it is from these convictions that I speak today, in the hope my words will somehow address themselves usefully to your sense of involvement in the present course of human events.

I speak to you on the topic and theme—"The Week That Was—And What It Can Mean."

In our setting of uncertainties today there are some sure verities. There are some words that must be said and deeply, earnestly meant.

There must, of course, be thanksgiving to Almighty God for what is, to this moment, the favorable consequence of the week-that-was; thanksgiving also for the promise of further good which may ensue.

There must be "honor to whom honor is due"—including honor to our servant and God's, (fallible as are all men, but totally dedicated) Richard Nixon, and to his immediate predecessors, and to all who have labored with them.

There must be a prayer for all in authority in our land and in the other lands so long troubled by this war, that their hearts may be impelled to peace and mercy, and their minds directed to justice and human brotherhood.

There must be "honor to whom honor is due" for those of our Armed Forces—living and dead—who fought not alone a war, but frustration and unprecedented temptations, and who must more than once have wondered whether their own home front was waging war against them as well.

There must be special mention of a present paradox—more poignant than usual because of the cruel uncertainties as to the fate of American prisoners of war and missing in action.

We forget, sometimes, that while there is, as written of old, "a time to weep, and a time to laugh; a time to mourn, and a time to dance," in current circumstances the identical same time and season brings for some laughter and dancing, and for others tears and deepest agony.

This time of glorious home-coming for many will be for others the very moment of discovery that for them and their loved one there is to be no home-coming at all.

Let those who rejoice have a special compassion for those who grieve; and grant, O Lord, to those who mourn, the grace to fore-swear bitterness.

And now, with regard to the week-that-was, and what it can mean, I address myself briefly to three points.

I. THE WEEK THAT WAS CAN MEAN THE OPPORTUNITY FOR A FRESH START

A fresh start, certainly, for America. Perhaps (and we would hope) for Viet Nam and the rest of the world.

In this sense we can, I think, properly describe the events of the week-that-was as—to use a term favorite with Winston Churchill—a climacteric.

Even in ancient days it was recognized that leadership entailed an obligation to, and a presumption of, prudence and realism. In the words of my text:

"What king, going to make war against another king, sitteth not down first, and consulteth whether he be able . . ."

It is the peculiar and blessed feature of our situation today, in consequence of the week—that was, that our American leadership—and our people—have a rare opportunity for a second time to sit down and consult . . . a chance to start anew.

I offer this estimate and judgment on the basis of one preeminent fact, though there may be subsidiary ones, that we are in truth disentangled and disengaged from the war in Viet Nam.

Now I can be harshly realistic with the best of them, but I believe the disengagement is the closest thing to a certainty in the welter of events we call the week—that was.

True, the peace we hail today is a fragile and precarious one, especially for strife-torn Viet Nam.

Our hopes for world peace can turn to ashes in our mouth if good faith commitments by Communist leaders (or others) are betrayed or if expediency dictates some sharp change in the Communist attitudes and policies of the moment.

I know all of that. But I believe America has achieved already enough in the tortuous negotiations to offer the opportunity for a new start.

The chance for such a fresh start is not a guarantee that that there will be one . . . or that it will be the right one.

And certainly it will not be easy, in any case.

A nation does not recover, automatically or instantly, from the traumatic experience of being involved in a war which a substantial share of those in leadership positions and many of our citizens regard and describe as not worth the cost . . . or totally immoral (a judgment I totally reject) . . . or none of our concern . . . or poorly conceived or executed as to strategy or tactics.

History alone can render the judgments on these tragic and divisive issues. To endlessly rehash and agitate these questions at this juncture could jeopardize or forfeit our opportunity to start anew, and on a sounder footing.

Yet in facing our new chance, let us recognize and benefit from known errors insofar as it will help us make our new start not a false start.

Let us acknowledge and benefit from errors not as an exercise in self-flagellation . . . not for the sake of recriminations or fruitless reproaches . . . but so that our counsels and our commitments in the days ahead may be wiser and the more righteous.

There is nothing—and on this I feel very strongly indeed—there is nothing more destructive to national morale, or to repentance productive of reform, or to the prospects of a new and better start, than obsessive preoccupation with a supposed collective "national guilt."

In passing I offer one other incidental observation: Perhaps in the days ahead we will have a clearer insight into the question of whether, as has been so constantly reiterated, the divisiveness in our country has been totally the by-product of the war and its frustrations . . . or whether, in some instances at least, the war has been an excuse or a device for deliberately contrived divisiveness exploited by enemies of our country, foreign and domestic.

In any event there is promise of something better, a promise of a better start, it seems to me, in the touching incident that followed the state funeral for Lyndon Johnson. A long-haired, denim-garbed young man came up to Mrs. Johnson in the Capitol Rotunda as Lady Bird visited with old Washington friends and said to her—"I apologize."

The opportunity for a fresh start must be accepted and exploited in just such a spirit of honesty and humility if its potentials are to be realized.

It is wisdom and realism, of course, to discipline our hopes for peace, for a better era in world affairs, and a greater chance of justice and good will.

But as we discipline our hopes with prudent realism and caution, let us not ourselves tarnish those hopes with the corrosive acids of cynicism or the sneering reiteration of past jeremiads and accusing lamentations.

We are disentangled and disengaged. And so we have, let us never forget, the opportunity for a new and better start.

II. THE WEEK THAT WAS CAN MEAN THE OPPORTUNITY TO RECOVER THE COURAGE TO BE STRONG

The problem of the king in our text arose from his comparative weakness. It was expressed in the question:

"Whether he be able with ten thousand to meet him that cometh against him with twenty thousand."

In large measure our problem, on the other hand, is not lack of power, actual or potential; rather it is that we are sometimes intimidated by the enormity of power in our hands in this awesome nuclear age.

And it is sometimes also because we lack the understanding, the skill, the will or the courage to muster and use our strength in less spectacular and horrendous form and manner, in behalf of freedom and justice.

And sometimes we hesitate to use the lesser forms of force lest it trigger the catastrophic forms—though Mr. Nixon, it seems to me, has demonstrated that this is an unlikely sequence.

In any case I am concerned by those who seem to deny or brush aside any moral obligation to use power in defense of the weak, the threatened, and against the destroyers and enslavers. I still believe it is quite one thing, morally, for the policeman to carry and if he need be use his gun, quite another for a bandit or a hijacker to do so.

I am much concerned that we not yield to future pressures, which may intensify in the days ahead, in support of the ultimate pacifism in America which would indiscriminately and unilaterally strip us of power or the capacity for power, military and otherwise, in the world of still basically undiminished hostility.

It was not President Nixon, but President Kennedy, who said, speaking of "those nations who would make themselves our adversary:"

"We dare not tempt them with weakness."

Let me put it another way and very simply: When freedom, and justice, and righteousness lack the courage to be strong, it is inevitable that the opposing forces will soon take the command.

Now in recovering the courage to be strong, we need to understand that strength in world affairs has dimensions far broader than military force alone.

I believe that diplomacy can be a source of strength if we have the courage to use it in the process of what President Eisenhower called "waging peace."

For the king in our text, the resort to diplomacy was prompted by recognized weakness—

"While the other is yet a great way off, he sendeth an ambassador, and desireth conditions of peace."

I believe the diplomacy we have lately been practicing is the diplomacy of strength and can extend and expand the dimension of power for peace with justice.

And in this particular I have in mind the direct communications with Moscow and Peking, the projected global balance of power, and the application of what Mr. Nixon calls the policy of linkage. Another generation called it the principle of quid pro quo, and some see it as simply "yankee trading."

In any event, in this and in other areas of potential power, let us have the courage once again to be strong.

III. THE WEEK THAT WAS CAN MEAN THE REDISCOVERY OF THE VITAL VIRTUE OF SELF-HELP

In President Nixon's Inaugural Address he seemed to offer double promise of such a rediscovery.

He said: "Let us encourage individuals at home and nations abroad to do more for themselves and decide more for themselves."

And he amplified that statement, in each particular.

In the international field—

"We shall do our share in defending peace and freedom in the world. But we shall expect others to do their share."

"The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility."

And, I would interject, the process we now know as Vietnamization offers a promising clue as to how we may help other nations to help themselves in the matter of national defense without the type of total involvement we incurred in Viet Nam. If, as I believe the record demonstrates, it helps us get out of the mess even as it helps the smaller country to help itself, perhaps it can hereafter help keep us out of the mess while still coming to the aid of beleaguered victims of aggression.

And here at home President Nixon made a parallel plea for the principle of self-help:

"In our own lives, let each of us ask—not just what will government do for me, but what can I do for myself?"

This is a doctrine of self-reliance and voluntarism not only of the individual as one against the world, but of individuals functioning in voluntary collective effort. This latter, by the way, is the best antidote for the ominous collectivism of government.

I have said something before, on other occasions, which I repeat now.

I have always been impressed by the proximity (only three verses apart, in St. Paul's Epistle to the Galatians) of the seemingly contradictory but actually complementary injunctions.

"Every man shall bear his own burden," and—

"Bear ye one another's burden." Vital and essential as they are—these two admonitions are not quite enough.

If we are not to delude ourselves into trying to play God in our world . . . and if we are not to succumb to the despair that human failures so often produce, we must move one further step beyond these two guiding principles.

And no more so than in our quest for peace on earth and brotherhood among mankind.

And so I add, for just such contingency, the third closely related admonition of Holy Writ—the summons to faith:

"Cast thy burdens upon the Lord."

And upon this trilogy of complete wisdom for the children of men, let us rely as the promise and the realities of the week—that was unfold before us.

NATIONAL FREEDOM DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BIAGGI. Mr. Speaker, this past Thursday we celebrated National Freedom Day. At this time I would like to call the attention of my colleagues to a project which typifies the true spirit of freedom. Fordham University's Young

Americans for Freedom Chapter, following the completion of an intensive petition campaign, has successfully instituted the first POW scholarship for the child of an American prisoner of war. The scholarship program, which will go into effect in the winter semester of 1973, was passed unanimously by the school's board of trustees on December 19, 1972.

In addition to the YAF, several other Fordham University campus groups lent their support to the successful petition drive; they include the Circle K Club, the Pershing Rifles Club and the Young American Club.

Charles Ferrigno, president of the YAF and the coordinator of the drive, was primarily responsible for this scholarship award. He kept the petition drive free of any partisan politics and conducted the entire effort out of a sense of humanitarian concern for the families of the captured men. Fordham University and particularly Mr. Ferrigno are to be commended for this outstanding achievement. The time is long overdue for Americans to respond in a tangible, meaningful way to the call of the American prisoner of war and the needs of his family.

Let us hope that the commemoration of National Freedom Day in the future will be marked by such successful and meaningful programs as that recently instituted at Fordham University.

THE AMNESTY ISSUE

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. VAN DEERLIN. Mr. Speaker, James R. Miller, a second-year student at the University of San Diego, has written a sophisticated analysis of the amnesty issue that belies his youth and relative inexperience.

Regardless of how we feel about this emotionally charged problem, we are fast reaching a point where it must be resolved, one way or another. The war is over, insofar as the United States is concerned, and something must be done to repatriate the upward of 70,000 young Americans who have fled the country to escape the draft.

Mr. Miller believes that Congress should take a leading role in determining whatever conditions must be met by those seeking amnesty. He takes as his text the amnesty bills offered by our colleagues, Congressman Koch and Senator Taft. In my view, both these proposals have much to recommend them; each would require draft evaders to fulfill a comparable national service obligation in order to obtain remission.

The Miller paper was prepared for the December issue of the San Diego Law Review, a quarterly published by the University of San Diego School of Law. But it is timelier than ever today, and

I commend it wholeheartedly to the attention of our colleagues:

AMNESTY FOR DRAFT EVADERS?

(By James Robert Miller)

THE PROPOSED LEGISLATION OF SENATOR ROBERT TAFT, JR. AND CONGRESSMAN EDWARD KOCH

I. Introduction

Just as the pentagon has formulated contingency plans for the return of the POW's Congress must give thought to preparing the structure by which amnesty will be granted. I can only hope that such a plan will not seek punishment or retribution, but has as its guide compassion. Valerie M. Kushner, wife of a prisoner of war.

A dilemma confronting the United States as the war in Vietnam de-escalates is what is to be done with those young American men who, for reasons of conscience, bad advice, or whatever, chose illegal alternatives to military service in that war. To resolve this dilemma, legislation has been introduced into both houses of Congress which would grant amnesty to those men who evaded the Selective Service law during the course of the Vietnam war.

The motivation upon which the legislation is founded entails a compassionate desire to reunite these young men with their families, communities, and country. The legislators who support the amnesty proposals challenge the nation to be "strong enough to be compassionate and understanding. . . ." They argue that the means for displaying this compassion is amnesty. The amnesty need not, however, be proposed out of "remorse or of sympathy. It would simply be offering a practical solution to what is or should be a national concern. . . ." the healing of our national wounds. It is a means of restoring "harmony to our society and unity to our nation" by returning potentially valuable citizens to work toward its progress and development while offering to the nation's youth a demonstration of humanity by the government.

The questions which must be answered affirmatively following this most divisive war are whether the nation will offer the draft evader the "opportunity to be reunified with our American society" and whether the nation "wants to offer reconciliation to a generation of young Americans."

II. The extent of the problem

On March 6, 1972, Senator Taft demonstrated the extent of the draft resistance movement in this country by presenting figures to Congress showing five hundred draft "resisters" in federal prisons, an additional 3900 under federal indictment, and perhaps 70,000 young Americans living abroad to avoid the draft. Others have placed the number of "resisters" living abroad as high as 100,000 but have failed to distinguish between draft evaders and deserters from the armed forces. More conservative estimates discount those figures as being far too excessive, even if deserters are included.

There is simply no accurate guide to the number of draft evaders. This is partially due to two factors: the nature of the problem of determining exactly how many men have failed to perform a positive duty of registration with the Selective Service and a lack of precision in the use of the term "draft evader" which is here defined as one who has refused to register with the Selective Service System or has refused induction into the armed forces. But the figures used by many when discussing "draft resisters" also include deserters from the armed forces as well as men who have duly registered with Selective Service System, but then fearing the draft, have fled the country or gone into hiding while in fact they have never been called

for induction and have not committed the offense of refusing induction.

While it is apparent that the class of draft evaders numbers in the thousands, many more of our citizens are affected than any estimate of the number of evaders alone can reveal. Any realistic measurement of the division and alienation created by the problem must include the number of wives, relatives, and friends who have been separated from the men or who have followed them into exile. Indeed, the dilemma is a "major phenomenon, and a deeply tragic one."

In a real sense the actual numbers become immaterial when it is fully realized that a great many Americans chose prison or exile rather than involvement in a long and divisive war. Many more who wish to see their return and an end to the alienation have been left behind. The evader has thus become a symbol to many of the divisions in this country; his return is seen as a chance for reconciliation. In direct contradiction to this need and desire for reunification is the fact that the present impact of the law constitutes an effective bar to the return of the evader.

III. Congressional action on amnesty?

If amnesty is to be granted to the draft evaders of the Vietnam war, the question remains from what authority should the amnesty come? There can be no doubt that the President has the power to grant amnesty. The precedents for presidential action are numerous. Presidential action is indeed possible as President Nixon has indicated that he favors some form of amnesty; however, accepting the rationale for amnesty as being a desire to reunify the country, congressional action is more desirable. The debate concerning the war in Vietnam has often involved charges of over use and misuse of presidential power coupled with a failure to consult with Congress. This opinion among many has added to the divisions in the country and has resulted in much bitter criticism directed at the personality in the White House.

The reunification of the nation would be better served by congressional action which would be a more broadly based demonstration of a bi-partisan effort to heal the society's wounds. The power of Congress to so act is, however, less apparent than the presidential authority because there are fewer precedents; but precedents supporting amnesty legislation by Congress do exist, and the courts have affirmed the existence of such power.

In *Brown v. Walker* the Supreme Court held that "although the Constitution vests in the President power to grant reprieves and pardons . . . (that) power has never been held to take from Congress the power to pass acts of general amnesty." It is admitted that the Constitutional power of the President cannot be "limited" by legislative action, but neither is that power exclusive on the subject of amnesty. It is a power which is concurrent with Congress.

The Congress has exercised this power on occasion and has thereby established sufficient precedents. In 1865 Congress passed a conditional amnesty wherein it permitted deserters from the military during the Civil War to return to service within sixty days without punishment, or thereafter face the usual penalties for desertion. In 1872 the legislature again acted with amnesty for many former rebels of the Civil War by lifting the political restrictions imposed on them by the Fourteenth Article of Amendments of the Constitution. That amnesty, by excluding certain persons, narrowed the class affected, but it nevertheless granted a general amnesty to many former rebels.

In 1884 Congress granted further amnesty to more former confederates by allowing their service on juries and in civil offices. It again acted in 1896 to repeal the sanctions against former rebels which had denied them appointments to military commissions. The last of the Civil War related congressional amnesties was enacted in 1898 by the *Universal Amnesty Act of June 6*, which removed all sanctions against all former rebels, returning them to complete status as citizens.

It is significant to emphasize that Congress took an eminent role in the granting of amnesties in the post Civil War era when national divisions were most severe. Those amnesties were intended to heal the social wounds and reunify the country. Although the congressional precedents are not so numerous as those involving the presidential power to grant amnesty, clearly Congress does have the power to act when the circumstances warrant. The need at this time for an amnesty to be granted in a unifying, bi-partisan manner, requires congressional action.

IV. The proposed legislation

The Conditional Amnesty of Senator Taft
On December 14, 1971, Senator Robert Taft, Jr. (R. Ohio) introduced S. 3011, entitled *The Amnesty Act of 1972*, as a bill to offer conditional amnesty to those "[W]ho have failed or refused to register for the draft or who have failed or refused induction. . . ." The senator prefaced the introduction of the legislation with remarks reminding his colleagues that:

"America is a strong country. America is a good country. And I believe that America is the type of country which will give these young men an opportunity to be reunited to the land of their birth by making valuable and positive contributions to our national life."

The Amnesty Act of 1972 would apply to those who have evaded the draft after August 4, 1964, and would specifically exclude deserters whom Senator Taft believes must be dealt with in other ways because they have broken a formal oath to the United States and because to pardon them would greatly disrupt the armed forces.

S. 3011 proposes amnesty for those who meet certain conditions. The conditions would require that the evader present himself within one year of enactment to the administrative control of the Attorney General, or other presidentially designated official, for three years of alternate service to the United States either in the military or in a civilian pursuit such as Volunteers in Service to America (VISTA), a Public Health Service or Veterans' Administration hospital, or "other Federal service." The choice between military or civilian service would be made by the evader who presumably would be allowed some discretion as to his specific field of endeavor and location of service subject to administrative direction based on national needs and the applicant's particular skills. He would serve at the lowest pay scale.

S. 3011 would also release from prison any person serving a sentence for evasion subject to his meeting the conditions of amnesty, with the provision that his time of alternate service would be reduced by the amount of time already served in prison, with a maximum reduction of two years.

This proposal would not, however, grant amnesty in the same manner in which Congress acted in the post Civil War era. The actual act of pardon would remain a function of the President, with S. 3011 serving technically only to express the "sense of the Congress." It would be the sense of the Congress that the President grant amnesty to those members of the class evaders who within one year of enactment agree to serve their nation in some form of alternate service and then complete that service. The proposal is thus an

exercise of congressional authority coupled with a recognition of presidential power and seeks to involve both branches of government in any grant of amnesty.

Although no specific provision is included in the bill which would require that the amnesty be granted only after the cessation of the war in Vietnam, it is inherent in the proposal that the amnesty would not be granted until the completion of the alternate service and the meeting of all conditions. Thus, for the vast majority of evaders, the amnesty would not be granted for a minimum of three years after enactment, and for those relatively few who have served in prison for two or more years, amnesty would follow no earlier than one year after enactment. Given these time elements, and the announced policy of the Nixon administration to disengage from the war, it would appear unlikely that amnesty would be granted before the end of significant American involvement in Vietnam.

The Conditional Amnesty of Congressman Koch

On January 18, 1972, Congressman Edward Koch (D.-N.Y.) displayed bi-partisan support for conditional amnesty for draft evaders by introducing H.R. 12417. The Congressman summarized his position by stating that:

"It is time that our country put aside its differences and lay to rest the acrimony that has consumed us. Instituting this conditional amnesty that demands some compromise from everyone would be a step in this direction."

H.R. 12417 is essentially identical to S. 3011 in that it calls for alternate service for draft evaders as a condition for receiving amnesty from the President. A significant difference is that Congressman Koch proposes only two years of alternate service believing this to be appropriate because two years is the length of service presently required of conscientious objectors.

An evader who has served time in prison could have his alternate service time reduced by up to one year, leaving him a minimum of one year of service as is required under S. 3011.

V. Conclusions

It is apparent that the interests of national harmony and social reunification could well be served by the granting of amnesty to those young Americans who chose illegal alternatives to service in the war in Vietnam. Legislation which would establish the framework in which amnesty could be granted has been introduced into Congress. It would provide the means for Congress to accept responsibility for amnesty in a bi-partisan display of support.

The amnesty should pardon the class of individuals defined as draft evaders and military deserters. While the class deserters may be distinguished from the draft evaders in that the former have broken an oath to their country, the practical distinction may well be based more upon economic and educational differences which should not prevent one group from being given the opportunity to be reunited with their country. The determining factor for those who must decide whether to include deserters in any amnesty should be the realization and the goals of the amnesty would be best served by the inclusion of the deserters.

While it is evident that an amnesty can serve the interests of the country, it is imperative that the form of amnesty heal the wounds in the national fabric without creating new ones. There are sufficient precedents to support either conditional or unconditional amnesty with the final decision concerning the type to be granted dependent upon the particular circumstances. Today, amnesty conditioned upon service to the nation is the most practical means of returning

the offenders to the American society while upholding the integrity of the law and avoiding the alienation of other important groups. The requirement of two years of alternate service as would be a prerequisite under the Koch proposal is founded upon a reasonable comparison, the length of service required of conscientious objectors, and avoids the stigma of service as punishment.

It is also evident that in order to avoid injustice to those presently serving in Vietnam or being held as prisoners of war, the conditional amnesty should become final only upon the cessation of hostilities. The presently proposed legislation would hopefully have this effect by postponing the final grant of amnesty until the completion of the alternate service, but to insure clarity the final legislation should state that in no case would the amnesty be effective before Americans stop dying and serving prison terms in Vietnam.

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. SCHERLE. Mr. Speaker, for more than 3 years, I have reminded my colleagues daily of the plight of our prisoners of war. Now, for most of us, the war is over. Yet despite the cease-fire agreement's provisions for the release of all prisoners, fewer than 600 of the more than 1,900 men who were lost while on active duty in Southeast Asia have been identified by the enemy as alive and captive. The remaining 1,220 men are still missing in action.

A child asks: "Where is Daddy?" A mother asks: "How is my son?" A wife wonders: "Is my husband alive or dead?" How long?

Until those men are accounted for, their families will continue to undergo the special suffering reserved for the relatives of those who simply disappear without a trace, the living lost, the dead with graves unmarked. For their families, peace brings no respite from frustration, anxiety, and uncertainty. Some can look forward to a whole lifetime shadowed by grief.

We must make every effort to alleviate their anguish by redoubling our search for the missing servicemen. Of the incalculable debt owed to them and their families, we can at least pay that minimum. Until I am satisfied, therefore, that we are meeting our obligation, I will continue to ask, "How long?"

AUTISTIC CHILDREN'S WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, I am pleased today to reintroduce a resolution authorizing the President to proclaim the last week of June of each year as National Autistic Children's Week.

The tragic and heartbreaking story of autistic children is one that merits further attention and the active concern of the people of this Nation.

Mr. Speaker, too many persons have no idea whatsoever of the problems confronting these children and their families.

Autistic children would appear to be free from any problems of behavior at first glance. However, their behavior patterns, for some unknown reason, separate them from other children and require special attention and often medical treatment.

Mr. Speaker, I would like to quote from a publication of the National Society for Autistic Children which describes the plight of these young people:

The live in a world apart from others, seemingly inaccessible. Parents and others writing about them use such terms as "the invisible wall," "the glass ball," "the fortress," "the trance children." They seem unresponsive to the usual give and take of parent child relationship.

Mr. Speaker, the adoption of this resolution will do a great deal to assist those who are helping autistic children acquaint the Nation with a growing medical problem. I urge the Congress to give this matter full and quick consideration.

H.J. RES. 296

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation each year designating the week which begins on June 24 as "National Autistic Children's Week," and calling the attention of the people of the United States to the plight of the autistic child, and the services which are available to help such children and their families.

EDUCATIONAL OPPORTUNITY FOR ALL: AN AGENDA FOR NATIONAL ACTION

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. THOMPSON of New Jersey. Mr. Speaker, in December a significant statement on the future of community and junior colleges in this Nation was issued by the assembly of the American Association of Community and Junior Colleges. The statement is titled, "Educational Opportunity for All: An Agenda for National Action."

There are 1,200 such colleges in the United States providing postsecondary education for more than 3 million persons. These institutions were the subject of many discussions in the House and Senate last year as we considered the Higher Education Amendments of 1972. I am sure these institutions will play a large part in our future deliberations on the Federal Government's role in helping all Americans.

The statement by the assembly is the result of discussions involving trustees, administrators, faculty members, students, State officials, and representatives of the general public. The assembly involved participants from both public and

independent colleges across the Nation. On December 11 the complete text of the assembly's statement appeared in the Chronicle of Higher Education. I ask unanimous consent to insert that report into the RECORD.

The report follows:

TEXT OF "AGENDA FOR NATIONAL ACTION"

ADOPTED BY JUNIOR-COLLEGE ASSEMBLY

WARRENTON, VA.—Following is the text of a report adopted this month by the Assembly of the American Association of Community and Junior Colleges at the conclusion of a three-day meeting at Airle House here.

This assembly meets at the end of an important year in postsecondary education, a year of recognitions—of the swirl of competing domestic priorities; of basic questions about the value of education, particularly higher education; of changes and adjustments in student populations and student educational choices.

This was also the year in which major new legislation for postsecondary education was passed by the Congress and approved by the President. The programs and concepts therein enacted into law will, when implemented, have important effects on future students, programs, and institutional arrangements in the field of postsecondary education.

Community and junior colleges, as well as other postsecondary institutions, have been and will be affected by these changes.

Thus it is an appropriate time for an assembly of community- and junior-college educators and other interested persons to meet to discuss these changes and their implications for the future.

DEVELOPING AN AGENDA

Our charge in these deliberations has been to develop an agenda for national action for community and junior colleges.

What role should these institutions play in postsecondary education?

Who are their future students likely to be and how should these students be served?

What community needs can and should these institutions serve?

What kinds of support, financial, administrative, and moral, are needed to enable community and junior colleges to meet these commitments?

What kinds of national, state, and local policies are needed to insure that the necessary support will be provided?

OPPORTUNITY FOR ALL

We begin with an affirmation of what we have conceived to be our mission over the past several decades—a mission that has put us in the forefront of the effort to bring the concept of "educational opportunity for all" ever closer to reality.

Community and junior colleges have tried to provide appropriate postsecondary educational opportunities to all who seek this experience. Thus we are committed to the concept of comprehensiveness—to a broad spectrum of programs that will meet the individual needs of the broad spectrum of students in our communities.

We are committed to serve our communities in as many ways as are appropriate, from training their citizens for employment to providing programs geared to the needs of retired people.

We are committed to seeking out potential students, discovering their needs, and devising educational programs to help them, perhaps to overcome educational or motivational deficiencies, perhaps to upgrade their competence in a particular skill.

We believe that the larger society is also committed to these goals; that there is a growing recognition that in a complex society a year or two of postsecondary training is necessary for almost all Americans; that opportunity for education at this level is ap-

proaching definition as a fundamental right for all who seek it; that the cost to society of fulfilling this right is far less than the costs which result from an untrained, unemployable population.

"All people in the community are potential students—all age groups, all ethnic groups, the rich, the poor."

WHO WILL THE FUTURE STUDENTS BE?

The future students in community and junior colleges will not be remarkably different from those who presently attend. They will represent that broad spectrum of people of all ages whose educational needs can be accurately identified by the college serving a particular area, and whose education and training needs can be identified by the college.

Thus they will vary from college to college and region to region, but it is likely that if programs that meet their needs and interest them are available, students will draw from some of the following groups in increasing numbers:

High school students who come to the college to earn "credits in escrow";

Holders of B.A. degrees who are attending community colleges in order to learn a marketable skill;

Mature citizens and older citizens who desire education for leisure pursuits or to lead meaningful lives after they have retired;

Women of all kinds, including mature women seeking entry into the labor market and young women seeking identity;

Veterans and servicemen preparing for return to civilian life;

Recent high school graduates beginning their college experience.

A BUYER'S MARKET

In summary, all people in the community are potential students—veterans, prisoners, all age groups, all ethnic and racial groups, the rich, the poor.

Whether these potential students actually come to the college depends on what the college does to attract them. Today's academic marketplace is a buyer's market; other institutions will be competing with the community and junior colleges for students.

The key will be flexibility and imaginativeness in developing programs for them. This will require, among others, part-time programs, improvement and humanization of the liberal arts curricula and special programs for special groups, such as consumer education, internship and work-experience programs, and specialized training in cooperation with business and industry.

WHAT SHOULD BE THE INSTITUTION'S RESPONSE?

We recommend that individual community and junior colleges stimulate and help to create independent research and development groups from the community and from the colleges to identify more clearly than is now the case:

The probable student clientele in the immediate future.

Their social/educational/training needs to which the colleges can realistically respond.

The degree to which these needs are already being served by the educational institutions in the community.

The educational services in which the community is deficient and which need to be available to the citizens in the community.

We need to make a particular effort to support viable and relevant research and development for the articulation of bilingual and bicultural, and disadvantaged and minority student needs. Colleges, state educational agencies, and state legislatures should join in this effort.

When this assessment of the community's educational needs is made, community and junior colleges will be able to make informed judgments about their programs, which ones should be dropped or continued, and what

additional needs should be served. They will then be better able to make efficient use of the resources available to them.

Further this assessment will enable the college to take a total look at the community's people, society, economy, and existing educational services. While community and junior colleges are properly committed to the principle of comprehensiveness, there may be instances in which they do not have the resources to serve the total needs of the community and other instances in which needed services are provided by other educational institutions and need not be duplicated by the community and junior colleges.

We recommend that the community and junior colleges take the leadership in serving as a catalyst in the assessment of community educational needs. The American Association of Community and Junior Colleges and its member colleges should support the concept of cooperative use of resources to provide education to the students who need it.

GOALS FOR JUNIOR COLLEGES

In developing their programs, community and junior colleges should:

Aim for the goal of equipping all their students for personal fulfillment, immediate gainful employment, or for transferability to a four-year college with the intent of reaching a defined career goal.

Provide for working students the right to access to instruction at times and places convenient to them, and consider increased utilization of the external degree, life experiences, and similar concepts.

Include personal development and self-realization programs as an essential responsibility to their students, using appropriate people in the community as a resource. Faculty-staff-community-student relationships should be improved through these programs.

Give equal status to vocational, transfer, and general education, and student personnel and community services.

Consider the development of occupational education programs linked to business, industry, labor, and government a high priority. Increased opportunity through work experience and/or cooperative education should be a major thrust.

Utilize new concepts of education, serving as a learning center, personalizing, if not individualizing, the instructional process. Learning modules in varying forms (as to time and content) and other new techniques and technologies, will help to accommodate the broad range of needs among students to be served.

Above all things, and at all times, be flexible and responsive to change, in a continuing effort to provide more effective educational services. This requirement goes beyond mere reaction to changes in societal demands: we must also serve as initiators of change and new ideas in our communities. We must provide leadership to assist communities in determining their educational priorities as well as to respond to them.

CURRICULUM REFORM

Students in the future will increasingly attend colleges on the basis of the services and programs that are offered rather than as a matter of having no other choice.

Colleges must define and integrate their programs in terms of specific student and societal needs. For example: Bilingual and bicultural programs should be established which reflect the career goals and life styles of large numbers of potential students for whom English is a second language. Such programs are mandatory if the community college is to be truly accessible to all citizens.

Career education as a concept can be the vehicle through which community and junior colleges undertake a fundamental reformation of their curricula to make them more responsive to emerging needs and less dependent on their tradition of the lower division of the four-year institution.

FACULTY AND STAFF

Community and junior colleges cannot achieve the many goals they have set for themselves without competent faculty, counselors, and administrators who understand the mission of these colleges and the nature and variety of students who attend them. Unfortunately, up to this time very few of the universities and graduate institutions that train personnel for community- and junior-college work have developed programs that prepare their students for the actual situations they will encounter.

We recommend that the graduate institutions provide, and that AACJC urge them to provide, more effective and relevant pre-service preparation. Community and junior colleges are prepared to assist in this endeavor.

We also recognize that many existing college personnel need additional training to serve our current students effectively, and that colleges must develop in-service training programs for all their staff: faculty, counselors, administrators, and trustees.

We recommend that high priority be given at the national, state, and local levels for the procurement of funds to enable us to upgrade the skills of our staffs. The leadership role of the college president in realizing this priority cannot be overlooked.

EFFECTIVENESS OF COLLEGE OPERATIONS

We note with regret certain conditions in today's society that work to impede the effectiveness of colleges at all levels in the achievement of their goals. This is the atmosphere of divisiveness in relationships between faculty and administration, counselors and faculty, students and administration, and so forth.

Wherever possible, we will work to develop systems that will overcome these problems. Where they cannot be overcome, we must work to find as many commonalities as possible in our mutual commitment to education, to minimize the effects of these adversary relationships.

A helpful approach may be found in a serious attempt to involve all of these groups in college decisionmaking.

One proof of effectiveness is the measurement of results. Many colleges have been remiss in developing the data that are needed to make these measurements and the techniques through which these data can be put to use.

ANNUAL REVIEW OF PRACTICES

Management information systems to test program and cost effectiveness are very much needed. A critical annual review of college practices would be very much in order.

We recommend that colleges commit themselves and be given support in the effort to develop management systems for deriving and using responsible data about, for example:

What happens to former students.
How individual programs at the college respond to identified student needs.
Resource allocation.

As nearly as possible, these data should be standardized. Where possible, models for such data collection and use should be widely disseminated to the colleges. The American Association of Community and Junior Colleges, state legislatures, federal agencies, and other organizations, such as the National Center for Higher Education Management Systems, should recognize and cooperate in meeting this need.

WHAT SUPPORT WILL BE NEEDED?

In view of the common interests and in recognition as well of the contribution of the private junior colleges, it is our hope and expectation that future legislation and fiscal support will continue as it has in the past to recognize these colleges. Both privately and publicly supported institutions are and should be necessary.

In order to clarify areas of decision-making authority and responsibility, state agen-

cies and multicampus colleges, in cooperation with local colleges and the communities they serve, should develop a taxonomy of decisions, specifying to the extent possible those areas of authority that will be reserved to the local college to give it adequate freedom to respond to the needs of its own constituency.

State and federal decision-makers must be made aware that if community colleges are to serve the state and national priorities currently identified and those that will emerge, particularly with respect to career education, additional funds must be made available to support increased operating costs as well as to provide the facilities and equipment necessary.

We recommend that state support formulas be revised to give colleges greater freedom to develop more effective ways of teaching their students and to compensate for higher costs of some programs that are essential to the effective accomplishment of community-junior college goals.

In order to do this, proposals for review of support formulas should consider, in addition to the usual formulas based on full-time equivalent students, such factors as incremental costs of laboratory and shop-based occupational programs, non-credit community-service programs, and cooperative educational program operations.

"We urge that financial-aid grants, rather than loans, be the prime means of aid to students, especially in the middle and lower economic categories."

As a locally based educational resource system, a community-junior college should be supported to provide comprehensive services to its clientele in ways that do not fit into the credit structure of college operational accounting. Support formulas should encourage, rather than inhibit, the purposes of these institutions.

We recommend that state and federal student-aid programs remove economic barriers to access and to choice of postsecondary education.

We commend the Congress for its actions in instituting the concept of entitlement to postsecondary education through the Basic Opportunity Grants, and urge that these grants and the supplemental educational opportunity grants and college work-study grants be fully funded to give meaning to the concept of entitlement.

We further urge that financial-aid grants, rather than loans, be the prime means of aid to students, especially in the middle and lower economic categories. We advocate that education be universally available to all who wish it through the associate degree level.

We commend the Congress for its support of comprehensive community and junior colleges and postsecondary occupational education as evidenced by Title X of the Higher Education Act of 1965 as amended by the Education Amendments of 1972. We urge that this vitally important program receive adequate funding at the earliest possible opportunity.

AN AGENDA FOR NATIONAL ACTION

Colleges must become more aware and work within the framework of the process by which governmental decisions are made, at the local, state, and federal levels. The time has passed when education was a magic word, and when educators had only to name their goals. Now they must justify these goals as important among a welter of competing needs.

We recommend that the individual community or junior college purposefully involve its community in its operations, purposes, program development and evaluation, and future planning. In this way the community will be encouraged to give the college maximum support in its endeavors.

We recommend that the colleges within a state (public and private) make strenuous efforts to work together for consensus on matters to be presented to the legislature; that to the extent possible, there should be full and open discussion among all elements

and educators must define with precision the state and national goals related to the common concerns of their constituencies.

Strategies for achieving these goals must be developed along with the requirements for resources to carry them out. The goals and strategies must then be communicated with clarity and force through an integrated network of state and national associations to insure that political leaders understand and can respond to the educational needs so defined.

In planning for the future, community and junior colleges should encourage open discussion with legislators and appropriate state agencies. Once again, this is purposeful involvement in the process of determining support for the needs both of individual colleges and the groups of colleges in the state. At the same time, this will encourage the states to make maximum utilization of the existing educational resources within the state, and such inter-institutional cooperation will reduce the need for the states to mandate and regulate coordination.

We reaffirm our belief that the pluralistic system of American higher education and its diversity of institutions must be maintained to serve the needs of our nation and its great diversity of students. We urge decisionmakers at all levels of government to participate in maintaining this diversity. Similarly, we urge the AACJC to reaffirm its commitment to preserving that diversity within its own membership and in its services to its members.

In conclusion, while we strongly endorse and support assembly and association efforts to secure additional resources for our combined programs, we simultaneously recommend greater responsibility, even accountability, from community and junior colleges now in taking seriously the educational missions to which we are committed. With these joint efforts proceeding simultaneously, we may in the coming decade achieve more fully those goals toward which we have worked for so long.

EQUAL RIGHTS AMENDMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mrs. GRIFFITHS. Mr. Speaker, the following are the 3d and 4th articles of a series written by Bob Yeargin, of the Las Vegas Sun, on the equal rights amendment. At a time when the question of ratification of the equal rights amendment is before many State legislatures, I am inserting into the RECORD the complete series for everyone to read. The first two articles appeared in the RECORD on February 1, 1973:

ERA HAS BEEN AROUND

(By Bob Yeargin)

Far from being new, the ERA has been in the works more than a century.

That the first women's rights convention met in 1848 should be ample proof of that.

The women at that gathering, who had been active in the anti-slavery movement, decided somewhere along the line they weren't faring all that well themselves.

Early feminists Lucretia Mott and Elizabeth Cary Stanton launched the fight for women's suffrage, but Susan B. Anthony's energy gave added momentum to the movement after 1850.

After the Civil War the suffragettes proposed that women be included in the 14th and 15th Amendments to the Constitution,

which guaranteed the civil rights and voting rights of the newly-freed slaves.

Ironically, their efforts failed because of fears that the inclusion of women in the amendments would doom them. This setback instigated a 50-year struggle by women's suffrage organizations to gain the vote by organizing women in the various states to put pressure on the representatives in Congress.

Other efforts included appearances before Congressional committees to promote a 16th Amendment providing for women's suffrage.

Their work bore fruit in 15 states which gave women the right to vote in various elections before 1918.

Organization of the Nevada Equal Rights Society in 1911 was the first step toward giving Nevada's women the vote in 1916. The state legislature approved women suffrage measures in both 1911 and 1913, with the voters endorsing the idea at the polls in 1914.

Behind this campaign for the vote was Anne Martin, the Equal Franchise Society's president. To get the amendment past Nevada's 18,000 voters she set up a press office in Reno which provided news releases for the state's newspapers almost daily and even organized a Men's Suffrage League supporting women's suffrage.

Miss Martin's activities didn't end with the passage of women's suffrage in Nevada, though, as in 1918 she became the first woman in the United States to run for the U.S. Senate.

Back on the national scene, women's contributions to the war effort during World War I overcame most opposition to women's suffrage, but Congress was still sufficiently reluctant about the proposed amendment to delay submitting it to the states until June, 1919.

Ratification of the amendment by the state legislatures was accomplished for the most part in special sessions.

Gov. Emmett Boyle called the Nevada legislature into a special session early in 1920 and ratification was quick to follow, coming on Feb. 7, 1920.

Six months later ratification of the amendment by the necessary 36 states was accomplished and women's suffrage became a fact on Aug. 26, 1920.

Only three years passed, though, before a women's equal rights amendment was offered to Congress in 1923. It failed, but the proposal became something of a fixture in following Congresses.

Equal rights resolutions were passed by the Senate in the late 1940's and early 1950's with an amendment that they would "not be construed to impair any rights, benefits or exemptions now or hereafter conferred by law upon members of the female sex." The House, however, did not act on either of these resolutions.

When the same amendment was attached to a proposal during the 86th Congress (1959-60), its proponents moved successfully to send the bill back to committee, saying the amendment did not provide for equal rights and responsibilities for men and women alike.

Judiciary committees in both the House and Senate considered equal rights resolutions in 1970, and the House passed an equal rights amendment. The proposal died in the Senate, however, when it was tabled after amendments were added which exempted women from compulsory military service and proposed another constitutional amendment on prayer in public buildings.

Back in business in the 92nd Congress, the ERA came out of the House Judiciary Committee with a section noting the amendment "would not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or any state

which reasonably promotes the health and safety of the people."

The House, however, rejected the amendment and on Oct. 12, 1971, approved the resolution as originally proposed 354-23. Nevada's Cong. Walter Baring was among the measure's opponents.

The amendment as approved by the House read, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Following sections provided the Congress with the power to pass appropriate enforcing legislation and set the date for the amendment to take effect after ratification.

On the Senate side, the Senate Subcommittee on Constitutional Amendments rewrote the amendment's first section to read, "Neither the United States nor any state shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them."

The Senate Judiciary Committee felt differently, though, and on Feb. 29, 1972, sent the original resolution to the Senate floor unamended. Defeated in committee were a series of attempts to guarantee military exemptions for women and permit universities to enroll only men or women.

When the ERA came up for a vote in the Senate on March 22, 1972, Sen. Alan Bible and Sen. Howard Cannon joined their colleagues in passing it, 84-8.

Since its passage by Congress, ratification of the amendment by the states has been proceeding steadily, and November saw its approval by California and Pennsylvania, bringing the total to 22 states of the necessary 38.

Only one of the states considering the ERA to date, Louisiana, has rejected it outright.

Lucy Wilson Benson, president of the League of Women Voters in the United States, noting that state legislatures are ratifying the Equal Rights amendment at about the same pace they took action on the women's suffrage amendment, predicted in August the amendment will become law next May.

The five months following the Senate approval of the amendment saw ratification of the amendment by 20 states. During the same period in 1919, 19 of the necessary 36 legislatures approved the women's suffrage amendment.

"If the pattern continues to hold," said Mrs. Benson, "we should be celebrating the enactment of the 27th Amendment in May of next year."

SPLIT PERSONALITY—WOMEN IN GAMING

(By Bob Yeargin)

Nevada has a split personality when it comes to women in the gaming industry.

While female "21" dealers predominate in Northern Nevada, visitors to Las Vegas are likely to encounter more change girls than women dealers.

Action by the Nevada Labor Commission in 1970 introduced the first woman dealer in more than 10 years into a Las Vegas casino, but ratification of the equal rights amendment will probably strengthen the women's case in entering the industry.

Females had little place in Nevada gaming from its legalization in 1931 until World War II, when a federal freeze order on the hiring of men brought about their introduction at Harolds Club in Reno. Opposition from other casino owners gradually dissolved and women dealers became a common sight in Reno within several years.

Although Mayme "Mom" Stocker obtained the first gaming license in Clark County on June 30, 1931, that had nothing to do with the employment of women dealers.

Workers were plentiful in Las Vegas after the war, when the opening of the Flamingo

Hotel on the Strip gave some indication of the phenomenal development to follow.

The gambler's traditional prejudice against women dealers, never breached as new and bigger hotel-casino complexes were erected in the booming resort city, was formalized in 1958 in a Las Vegas city ordinance forbidding the employment of female dealers.

Only the introduction of a sex discrimination case against Las Vegas' Desert Inn Hotel in 1970 by the Nevada State Labor Commission and a subsequent cease and desist order ordering the hiring of a woman applicant, Arden Johnson, forced a change in Las Vegas casino hiring practices.

Only so much can be accomplished in two years, though, and females account for less than 200 of Las Vegas' several thousand dealers, while 294 of 365 dealers at Harolds Club and 213 of 362 dealers at Harrah's Club in Reno are women.

An understanding of the role of women in Nevada gaming, though, lies not with dates and statistics but the personalities who have shaped the industry.

As might be expected, the introduction of women dealers received a mixed reception in Reno. "The old gamblers didn't like it, but the tourists enjoyed playing against women. The women dealt more gracefully than men employees, too," recalls Les Kofoed, a former Harolds Club publicity director who now serves as executive secretary of the Gaming Industry Association of Northern Nevada.

"The other clubs didn't like it very much either, but within a year or two, they all started hiring women, too," he adds.

What appears in retrospect to be almost a delayed reaction was the unanimous approval by Las Vegas board of city commissioners in 1958 of an ordinance prohibiting women dealers in Las Vegas.

Calling attention to the possibility of women dealers, the measure declared that their employment "creates bad publicity for the area and tends to induce certain people to gamble who would not otherwise . . ."

The resolution, signed by Mayor Pro Tem Reed Whipple, thus forbade the hiring of female dealers "for the protection of public morals."

Looking back on the commissioners' action, Whipple has no regrets about it. "There was a feeling that women, since they were well-built and attractive, would attract more gamblers, but that they would attract other elements as well," he recalls.

"We heard Reno's experience with women wasn't working out too well and there were quite a number of problems," the former commissioner adds.

Whipple's vote wouldn't change if the measure came up today. "I would vote like I did before," he says. "I haven't changed my mind."

Buck Blaine of the Golden Nugget sees the city action as an attempt to protect Las Vegas' image. "The first thing you saw of Las Vegas was a chorus girl without too much on and that image probably cost the city some big conventions from the Midwest. The city was just trying to keep a better image," he explains.

Blaine notes that for a long time women dealers in Northern Nevada did not receive equal pay and the fear that this approach in Southern Nevada "would cheapen the industry" kept women dealers out of Las Vegas.

"Gradually they're taking their place in the gambling fraternity," he says, "not because of economics, but because they can do the work."

Sam Boyd, who's been active in Southern Nevada gaming circles for more than 30 years, had his doubts about that law from the beginning, though. "I thought it was unconstitutional when it was passed," he recalls. "But I kept women working for me in Henderson."

Boyd's new hotel in Las Vegas, the Union Plaza, testifies to his feelings on the sub-

ject. More than 100 of the casino's 175 dealers are female and what was probably the state's first female floormen work there as well.

Employing men or women dealers over the years has been "a matter of catering to the public," contends Carl Cohen, a Sands Hotel executive.

Hiring patterns in Nevada have also been the product of the varying characteristics of the gaming centers, Cohen says:

"Washoe County catered to the middle and lower class, and to the slot machine trade," he explains, "while Clark County took care of the luxury traffic."

Acknowledging the role of Harolds Club in changing the face of gaming in Northern Nevada, he adds, "The clubs there didn't require the sophisticated, capable dealer that Las Vegas did."

"They were able to hire novices and give them on-the-job training. Their situation didn't require the absolute accuracy that we require."

Cohen admits, though, that times have changed. "Clark County was the last to fall in line," he comments, "but I dare say we have now."

"All the women seem to be working out well," he notes, "and there's no reason to feel they aren't proper for their roles. All the Hughes hotel properties (of which the Sands is one) have their proper share, except for Harolds Club, which has more than its share of women dealers."

Las Vegas was reluctant to end, though, and it took an order by the State Labor Commission in 1970 to accomplish the hiring of the Strip's first woman dealer.

The plaintiff Arden Johnson, had applied for a dealing position at the Desert Inn in February, 1969, but was unable to obtain one despite eight years of experience in both Northern Nevada and Southern Nevada.

Testifying before the commission for the hotel was its personnel director, Joseph Buckley, who said the Desert Inn sought employees with local experience, who were familiar with the standard of dealing and the type of customers at the hotel.

In addition, he testified that applications were not necessarily considered in order and that hotel employees often recommended potential dealers.

Learning that 21 dealers had been hired at the Desert Inn since Miss Johnson applied, the commission concluded that she had "as good a qualification as many and substantially better than some."

Given the failure of the hotel to hire female dealers, the commission noted, Miss Johnson could not possibly have met some of the Desert Inn's criteria for its dealers.

State Labor Commissioner Stanley Jones consequently issued a cease and desist order ordering the hiring of Miss Johnson.

Jones is pleased with the developments which have followed the order. "There has been substantial improvement in the employment of both sexes in all classifications of gaming in Northern Nevada, and substantial progress has also been made in Southern Nevada in the past 24 months. Females are now not an odd sight dealing '21' in Southern Nevada."

BLACK CAUCUS—STATE OF THE UNION

HON. JOHN MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. MOAKLEY. Mr. Speaker, I would like to take this opportunity to commend the members of the Congressional

Black Caucus for their outstanding presentation regarding the long-enduring plight suffered by our disadvantaged citizens.

Via their special order the members of the CBC delivered to this—the 93d Congress—a most enlightening account of, first, the Nixon administration's blatant failure to address itself to the needs of America's minority population and, second, the Nixon administration's apparent success in usurping from the Congress its traditional sources of power.

As a Representative of a district which has a substantial number of nonwhite constituents, I feel dutybound to align myself with those who champion the cause of "justice and equality" for all.

Consequently, I am urging all the Members of the 93d Congress to join forces with those of us who seek to insure for all Americans the right to share equally in our country's prosperity. And, I ask the Members of the 93d Congress to join forces with us who seek to restore to the Congress the power usurped by the President.

In conclusion, Mr. Speaker, I can only further say that, as the CBC so articulately illustrated, the time is now for us, the Members of the 93d Congress, to awaken from our coma and return to our posts as representatives of the people and watchers of the Union.

DR. CLEO MILLER

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. FULTON. Mr. Speaker, on Monday, January 7, 1973, my community lost through death an outstanding citizen and an exemplary human being with the passing of Dr. Cleo Maurice Miller.

Dr. Miller was an outstanding medical practitioner, the founder of Miller Clinic in Nashville, Tenn., and chief executive officer of that institution until his death at age 69 after an extended illness.

But Cleo Miller was more than just a doctor, he was a friend of man. He was active in church, civil, and charitable work. Dr. Miller was an elder in the Westminster Presbyterian Church of Nashville and past president of the McLeod Men's Bible Class where he taught. He was a member of the Downtown Lions Club and a strong life-long supporter of the Boy Scouts.

Dr. Miller gave selflessly in service to young people. He was a member of the Isaac Litton High School Men's Club and the East High School Men's Club.

For many years Dr. Miller served as team physician for the old Nashville Vols baseball club, the Nashville Business College basketball team and the Litton High School football team.

He was also active in the American Cancer Society and served as chapter chairman of the American Red Cross for several years.

Dr. Miller was a friend to me as he was to literally thousands of persons and he will be missed.

He was, as noted editorially by the Nashville Banner, "a broadly dimensioned citizen" and our community and the lives he touched have been better for the time he spent with us.

Mr. Speaker, both the Nashville Banner and the Nashville Tennessean paid editorial tribute to Dr. Miller at his death and I place these editorials in the Record at this point, commending them to the consideration of our colleagues:

[From the Nashville Banner, Jan. 9, 1973]

DR. CLEO MILLER

Dr. Cleo M. Miller, for many years one of Nashville's best-known and most-appreciated medical men, was a broadly dimensioned citizen. He was close to a host of athletic activities for many years and was active in numerous church, fraternal and civic affairs.

Dr. Miller perhaps was known personally by more people in East Nashville than in other parts of the city, for that is where he practiced medicine and surgery and opened the clinic that has grown into a sizable hospital. But his work, in his profession and his many other concerns, established him citywide as an outstanding contributor to the public good.

[The Tennessean, Jan. 10, 1973]

DR. CLEO MILLER WILL BE MISSED

Dr. Cleo Maurice Miller, medical figure in Nashville for nearly half a century, civic worker and sports enthusiast, is dead at age 69.

A graduate of Vanderbilt medical school, Dr. Miller founded Miller clinic in East Nashville in 1937. He remained as chief executive officer of that institution until 1971.

Dr. Miller, an athlete in college, maintained his interest in athletics throughout life, and served as team physician for a number of high school and professional teams.

He was a member of numerous civic clubs, charitable and fraternal organizations, and professional associations. He was elected "Man of the Year" by the East Nashville Exchange Club in 1965.

Dr. Miller led an extremely active life, pursuing interests which involved him in a wide range of community endeavors. As a result, he became widely known in the community and will be widely missed.

THE TRUTH ABOUT SOVIET CROP FAILURES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, the American people are being told that the crop failures in Russia were due to weather conditions beyond human control.

The action taken by the Communist Party in firing two of its top agricultural "experts" should indicate that the breakdown in the Soviet system is as much to blame as acts of God.

We are also informed by Pravda that Soviet farmers need 4,800 new tractorized sowers, 53,000 cultivators, and 18,000 fertilizer spreaders, among other mechanical equipment for this year's spring planting.

Apparently the "peaceful" Russians have been so busy turning out weapons of war used to kill Americans and South Vietnamese that they have not had time

to arm their farmers with the tools for producing food.

When the Russian system could not feed their people, Soviet ships picked up wheat and feed grains from the United States at reduced prices and interest rates. The American people can expect the Soviets to look to U.S. markets to supply the needed farm implements.

While the Russians are crying about lacking the implements to feed their people, they are now meeting in Vienna with NATO and the Warsaw Pact people to talk "balanced" armament.

I include related newsclippings at this point:

[From the Evening Star and News, Feb. 4, 1973]

RUSSIA DEMOTES 2 AFTER CROPS FAIL

MOSCOW.—A long expected shake-up of high Soviet officials in the wake of the disastrous 1972 agricultural year was disclosed yesterday.

TASS, the Soviet press agency, reported that Vladimir V. Matskevich, the agriculture minister, had been "relieved" by the Supreme Soviet from his post and given another unspecified appointment.

It also reported that Dmitri S. Polyansky had been reduced from first deputy premier, a post that gave him a seat in the ruling Politburo and put him in contention as a possible successor to Premier Alexei N. Kosygin, to agriculture minister. This is a much lesser position that does not normally carry Politburo membership.

DEMOTION IS RARE

Such high-level demotions have been extremely unusual in recent years and underscore both the regime's acute embarrassment over the agricultural failures and the serious problems that these failures have created for the economy as a whole, including the lowering of general economic targets for 1973.

Because the grain harvest of 168 million metric tons fell more than 20 million metric tons short of targets, Moscow had to buy almost \$2 billion worth of foreign grain. Moreover, a very light snow cover in most of European Russia, the Crimea and the Ukraine has once again exposed this winter's grain crop to frost damage, western farm experts have reported.

The first hint that the leadership had decided to take public action against high officials for agricultural mismanagement was the disclosure in Pravda two days ago that Sergei V. Shevchenko, chairman of the Russian Republic's conglomerate for selling farm equipment and supplies, had been fired for "violating state discipline."

TRIAL IS POSSIBLE

The brief report gave no details, but its wording led some to expect that Shevchenko might face trial. There was no such indication in the announcement of Matskevich's dismissal.

Polyansky, who is 55 years old, has been one of two first deputy premiers since October, 1965, and a member of the Politburo since April, 1966. In recent years, he has been the highest-ranking party and government official dealing primarily with agriculture, the most troubled major sector of the Soviet economy.

Matskevich, 63, served as agriculture minister under Nikita S. Khrushchev for five years, then lost the job and became chairman of the virginlands program in Kazakhstan, and was brought back as agriculture minister in 1965.

[From the Washington Post, Feb. 1, 1973]

LACK OF MACHINES PERIL SOVIET CROP

MOSCOW, Jan. 31.—Pravda said today that lackadaisical production of farm imple-

ments may jeopardize the crucial spring sowing and announced dismissal of a top supply official for "violating state discipline."

The Communist Party newspaper observed in a front-page article that "the struggle for a good harvest is waged not only in the fields" but in the factories and supply organizations as well.

It added that farmers will need 48,000 new tractorized sowers, 53,000 cultivators, 18,000 fertilizer spreaders and "many thousands" of other pieces of equipment for this year's spring planting.

The spring field work is all the more important this year because of a disastrous fall harvest, which forced the Soviet Union to buy nearly \$2 billion worth of grain, most of it from the United States.

Production of tractors and fertilizer spreaders is going fairly well at plants in Minsk, Kharkov, Chelyabinsk, Altai and Riga, Pravda said, but "the plan is jeopardized" by poor output of a factory in Novosibirsk scheduled to produce 22,000 sowers this year.

In a brief separate note on the back page, Pravda said a top supply official, Sergei V. Shevchenko, had been relieved of his post for "violating state discipline."

[From the Washington Post, Feb. 1, 1973]

EAST-WEST TALKS ON FORCE REDUCTIONS OPEN IN VIENNA

(By John M. Goshko)

VIENNA, Jan. 31.—Representatives of 19 countries met here today to formally open the long-awaited talks on the possibility of negotiating a reduction of the military forces poised against each other in central Europe.

These negotiations—referred to in diplomatic parlance as mutual and balanced force reductions or MBFR—represent what is potentially the most significant step so far in the movement toward an East-West détente in Europe.

If successful, they would mean a big start on dismantling the NATO and Warsaw Pact military machines that have faced each other across the Iron Curtain since the beginnings of the Cold War.

The talks are especially important to the United States, which has been the prime mover in the long struggle to launch force reduction negotiations. The Nixon administration views force reduction talks, as the best solution to the problem of maintaining a safe military balance in Europe, while satisfying congressional pressures for bringing home substantial numbers of the American troops stationed on the continent.

For this reason, Washington is very anxious that the talks now beginning here, which are characterized as "exploratory" in nature, will lead to full fledged negotiations sometime this fall. As Jonathan Dean, chief of the U.S. delegation, said today: "We have been pressing for this for a long time. We are going to do our best to give it a constructive outcome."

As today's half-hour ceremonial opening in Vienna's former imperial palace, the Hofburg, made clear, a long list of technical and procedural problems must first be resolved before the participating countries can even reach the point of starting to explore whether actual negotiations are feasible.

Western delegates said afterward that there probably will not even be another formal session before Monday at the earliest. In the interim, they added, the various delegations will be occupied full time in an informal, feeling-out process.

The NATO side, under strong American prodding, has taken the position that full participation in the talks should be limited to those countries on either side that actually have forces stationed in Central Europe in order for the talks to be effective.

Accordingly, NATO has proposed that the West be represented in the talks by the United States, Canada, Britain, West Germany, Belgium, Luxembourg and the Netherlands as full participants. The NATO "flank" countries with an interest in the talks—Italy, Denmark, Norway, Greece and Turkey—would take part in a limited, non-voting way and be represented on a rotating basis.

NATO further proposed that the Warsaw Pact be represented on a fully participating basis by the Soviet Union, East Germany, Hungary, Poland and Czechoslovakia. However, the pact's other two members, Romania and Bulgaria, have also sent delegations here and have been demanding that they be admitted to full participation.

So far, the West, and in particular the United States, has been unwilling to accede to this demand.

Western sources said that at today's meeting, marked by a brief ceremonial address from Austrian Foreign Minister Rudolf Kirchschlaeger, the Communist side made no mention of an earlier Warsaw Pact proposal that the talks be thrown open to all interested European governments, including neutrals. This, the sources said, led the West to conclude that the question of neutral-country participation is now a dead issue.

One fundamental problem that Western diplomats had been expecting also came up today when the head of the Soviet delegation, Oleg N. Khlestov, protested the inclusion of the word "balanced" press credentials and other documents relating to the talks.

The phrase "mutual and balanced force reductions" was coined by the West out of recognition that the Communist side enjoys substantial superiority of numbers in both men and weapons over the combined NATO forces. In addition, geographic factors would also give a natural advantage to the Warsaw Pact in any force reductions, since American troops would be withdrawn across the Atlantic while Soviet forces would only have to pull back a few hundred miles.

For these reasons, the West has always stressed the word "balanced" to emphasize that any reduction should be conducted according to a formula that would give some offsetting compensation to the West. The most commonly suggested plan has involved the idea that Warsaw Pact reductions should be greater than those made by NATO.

However, the Soviets have never used the word "balanced" and their objections today indicated that it is going to take a lot of arduous bargaining before they might be induced to accept the principle of reductions on any thing other than a strict one-for-one basis.

LETTER TO PRESIDENT ABOUT BAN OF PREDATOR POISONS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. OBEY. Mr. Speaker, last year President Nixon placed a ban on the use of predator poisons on public lands. I supported that ban and I do so today.

There is much pressure on the President to change his mind. Fortunately, pressure is also being applied from the other direction. I enclose for my colleagues a letter which I wrote to the President on this matter and urge my

colleagues who agree to write similar letters:

JANUARY 24, 1973.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I would like to add my name to those who have already contacted you regarding your Executive Order of last year prohibiting the use of predator poisons on public lands.

Testimony before the Interior Appropriations Subcommittee, on which I serve, has indicated that alternatives to the use of poisons are available. One of the recommendations of the Advisory Committee on Predator Control to the Department of Interior and Council on Environmental Quality was to end the use of toxic chemicals for predator control purposes.

Mr. President, I full supported the policies set forth in your Executive Order last year, and I am pleased to reiterate that support at this time.

Sincerely yours,

DAVID R. OBEY,
Member of Congress.

THE RUPERT CROSS STORY

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McSPADDEN. Mr. Speaker, Rupert Cross was born at Hoyt, Okla., on December 22, 1909. Rupe's father was a teacher and as a result, Rupe attended grammar school in Hoyt, Kinto, Carterville, and graduated from high school at Keota. He attended Connors State College at Warner, from which he received his A.A. degree. He received his B.S. and M.A. from Northeastern at Tahlequah.

While in high school "Rupe" was active in baseball, football, and basketball. This interest in sports helped him become an outstanding coach.

He started his teaching career in 1933 in Haskell County in the elementary schools, where he coached all sports at that level while carrying a full teaching load. In 1944 he moved to Jenks where he coached football for 3 years.

He arrived in Chelsea in 1947. For the first 9 years "Rupe" was Mr. All-Sports Coach since he coached all Chelsea teams in football, baseball, and basketball. The next 11 years he concentrated on baseball, while giving aid to the coaches of the other sports.

While head football coach at Chelsea, his teams participated against teams coached by such men as F. A. Dry, head coach at Tulsa University; Ed Olvie, now in the State department of education; "Bo" Spoon, superintendent at Quapah; Herman Ragsdale, high school principal at Broken Arrow, John Brown now retired in California who coached Nowata; "Tuffy" Cline of Claremore, now retired; Delbert Wolfe, now junior high principal in Miami; John Lingo now in the Miami schools; Norval Trask retired in Texas; Marvin Stokes, super-

intendent in Byng, Okla.; to mention a few.

In baseball Rupe coached several boys to State recognition. Placed on All State teams were Ralph Terry, Jim Jeffries, Howard Judd, and Bill Harrison, in football; Bo Stinnett and Bud "Dale" Dishman, All State in basketball.

There were many young men whom "Rupe" coached that followed in his footsteps. Among them are L. D. Baines, head coach at Miami High School; Jerry Haynes, head football coach at Pryor; and Jim Jeffries whose present location is unknown.

Rupert left his mark on many through his counseling. Some have now specialized in this field. Among those is Larry Thomas who handles guidance and Federal programs in the Stillwater school system. Ralph Terry, of major league baseball fame as a pitcher was one of "Rupes" baseball standouts.

Rupert was recognized statewide as an outstanding coach who contributed beyond the call of duty to the young people. He has been elected to the Oklahoma Coaches Hall of Fame.

Our beloved "Rupe" found time during his career to excel in other educational fields. He became an excellent shop teacher. He was and is a leader in driver education in Oklahoma. He has been given recognition in this field by the State of Oklahoma Department of Education, which has asked him to become a coordinator of secondary driver education in that department.

Rupert will be remembered by parents for his firmness and fairness with his students. Students remember him because he was tough. They remember that booming voice that made big men stand up and take notice. All will remember him for his dedication, his sincerity, and the helping hand he gave to all, making men of boys.

WILBUR COHEN ON HEALTH CARE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, the former Secretary of Health, Education, and Welfare, Wilbur Cohen, speaks from long experience in the field of health care and the need for a national health insurance program. His recent comments appeared in an interview by Henry Brandon, associate editor and Washington correspondent of the Sunday Times of London, published in the Washington Post of February 4. The interview follows:

WILBUR COHEN ON HEALTH CARE

(An Interview by Henry Brandon)

Q. In March of 1970 you stated that if national health insurance was not enacted before 1972 it would become a key political issue in the 1972 election. Yet the issue was hardly mentioned in the campaign.

A. I think what happened is that in those two years there evolved general agreement

on the broad principle of national health insurance, and thus it didn't become an ideological or political issue. I think this indicates the possibility of some enactment of such legislation within the next few years. On the other hand, it is unfortunate that some of the key ideological and administrative issues have now been left to further developments without any substantial public political discussion.

Q. Isn't there a real ideological difference between President Nixon's and Sen. Kennedy's programs?

A. Very much so. There are at least three extremely important differences. One, President Nixon is attempting to develop a program which does not have its main features flowing into the tax system. By mandating the coverage for health insurance on the employers and employees he is trying to keep the costs from showing up as a federal tax, whereas Sen. Kennedy and Mrs. Griffiths use the existing Social Security mechanism to finance the program. This is major difference number one.

Major difference number two is that President Nixon's plan uses the existing system of the Blue Cross and Blue Shield and commercial insurance plans as insurers of the risk. Under Sen. Kennedy's plan, existing agencies can be used, but they would not be insurers of the risk, they would be agents of the government in carrying out the program.

The third is President Nixon's plan is not primarily based on making any major changes in the delivery system, except with respect to encouraging health maintenance organizations. Sen. Kennedy's plan attempts to build in certain other incentives for changes in the delivery system on the assumption that health maintenance organizations would be encouraged.

Now these issues ought to be really publicly debated.

Q. How would you weigh the advantages and disadvantages of the two plans?

A. There are pros and cons of both plans. This is not an issue where all virtue is on one side and all vice on the other, and that's what will make it very difficult for the Congress to decide.

I see some advantage in building upon the experience of the Blue Cross and Blue Shield plans, but also some advantages in keeping the present kind of institution in being for we need certain major changes. Therefore, I think on balance one might have to utilize these agencies in one way or another but transform them from a narrow parochial interest in hospitals or physicians to a more public interest corporation type. If that could be done we would be utilizing the best of the experience of those people from a managerial point of view, but also make sure that we are able to introduce some innovations and changes into the delivery system.

Does this imply that you really think that the President's plan is the more practical?

A. No. I see the United States most likely developing initially something between the President's plan and the Kennedy-Griffin plan. I would use the basic idea of the Kennedy-Griffin plan of covering everybody through the Social Security contributions to get universality of protection and thus make a very major change in the President's plan, which uses these plans as insurers of the actuarial risk. But then I don't think we should go so far as to throw the baby out with the bath. I would try and correct the existing plans like Blue Cross and Blue Shield and, as in the Medicare program, have them become the fiscal, administrative and managerial agents to see that the national program was carried out. My feeling is that we must find various incentives to insert more managerial innovation into the medical care system.

Q. Has Congress ever attempted to investigate Blue Cross and Blue Shield in its operation?

A. Not on a comprehensive basis. They have, of course, investigated them in connection with the way the federal employees health program has been operated, and as a result certain changes have been made in the premiums for federal employees. There have been a number of state investigations and studies. But they have not been examined comprehensively and across-the-board along with commercial insurance and independent plans.

The most radical feature, though, of President Nixon's proposal is not really being given adequate attention, and that is that his plan assumes that the federal government will set certain standards and guidelines and regulate certain aspects of the private insurance plans. This is actually a very radical proposal, because it involves the federal regulation of private insurance carriers.

For the last 30 to 40 years, insurance companies have warned against such federal investigation. To them this would be equivalent to the eradication of motherhood or something like that.

Yet as a result of the Nixon proposal we have a situation where a conservative Republican administration with the support of a good deal of the conservative people are accepting the idea of federal regulation of the health insurance business, which would mean Blue Cross and Blue Shield and commercial insurance would come more predominantly under the surveillance of the federal government than is presently the case state by state.

If federal regulation of the health insurance business is a good idea, I don't see why federal regulation of the automobile insurance business or the life insurance business isn't equally valid. As you know, the next big issue that will be coming up on the congressional docket is what to do about private pension plans. And if the same principle is applied to the problem of federal regulation of insurance companies and banks providing private pension plans, we are indeed entering into a whole new era of federal regulation. It is hard for me to see how a Republican administration can adopt this policy so wholeheartedly and enthusiastically without recognizing its long-range implications.

Q. Would this involve another federal regulatory agency?

A. Basically, it would give the Secretary of Health, Education and Welfare such authority, and that is, I suppose, what concerns me most, the fact that the Secretary of HEW would thus become, in addition to all his other manifold duties, the federal regulatory supervisor of the health insurance business in the United States.

Q. Do you think it would be a good idea for Congress to investigate the insurance companies, especially Blue Cross and Blue Shield?

A. Yes. I think before Congress makes a final determination in what way to use or not to use Blue Cross, Blue Shield and the commercial insurance industry in the health insurance business, it should satisfy itself to what extent, it might wish to utilize them and to establish statutory rules and guidelines for evaluating and paying them for their services.

If they are utilized, I think the role that they serve must become a public interest role more concerned with the interests of the consumer than the provider of medical care. Thus, in the end, Blue Cross and Blue Shield may well be chartered by Congress as a public nonprofit organization, which would in effect be responsible to Congress for its performance rather than to their present constituencies. This is one possibility.

Q. What about the costs of the two plans?

A. Quite frankly, I think the actual cost of either plan is not really so much in controversy, although it has been made so. The costs of the Kennedy-Griffiths plan are exaggerated by its opponents because it is merely transforming one's individual payments from Blue Cross and Blue Shield on to Social Security contributions, which is not necessarily an increase in cost. It is simply a different way of paying for it.

Either plan must be financed properly, but under either plan we'll have to have periodic upward adjustments. I see no foreseeable end in sight for the continual increase in medical care costs. I wish I were able to say yes to some kind of a plan somebody has developed that would miraculously limit or control medical care costs. But I don't think that is going to be feasible in the immediate future.

There are several reasons for this. First, demand for more medical care is outrunning the supply of personnel and facilities. As people's incomes go up, the more affluent our society is, the more consequential and more important medical care becomes to people and the more they are willing to pay for it. Obviously, this pressure of demand upon limited supply under any law of economics is going to mean that prices will go up.

Finally, medical services are a scarce resource. They are scarce in the sense of using competent physicians and talented research people; also the very heavy cost of research has to be repaid. The methods of controlling these costs are not very simple because we've got 350,000 physicians and many other professional people. So I think costs are going to continue to creep up on us and it's simply a question of how far and how fast. Therefore under any plan, Mr. Nixon's or the Kennedy-Griffiths plan, or whether it becomes the Mills-Kennedy plan, there have to be methods for periodic re-examination of the cost and the benefits and for satisfactory controls to deal with the cost rise.

Q. You call the Kennedy-Griffiths plan the Kennedy-Mills plan. Do you think that Kennedy and Mills will be able to reach some sort of agreement?

A. The extent to which they do reach agreement will have a significant bearing on the situation. Now, there is one other man that has to be brought into the consideration, and that is Sen. Russell Long, the chairman of the Senate Finance Committee. Sen. Kennedy and Congressman Mills are extremely important in this, but so is Sen. Long and the members of the Senate Finance Committee. He has advocated a catastrophic medical care plan in the past, which is quite at variance with President Nixon's plan or with what Mr. Mills and Mr. Kennedy have proposed. So I believe that in the end there will be, if adopted, a new amalgam that is as yet unforeseeable.

Q. Are you familiar with Rep. Ullman's plan? He introduced legislation which provides for health care corporations locally organized and run and including doctors, hospitals and other health professionals and organizations. The corporations would not only arrange for delivery of health care, but would use federal funds to purchase insurance for the elderly and the needy.

A. Let me say that one could take the Ullman plan, which has been based on the recommendations of the American Hospital Association's very outstanding committee, and one could incorporate those structural suggestions within a Mills-Kennedy-Long-Nixon proposal just as one can incorporate President Nixon's and Sen. Kennedy's recommendations for health maintenance organizations in any of these. That is, separate from the issue of financing and the use of Blue Cross and Blue Shield. I conceive a variation of the Ullman bill being incorporated in a Mills-Kennedy-Long proposition. When you realize that Mr. Ullman ranks next to Mr. Mills on the House Ways and Means Committee, I would expect that some

of Mr. Ullman's features would find their way into the ultimate resolution of the issue.

Q. Yet a recent survey shows that only 33 per cent of the American public think that organizations like health care corporations are a good idea, with 58 per cent feeling that it would be better to stick to one doctor.

A. This, of course, goes to the same issue of the recommendation which both President Nixon and Sen. Kennedy have made about health maintenance organizations. It is true that the overwhelming majority of both physicians and patients in the United States accept the most inefficient method of providing service, which is the individual solo practitioner, and they also accept the most costly method of paying them, which is the fee for service.

But one must take the patient's attitudes into account, and therefore I think to move in the direction of making basic changes may take a long time. This is one of the reasons why, although I support the proposal for health maintenance organizations, I think the prognosis of how rapidly we can implement them to introduce a change in the delivery system is overstated. I think it would take about another generation to make that change nearly universal, and the reason I say that is because you've got to get a lot more younger men and women coming out of the medical schools who will accept these two changes: group responsibility for the practice of medicine and substitution of some other method of payment for the fee for service.

Q. The AMA has its own plan, the Medicare plan, which would give tax credits for private health insurance policies approved by the government. Yet, according to recent figures, 87 per cent of the American people are now covered by some form of medical insurance, suggesting that the primary problem is not lack of insurance coverage but adequacy of coverage. In this light, would the AMA plan do much toward alleviating the health crisis?

A. I differ a little bit in the way you have posed that question. It is true that somewhere between 15 to 20 per cent of the American public does not have any health insurance, and this represents the most difficult core of the problem, namely, extending this great idea of insurance to people whose incomes are very low or erratic and not within the normal kind of employer-employee relationships. But it seems to me that we cannot go on with a system where Medicaid is trying to meet the problems of that gap. Unless the insurance itself is not only more comprehensive in its coverage as far as the scope of medical care is concerned, but also picks up that 15 to 20 per cent, we cannot have universality of protection.

Medical care has become in the public mind a right rather than a privilege. Therefore, universality of coverage plus a broadening of the scope are two important features, but the third is changing the delivery system.

The AMA Medicare plan is the most pure form of expression of doing nothing whatsoever to change the present system. It says everything in our present delivery system is fine: Just see that more people are covered and get a broader coverage. Those two objectives are desirable, but alone they are not sufficient to meet the problem of modifying the status quo in a reasonable and constructive way, and if there is anything that I see as the most marked change since 1964 it is that people now accept the idea there have to be basic changes in the delivery system.

So I think the Medicare plan is completely out of step, and I venture to say that neither Mr. Mills, Mr. Kennedy, Mr. Nixon or Mr. Long would accept the idea that you can just take the present system and extend it without making some changes in the delivery system.

Q. How powerful is the AMA today?

A. I don't think that the AMA is as powerful as it was. It reached its power peak in 1950, as I see it, when it broke the back of President Truman's Wagner-Murray-Dingell health insurance plan. It certainly isn't as powerful as it was in 1960 when Medicare was first defeated.

However, I would like to make this statement, which may seem astonishing to the AMA. I would not like to see the AMA completely eliminated from some position of power and influence, because the essence of making a new national health plan work is to gain the acceptance of the individual practitioner. I think they have a right to be heard and participate, and I would say that in any plan that is adopted they should have a significant participatory role. But I don't think they should have a political veto.

I would create a health insurance board of three to five persons so that these rather monumental powers wouldn't have to be exercised alone by the Secretary of Health, Education and Welfare, and I would certainly have at least one physician on such a board so that the views of physicians in this whole development of policy would have a bearing and a role. I would certainly have a health insurance benefits advisory board within which they would have a very significant role along with other professionals and consumers.

Q. Do you think the AMA bears some responsibility for the shortage of doctors today?

A. I think it bears some responsibility for the shortage of doctors if you look at it over the last 50 years, but certainly since 1963, when the Health Professionals Act was enacted, they do not bear the major share any longer. I think that the major responsibility now is not only the production of more doctors but the production of more doctors' assistants and all sorts of paramedical professional help, including the training and development of minority doctors and women doctors. I don't think we're going to make a successful attack on many of our problems until we have more black physicians and more women physicians. You are not going to be able to produce more medical care in the Mississippi Delta by turning more doctors out of medical schools in the North. You are going to have black doctors and black nurses and black health personnel who will go in those areas and then establish incentives for them to serve in those areas. Those are not easy problems. I think those are the kinds of problems that have to be worked on if the delivery of service to people in those communities is actually going to be carried out in the next 10 years.

Q. Given the extremely high income of private practicing physicians, what could be done to induce them to become a salaried employee of a health maintenance organization? Wouldn't the lower income tend to attract less competent physicians?

A. That issue could be resolved in different ways. Let's take the Mississippi Delta again. Many physicians and other professional people won't want to go there, for all sorts of reasons. However, one way to attract them would be through a minimum income guarantee of, let's say \$25,000 or \$30,000 a year, if they settled in acute shortage areas and if they at least handled X number of patients. They might furthermore be offered additional compensation, depending on their experience and level of service. This might reduce the income of some of the people who might otherwise get very high incomes, but it would tend to assure competent people reasonable incomes to practice in areas where their need is greatest.

My own thought along that line involves the introduction of a new system by which the states and the federal government would

evaluate various communities and various areas of the community on what I call an index of shortage or surplus of medical personnel. Here I have drawn a little from British experience. I would have the state agencies of health, in cooperation with the physicians and the hospitals and HEW, set up a classification, let's say ranging from 1 to 10, on whether a particular neighborhood or community had a shortage. Then I would do everything I could in the legislation to provide incentives, financial and otherwise, for people to go into the shortage areas and not into the surplus areas.

Q. In dollar terms, health is the second largest industry in the United States. It comprises 6.9 per cent of GNP, or \$324 per capita. Yet the United States is 13th in infant mortality and 18th in life expectancy for men. Is the money being misspent? Is it due to unequal distribution of health care? What are the reasons?

A. There is much more to the problems of infant and maternal mortality and life expectancy than what normally enters into the medical care or health system. Certainly housing plays an extremely important role. Certainly matters of food and nutrition, which have a bearing on health, come about from the life styles and educational patterns of individuals. I don't think it's fair to assume that solely by the health and medical care system can all these problems be resolved.

I do not think that we are putting enough money into health education and preventive health care, and I am therefore glad to see the expansion that Congress has recommended, expansion in funds for family planning, the proper spacing of children, etc. A number of other things relating to work and leisure might have an impact over the long run in terms of life expectancy. Yet there are a lot of mysteries that we don't know. We do not understand why it is that the life expectancy of women is continuing to increase, but not for men. The normal explanation is that the men bear all the brunt of this stress of our busy life, but there is a lot of evidence that women have a lot of stress, too.

Q. I don't know whether you'd like to answer this, but I was wondering now that you've been away from your old department for some years, HEW, how do you feel about its current administration?

A. President Nixon has vetoed more HEW legislation than any other President. The White House staff has interfered with the department's responsibilities. The department's budget has been cut. The President scuttled the welfare reform compromise which Secretary Richardson and Sen. Ribicoff had worked out. These are some of the unfortunate developments.

On the other hand, the department still remains one of those that has able people dedicated to the objectives of the program they administer. The recent legislation improving Social Security and Medicare is significant and gives the department important new responsibilities. We're going to continue to make big changes in health, welfare, income maintenance and education during the next 5 to 10 years, and we must build upon the professional integrity and competence of the staff in HEW. Any administration, no matter what its political view, that doesn't understand that is going to create problems for the nation and itself because it cannot carry out the important programs which HEW administers.

HEW, even after four years of the Nixon administration, is still a great department. Whether it remains so will depend upon whether the new secretary supports innovative policies or concentrates on a budget-cutting program, which would most likely impair the morale of the entire organization.

**JEWISH CENTERS ASSOCIATION
CELEBRATES 30TH ANNIVERSARY**

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. REES. Mr. Speaker, February 1 marks the 30th anniversary of the Jewish Centers Association. Founded in 1943 to coordinate on a communitywide basis the various group services, which had existed for several decades, the JCA in the Los Angeles area has grown from a membership of 3,000 to an extensive organization with a membership upward of 20,000.

Conceived and maintained by the Jewish community to fulfill its recreational, health, cultural, educational, and social needs, the Jewish community centers are typically American institutions whose program is based upon a philosophy of democratic participation. The unique quality of the JCA is that it represents the combined work of many volunteers and professional people, upon whom the development of the centers depend.

In 1973, the Jewish Centers Association consists of: The central administrative and program unit, including the Community Services Division; Community Centers of Bay Cities, Hollywood Los Feliz, North Valley, Valley Cities, West Park, and Westside; Camp JCA with facilities at Barton Flats and Malibu; and extension services in numerous synagogues throughout the county.

Through its lay and professional leadership, the Jewish Centers Association has made contributions to the general and Jewish community in the areas of board and community leadership, intercultural programming, senior adult activities, experimental programs with hospitals for senior adults, family centered activities, extension programs in synagogues, consultative services to suburban communities, higher nursery school standards, home and mountain camping.

The founding president of JCA was the late Judge Irvin A. Stalmaster. Succeeding presidents were Jack Y. Berman, Leslie G. Cramer, Louis Warschaw, Max W. Bay, Jules Bisno, Lawrence E. Irell, Robert J. Felixson, William W. Bruck, Bernard Levin, Ralph B. Herzog, Jack L. Brostoff, and Samuel H. Sherman.

I take this opportunity to commend Irwin Daniels, current president of JCA, the executive director, Charles Mesnick, and the entire association for its 30 years of outstanding service to the Los Angeles community.

**JUDGE AND MRS. THEODORE M.
WILLIAMS FAMILY: CLEVELAND'S
FAMILY OF THE YEAR**

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. STOKES. Mr. Speaker, on January 27, 1973, the Cleveland Urban League

conducted its 55th annual meeting. It has been a time-honored tradition in the league to use this occasion to pay tribute to one outstanding Cleveland family. This year, I was deeply pleased to learn that the family of Judge Theodore M. Williams had been elected to receive this honor.

I would like to take this opportunity to share with my colleagues the achievements of this eminent first family of Cleveland.

Judge Theodore Williams was born in the city of Cleveland 67 years ago. He graduated from East Tech High School and the University of Michigan and he received his J.D. degree from the Cleveland Marshall Law School in 1932. He was admitted to the bar in that same year. For the past 13 years, Mr. Williams has served, estimably, as a judge and, in recent years, he has given of his time as a part-time lecturer at Cuyahoga Community College. Before taking a seat on the bench, Judge Williams served as assistant police prosecutor, assistant county prosecutor, and Cleveland councilman. He is a member of the American Bar Association, the Ohio State Bar Association, the American Judicative Society, the Cleveland Bar Association, the National Bar Association, the John Harlan Law Club, and the Ohio Municipal Judges Association. He also belongs to Alpha Phi Alpha Fraternity, the Knights of Columbus fourth degree, and the NAACP. He serves on the Board of Trustees of the following organizations: The Cleveland Zoological Society, the Cleveland Deaf Society, and the Interracial High School Scholarship Foundation.

Judge Williams' wife of 43 years, Mrs. Irene Williams, has also earned this award in her own right. She is a selfless and tireless woman who has given of her time and energy to countless good causes. Among the organizations which she has volunteered to serve are: The Catholic Counseling Committee, the Women's Committee Interracial High School Scholarship Foundation, the United Torch Campaigns, Tots, and Teens, Karamu Women's Committee, Glenville Multi-Service Corp., the Interracial Adoption Committee, the Cleveland Deaf Society, the Neighboring Fairhill Hospital, and the Heart Fund Campaign.

The Williams family is graced with five children and nine grandchildren. The children have followed in their parents' tradition of community service. Judge and Mrs. Williams' daughter, Ann Goens, teaches deaf adults; her husband, Guy Goens, also teaches—in the Cleveland school system. Another daughter, Jane Harris, is a reading consultant for the Cleveland Board of Education; her husband, Gerald Harris, is a draftsman for Polytech, Inc. The Williams' third daughter, Florence Ousley, is a housewife and her husband, Flounoury Ousley is the manager of a new Top Value Supermarket in the Martin Luther King Shopping Plaza. Judge and Mrs. Williams' son, Theodore M. Williams, Jr., has been working with the Cuyahoga County engineers for over two decades; he is married to Jean Williams. The judge's son,

Charles Williams, has also been with the Cuyahoga County engineers for 17 years, he teaches basic education for the adult deaf, and he is married to Pearl Williams.

Clearly, Mr. Speaker, the Williams' family deserves the highest praise and the deepest thanks for their years of dedication to the needs of the people of Cleveland. They are truly a "First Family" in the city of Cleveland.

**PUBLIC TRANSPORTATION AND
THE CHANGE MAKERS**

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RARICK. Mr. Speaker, during the last Congress there was quite a bit of controversy over the continuation of the Metro subway system. Unfortunately, its proponents prevailed.

Some indication of the future of this subway system can be seen in a recent news article indicating that an "Underground Bus Station Waits 2 Years for First Passenger." The station was included as a part of the Ninth Street Expressway tunnel at an estimated additional extra cost of \$100,000. To date, it has not been used.

It is questionable, in the light of this information, whether the subway system will not face a similar fate—especially at night. Those of us here in Congress who are concerned with safety in the inner city, will soon be faced with the additional threat coming from subway travel at night and how to cope with it.

I include a related news article which follows:

[From the Washington Post, Feb. 4, 1973]

**UNDERGROUND BUS STATION WAITS 2 YEARS
FOR FIRST PASSENGER**

(By Jack Eison)

For more than two years, a subway station for buses has existed in the congested Southwest Mall office area of Washington but it has yet to serve its first passenger.

On sidewalks a few feet overhead, commuters whose buses might use the station wait unsheltered during every afternoon rush hour.

The station was built as part of the 9th Street Expressway tunnel. It is located under Independence Ave SW, near the Forrestal Building and the Federal Aviation Administration headquarters.

The tunnel was opened to southbound one-way traffic just before Christmas, 1970. It starts at Constitution Avenue and connects with the Southwest Freeway, which in turn lets traffic go to Anacostia and Prince George's County or to Virginia.

D.C. Highway Director Thomas F. Airis said the station and a stairway to the surface were included in the tunnel at an estimated extra cost of \$100,000.

"We put it there knowing there was no real, definite committed plan for its use," Airis said. "We knew it eventually would be needed, so we put it in, pretty confident it would be used in the next few years."

Airis was so confident, in fact, that the right-hand lane passing the station platform was marked from the beginning as reserved during rush hours for buses only. Automobile traffic has since virtually erased the pavement markings.

When the tunnel was opened, Airis said, he talked to bus officials about using it.

"They were not enthusiastic," Airis said. "They said people had gotten used to using 7th Street, and that their companies were not anxious to change."

One problem is that city and suburban buses going down 7th Street can make several curbside stops, while those using the 9th Street tunnel could stop only at the single station.

Moreover, D. C. buses coming from areas north of downtown destined for the Southwest would have no place to turn around and head back to the other end of the line. Virginia buses could not, under existing ramp arrangements at the 14th Street bridge, get onto the Shirley Highway exclusively busway.

Metro's partly completed takeover of the four area bus companies could result in some bus lines using the tunnel, one official said.

"We'll take a look at it; you can be sure of that," William I. Herman, Metro planning director, told a reporter.

One possibility, he noted, might be its use by buses running from downtown to the fringe parking lot and other destinations in the South Capitol Street area.

JAPAN FUND SUCCESS IS IN ITS PHILOSOPHY

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MILLS of Arkansas. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

JAPAN FUND SUCCESS IS IN ITS PHILOSOPHY (By Eliot Janeway)

NEW YORK CITY.—Japan's nonstop miracle economy has long since outdistanced the original postwar German miracle. Investing in it has proven a bonanza for the Western portfolio managers who have been doing their homework on the spot. The New York-based Japan Fund is listed on the New York Stock Exchange. These last 10 years, sophisticated investors from all over the world have been taking advantage of the distinctive proprietary ride this unusual investment vehicle has been engineered to offer.

Princeton-educated Steven Schaefer, the fund's executive vice president, and his Japanese-born wife, Yukiko, live in New York. Schaefer's account of the fund's success story speaks for itself.

Janeway: Of the fund's 8½ million shares outstanding, how many are held by Americans?

Schaefer: About 80 per cent or 7 million shares.

Janeway: What about the interest equalization tax?

Schaefer: We can trade on the Tokyo stock market without paying the tax so long as we don't raise any more money in the U.S. As a closed end fund of course, we don't try. Americans who buy Japan Fund shares from other Americans are exempted from paying the equalization tax. All they need to qualify for the exemption is a validation certificate.

Janeway: Is the Japan Fund yield- or capital gains-oriented?

Schaefer: The latter. We pick our investments to stay with them and turn over only about 25 per cent of our portfolio every year. Our by-laws required us to be out 80 per cent invested in Japan, but we have stayed at 100 per cent in Japan.

Janeway: How does the Japanese market performance compare with ours?

Schaefer: In the last five years, the Tokyo Dow Jones of 225 stocks rose 278 per cent; while the New York Standard & Poor's Index rose 37.3 per cent. In 1972 alone, the Tokyo market was up over 80 per cent.

Janeway: Is the Japanese market primarily institutional or is there a significant degree of individual participation?

Schaefer: About 60 per cent of the shares are owned by investment institutions and corporations. The Japanese individual represents around 35 per cent of stock ownership, and accounts for a smaller per cent of the trading. Foreigners hold less than 5 per cent of the total shares. This year some professional investors have been one day market traders because Japan has no capital gains tax as yet.

Janeway: Is the Japanese market more sensitive to conditions in the economy or to changing money conditions?

Schaefer: Over the past year, money conditions have had a greater impact. The Japanese market has benefits from easy money conditions. Japanese companies have taken advantage of this in two ways—first, by issuing new securities to the tune of one trillion yen, or about \$3 billion; and, then, by buying up huge quantities of each other's outstanding float on the open market.

Janeway: One reason, then, for the sensational bulge in the Japanese market can be counted as a net contraction of a larger stock supply outstanding.

Schaefer: Absolutely. The Japanese corporate structure is short on equity and long on debt. The Japanese corporate economy operates on a 75 per cent debt ratio; and the banks lend all their reserves because the government unofficially guarantees them. The money supply has been growing at an annual rate of 20 per cent; and corporations have taken advantage of this situation to consolidate their control position.

Janeway: How do you see the Japanese economy?

Schaefer: The interaction between government and business is unique and is one of the major reasons that I remain so bullish about Japan despite the extent of her breakaway boom. Now that her new Tanaka government has shifted emphasis from external to internal growth, I don't see how the bubble can burst.

Janeway: Then you think Tanaka is going to be good for Japan?

Schaefer: I think Tanaka is the best thing that's happened to Japan in the postwar era. Japan has been overdue to emerge from America's shadow. Tanaka has accomplished this for Japan. He is the right man in the right place at the right time.

Janeway: What does Tanaka stand for?

Schaefer: He is called the "computerized bulldozer" in Japan. Tanaka wants to preside over a Japan that is not only an independent entity, but is the first industrialized nation whose environment is acceptable. At the same time, he has instituted an ambitious development program aimed at reorganization of the Japanese archipelago thru increased rail and highway facilities. His plan is to move people out of the megalopolises of Tokyo and Osaka and build up other areas.

Janeway: This would be good for Japan's construction industry.

Schaefer: Good for her construction industry and any other area related to the Tanaka plan. Housing construction will be up 20 per cent this year, and there has been comparable surge in land values—again with corporate buying triggering the advance. Undeveloped forest land in Hokkaido is going at \$36,000 an acre.

Janeway: What about the yen. Will Japan revalue?

Schaefer: The Japanese government is making every effort to avoid another revaluation. But all the business leaders I talked with anticipate one. If the yen is revalued,

it should happen by the end of January; the longer it is delayed the less likely it seems.

Janeway: I understand that the Japanese government is going to permit private Japanese investment in foreign-domiciled funds, beginning this month.

Schaefer: That's right, and the Japan Fund will be the first sold there.

WANTED: CRIMINAL DEFENSE COUNSEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LENT. Mr. Speaker, my attention was recently drawn to an article which appeared in the January 24, 1973, New York Law Journal, entitled "Wanted: Criminal Defense Counsel." The author, Robert A. Morse, U.S. attorney for the eastern district of New York, states the view that more members of the bar should become involved in the representation of criminal defendants, and makes other recommendations relative to the criminal justice system. So that my colleagues may have the benefit of Mr. Morse's views, I include them in the RECORD at this point:

WANTED: CRIMINAL DEFENSE COUNSEL

(By Robert A. Morse)

In this article, I shall attempt to persuade my brothers at the Bar that more of them should become involved in representation of criminal defendants. Also, I would hope to persuade those who are already engaged in this area of practice in the state courts to extend their practice to include work in the federal courts.

Although this may appear at first blush an anomalous topic for a federal prosecutor to write upon, seeking in essence to encourage more of his fellow lawyers to join the "opposition," in fact it is not. To begin with, defense counsel and prosecutors are not, or at least should not be, "in opposition," at least not on any personal level. We are lawyers all, perhaps with preferences as to which side of criminal practice we wish to be on. Yet, we are professionals engaged in the practice of our profession, not opponents in the ultimate sense.

NOT AS "CONVICTOR"

In addition, as a prosecutor my duty is not simply that of convicting defendants; rather, my duty is to see that the public's interest in the sound administration of justice is properly served. This interest quite obviously as such requires that the innocent go free as that the guilty be punished. Also, it requires that the greatest number of competent legal minds be brought to bear on the problems of criminal law, so that our constantly evolving law may properly develop. Finally, society's interest in the sound administration of the criminal justice system requires that as much as possible be done to insure that criminal cases be tried and determined with all reasonable dispatch, a goal which can be met by persuading a larger number of able lawyers to enter this area of practice.

As other commentators have pointed out, furnishing adequate legal counsel to criminal defendants is the Bar's collective responsibility; and, to the extent that each of us may possess the talents called for in this area of law, it is also our individual responsibility. In addition, as I would attempt to convince the reader, the practice of criminal law is not an area which the otherwise competent civil practitioner should hesitate to enter.

This is especially so if he has some civil trial experience.

In short, we need both more criminal law specialists and a greater willingness on the part of competent civil practitioners to take on representation of criminal defendants in appropriate cases.

I should note that we have made great strides in recent years with respect to furnishing adequate counsel to those not able to afford retained counsel. Such organizations as the Legal Aid Society of New York are attracting and retaining increasing numbers of outstanding attorneys on their staffs, both at the trial and appellate levels. In addition, the quality of other assigned counsel appointed by the courts to represent indigent defendants is constantly improving.

However, the situation is still far from ideal, and, with respect to representation of criminal defendants able to afford retained counsel, the situation is critical. There are, of course, many excellent attorneys among our criminal defense Bar, but the number of truly competent attorneys whose ability, and energy inspires confidence in their clients leaves much to be desired.

As the United States Court of Appeals for the Second Circuit has had occasion to note only very recently, there is a tremendous concentration of criminal defense work in the hands of a very small number of practitioners able to meet the preferences of defendants able to afford retained counsel. As a result, due to such attorneys' heavy and conflicting trial schedules, a serious problem of delay in disposing of cases involving such defendants has occurred. Obviously, one means of resolving this problem is to require such defendants to retain other counsel. However, I am sure all would agree that the better solution would obtain if there were a much larger number of equally competent attorneys practicing in this area, so that the individual preferences of such defendants could be met and court delay still avoided.

ROLE OF SPECIALIST

Thus, one part of solving this problem of furnishing adequate counsel to represent criminal defendants is for more attorneys to enter this area of the law. In addition, I am convinced that the ordinary practice of so many civil practitioners of routinely declining to take on any representation of criminal defendants, even in the most simple cases, is unwarranted. Surely, there is need for the specialist in this area of the law. However, as in the case of medicine, one part of the general practitioners' responsibility is knowing when to call in the specialist, and another part of this responsibility is being able to function where the services of the specialist (of whom we have far too few) are not required.

Moreover, I am likewise convinced that in many cases, especially those involving minor crimes, especially minor white collar crimes, the interest of the client would far better be served through representation by an attorney whom the defendant already knows, and who has perhaps already represented him in other matters. All that would be required should be that this attorney is a competent lawyer who, as is the case in most areas of practice, is willing to do this work of familiarizing himself with new areas of substantive law and new procedures. In such cases the defendant has, I believe, a much greater likelihood of receiving the sort of individualized attention that is the right of every criminal defendant than if his case is immediately turned over to a very likely already over-committed and over-worked criminal defense specialist.

In addition, in many cases where it can be seen at the outset that a trial specialist will have to be retained, should the case go to trial, there is absolutely no reason why the competent civil practitioner should not continue with the case at least to the point of actual preparation for trial.

In my office, and I am sure this is the case in an ever-increasing number of other prosecution offices, my assistants are always willing to confer with defense counsel concerning possible dispositions not requiring trial. These dispositions have even included, dismissal of the charges against a defendant, where we have become convinced that this was in the interest of justice. In many other cases such meetings have led to defense counsel's obtaining pre-trial discovery of the Government's case far in excess of what the defense would ordinarily be able to obtain as a matter of right under the Federal Rules of Criminal Procedure.

Armed with such information, which frequently the defendant either is unaware the Government possesses or is unwilling to disclose even to his lawyer, defense counsel has often been able to go back to his client and persuade him to accept a reasonable and realistic plea disposition of his case. (Incidentally, we dispose of over 80 per cent of our criminal cases by way of guilty pleas).

I would also suggest that many more lawyers are in fact competent, given adequate preparation in this area, to properly try criminal cases. And, as a corollary I would also suggest that many of our state court criminal defense practitioners who are hesitant to take on criminal cases in the federal courts could do an excellent job in the federal courts.

NEED TO FAMILIARIZE

At the same time, however, I should add the caution that no lawyer should take on criminal trial practice until he has thoroughly familiarized himself with the procedural rules and statutes covering criminal trials in the court in which he proposes to practice. In the federal courts these would include the applicable sections of the Judicial Code, the Federal Rules of Criminal Procedure, the Rules of Procedure for the Trial of Minor Offenses before the United States Magistrates, the local rules of the District Court and applicable rules of the Court of Appeals for the Circuit or rules promulgated by the Judicial Council for the Circuit.

In addition, prospective trial counsel would do well to refresh himself on the law of Evidence and, if he proposes to practice in the federal courts, to study the recently approved Federal Rules of Evidence, which are shortly to go into effect subject to their being modified by Congress. Toward this end, one should not overlook the many excellent programs offered to further post-admission legal education. Nor should counsel overlook the various treatises on these topics.

In summary, I would simply reiterate my major theme: Both the orderly administration of justice and the interests of criminal defendants require that additional competent, energetic attorneys become involved in this area of the law. Simply because it is new or different to them, lawyers should not be hesitant to take on this type of practice. In my judgment the overwhelming number of lawyers possess courage, skill and insight sufficient to continually renew themselves by accepting challenges presented in new fields of law. I offer you this challenge of renewal, and hope one day to see you in the federal court.

BILL McCULLOCH BACK HOME

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BROWN of Ohio. Mr. Speaker, after more than a quarter of a century in the Congress, our former colleague, Bill McCulloch, retired from public service

this term. Bill McCulloch, noted for his active support of civil rights legislation, his leading role in helping to frame a constitutional amendment for presidential succession, and his participation on such Presidential commissions dealing with civil disorders and with the causes and prevention of violence, has now returned to his law practice in Piqua, Ohio. He is a man respected on both sides of the aisle, and in and out of Congress, for his objectivity and his fairness.

Recently the Springfield News and Sun printed an article concerning Bill which I think will be of interest to all of my colleagues:

BILL McCULLOCH BACK HOME

PIQUA.—After five terms in the Ohio General Assembly, during which he was minority leader in the Ohio House of Representatives from 1936 to 1939, and more than a quarter century in the Congress of the United States from the Fourth Ohio District, William M. (Bill) McCulloch is back home in Piqua as a private citizen.

Although he is now retired from active public life, Piqua's "Mr. Republican" said he will always retain his long interest in federal, district, state and county GOP politics, lending his influence wherever and whenever desired.

The veteran Piqua congressman returned to his desk in the legal firm of McCulloch, Felger, Fite and Gutmann in the Piqua National Bank Building, and his home at 424 N. Downing st., after a weekend of moving from his long-occupied congressional offices and home in Washington, D.C.

While in the Ohio Assembly the veteran congressman was speaker of the House of Representatives for three successive terms. He resigned as speaker to enter the Army, serving 20 months overseas during World War II.

He was elected to Congress in a special election in 1947 and was reelected for successive two-year terms continuously since that time, winning over opponents in both primary and general elections with such majorities he soon became known as the "champion" vote-getter in his district, a distinction he never lost.

At the start of his 19th year in Congress, and at the age of 65, he was the ranking Republican on the House Judiciary Committee, and played an important role in constitutional legislation which he undertook as far back as 1957.

Often at considerable political sacrifice to himself, the Piqua congressman took a position that constitutional guarantees could not be denied to some Americans without serious danger to the nation.

He also played a leading role in the new immigration laws and helped frame an amendment to the Constitution dealing with presidential succession. As a member of the Intergovernmental Commission on European Migration, he was sent many times to Geneva, Switzerland, for commission meetings.

His other committee appointments while in the Congress included the Commission on Government Security, the President's Commission on Civil Disorders, and President's Commission on The Causes and Prevention of Violence.

He was graduated from Wooster High School, attended the College of Wooster and then received an LL.B. degree from the College of Law, Ohio State University. He is also a recipient of an honorary LL.D. degree from the College of Wooster and an honorary LL.D. degree from Ohio Northern University.

Retired Congressman McCulloch has received the American Political Science Association's Congressional Distinguished Service Award, the Distinguished Alumni Award of the College of Wooster; the 1969 Distinguished

guished Service Award of the Ohio Farm Bureau Federation; the Ohio State University Achievement Award, and the Governor's Award.

He was named "Republican of the Year" by the Harvard University Young Republican Club and received the annual "Watchdog of the Treasury Award" from the National Associated Businessmen, Inc.

NATIONAL COMMITTEE AGAINST DISCRIMINATION IN HOUSING DENOUNCES THE NIXON ADMINISTRATION'S FREEZE ON SUBSIDIZED HOUSING

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DRINAN. Mr. Speaker, the administration's new budget—encompasses the virtual elimination of most of the housing programs which have been of invaluable assistance to the poor and to minorities.

For many years fair housing has been viewed as a cornerstone of the Federal Government's efforts to improve the conditions and opportunities of its disadvantaged and minority citizens. Now this "historic commitment" is being threatened. Whatever the faults of the current housing program, the action of the administration is precipitous, unwarranted, and unresponsive to the real needs of Americans. The housing program needs constructive reform—not total abolition.

The National Committee Against Discrimination in Housing—NCADH—recently released a statement on the proposed housing cutbacks. NCADH is a 22-year-old civil rights organization engaged in research, public information, technical counsel, and legal services in behalf of open housing and open communities. I commend the NCADH statement to all Members of Congress:

THE ADMINISTRATION'S HOUSING MORATORIUM AND BUDGET MESSAGE

(A Statement by the National Committee Against Discrimination in Housing)

The Administration's moratorium on construction of subsidized housing has dealt a cruel blow to the hopes of all Americans who are victimized by racial discrimination and/or disadvantaged by low income in their choice. President Nixon's budget message poses a further threat to disadvantaged Americans by proposing a planned dismantling of the Federal government's role in alleviating need and providing leverage for upward mobility. After 40 years of bipartisan effort at the Federal level to redress the inequities imposed upon millions of Americans by age-old patterns of economic exploitation, social neglect and racial discrimination—tolerated and, in some cases, facilitated by state and local governments, the President now asks Congress to join him in repudiating the Nation's commitment to help the ill-clad, ill-nourished and ill-housed and to reverse history by returning to the discredited concept of "rugged individualism."

First to feel the axe—wielded skillfully and wantonly—are programs for the poor and disadvantaged, thus depriving Blacks and other minorities of the supports needed to close the gaps between them and the white majority in income, jobs, housing, education, health and community environment. Either already terminated by Presidential order or

scheduled for elimination in the proposed budget are, in addition to subsidized housing for low- and moderate-income families and the elderly, some 100 other social and economic programs; including emergency employment assistance, Community Action Programs (the heart of the war on poverty), rural housing subsidies, urban renewal, Model Cities, urban open space, neighborhood facilities, water and sewer grants, housing rehabilitation loans, public facility loans, mental health centers, compensatory education for the disadvantaged, manpower training, vocational education, legal aid to the poor, the Community Relations Service, hospital construction, etc.

The cost of Medicare to the elderly would be increased by the President's Budget, thus preventing many from utilizing hospital facilities and, thereby, confirming the budget's contention that the nation should stop building hospitals to avoid a surplus of unused beds.

In contrast to this victimization of the disadvantaged, the budget message is silent on the notorious "loop holes" through which the wealthy avoid payment of Federal income and corporate taxes amounting to billions. While housing subsidies are eliminated, subsidies to the maritime industry and other private corporations remain untouched.

The Administration has alleged "widespread" abuses in the Sections 235 and 236 housing subsidy programs out of all proportion to the benefits that these programs have achieved. In an incredible overkill, it has moved to halt the entire subsidized housing program. Instead of continuing appropriate actions to eliminate fraud by some Federal officials, some bankers, some developers, and some real estate people, the Administration is placing the burden of blame on those most desperately in need of shelter. This stands in stark contrast to the Administration's reaction to abuses by major defense contractors, one of who was rewarded with a multimillion dollar Federal loan.

The President has jettisoned a program about which he boasted only eighteen months ago. In a major statement on the Federal role in fair housing on June 11, 1971, he cited as evidence of growing housing opportunities for minorities the fact that federally-assisted low and moderate income housing starts had reached their highest level in twenty years. That statement acknowledged the enormous needs still unfilled, and justified housing subsidies by recognizing that the Federal Government "was not blameless in contributing to housing shortages and to the impairment of equal housing opportunity for minority Americans."

Under pressure from civil rights forces, the Federal Government had begun to exert its power and its leadership in enforcement of the 1968 Fair Housing Act. Even those efforts, admittedly inadequate, are now threatened by the halt of subsidized housing programs. The leverage of Federal funding as an encouragement for affirmative implementation of civil rights laws will now be dissipated as the Administration sets its course on "no strings" disbursement of funds through revenue-sharing to state and local governments.

The freeze gives every appearance of Executive coercion of the Congress. By cutting off desperately needed housing, education and employment programs for the disadvantaged, the Administration sets the stage for forced acceptance of "special revenue-sharing", designed to shift responsibility for social programs dramatically and precipitously from the Federal level to the state and local levels with no assurance that these political jurisdictions are willing or even capable of accepting the new responsibilities along with the new money, especially in the face of their historic postures.

Programs enacted by the Congress of the United States over a period of many years and designed to meet the critical housing

needs of the nation, as chronicled in the reports of the prestigious Douglas and Kaiser commissions, have been peremptorily halted by the President of the United States. Once again—for the poor, the disadvantaged, the minorities of this nation—"a dream is deferred," and the Nation's 1949 promise of "a decent home in a suitable living environment" for every American family remains unfulfilled.

The National Committee Against Discrimination in Housing issues this call for immediate action by the Nation's leadership and its people.

We call on the President to:

1. Rescind the freeze of all federally-subsidized housing and community development programs.

2. Release all impounded funds appropriated by Congress for housing and other social and economic programs.

3. Recall this Budget message of doom and cooperate fully with Congressional leadership in developing legislative improvements and budgetary allocations that can move America upward by meeting the obvious housing and other social and economic needs of the Nation.

4. Exercise Executive leadership to insure that all Federal programs are utilized affirmatively to achieve genuine equality of opportunity for all Americans, as mandated by Federal laws and Executive Orders.

We call on the Congress of the United States to:

1. Exercise its full constitutional authority, as the elected representatives of the people and the nation's highest legislative body, by taking appropriate action to assure that these vital programs are not eroded.

2. Carefully examine Presidential nominees to Executive departments and agencies charged with implementation of social and economic programs and withhold approval of any nominee who is not fully committed to the unequivocal enforcement of the nation's equal opportunity requirements in all social and economic programs.

3. Reject the President's Budget Message of doom and make allocations and appropriations that keep faith with the legislated promise to abolish poverty, above all, among those who are poor because they are Black, Spanish-speaking or of other minority groups.

We call on the People to:

Vigorously and vocally support social and economic programs to provide genuine equality of opportunity in shelter, education, jobs and all other aspects of life for the benefit of all Americans, and to make their voices heard at the White House, in the halls of Congress, and in their own communities.

WALTER CRONKITE ON L. B. J.

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BLATNIK. Mr. Speaker, Congress and the Nation have said goodbye to Lyndon Baines Johnson, our former colleague in the House and Senate, and 36th President of the United States. We have joined his family in mourning his passing; we have reflected, publicly and privately among ourselves, on his tremendous impact on this Nation and the world.

The media have had their say, too, but none have spoken of L. B. J. more eloquently than Walter Cronkite, on CBS Radio, the evening following his death. It was broadcast January 23, 1973.

Mr. Cronkite had been taping a series of television interviews with L. B. J., and

less than 2 weeks before his death spoke with the former President on his civil rights legacy, surely the crowning achievement of this restless, compassionate giant.

I would like to insert Mr. Cronkite's radio commentary in the *RECORD*, so that the Nation may have the benefit of his most recent insights, and personal perceptions, of the man who dominated the legislative landscape for so long, both as Representative, Senator, and President of the United States.

The commentary follows:

Lyndon Johnson was a man of incredible contradictions. A man who became President with a prime commitment to domestic reform, yet ultimately saw his domestic program tainted by controversy abroad. A man who won the biggest Presidential landslide in U.S. history, yet could not try again just four years later because his stock had sunk so low. A Southerner who championed the greatest civil rights advances in the nation's history. A man who hobnobbed with Texas conservatives, and yet fathered the war on poverty and pushed Medicare through Congress. And certainly not least, a man who gloried publicly in acquiring and manipulating political power while repressing grave private doubts if the power was properly his to hold.

He certainly didn't become any less complex a man when you got to know him personally. I had been going down to the LBJ Ranch at irregular intervals ever since Mr. Johnson left the White House to interview him before TV cameras on various aspects of his controversial Presidential years. The most recent installment, devoted mainly to the civil rights issue, took place less than two weeks ago. Clearly, it was more congenial for Mr. Johnson to talk about civil rights than about Vietnam, which we'd discussed earlier. Perhaps this was one reason why he seemed to have mellowed somewhat. He even occasionally acknowledged making a mistake or two while in office. Before, he'd seemed much more petulant and defensive; and mistakes or misunderstandings were by his adversaries or critics—not by him.

Yet, with this unbelievably restless, energetic man, mellowness was at best a relative condition. He obviously was not in the best of health. At least twice during our formal interview, he suffered chest pains; one of these times, he had to interrupt the filming to recover and take a pill. Yet his conversation made no concession to infirmity. His style was as animated and vigorous as ever. He talked of future plans—private, not public, ones—dealing in part with cattle and land sales. As he had done now and then in the past—despite his poor heart—he once more appeared to be neglecting his health. He smoked a great deal. Apparently, he was so nervous and cantankerous when not smoking that he was told to go ahead and smoke again, as a lesser evil. He also seemed to be ignoring his diet. At one meal, when dessert was rice pudding with whipped cream, he not only demolished one portion but then, as the conversation continued, leaned over and started eating his neighbor's portion as well.

Undisciplined zestfulness—conduct that others often considered crude—were of course one part of Lyndon Johnson's public record. There were other traits the public could not see, parts of Mr. Johnson that unfortunately froze up and disappeared during formal occasions, such as speeches or news conferences. One such trait was the personal warmth that emanated from this big, blustering Texan when you met him face to face. Another was the depth of his commitment to the have-nots in life. He made mistakes with his head. Whatever one thought of his Viet-

nam policy, there was no condoning his misleading the public about it as he did in '64 and '65; but at the same time, he was a man with a big heart. He learned about underprivileged minorities from teaching Mexican children in public school; about unemployment from his back-country neighbors; about poverty from his own youthful experiences. The lessons stuck. Publicly, he may have impressed some as an ambitious, self-serving wheeler-dealer. Actually, he was a man with genuine, lasting compassion for others.

So, it was nice to learn from him, during this last encounter, that a few days before, he'd received another phone call from President Nixon, who reportedly said that this time a cease-fire agreement really was in the works. If Mr. Johnson had to die without knowing the war that hurt him so badly was over, he at least passed on reasonably certain it was about to end. One may hope he also left us reassured of his own place in history, to be recalled, despite his imperfections, as a zealous public servant with a compelling dream of a better America—who made enormous strides to make that dream come true.

PUBLIC HOUSING FOR THE FUTURE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, when the Public Housing Act of 1949 was passed into law, this country established a goal that every American be provided with a decent home in a suitable environment. Admittedly, many of the housing programs instituted relative to this goal have had serious shortcomings. In many cases, public housing has served to concentrate low-income, minority families in crime-ridden, ghetto areas. Rising security and maintenance costs have far outstripped, in many instances, rental incomes, with the result that some housing projects have become so dilapidated so as to become virtually unlivable.

Indeed, Mr. Speaker, in view of the problems encountered by officials in effectively administering public housing programs, it would appear obvious that we must take a hard look at national policy in this area, and develop alternatives to those aspects of America's housing programs that have not been productive. I recommend, however, that the present administration analyze its policies toward public housing in light of the following statements by Robert Maffin, Executive Director of Housing and Redevelopment officials. As Mr. Maffin said:

You can ponder, and everyone should, but, while you're pondering, don't let what you have go down the drain.

And I suggest, Mr. Speaker, that this is exactly what the present administration has permitted to occur: America's public housing programs have been allowed to deteriorate to a most disturbing level. The administration has responded to the difficulties encountered by HUD in providing decent housing for Americans, not with creative action, but rather with a series of measures which threaten many housing authorities with financial

insolvency. I think, Mr. Speaker, that in analyzing the following features of the administration's current public housing policy, the counterproductive effects of this policy will become obvious.

Until the late 1960's most housing authorities were able to charge rents sufficient to cover their operating and maintenance expenses. However, inflationary pressures drove rents to levels that numerous low-income tenants could not afford. Many felt that ever-increasing housing rents which authorities were forced to charge made public housing inaccessible to many poor families, thus defeating to a large degree the entire purpose of America's housing program.

In 1969, Senator BROOKE proposed a series of amendments intended to insure that low-income Americans would be able to afford Government housing. The Brooke amendments stipulated that poor tenants could not be charged more than 25 percent of their total income for rents—with the provision that Federal subsidies were to provide sufficient funding to cover maintenance and operating expenses for those authorities which suffered substantial rent income decreases due to the new Brooke amendment ceilings.

Unfortunately, Mr. Speaker, the administration has not been fit to supply local housing authorities with sufficient subsidies to cover their expenses. In the 1971-72 fiscal year, authorities across the country were granted \$44 million less than needed to deliver a basic level of service to individual housing projects. And this year, with HUD itself proclaiming that \$325.4 million will be needed "to cover deficits and provide adequate services," the administration has requested only \$170 million. In light of policies such as this, Mr. Speaker, it is no wonder that 35 housing authorities located in major cities across the country face bankruptcy by next September—their bankruptcy representing the loss of hundreds of thousands of housing units currently occupied by Americans who can least afford the discontinuation of a vigorous, hopeful public housing program.

In an effort to compensate for the additional financial burdens imposed by the Brooke amendments, the administration developed a policy last December stating that no new housing units may be constructed where aggregate rents from a given project do not equal 85 percent of total operating expenses. Thus, Mr. Speaker, rather than provide our housing authorities with congressionally authorized subsidies sufficient to guarantee the economic well-being of America's existing housing projects, the administration has chosen to deal with the problem by ratifying a policy which will clearly force a reduction of necessary maintenance and operating services as well as discouraging, if not actually precluding, the construction of needed housing in areas where persons on waiting lists have such low incomes that their rents could not equal 85 percent of operating expenses.

This, Mr. Speaker, is unquestionably the most objectionable consequence of administration housing policies. Those who desperately need housing are not getting it. For example, a new high-rise

project for elderly persons in Foggy Bottom was recently canceled when a survey revealed that of 1,600 persons on the waiting list for this project only four had incomes in excess of \$3,000. Because these elderly people, whose need for decent housing was critical indeed, did not have a "rent payment capacity" sufficient to cover 85 percent of the project's operating expenses, the entire Foggy Bottom facility was canceled.

Regretably, Mr. Speaker, this is not an isolated occurrence. All across America, housing projects confronted with rising costs and insufficient Federal subsidies, have been forced to turn away low-income families in favor of moderate income families whose higher "rent potentials" can be utilized to pay for project operating expenses. I should think, Mr. Speaker, that such a situation is contrary to the fundamental philosophy behind America's housing program; a philosophy designed to insure all Americans, including low-income Americans, of a decent place to live.

The fulfillment of America's housing goal established 23 years ago will not come easily. Providing for the housing needs of this Nation will require the immediate, the closest attention of America's best, most creative planners. Undoubtedly, many of our previous approaches to the whole problem will have to be altered and new methods developed capable of more effectively balancing the various, often times conflicting, interests involved in the public housing issue. However, Mr. Speaker, I cannot believe that depriving housing authorities of Federal subsidies needed to deliver a minimum level of service, or excluding low-income persons who are surely in greatest need of decent housing, is going to make any contribution to the improvement of the housing dilemma facing our Nation today.

POSTAL SERVICE IN NEED OF INVESTIGATION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROGERS. Mr. Speaker, I have recently called for a thorough investigation of the U.S. Postal Service by the General Accounting Office and the Post Office and Civil Service Committee.

Each day I receive correspondence describing yet more personal inconveniences and hardships caused by the inability of our Postal Service to provide timely, consistent delivery of the Nation's mail.

In a recent article in the Fort Lauderdale News, Mr. Tom Vinguerra also concluded that the Postal Service is in need of investigation. I insert that article in the RECORD at this point:

Rep. Paul G. Rogers last week was so fed up with lagging mail delivery service, he almost wished for the return of the barefoot mailman.

All the streamlining of the new government corporation called the U.S. Postal Service does not compare so favorably with the

barefoot character who used to traipse up and down the coast of Florida delivering mail. So Roger wants an investigation.

He has asked a couple of friends, Reps. Thaddeus Dulski, Postal Service Committee chairman, and Morris Udall, who chairs the subcommittee dealing directly with delivery service, to find out what is ailing the post office.

Rogers is not the first lawmaker to vent anger over the mail delays. Constituents have been griping to congressmen all over the nation.

Yet, the Postal Service investigating committees say actual percentage of customer complaints is down, no longer a priority problem.

And, last week, as Rogers announced he wants the Postal Service investigated, a 40-page annual report of Postmaster General E. T. Klassen lionizing his operation was released to the press.

Klassen said 94 per cent of local mail, if deposited by 5 p.m., is delivered the next day. And, he said, out of town mail averages 1.7 to 1.6 days for delivery.

Now, that is quite a track record.

In ticking off his examples of poor mail service, Rogers said a letter from West Palm Beach to Palm Beach, just across Lake Worth, was three months in reaching its destination.

These examples, mentioned to the congressional Postal Service staffs, were brushed off as possible "selected problems." In other words, deeper probing would uncover justification for the delays.

Most people put up with a lot of inconvenience before they are moved to action.

And only a few Americans dare tackle a behemoth like the Postal Service. It is like griping about the Vietnam War to the Pentagon.

Still, postal delivery is a service for which tax paying Americans can justly expect a better shake than they're getting.

The Postal Service staffers on the Hill say they are bothered most by complaints from postal employees and their unions.

The unions, which are nagging Congress for the right to strike, spend the rest of their time complaining about overworked postal employees.

The Postal Service is not hiring the numbers of people the unions feel are necessary to adequately staff the celebrated reform that came with the transition of the Postal Service from a stereotype governmental agency into the quasi-governmental unit it is today.

There is much hidden pressure being clamped on the public. It is sporadic, not geographically designed but constant.

Congressmen get letters complaining about poor mail service. The lawmakers complain in news releases and, like Rep. Rogers, ask for an investigation.

The public is going to take quite a whipping before Congress is man enough to admit it has made a mistake in creating a quasi-government agency to deliver the mail.

A few months ago, Rep. James Haley, D-Sarasota, his ire aroused by complaints from his district, warned that the Postal Service faces loss of its corporate status.

He, like Rogers, said the new postal system is worse, not better than the previous setup.

Then comes the annual report of Klassen's. "We achieved a significant 2.4 per cent productivity gain in the fiscal year ending June 30," Klassen boasted. And, of course, he bragged about "improved service in the reduction in the average time for delivery."

Who is kidding?

Klassen noted in his annual report that he held back asking for \$450 million in postage rate increases previously scheduled for January 1973.

This is an iceberg. And if Rep. Rogers gets below the surface before it is too late, the public will be indebted.

UNIVERSITIES AND THE THREAT OF GOVERNMENT INTERVENTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. CRANE. Mr. Speaker, earlier this month my distinguished colleague from Pennsylvania (Mr. SAYLOR) placed in the CONGRESSIONAL RECORD the text of a statement by Dr. George Roche III, president of Hillsdale College, concerning the effect upon higher education which is currently being produced by Federal aid to and involvement in the operation of the Nation's colleges and universities.

Few subjects are of more importance to those of us who are concerned about the future of higher education in the United States, and few subjects are of as much concern to educators who seek to maintain academic freedom and the integrity of their institutions in the face of increasing Government pressure.

In its effort to end racial, ethnic, and sexual discrimination, governmental agencies have, ironically, become the agents of a new and accepted racism in American society. Where men and women who thought of themselves as being liberal were previously committed to an open society in which individuals would be judged on their merits and not on such arbitrary and irrelevant criteria as color or ethnic background, today they seem to be advocating precisely the opposite.

An example of this policy at work relates to the hiring of faculty members at the Nation's colleges and universities. Universities have been told, in effect, that their faculties must include a specific percentage of women, blacks, and members of other minorities. If they do not, all Federal aid and assistance will be shut off to them.

What the Department of Health, Education, and Welfare is doing, in effect, is to violate the very law it is seeking to implement. In guidelines issued by the Office of Federal Contract Compliance, implementing Executive Order 11246, as amended by Executive Order 13375, it is specified that any contractor with the Government of 50 or more employees and a contract of \$50,000 may not practice discrimination in hiring. Failure to comply makes the contractor ineligible for Federal funds.

The order says nothing about racial, sexual, or ethnic quotas. The guidelines drawn up by the Office of Compliance to determine whether or not a prima facie case of unjust discrimination obtains are, in fact, quite reasonable. They specify that a case of underutilization exists with respect to employment of minorities and women wherever there are appreciably fewer minority members or women in any particular category of work than would reasonably be expected by their availability. It makes clear that "availability" is to be defined not by the numerical presence or percentage in the general population but by the possession of requisite skills in the immediate labor area.

The regional offices of the Federal Compliance Board, however, have interpreted these guidelines in a far different way. Prof. Sidney Hook points out that the manner in which they have been interpreted is:

... to disregard completely the all-important criterion of qualification or requisite skills in the institutions of higher learning. They have assumed that what might be a legitimate inference in considering the presence or absence of discrimination in hiring individuals for an assembly line or for positions that require no particular or special skills holds for all levels of university instruction. They have proceeded apparently on the assumption that if a disproportion exists between the ratio of minority members employed to the total numbers employed and the ratio of minority members to the total population, the university is not complying with the presidential directive. It then gives the university thirty days to remedy the situation or face the loss of all its federal contracts.

Academic freedom and the independence and integrity of American universities is being sharply interfered with by governmental intervention in the hiring process and the imposition of arbitrary racial, sexual, and ethnic quotas. In an important statement issued in a report to the American Association of Independent Colleges & Universities, the distinguished president of Hillsdale College, Dr. George C. Roche III, declared:

The attempt to achieve a statistically adequate representation of women and ethnic groups on college faculties has tended to produce a rush to discover sufficient numbers of well-qualified professors with minority credentials. In actual practice, the numbers demanded of such minority types rather exceeded the qualified people available. Thus a strange new word has entered the Affirmative Action dialogue. Today we talk about the appointment of persons who are not qualified, but who are "qualifiable." In point of fact, the guidelines state: "Neither minority nor female employees should be required to possess higher qualifications than those of the lowest qualified incumbent."

Dr. Roche declared:

This policy not only does an injustice to the institution and the students coming in contact with faculty members unqualified to hold their position but also excludes from consideration large numbers of an entire generation of young scholars, quite well-qualified to hold a position, yet often rendered ineligible by their non-membership in an HEW-approved minority group.

Dr. Roche stated:

Bureaucrats of the middle echelon "have been responsible for the implementation of administrative law, far beyond the original confines of any action taken by an elected official, in either legislative or executive branch of Government."

The subject of federally imposed guidelines for ethnic quotas in the hiring of faculty members was discussed in a recent article by Prof. Justus M. Van Der Kroef, chairman of the Department of Political Science at the University of Bridgeport, and, in 1971-72, national president of University Professors for Academic Order.

Dr. Van Der Kroef states that in many instances university administrators have failed to oppose Federal guidelines for fear of losing Federal funds. He notes that:

It does seem curious that U.S. universities and their faculties, that is precisely those

institutions and individuals that have made it fashionable to oppose vehemently such government policies as presumably outraged them morally or otherwise (vide the campus anti-war movement) have been so content to pass the buck to Washington.

In his statement, Dr. Van Der Kroef cites an article which appeared in the New York Daily News of December 30, 1972, which reported the results of a survey of the salaries being earned by male graduates of the class of 1970 at the City University of New York. The survey, made by Prof. Herbert Katzenstein, show that blacks averaged \$9,670 during their first year, while whites averaged only \$8,050. According to Katzenstein, blacks in the 1970 class not only benefited from higher initial salaries, but also from better career upgrading opportunities than whites.

Dr. Van Der Kroef details many instances in which the reverse racism being imposed by government bureaucrats has lowered the quality of American education and has penalized well-qualified applicants for faculty positions.

If Government determines faculty hiring, in what sense does American education remain independent? If one kind of racism is acceptable Government policy, does not all racism achieve a certain measure of Government support and approval?

I wish to share with my colleagues the article, "Another Threat to Our Universities" by Prof. Justus M. Van Der Kroef, as it appeared in the January 20, 1973, issue of Human Events, and insert it into the Record at this time:

ANOTHER THREAT TO OUR UNIVERSITIES

(By Justus M. Van Der Kroef)

American higher education, still trying to recover from the mindless assaults of student militants and their faculty Svengalis in the past four years, today faces what is perhaps an even more serious threat.

Campus after campus is succumbing to the federal government's so-called "Affirmative Action" policy, which, as the Department of Health, Education and Welfare in its Oct. 4, 1972 "guidelines" to colleges and universities puts it, requires college administrations "to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer" (emphasis added).

This Kafka-esque ruling (what HEW, in effect, is saying to the college administrator-employer is that even if he isn't guilty of past discrimination in hiring he will be considered as if he is) is based on the consideration, according to the same "guidelines," that "benign neutrality in employment practices will tend to perpetuate the status quo ante indefinitely."

HEW's Office for Civil Rights director, J. Stanley Pottinger, said when the October 4 "guidelines" were issued, that these did not herald anything new but merely clarified and systematized directives already on the books and applicable especially to the nation's colleges.

Just so, because for nearly two years, at least, university administrations, mindful of the federal funds and loans that have been, in many cases, indispensable to their institutions' past development, have been busily interpreting and applying earlier "Affirmative Action" directives.

The interpretations are simple: hire more blacks, Spanish-surnamed persons and women, even if you wind up practicing discrimination in reverse. And while HEW's

guidelines mandate the hiring of qualified "members of groups formerly excluded," the pressure to (1) stay on the right side of HEW, (2) appease minority group clamor in the community, and (3) satisfy black and Chicano militants and Women's Libbers on the campuses themselves, more often than not becomes decisive.

"The supply of the truly qualified in university teaching has always been limited. Now quality is further attenuated by politically enforced racism and 'sexism,' designed presumably to right the employment wrongs of the past."

The consequences have been inevitable. Already, on Aug. 8, 1972, the American Jewish Committee, the Anti-Defamation League of B'nai B'rith, the Jewish Labor Committee and a number of other Jewish organizations submitted a memorandum to HEW, detailing instances of preferential treatment and discriminatory employment policies in a number of colleges and universities resulting from efforts to comply with the federal government's "Affirmative Action" directives. The following instances are taken from this memorandum:

Item: In a report to HEW at the close of 1971 the administration of Northwestern University declared that it would permit replacement appointments to the faculty only to the extent that university units hire at a rate of 25 per cent women and racial minorities.

"In other words," the report said, "no replacement will be authorized until a woman or racial minority faculty member is found." Northwestern said further that it would "reserve a pool of positions" for women and minority group members in its Arts and Science College faculty. The pool would include 20 per cent of new positions and 10 per cent of the vacancies in existing positions: clearly, as the Aug. 8, 1972, memorandum of B'nai B'rith and others point out, this is a quota system. One department chairman at Northwestern admitted that his institution, like "a lot of other universities" today, was "under some pressure" from the federal government "to hire women, Chicanos, etc."

Item: At the State University of New York at Albany the vice president for management and planning reportedly announced "a policy of one-to-one hiring of minorities affecting all of the administrative staff. This means that for every white (non-minority) hired, a minority member must be hired."

"IMPRESSIVE" PROSPECT REJECTED

Hiring officers at the university were also instructed that "the university will defer the filling of some positions until qualified minority members and women are added to the staff of the university." A related university "Affirmative Action" directive urged that no less than one of every three new vacant administrative positions concerned with student affairs be filled with members of minority groups.

Item: Last January an applicant for a faculty position at Connecticut College in New London was rejected, even though he was advised that his qualifications were "impressive." However, the department concerned wished to hire a woman "so we are concentrating on interviews of that kind."

As the Aug. 8, 1972, memorandum of B'nai B'rith and others points out, in this particular case women were not being considered along with other qualified applicants "in accord with legitimate affirmative action"; rather "on the basis of preferential treatment, the position was being restricted to men."

Item: One department chairman at Chico State College in California declared that since his was an "Affirmative Action institution" he would waive not only doctoral requirements for "Affirmative Action" candidates who were willing to pursue part-time graduate work, but would also give them "greater latitude in teaching" areas.

Pima College, Phoenix, Ariz., reportedly offered an even more blatantly discriminatory inducement in order to attract minority group faculty. Pima introduced what it called a "fudge factor," that is as much as \$700 in salary more for minority teachers. As the earlier mentioned Aug. 8, 1972, memorandum notes, Pima's "fudging" is clearly contrary to the principle of equal pay for equal work, a concept which HEW itself, as well as other federal agencies, are trying to enforce in order to end discrimination against minority workers!

The data accumulated by the American Jewish Committee, B'nai B'rith and others have been enough to shake Pottinger's "guidelines." On Nov. 22, 1972, Pottinger's assistant, Samuel Solomon, announced that HEW's Office for Civil Rights would investigate complaints made by the Anti-Defamation League of B'nai B'rith that white males were being barred from employment and job advancement because of the "Affirmative Action" policies of colleges and universities.

Meanwhile, some college administrators themselves had already become alarmed. On May 6, 1972, the San Francisco Chronicle quoted Dr. Mansell Keene, vice-chancellor for faculty and staff affairs of the California state universities and colleges, as having asked the presidents of the California state institutions of higher education "to be a little more tactful when turning down white male job applicants because of their race and sex" at their schools.

Keene quoted a letter from the personnel officer at one of the California campuses to a rejected applicant. The personnel officer had written that while the department to which the applicant had applied for a vacancy "saw you as our top candidate" it would not be able to make a job offer. The reason, as the personnel officer put it, was that "Although the department initially viewed your ancestry as satisfying the requirements of Affirmative Action [the applicant was from the Middle East] consultation with our institutional advisers indicated to us that your ancestry does not qualify you as an oppressed minority." As Keene reportedly acknowledged, this rejected applicant, upon receipt of such a letter, might well feel like a member of an "oppressed minority."

"The incident cited by Keene would be ludicrous if it were not so alarmingly indicative of the confusion in faculty hiring policies resulting from the Nixon Administration's 'Affirmative Action' program."

Citing the above San Francisco Chronicle report, Dr. Aaron Wildavsky, dean of the Graduate School of Public Policy at the Berkeley campus of the University of California, has noted that if one were to add up all the currently fashionable "oppressed minorities" in America today, ranging from consumers, women, youth, blacks and Chicanos, to commuters, welfare recipients and various "deviants," one winds up with a nation composed of "374 per cent of minorities."

A SATIRICAL SUGGESTION

Perhaps satire is the best way to highlight the problem, as in the employment request made by one Eastern seaboard university department chairman of the author's acquaintance who, mindful of current "Affirmative Action" criteria and being in a position to hire only one person in his small department, claimed to be looking for a woman Egyptologist, black, with a Spanish surname, and born on a Southwestern Indian reservation.

However, meanwhile one is confronted with HEW's "guidelines" which, despite B'nai B'rith's protest, are, for obvious political reasons, likely to change as slowly as an ultimate judicial decision in an inevitable test case in the courts is reached. University ad-

ministrations which refuse to authorize faculty replacements "until a woman or racial minority member is found" obviously are as ready to impair their academic program as those which are prepared to waive doctoral requirements and provide "greater latitude" in teaching for the "Affirmative Action" faculty they desire, or which reject their admittedly "top candidate" for a faculty position on the grounds that his "ancestry does not qualify" him.

One suspects that some university administrations, having caved in earlier to demands of their minority students that only a faculty member of that particular minority can teach certain courses in the academic curriculum, would no longer contest any racial assumptions that may govern university teaching in the future.

The presumed rationale of the "Affirmative Action" program is that women and certain minority group members have suffered from discrimination in employment and/or promotion in the academic community. This may well be the case, although the present writer is not aware of the existence of any comprehensive study, valid statistically and otherwise, that has addressed itself to the problem over any significant span of time.

Not just the absence of valid evidence alleging discriminatory treatment is disturbing. Even more so is "Affirmative Action's" apparent policy lodestar that somehow two wrongs will make a right—that alleged discrimination against one minority can be undone by discrimination against others.

The actual employment effects of such reverse discrimination in which "Affirmative Action" plays a significant role, are already becoming evident. The New York *Daily News* on Dec. 30, 1972, reported the results of a survey of the salaries being earned by male graduates in the class of 1970 at the City College of New York. The survey, made by Prof. Herbert Katzenstein, show that blacks averaged \$9,670 during their first year, while whites only averaged \$8,050.

According to Katzenstein, blacks in the 1970 class not only benefited from higher initial salaries, but also from better career upgrading opportunities than whites.

From 1962 to 1970 annual mean income of black graduates in the first employment year rose by 71 per cent (from \$5,660 to \$9,670) as compared to 32 per cent (from \$6,110 to \$8,050) in the same period for whites. According to the *Daily News* report, Katzenstein attributed the increase for blacks to the relative shortage of black male graduates in terms of available openings (at a time when employment of blacks "became a virtual imperative" for a firm's "public image") and to such government policies as "Affirmative Action."

"In the previously cited Aug. 8, 1972, memorandum to HEW submitted by various Jewish organizations concerned over the 'Affirmative Action' policy there is a reference to one university vice president who, in response to an inquiry by an alumnus over the university's 'Affirmative Action' hiring procedures, responded with: 'I think that your quarrel is not with [this] university but with the federal government.'"

The answer is not unrepresentative of other administrative reactions in the face of complaints over "Affirmative Action." But it does seem curious that U.S. universities and their faculties, that is precisely those institutions and individuals that have made it fashionable to oppose vehemently such government policies as presumably outraged them morally or otherwise (*vide* the campus anti-war movement), have been so content to pass the buck to Washington when confronted with the data mentioned in this article.

Could it be that the much-discussed masochistic guilt feeling of the liberal intelligentsia, especially in the American acad-

emy, are somehow assuaged by the new racism in reverse on the campus?

RETIREMENT REMARKS OF CONGRESSMAN WM. M. COLMER

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LOTT. Mr. Speaker, on January 3, 1973, one of the truly great statesmen in the history of Mississippi retired after 40 years of service in the Congress. Last year he was honored at an appreciation dinner by the State of Mississippi, by his colleagues in the Congress, Mrs. Julie Nixon Eisenhower as the representative of President Richard Nixon, and his constituents who love him so dearly. On that occasion, he delivered remarks that are so typical of the political courage and love for his fellowman that he exemplified during his service in this great body. He took that occasion to once again hoist the warning flags of the dangers this young Republic faces. I, therefore, take this opportunity to share with my colleagues the remarks of this man I admire and respect so much, Congressman Wm. M. Colmer:

REMARKS BY CONGRESSMAN WILLIAM M. COLMER, COLMER RETIREMENT DINNER, BROADWATER BEACH HOTEL, BILOXI, MISS., OCTOBER 27, 1972

Mr. Lewis, Mrs. Eisenhower, Governor Waller, my former colleague and later Governor of Mississippi, John Bell Williams, other distinguished guests at the head table, and all of you who have honored me with your presence here tonight: Greetings.

First permit me to thank all of you on the program committee for arranging this program for this unworthy person.

It has been said that in this political world, gratitude is for expected favors rather than for past performance, but certainly you have demonstrated by your presence here tonight that this is an erroneous and cynical definition.

Julie, I particularly appreciate your presence here tonight representing my good friend and your great father, the President of the United States. You have demonstrated in your young life that, in addition to being the daughter of the President of the United States and the wife of the grandson of another great President, Dwight D. Eisenhower, that with your charm and dignity, you are a queen in your own right.

Mr. Master of Ceremonies, after witnessing this program here tonight, I am constrained to wisecrack that had I known beforehand the sentiment of my constituency, I might have been tempted to run again and even make a career of the job.

Never in the history of our beloved but often-maligned state had one been so honored with so little justification. But if I have achieved anything worthwhile, if I have been able to add to the prosperity and well-being of our people, if I have contributed even in a small way to maintaining and perpetuating this young Republic for the benefit of present and future generations, it is all because the good, God-fearing, patriotic and loyal people of South Mississippi have given me the cherished opportunity to serve them in the Congress of the United States for the past four decades. For this expression of confidence, I shall be most grateful for the balance of my days.

Obviously, many others during the period of my service have contributed more to maintaining our cherished form of government than I, but I can assure you with the deepest sense of conscience that no one has been more dedicated in his humble way than I.

As I have observed from the vantage point of the United States Capitol the assaults that have been made and are still being made, both from within and from without our beloved country, I am alarmed—I hope, without justification—that we may yet lose our government dedicated to the liberties of the individual and the free enterprise system which has made America the most powerful of all nations and the envy of the civilized world. As I have often expounded on the floor of the peoples' House of Representatives, I fear the ever-increasing trend toward the centralization of government in Washington at the expense of States' rights and local self-government, with the resultant loss of the liberties of the people.

I fear excessive deficit spending with its resultant inflation with which we are currently faced and the mounting erosion of the dollar as a greater danger to our form of government than any foreign government, Communist or otherwise. For it must ever be borne in mind that the people must support the government rather than espouse the current philosophy that the government should support the people. Surely, if our form of government was worth the sacrifices made by the Founding Fathers and preserved by the blood shed upon foreign soils, it is worth the comparatively small sacrifice so necessary by the millions of Americans who have become its beneficiaries. In times of peace as well as in times of war, we must exercise the necessary discipline lest we lose it all.

Now, finally, as I bow out of the political arena after I have enjoyed the high privilege of having served you in the Congress of the United States for these many years as the beneficiary of your gracious suffrage, may I again thank you with all my heart for your cooperation, your kindness to this humble person. For the future, I can only offer you my gratitude and my prayers not only for you but for this young republic, the most perfect embodiment of human government ever conceived by the minds of mortal men.

May I close with one of my favorite quotations and my prayer for you:

May the road rise to meet you;
May the wind be always at your back;
May the sun shine warm upon your face;
May the rains fall soft upon your fields;
And until we meet again, may God hold you
in the palm of his hand.

BLATNIK INTRODUCES LEGISLATION TO REINSTATE TWO VITAL RURAL PROGRAMS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BLATNIK. Mr. Speaker, REA—the keystone of rural progress was dealt a severe and unjust blow when the administration eliminated the direct loan program—the lifeline of REA.

With a single stroke both REA direct loans and the rural environmental assistance program were wiped out. The elimination of these programs is not only a crippling setback for rural America but has a much deeper and more serious im-

plication for the future quality of our rural environment.

The action is in direct confrontation with the established policy of Congress to bring jobs and services to rural areas—to prevent the ever increasing concentration of population with its attendant social and economic problems in metropolitan areas and instead to encourage people to remain where the quality of life is good.

Both the REA direct loan program and REAP have origins dating back over three decades. Throughout these many years, each program has compiled its own outstanding record of service to rural communities across the Nation and, after searching analysis and careful evaluation of their individual merits, the REA direct loan program and REAP have been approved and funded annually by the Congress.

The sudden termination of these two programs represents an alarming new dimension of the President's repeated withholding of funds in outright defiance of Congress which appropriated these moneys to fulfill pressing needs.

In the case of the REA program, the Department of Agriculture announced that it had canceled the 2 percent direct loans in favor of insured and guaranteed loans available from private lenders at a minimum 5 percent interest rate. The administration fabricated the legal authority for this adverse action against REA by pointing to the credit authority provisions of the Rural Development Act of 1972. This authority was clearly intended as "supplemental" credit, and not a "replacement" to the credit mandated by the Congress under the Rural Electrification Act.

To counteract this attempt to reverse 30 years of progress, I am introducing two bills on Monday—one to preserve the REA 2 percent direct loans and the second to reinstate REAP.

The first bill will direct the REA Administrator to expend the full amount of appropriated funds to carry out the REA program. When the rural electric co-operatives pledged to provide dependable electric service to all within their assigned territories; in return, the Federal Government pledged long-term, low-interest direct loans to make that service possible. The co-ops have kept their part of the bargain and the Federal Government must continue to fulfill its obligation to rural America.

The second bill will make available the full amount of the funds appropriated by the Congress for the proven and constructive REAP program. At a time when we, as a Nation, are more environmentally aware and ecologically concerned than ever before in our history, I am adamantly opposed to the White House's decision to obliterate this program which has proven so effective in conservation and pollution abatement practices on our Nation's farmlands.

These arbitrary and unilateral actions by the President in flagrant disregard of the needs and concerns of rural citizens, and in arrogant violation of legislative mandate, must be repudiated. Congress must act promptly to

clarify beyond any possible misinterpretation that the President does not have the power singlehandedly to prevent these authorized and appropriated funds from reaching the people they are intended to help.

ROBERTO CLEMENTE—MAN WITH A MISSION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RODINO. Mr. Speaker, the shock of his tragic death has softened a bit now. We picture clearly his face—a face of strength, determination, pride in his heritage and in his people, and a face of great tenderness. We recall his honors, his achievements, his gifted athletic ability and skill. We look upon his intense struggle for just recognition of the rights and honor of his Puerto Rican countrymen and we regard his missions to alleviate and assist those stricken with poverty and misfortune as the work and the efforts of a great humanitarian. For Roberto Clemente never stopped giving of himself—to his family, to the Latin people, to his career, to the afflicted of this world.

It often frustrates me to realize that we, here in the House of Representatives, no matter how much we accomplish and achieve, cannot possibly reach out our hands to every man, woman, and child who suffer each day to merely eat, sleep, and gather enough strength and breath to remain alive—people dwelling in the most remote areas, people who experience only disease, destitution, and starvation. Yes, we try, we work hard and we help, but so much remains to be done. Roberto Clemente was a man who managed to touch and to lift up many of those who so desperately need to be reached. His life, for these powerful actions, was indeed a life of fullness and of great worth. On Friday, January 5, 1973, the Star-Ledger of Newark, N.J., succeeded in capturing the essence of this great man and his dreams with the following words:

ROBERTO CLEMENTE

Roberto Clemente had two consuming drives in his life—a fierce desire to excel in his chosen profession of baseball and to help children from poverty-stricken families.

With his superb natural skills as an athlete, he established himself as one of the finest all-around players in the major leagues. The record books are replete with his notable achievements—most valuable player in the National League, four-time winner of league batting championships, appearances in 12 all-star games, a defensive outfielder of exceptional ability.

These feats tended to overshadow Clemente's elemental humanness, a warm, understanding affinity for the less privileged, a lasting heritage of his lifelong association with the poverty of his homeland—Puerto Rico. As he moved into the final stages of a long and illustrious career, he began to spend more and more time in the off-season raising funds and starting programs for the poor children in Puerto Rico.

But his dream of establishing a "Sports City" for underprivileged children was unfulfilled, cruelly aborted by a plane crash that took his life. Typically, Roberto Clemente died while on an errand of mercy, flying to Nicaragua with food, clothing and other supplies purchased with funds he helped raise for the victims of the earthquake that shattered Managua.

It was a poignant symbolism that should be a lasting social legacy of Roberto Clemente, a humanist who happened to be one of the most talented baseball players that ever lived.

He'll be deeply missed—by the millions who drew pleasure from his consummate skill on the field, but even more by the children who were enriched by his presence and his abiding concern for their future.

We, must, therefore, continue Roberto Clemente's struggle and his dream for the right to justice, freedom from want, and freedom to live and to partake of the fruit of life's blessings for each individual.

CONGRESS AND OTHER OUTMODED PROGRAMS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McCLOSKEY. Mr. Speaker, as you mentioned in your forthright remarks at the Time magazine dinner last week, the top priority for the 93d Congress is an analysis and reassertion of the constitutional powers of Congress as a co-equal branch of Government.

A perceptive writer, Mr. Arthur Hoppe, commented on this issue in the San Francisco Chronicle's Ground Hog Day issue last Friday.

His comments on Presidential impoundment policies, while perhaps more tongue-in-cheek than your own, are worthy of perusal.

The article follows:

CONGRESS AND OTHER OUTMODED PROGRAMS (By Arthur Hoppe)

The long and bitter fight between Mr. Nixon and Congress ended at last when Mr. Nixon merely impounded the funds Congress had appropriated to run Congress.

"Pat and I," Mr. Nixon soberly told his television audience, "have always had a warm spot in our hearts for Congress. Some of our best friends over the years have been congressmen."

"But there can be no room for sentimentality when it comes to making the lonely and agonizing decisions of where to cut spendthrift programs in the budget I have proposed to myself."

"As I have said, 'You can't solve problems by throwing money at them.' And when I considered the problems we were throwing money at, one led all the rest."

"Congress, my fellow Americans, has simply outlived its usefulness."

The political experts were forced to agree. Congress had long since abdicated its powers to make war or peace. Its legislative programs almost always required money, which the President merely impounded if he disagreed.

Any investigation into the executive branch was pointless as witnesses invariably cited "executive privilege" and remained silent. And while the Senate still had the power to ratify treaties, no Presidents nego-

tiated any, preferring "executive agreements" with foreign powers instead.

Thus Congress, having lost its war-making, appropriating, legislative, investigative and ratifying powers, had little to show any more for its labors.

When the President impounded congressional funds for salaries, staffs, telephones, postage and particularly air travel, Congress had no choice but to go out of business.

The public reaction to this development was best summed up by a Gallup Poll which asked the question, "Will you miss not having your congressman in Washington to represent you?"

The response was, "Yes" 6.2 per cent; "No" 4.3 per cent; and "Who?" 89.5 per cent.

Congress, of course, was not about to take the President's fiat lying down. A delegation of congressional leaders tottered over to The White House to demand, at the very least, air fare home.

"Don't ask what your government can do for you," said the President sternly, "go find a job."

But this was easier said than done. After years in Congress, few members qualified for honest work. As one business executive said, "Who wants to hire a middle-aged has-been without any practical experience or any record of accomplishments?"

A group of misguided Constitutionals made an abortive attempt to take the case to the Supreme Court. Unfortunately, the President, angered by the court's decision on abortions, had impounded the drycleaning funds for the Justice's robes. And they had naturally voted unanimously to hold no further sessions.

Actually, the elimination of the legislative and the judiciary seemed to make little difference. The President governed, as he mostly had during his administration, by issuing Executive Orders.

One of his first was to declare the Capitol an historic landmark "in tribute to our precious heritage of democracy."

And thus Congress, even with the congressmen gone, continued to carry out its major function of recent years—that of serving as one of Washington's three leading tourist attractions.

THE LATE HONORABLE OLIVER BOLTON

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 31, 1973

Mr. GERALD R. FORD. Mr. Speaker, Ollie Bolton came from a great family but he made it on his own as a first-class Member of the Congress. His fine parents, both Members of the House of Representatives, gave him a reputation to live up to and he did it.

Ollie Bolton was a real jewel. He had an outstanding personality, and he combined this with a keen sense of good judgment and an excellent background in Government. In his relatively short service in the House of Representatives, he made an outstanding record, because of his character, dedication, and knowledge.

On a very personal basis, I cherished Ollie Bolton as a very good friend. We had a great deal in common, and our friendship was solid and enjoyable even though in recent years we saw each other infrequently.

All of us who knew Ollie well will miss him. His friends were legion. His accom-

plishments were great. His dedication to his family and his country were the highest.

I extend to his wonderful mother and his family my deepest condolences. They all have lost one of the best, and so have we.

NATIONAL PRESS CLUB HONORS BIRMINGHAM, ALA.

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BUCHANAN. Mr. Speaker, it is not often that the National Press Club takes the opportunity to honor a city. As a matter of fact, the National Press Club saluted its first city recently in a program recognizing the city of Birmingham, Ala., which it is my privilege to represent in the Congress.

Major attractions of the program included the talents of Birmingham performers Roszetta Johnson, Freada Wallace, Drew Tombrello and the Distortions, the excellent food from our All-America city, thanks to the efforts of Mrs. Cathrine Lackmond, and some of the highlights of Birmingham's accomplishments in recent years.

The Metropolitan Development Board and particularly Mr. Fletcher Harvey, who worked closely with the National Press Club in presenting this program are to be commended for providing what I believe was a most enjoyable evening, not only for those of us from Birmingham, but for the many members of the National Press Club who attended.

The fact that the club chose to salute Birmingham is a tribute to our city. But Birmingham's selection as the first city to be so honored is, in my judgment, as recognition of the success of the efforts by all of the people of our city to create an environment in which all our citizens have the opportunity to become the best that it is in them to be.

My colleagues here in the House have often heard me speak of the city of Birmingham because I am proud of what we have done and what we are doing for all our citizens. The people of the city of Birmingham are setting an example by creating better lives for themselves and their children.

Mr. Speaker, I could spend all day discussing the outstanding achievements of the All-America city of Birmingham, Ala.—its outstanding medical center, its progress in race relations, its industry, its educational institutions, and its highly successful Festival of Arts, to name but a few.

But I think the most important aspects of the city of Birmingham is its people. They represent the hope for tomorrow and the willingness and drive to work out the problems which confront us today.

For this reason, Mr. Speaker, the National Press Club could not have made a better choice in selecting the All-America city of Birmingham, Ala., as the first city to be so honored.

LEE HAMILTON'S WASHINGTON REPORT CONCERNING THE VIETNAM CEASE-FIRE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HAMILTON. Mr. Speaker, I include my February 5, 1973, Washington Report concerning the Vietnam Cease-Fire:

CONGRESSMAN LEE H. HAMILTON'S WASHINGTON REPORT, FEBRUARY 5, 1973

The Vietnam War, which lasted longer and decided less than any other war in modern history, has ended with a cease-fire agreement which raises as many questions as it answers. It is, nevertheless, an agreement for which Americans should give thanks because it enables us to disengage from the war.

The agreement codifies the military stalemate of the long conflict. The United States agrees to depart without a guarantee of the survival of an independent anti-communist South Vietnam. North Vietnam agrees to stop fighting without a guarantee of a communist government in the South. Both sides agree to leave the South's future to a political contest among the Vietnamese. It is, in effect, an agreement to begin negotiating an agreement.

The principal elements of the cease-fire are these:

1. A cease-fire throughout Vietnam.
2. Complete withdrawal of all U.S. troops and military advisers, and the dismantling of U.S. bases in South Vietnam within 60 days.
3. The return of all captured American servicemen and civilians throughout Indochina, and the release of Viet Cong and North Vietnamese prisoners within 60 days.
4. Truce supervision will be handled by (a.) an international commission with a 1,160-man force to oversee the release of prisoners, troop withdrawals, elections and other aspects of the agreement, (b.) a joint military commission (U.S., South Vietnam, Viet Cong and North Vietnamese) to investigate and report violations, and (c.) the convening of an international conference (including China and the Soviet Union) to guarantee the peace. In case of violations, the violations can be identified, but there are no enforcement provisions.
5. The South Vietnamese people's right to self-determination will be preserved, and the government of President Thieu will remain in office until an election is held at some future time. The election will be set up and supervised by a tripartite council (Communists, South Vietnamese and neutralists), which must operate on the principle of unanimity.
6. All sides will respect the demilitarized zone, which separates North and South Vietnam.

The agreement bears a remarkable resemblance to the Geneva Accords of 1954 in its partition of Vietnam, the provision for a future election with no guarantee it will be held, the neutralization of Laos and Cambodia, and supervision by a small, powerless international commission. In 1954, the U.S. refused to support it. Nineteen years later, after all the pain of Vietnam, we embrace it.

The essential factor in the success of the agreements will be the intent of the Vietnamese signers. An attitude of restraint by the major powers will be important, too, since they have supplied the weapons of war. Supervising the points of contact between the

two sides appears to be an overwhelming task, given the small number of supervisory personnel, vast territory and the eagerness of each side to test the territorial rights of the other. Most experts agree that the agreement will either not work at all, or that it will hold only for a brief period of months.

The political future of South Vietnam, then, rests on a very fragile base. The test of its endurance will come in the months and years ahead as the political struggle develops. Only then will we be able to determine whether or not it is a peace with honor, as the President said, or merely a peace of exhaustion, compromise and necessity.

My view is that the cease-fire will be followed by a very difficult period. We cannot expect the North Vietnamese to give up their lifelong objective of unifying Vietnam. They will try to create maximum disruptions of the political processes, and they may continue to engage in low-level military activity.

The chances of the communists winning an election in the South at this time appear remote. What is more likely is a period of intense political maneuvering and subversion. Our hope, and the judgment of the Administration, is that the South Vietnamese have the ability to meet the challenge.

There may be a cease-fire, and even a prolonged truce, but I do not see a chance for a reliable peace. The divisions are too deep and bitter, and the chances are slim for a lasting reconciliation between North and South Vietnam.

UN SOUND BRIDGE

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. RONCALLO of New York. Mr. Speaker, the people of the New York Third Congressional District are deeply concerned over the environmental impact of an unsound proposed bridge in an unsound place. The feeling is best expressed, Mr. Speaker, by a New York Times editorial of Thursday, February 1, 1973, which I insert in the CONGRESSIONAL RECORD at this point:

UN-SOUND BRIDGE

Thanks to a ruling earlier this month by a Federal District Court judge, opponents of the proposed bridge across Long Island Sound will have a little more time to marshal their forces for the battle that still lies ahead. Prodded by Governor Rockefeller, who is inexplicably sold on this mammoth threat to the water, air, wetlands, housing and tranquility of Oyster Bay and Rye, the Metropolitan Transportation Authority and the State Department of Transportation have been acting as though the project were an immediate necessity. But Judge Lloyd F. MacMahon, suspending premature hearings on approach roads, rightly finds "no urgency in this matter whatsoever."

It is hard, in fact, to find the slightest excuse for trying to speed up a project whose authorization the Legislature has twice, by substantial margins, voted to rescind. Bills have already been introduced to make a third such attempt in the feeble hope that the Governor will not for the third time insist that the Legislature abide by its original mistake.

That it was a mistake becomes steadily more apparent. The bridge will require an ever-growing network of supporting roads,

constantly to be widened at the expense of the retreating green, at great cost and greater inconvenience, to the end that the transportation system of the region may be more unbalanced than ever. Sailboats longer than sixteen feet will be forced into congested shipping channels to find passages with sufficient vertical clearance. The Island's dwindling wetlands will be further depleted. Tranquillity will give way to an endless rumble of traffic, fairly tolerable air to noxious fumes, and fine old houses to the eyesores that mindless "growth" produces.

And all for what? Relief of traffic closer to the city—the chief rationalization for the bridge—would last, according to traffic experts, a possible seven or eight years. After that, presumably another bridge further east, and still another—until in the not distant future the entire Sound will have become a sewer bounded by a sprawl. The judge is surely right. For that there is no urgency whatsoever.

PEACE IN VIETNAM

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HANRAHAN. Mr. Speaker, I would like to have the following editorial from the Homewood-Flossmoor Star in the Third Congressional District of Illinois, inserted in the RECORD.

I believe that the views expressed in the editorial are those of many Americans. I support their statement and offer it for my colleagues' approval:

EDITORIAL

At long last, after one of the most protracted and costly military campaigns in American history, U.S. involvement in Viet Nam is apparently at an end.

As negotiators in Paris complete the work of implementing a cease-fire agreement, they carry with them the hopes of all mankind for a lasting peace in Southeast Asia.

Now that the shooting has stopped, both sides are claiming victory. But, of course, no one really wins in a war. In terms of a victory for principles, however, credit for achieving this can be fairly assessed.

First there are the American people themselves. By their refusal to cut and run in Viet Nam they again demonstrated the traditional American commitment to uphold freedom and democracy, not only for themselves, but also for other people around the world who cherish the same ideals.

And credit is due President Nixon for providing leadership during the long struggle and for having the courage to insist on an honorable peace for ourselves and for our ally while radically reducing our presence in Viet Nam and eliminating participation by our ground forces.

And finally, we have the real heroes of the Viet Nam conflict, the U.S. service personnel who met the enemy on the field of battle and acquitted themselves honorably. The price they paid was fearfully high. More than 46,000 Americans lost their lives in Viet Nam and nearly 200,000 others were wounded.

By their sacrifices in a strange land in behalf of an alien people, these brave men and women have helped strengthen the position of the free world. At the same time, the determination that the United States will not, and indeed cannot, police the world, is as welcome as it is realistic.

RESTORING MEMORIAL DAY AND VETERANS DAY TO TRADITIONAL DATES

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. STEELE. Mr. Speaker, I would like to bring to the attention of my colleagues the importance of restoring Memorial Day and Veterans Day to their traditional days of observance.

The 1968 "Monday Holiday Law," that switched Veterans Day from November 11 to the fourth Monday in October and changed Memorial Day from May 30 to the last Monday in May in order to provide more long weekends for the workers, has done a disservice to our war dead and to our veterans.

I agree with the numerous letters and petitions I have received from veterans and veterans' organizations calling for the return of these observances to their proper historical places. While I sympathize with the public's desire for long weekends, I feel that the respect due those who have given their lives for our country and those who have valiantly fought in our country's wars should not be forgotten in the general desire for longer holidays.

Therefore, I ask my colleagues to join me in supporting legislation to preserve the honor our fighting men have earned by returning Memorial Day and Veterans Day to their traditional dates.

I would also like to call to your attention an excellent editorial from the Hartford Courant of Connecticut, published on January 29, 1973. It is a profound testimony to the importance of these observances and I include it here for your consideration:

IMPORT OF NOVEMBER 11

It is good news that the General Assembly is expected to pass a bill restoring November 11 as Veterans Day. Its significance lies in the date; indeed, the time of signing of the Armistice ending World War I was 11 o'clock, too, a time to remember, not to manipulate merely to give people a long week end.

While it would be expected that veterans' organizations dislike the arbitrary setting of the observance on the fourth Monday in October as of 1971, now it appears that many persons outside those groups concur. Yet, that is not surprising either, considering how many families—perhaps all of them—have been touched by war in the last few generations. Thus, noting the close of fighting is important, in itself a reminder that peace is possible giving hope for the future that nations one day may avoid that means to settling differences.

But essentially Veterans Day is to honor those who were called to serve and answered that voice, some never to return home again, others never to be the same again. It can be termed little less than callous to dilute the importance of ceremonials recalling their sacrifice by conducting them on any date other than the one denoting so much to so many. Surely, what American men and women gave through service to their country deserves more than an over-the-shoulder glance at some time which happens to be convenient.

EXTENSIONS OF REMARKS

ENERGY CRISIS IS EXPLOITED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. VANIK. Mr. Speaker, on Sunday, February 4, Mr. Laurence Stern of the Washington Post submitted a very fine article on the oil industry exploitation of the energy crisis.

This work is a very useful contribution to one of the most pressing problems of America.

Has the energy crisis been engineered by the oil industry and by undue influence on Government decision? We know who suffers by energy cutback—who profits by the development of a condition of shortage? How has governmental policy been manipulated? How much concern has been expressed for the consumer? What real relationship is there between higher prices on established reserves and increased supplies? Why should not energy price increases be concentrated on new enterprise requirements or discoveries of resources beyond presently established reserves?

The article which follows casts serious doubts on the extent of the energy crisis and how it has developed:

[From the Washington Post, Feb. 4, 1973]

ENERGY CRISIS IS EXPLOITED

(By Laurence Stern)

The American petroleum industry poured \$3 million into the electric pipeline of network television and mass circulation magazines last year to help awaken America to the existence of "the energy crisis."

"A nation that runs on oil cannot afford to run short," was the refrain of the campaign sponsored by the American Petroleum Institute, chief lobbying and public relations organ for the oil industry. That message, delivered to the background sound of a thumping human heart beat, reached 95 per cent of all American homes with television sets, according to an API survey.

The industry's mission in reacting to the growing public perception of an energy crisis was outlined in a speech by API's president, former Texas Congressman Frank Ikard, at the organization's annual meeting just after the election last November.

"If we are to be effective," Ikard exhorted his colleagues, "it is vital that we sharpen our communications with the public so that the issues are clear and not hazy. Demagoguery thrives in the absence of clearly articulated positions. . . . Each of us must become—in fact if not in name—a 'communicator' of the truth about our business. It is dynamic. It is responsible. . . ."

The fact that something was drastically wrong in the nation's fuel arteries was even more strikingly communicated to the public by front page stories and television footage of empty schools and factories in the Midwest, the prospect of fuel rationing in the Northeast and the specter of a gasoline shortage next Spring.

The shivering schoolmarm in Michigan or Maine knows something is wrong. But she may not be able to diagnose the illness.

CONCERNED, CONFUSED

"We can be sure that people are concerned about energy," Ikard told his industry constituents, "but confused by the conflicting statements and claims they read or hear."

February 5, 1973

Members of the Senate Interior Committee are now demanding to know in current hearings why the government was caught with its fuel oil reserves down this winter. Retiring Director of the Office of Emergency Preparedness, Gen. George Lincoln, ruefully testified that he was misled by the major oil companies. They had assured him in September, Lincoln said, that there would be enough oil on hand to squeeze through the winter.

Actually, heating oil inventories have been sagging since last March but the refineries were turning out gasoline instead since the administration's Phase 2 price ceilings on gasoline were more profitable than heating oil prices.

And so the causes of the "energy crisis," its true magnitude and the solutions are all enmeshed in the conflicting interests of the contending parties.

Big oil and little oil, environmentalists, consumer groups, Texas senators and New England mayors see the crisis from different perspectives.

Billions of dollars are at stake in how the conflicting positions are resolved. The big decisions will be made in the weeks and months ahead. They will emerge from President Nixon's energy message, now imminent, and they will be thrashed out in the current session of Congress.

ASTRONOMICAL STAKES

One statistic may suggest the astronomical financial stakes that underlie the impending debates over national energy policy:

A 30-cent increase in the interstate price of natural gas would hand over to the major producers \$6.6 billion in annual gas billings. This would pay nearly the full cost of all exploration for both oil and gas that the industry estimated (in a National Petroleum Council study) is needed to expand production through 1985.

Another way of looking at it is that a 30-cent boost in gas prices would increase the value of potential domestic reserves—conservatively estimated at 1,000 trillion cubic feet—by \$300 billion.

The 30-cent increase is not a hypothetical figure. It is just about what the major producers in the Southern Louisiana region are now seeking from the Federal Power Commission under a new pricing procedure with strong prospects of approval.

It is also generally predicted that deregulation of natural gas prices—one of the oil industry's chief economic goals this year—would result in a doubling to tripling of the present regulated price ceiling of 26 cents per 1,000 cubic feet. Unregulated gas that is sold by producers in their home states has moved beyond 60 cents per 1,000 cubic feet. It is not unreasonable to assume that interstate gas would reach the same levels with removal of controls.

BASE OF SUPPORT

There is an influential base of support for deregulation among some of the Nixon administration's top oil policymakers and administrators. It has been endorsed, for example, by Federal Power Commissioner Rush Moody Jr. and by Pinkney Walker, whose term on the agency has just expired. Kenneth Lay, Interior Secretary Rogers Morton's chief energy adviser and ex-Commissioner Walker's deputy at the FPC, endorsed deregulation in Senate testimony. Retiring OEP Director Lincoln, one of the administration's key energy bureaucrats, also spoke out for removal of controls. Secretary Morton has himself come just short of publicly endorsing that course.

On the other hand, Federal Power Commission Chairman John N. Nassikas pronounces himself firmly against deregulation. However, he is strongly in favor of a newly-instituted

system of "optional price control," under which producers and distributors agree upon a field price for natural gas and submit it to the FPC for ratification. Critics of the system call it a form of legalized decontrol by consensus.

The industry is portraying the crisis as a by product of unfriendly policies by government regulators, pressure by environmental groups and anti-industry propaganda by spokesman for consumer organizations.

It has already launched the drive for deregulation on Capitol Hill with legislation, introduced by Sen. John Tower, (R-Tex.) and other oil state senators, to abolish the FPC's interstate gas pricing powers.

Tower contends, along with the major oil companies that FPC price regulations has established "unrealistically low" gas prices which fall to provide enough profit incentive for new drilling. In effect, the industry is saying that federal control of prices contributed to the energy crisis.

One fact that the oil lobby is not seeking to advertise is the industrywide 15 per cent rate of return on invested capital, a handsome yield by the standard of any business.

AFFIRMED IN 1954

When the Supreme Court in 1954 affirmed the FPC's power to regulate prices, the majority said that control of gas production and prices was so concentrated in the major oil companies that consumers could not get the benefits of competition.

S. David Freeman, director of the Ford Foundation's Energy Policy Project and a former White House energy adviser, questioned the industry's assertion that decontrol would create new corporate revenues for gas exploration.

"The 'energy crisis' could well serve as a smokescreen for a massive exercise in picking the pocket of the American consumer to the tune of billions of dollars a year," Freeman recently told the Consumer Federation of America. "Energy is going to cost much more in the future . . . Yet I hear few voices in government raised to assert the consumer's concern in this critical area."

There is now every prospect of a fierce congressional battle over deregulation. The chairmen of the Senate Commerce Committee and Housing Commerce Subcommittee on Power, Sen. Warren G. Magnuson (D-Wash.) and Rep. Torbert H. Macdonald (D-Mass.), which handle these matters, are on record through the years as opponents of decontrol.

BRIBE OFFERED

Sixteen years ago two maladroit oil lobbyists poisoned the congressional atmosphere for deregulation by offering the late Sen. Francis Case (R-N.D.) a \$2,500 campaign bribe in exchange for his support of decontrol legislation. Case blew the whistle on the bribe attempt and President Eisenhower vetoed the measure because of the "arrogant" impropriety that surrounded passage of the bill. Deregulation has been stymied on Capitol Hill ever since.

The arrival of the energy crisis could, however, change the picture. There is a widespread expectation that the President's energy message will recommend some form of natural gas price decontrol, perhaps covering new gas only. The rationale might well be that a boost in gas prices would induce industrial gas users to convert to oil which is now more expensive.

Of course, the same result could be achieved by raising industrial rates for gas to the level paid by residential consumers. In most states industrial users pay lower rates, thanks to pliable local utility commissions.

Natural gas deregulation is only one element in a hallowed agenda of demands the oil industry had been pressing long before the advent of the energy crisis.

They include such familiar nostrums as preservation of import quotas on cheaper foreign oil, retaining depletion allowances for oil, providing new tax incentives for drilling, leasing the outer continental shelf for oil exploration.

In the politically thorny and controversial matter of oil import quotas there is now, in the second year of the energy crisis, a strong prospect of significant change. Import quotas were adopted by presidential decree in 1959 on national security grounds: unrestricted imports, the reasoning went, would hook us on un dependable foreign oil supplies and weaken the domestic industry. The actual effects of the quotas have been to maintain higher domestic prices by denying U.S. oil consumers the benefits of cheaper world prices.

A Nixon administration cabinet task force concluded three years ago that the oil import system had cost American oil consumers \$6 billion to \$7 billion a year in higher prices and that there was no national security justification for the quotas.

URGENT STIFF TARIFF

The 1969 task force, headed by now-Treasury Secretary George P. Shultz, called for phasing out the quotas and letting the oil in under a stiff tariff system. The windfall revenues produced by the tariffs would go to the treasury instead of the oil companies.

There is now growing talk in oil industry circles that the international companies, which have in many respects called the shots on national energy policy, are prepared to abandon the quota system.

There is growing apprehension that increasingly nationalistic Middle Eastern host governments may clamp further restrictions on their oil reserves and that the time may have come for the oil companies to pump it out of the ground as quickly as possible for shipment to the American and European markets. Another factor is the diminishing gap between the quota-propped domestic prices and rising world prices. This would lessen the incentive to keep foreign oil out.

Officially, the big oil companies still oppose relaxation of imports. But they are in the awkward position of crying fuel crisis while at the same time resisting an available flow of foreign oil that would go a long way toward alleviating the crisis. Last month's suspension of quotas on fuel oil to supply empty boilers around the nation may have also signaled the beginning of the end for the quota system.

The argument now taking place within the inner councils of the administration is whether the quotas should be replaced by tariffs, as the Shultz group recommended earlier, or by an auction system which is reportedly favored by Standard Oil of New Jersey and other giants. An auction system would favor the big international companies who would be in the top bidding position at the expense of independent distributors, who provide the small element of competition in the system.

In any event had foreign oil been in the pipeline earlier last winter, there would have been no immediate energy crisis or fuel trauma.

"Thus far," said Freeman, "the energy crisis is a self-inflicted wound . . . Three years ago the President's own Cabinet task force recommended that he scrap the present oil import quota system. This winter's so-called 'energy crisis' was manufactured right here in Washington. It could have been averted with a stroke of the President's pen."

To be sure, the nation's petroleum reserves are finite. But some of the literature of the crisis has planted the notion that we will run out of oil and gas in about a decade. That would be true if all drilling and development stop and the nation lives only on

its proven reserves—that is the underground supply that is already on the shelf and ready to be tapped.

Last year the FPC issued a staff study showing that the present rate of gas development is not keeping up with projected demand. But it foresees growing production through 1990 and a higher percentage of alternative fuels, such as liquefied natural gas and coal gas.

The accuracy and impartiality of data has always been a haunting concern to federal regulators in dealing with oil matters. The administration's basic data bank and analytical guide to the energy crisis, a bulky tome entitled the U.S. Energy Outlook, was prepared by the National Petroleum Council. The NPC is the oil industry's blue chip advisory board to the government. Former Interior Secretary Walter Hickel chartered the three-year study early in 1970.

Through the years questions have been raised about the Petroleum Council's special relationship with government and whether it interfered with impartial deliberation on energy policy matters. The answer has been that only oil men have the expertise to deal with oil matters.

The underlying reality as far as the nation's petroleum reserves are concerned is not that the wells will run dry in ten or 11 years. It is that the supply from new and even uncharted fields in this and other hemispheres is not expected to keep up with the rocketing demand through the rest of the century.

But the true longevity of the supply and the actual dimensions of our energy crisis will depend heavily on the broad policy directions upon which President Nixon and Congress embark in this post-election year.

THIRTY YEARS AGO

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. SCHERLE. Mr. Speaker, the American Legion has chosen this week to emphasize the religious strain in the Nation's patriotic military traditions. People may forget how closely the love of God and the love of country have been connected in our history. The Legion does us a great service in recalling the important role played by faith, even in circumstances far removed from church or synagogue and apparently unrelated to religion.

The annual observance of Religious Emphasis Week began appropriately, with the celebration of "Four Chaplains Day" on Saturday, February 3. To commemorate the event which has inspired so many people of different faiths for an entire generation, Dr. Lawrence Fitzpatrick, national chaplain to the Legion, has written a short but moving reminder of the heroism of those four men of God. Entitled "Thirty Years Ago," the article is well worth reprinting here.

THIRTY YEARS AGO

Men have long been inspired by tales of courage and heroism of others. In the annals of time, no story stands out like the epic of the Four Chaplains.

Thirty years ago, at the height of the villainy of Hitler and Tojo, four Men of God were called to serve in the military. Their backgrounds were as varied as their personal

ities. Two were of Protestant, one of Roman Catholic and one of Jewish faith.

You know how their four stories became one. You know how thirty years ago, on February third in '43, these four who served the same God through four different denominations gave that last full measure of devotion.

Thirty years ago. One grain of sand in the hourglass of God. Thirty years. One page in the annals of time. Thirty years. Time enough to forget! Yet has America forgotten? Indeed not!

Thirty years later we have not forgotten. We have not let the memory of these men of peace dim.

You know the story—how Clark V. Poling of the Dutch Reformed Church, George L. Fox of the Methodist Church, John P. Washington of the Roman Catholic Church and Alexander Goode of the Jewish faith, four men to serve the same God thru four channels, four first lieutenants in the Army Chaplains Corps, how they died. You remember the story—how there was this troop transport called the USS Dorchester, loaded to the gunnels with American soldiers and sailors, bound for Greenland en route to the European theater. And you remember how thirty years ago a German submarine sent a death-dealing torpedo into the hold of that same ship.

You remember the story—how the ship began to sink, how survivors rushed for the lifeboats, struggling to get into their life jackets. Thirty years ago, yet we remember that one soldier (or was it a sailor?) had lost his life jacket. Thirty years ago, yet we remember how one of the chaplains, and who knows which one?—how he gave his jacket to that serviceman.

Soon the other three Men of God had also given away their jackets . . . not because they wanted to die, but because they saw their calling as a complete commitment.

Thirty years ago the curtain fell on this drama as the lifeboats pulled away from the sinking ship, carrying four men who literally owed their lives to those four chaplains who now stood with arms linked together and heads bowed in prayer to the same God. Thirty years ago. You know. You remember.

You remember. Now do not let America forget. Thirty years!

PRAYER

Our heavenly Father, God of us all. We do truly give thanks for freedom. For our heritage as Americans we can never fully express our appreciation.

On this thirtieth anniversary of the saga of heroism of the Four Chaplains, may we spread abroad throughout the land the news that they are not dead. They live today in the hearts of all Americans!

Help us to realize that we honor them best on this thirtieth year after their heroic act, not with words alone, important as they may be, but by serving the country they helped to keep free.

We pray for peace as we continue to serve both God and Country. Amen.

MRS. THOMAS DODD

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. McKINNEY. Mr. Speaker, the recent passing of Mrs. Grace Murphy Dodd has brought a deep sense of sadness not only to many of us here in Washington, but to a great number of people across our Nation.

With her husband, Connecticut's late senior Senator, she shared a life mixed with joy and sadness but her attitude was always one of selfless devotion to her God, her family, her Nation, and her beloved Connecticut.

To the many who knew her, all of whom she counted as friends, Grace exuded a special warmth blending into her personality the compassion of her Irish heritage and the strong spirit which came with her New England upbringing.

In public, Mrs. Grace Dodd stood tall and firm, Post commented:

In public, Mrs. Grace Dodd stood tall and straight beside her warrior, conveying most pleasantly her feelings of affection for him and her pride in him.

I think it appropriate to note that in the theological sense, the word "grace" is described as "love and protection bestowed freely." Certainly, there are many words which could characterize Grace Dodd, but in my mind, one stands out and like her name, it is gracious. Mr. Speaker, she will be missed by us all.

MAPLEWOOD TRIBUTE TO PRESIDENTS TRUMAN AND JOHNSON

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MINISH. Mr. Speaker, we have all heard many outstanding and well-deserved tributes to the memory of our recently departed Presidents, Harry S. Truman and Lyndon B. Johnson.

The governing body of the township of Maplewood, N.J., which I am privileged to represent in the Congress, conducted memorial services for both President Truman and President Johnson. During these services, eulogies were delivered by Maplewood Mayor Robert Grasmere for President Truman and by Maplewood Commissioner Robert C. Klein for President Johnson.

I should like to share with my colleagues two of the most moving statements I have encountered on the lives and times of these great American leaders:

TRIBUTE TO PRESIDENT TRUMAN ON THE OCCASION OF HIS DEATH (By Mayor Grasmere)

The Presidency of the United States carries with it the most awesome responsibility of any position which the world's work has yet devised.

That Harry Truman bore this responsibility well and decisively, on occasion even jauntily, the pens of historians have, in the years since his retirement, begun to recognize. They are more accurately sketching the dimensions of a greatness which, at the time of his presidency was often hidden somewhat by the modest exterior and very human qualities of the man.

This somewhat reluctant titan of deed and decisions was drawn to the world's stage by the sudden death of President Roosevelt, but went on to secure the office in his own right in a campaign which is still a classic. He disregarded the critics, the press, the overwhelming odds and took his case to the people.

The people perhaps saw in him what one writer described as "Everyman". Most people could perceive his essential likeness to them and they took heart, for, in place of the sophistication which appeared to have totally pre-empted the presidency, there was once again the plainness and simplicity of an unmistakable man of the people—a man with very human faults and rather precious flaws.

A family man who would fly to his beloved daughter's defense with energy and salty language when he felt the press was overly critical and harsh toward her concert singing career.

A man who enraged great chefs on two continents by liberally salting and peppering prior to tasting culinary creations which had long and nerve wracking hours in preparation.

A man who appreciated Bourbon and Missouri Branch water and played the piano ineptly.

A man who replied to a famous writer who had described his father as a failure saying, "My father was not a failure, he was the father of the President of the United States".

A man of immense loyalties and deep friendships who, nevertheless, didn't fear to incur the wrath of millions by removing from command perhaps the most capable military genius of this century when it appeared that presidential orders were being grudgingly carried out in Korea.

To this very human being were given some of the most soul-wracking decisions ever necessitated: Atomic warfare to prevent the predicted slaughter of a half-million G.I.'s had we, instead, engaged the non-surrendering Japanese on their home islands. The decision to save the eastern Mediterranean countries from the post-war pattern of communist subjugation through the Marshall Plan aid. The formation of NATO in Europe, and countless other decisions. He said and meant: "The buck" (often passed) "stops here".

During a President's term of office, the criticism which surrounds him is an inescapable and healthy fact of our national political life. Equally inescapable is the respect, often grudging, which we all have for the office and the man who bears its burden, inconceivable heavy to most of us. It is no accident that there are never more than one or two ex-presidents alive.

There is now only one, and we in Maplewood join Americans everywhere regardless of political affiliation in tribute to the man and the prodigious labors he performed for his nation and mankind.

That a man of such modest background could become a distinguished President is a particularly American story. When the story was unfolding, it gave many a pleased chuckle to Mr. Average Citizen, not the least of whom was Harry S. Truman of Independence, Missouri, 33rd President of these United States.

To paraphrase one of his pungent sayings which has become part of America—"He could—and did—stand the heat, and has now left us for other kitchens."

TRIBUTE TO PRESIDENT JOHNSON ON THE OCCASION OF HIS DEATH (By Hon. Robert C. Klein)

Lyndon Johnson gave a lifetime of faithful and effective service to his State, his Nation and the World. As an individual, his energy and drive were sources of constant amazement to those around him, thriving on work with eighteen-hour days being the norm rather than the unusual. He developed an expertise as a political master that has seldom been equaled: Yet he remained a man who loved and needed people.

At one point he analyzed himself this way: "I am a Free man, an American, a United States Senator, and a Democrat, in that order. I am also a Liberal, a Conservative, a

Consumer, a Parent, a Voter and not as young as I used to be nor as old as I expect to be—and I am all those things in no fixed order."

He proposed, fostered, persuaded, and eventually signed into Law, legislation in the areas of Health Care, Aid to Education, Immigration Reform, Poverty and Pollution Control.

He was the only President from a Southern State since Zachary Taylor yet he embraced the problems of the Negro and the poor. Johnson's Presidency touched the lives of millions in need of better Health Care, better Education, and expanded Civil Rights in such a way that the promise of America was more of a reality for more of our people than ever in our history.

President Johnson put it this way: The Negro says "No". Others say "Never". The voice of responsible Americans . . . Says, "Together". There is no other way. Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation and not a fact. "Unfortunately many Americans live on the outskirts of hope—some because of their poverty, some because of their color, and all too many because of both. Our task is to help replace their despair with opportunity".

He was sworn in as the Thirty-Sixth President of the United States under the most adverse conditions confronting any American President at a time when even the stability of the Republic was questioned. His domestic reforms won him the admiration of the people and he was reelected with the widest margin of vote of any prior President.

Ironically the Vietnam War, in which he played so large a roll, frustrated many of his goals and overshadowed many of his accomplishments in the latter years of his Presidency. Yet he had a yearning desire to bring the War to a conclusion and achieve Peace. Unfortunately his passing occurred just hours before peace was announced. He always did what he conceived to serve the greatest good, for the greatest number. It remains for History to judge his performance but I believe the judgment will be overwhelmingly favorable and that his great domestic legislation and strong leadership will form an unforgettable monument in the Annals of History.

THE 500TH ANNIVERSARY OF MIKOLAJ KOPERNIK

HON. EDWARD J. DERWINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Monday, February 5, 1973

Mr. DERWINSKI. Mr. Speaker, I am pleased to direct the attention of the Members to developments relating to the observance of the 500th anniversary of Mikolaj Kopernik. I insert in the RECORD the following items: Proclamation of the Honorable Richard J. Daley, mayor of the city of Chicago, and House of Representatives of the State of Illinois Resolution No. 849.

(Office of the Mayor, City of Chicago)
PROCLAMATION

Whereas, on February 19, 1973, the scientific world will commemorate the Quincentennial of the Birth of Mikolaj Kopernik, best known by his Latinized name of Nicolaus Copernicus; and

Whereas, the people of Chicago will present programs, exhibits, and lectures about this man whose work opened a new era in the history of astronomy; and

Whereas, as the author of "De Revolutionibus Orbium Coelestium—On the Revolution

of the Celestial Bodies" he contributed to man's knowledge of space; and

Whereas, Copernicus is a symbol of scientific truth and as a result of a brilliant education became a master in mathematics, astronomy, medicine and theology; and

Whereas, Copernicus expanded the heliocentric theory with the modest opportunities he had for making observations with crude instruments, and with his retention of principles of uniform motions along circular orbits which compelled him to make rather complicated mathematical theories; and

Whereas, with the advent of the telescope and through the works of Galileo, Kepler, and Newton the observations of Copernicus were brought into coherent theory that was in full accord and enabled the positions of the planets to be determined exactly; and

Whereas, this event will be commemorated by many of the Polish fraternal, civic, educational, social and veteran organizations at a commemorative program at Lane Technical Auditorium on Sunday, January 21, 1973:

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago do hereby proclaim February 19 as "Mikolaj Kopernik Day" and urge all Chicagoans to take part in the civic observance honoring this great scholar.

Dated this twentieth day of December, A.D., 1972.

RICHARD J. DALEY, Mayor.

(State of Illinois, 77th General Assembly,
House of Representatives)
HOUSE RESOLUTION NO. 849

Whereas, The Illinois Division of the Polish American Congress representing Americans of Polish heritage will commemorate, throughout the year of 1973, the Quincentennial of the birth, February 19, 1473, in Torun, Poland, of that great Polish astronomer, scholar and teacher, Mikolaj Kopernik, better known as Nicolaus Copernicus—the Latinized form of his Polish name; and

Whereas, A committee of prominent Polonians will stage a program of quincentenary observances to acquaint the citizens of Illinois with the remarkable career of Mikolaj Kopernik, the man whose work opened up a new era in the history of Astronomy and our concepts of the Universe; and

Whereas, He rejected the Geocentric or Ptolemaic (earth centered) theory of the universe which had stood for 1400 years and developed the Heliocentric (sun centered) theory, better known as the "Copernicus System"; and

Whereas, The debt that the intellectual and scientific worlds owe to Mikolaj Kopernik is incalculable as his new explanation of the motion of heavenly bodies being due to the diurnal rotation of the earth on its axis and its annual revolution about the sun, as opposed to the Ptolemaic theory of a stationary earth, so changed man's view of the world and himself in it, that new horizons opened the physics, philosophy and rationalistic for man, not only in Astronomy but also in thought which were thereby freed from old misconceptions, superstitions and dogmas on the Ptolemaic theory; and

Whereas, Although all people of Polish heritage have a special reason to honor the memory of their great compatriot, Mikolaj Kopernik, this year-long commemoration of his anniversary has a universal dimension going far beyond any national boundaries as his contributions belong to all men; and

Whereas, Today, when man has succeeded in making flights into space far from his own planet, and man-built machines fly to the Moon, Mars and Venus, the work of Nicolaus Copernicus blazes all the more brightly, impressing upon all nations and societies the immense strides made in science and technology over the past five centuries, as he gave man the true understanding of

the movement of heavenly bodies, without which interplanetary travel and its supporting technology would have been impossible; and

Whereas, Here in Illinois, A. A. Mazewski, National President of PAC has established a National Committee to commemorate the Quincentennial of Mikolaj Kopernik's birth; and

Whereas, The Polish American Congress (PAC), Illinois Division, headed by Mitchell Kobelinski, initiated the Copernicus Foundation to spearhead the establishment of a Center which will be known as the Copernicus Civic and Cultural Center in Illinois; and

Whereas, The Illinois Division of PAC has established a Mikolaj Kopernik Quincentennial Observance Committee, under the General Chairmanship of Doctor Edward C. Rozanski, that will, in conjunction with all the Fraternal, Civic, Patriotic and Veteran Organizations present an outstanding program of observances in Illinois in honor of Nicolaus Copernicus, beginning with opening ceremonies on January 21, 1973, at the Lane Technical Auditorium, under the chairmanship of Mrs. J. Rzewski, at which time the commemorative program for the whole year of 1973 will be announced; therefore, be it

Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the Polish American Congress and the Copernicus Foundation for initiating this Quincentennial program honoring the great Polish astronomer, scholar and teacher, Mikolaj Kopernik, better known as Nicolaus Copernicus, and the committee of prominent Polonians who will direct its events and performances as well as the Polish fraternal organizations of: The Polish National Alliance; The Polish Roman Catholic Union; The Polish Women's Alliance; The Polish Alma Mater; and, all civic, educational, social and veterans organizations that have given their full support to this anniversary commemoration honoring Nicolaus Copernicus, a truly great man of his or any age; and, be it further

Resolved, That a suitable copy of this preamble and resolution be sent to Mitchell Kobelinski, Illinois Division, Polish American Congress.

Adopted by the House of Representatives, December 14, 1972.

W. ROBERT BLAIR,
Speaker of the House.
FREDRIC B. SELCKE,
Clerk of the House.

PLAY IT AS IT POPS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES
Monday, February 5, 1973

Mr. LANDGREBE. Mr. Speaker, Hoosiers have gained renown in many fields of endeavor, nonetheless of which has been that of agriculture. One of the newest personalities on the scene is the Gourmet Popping Corn King Orville Redenbacher.

Of course, the name Orville Redenbacher is not a name one would readily expect to find when popping those white bursts on the stove or in the fireplace. However, my colleagues in the House will be pleased to know that the name is no mere gimmick, but rather the name of a constituent from Valparaiso, Ind., who is a most respectable American. This gentleman is truly fulfilling the American dream of success in our great free enterprise tradition.

Most recently, this gentleman was honored by coverage of his successes in the Chicago Tribune magazine. In an article in the January 21, 1973 issue, author John R. Thomson pays tribute to this great American and to the fine old American tradition of popping corn.

For the benefit of my colleagues, I place the highlights from Mr. Thomson's article in the RECORD:

PLAY IT AS IT POPS

(By John R. Thompson)

Orville Redenbacher is, as the labels on his popcorn jars plainly state, alive and well and living in Valparaiso, Ind. Popping corn, and more particularly gourmet popping corn, is not the biggest thing in his life. Even so, it is becoming an increasingly bigger thing, one that leads him to think of going into semiretirement as board chairman of Chester, Inc., and concentrating on making gourmet corn play a larger role in the company's business.

As things stand now, Chester, Inc., has a 30 per cent share of the world market for popping corn seed. It exports to Israel, South Africa, Yugoslavia, and other countries. When growers abroad have trouble, they want advice from Orville. When he provides it, he likes to combine business with pleasure.

Popping corn has played a role in Orville's life almost from the day he was born 65 years ago on his father's farm in Clay County, Ind. His father raised popcorn for the family's use. Orville ate popcorn after he got home from the one-room school he attended. He often took a bag with him when he rode a bicycle—in bad weather, a horse—on a seven-mile trip into the county seat, Brazil, where he attended high school because it offered courses in vocational agriculture.

He went to Purdue, got a degree in agricultural science, taught vocational agriculture for a year in Fontanet, Ind., and in 1929 became assistant Vigo County farm agent at Terre Haute. After another year had passed, the county agent was transferred and Orville got the job, achieving his ambition at an early age in life.

He did not hide his light under a bushel basket. He was the first county farm agent in the country to broadcast to farmers direct from his office. When this caught on, he took to broadcasts originating on the farms and caught the ear and eye of Tony Hulman, owner of the Indianapolis Speedway and a fair share of Hulman & Co., a Terre Haute-based wholesale food company, as well as the Princeton, Ind., Mining Co.

The mining company owned the King's Station coal mine, a deep shaft operation, and quite a few tracts of land—12,000 acres in all—under which it mined coal. Hulman thought Orville Redenbacher was the man to pull it all together into one operation called Princeton Farms, and Orville took it over in 1940. His first year there he went into hybrid seed corn production, and the next year into popping seed corn.

While he was growing and marketing popcorn for Princeton Farms, Orville got a first-rate education and experience in a far larger operation. The farms fed approximately 2,000 cattle a year, raised hogs, sheep, and registered Angus cattle. The coal mine, oil wells, a refinery, a power plant, and railroads occupied company land. It was a good job but Orville realized that he was, after all, only an employee. He wanted a piece of the action, and the only way he could get it was to go into business for himself. In 1951 he teamed up with Charles Bowman, manager of the Agricultural Alumni Seed Improvement Association at Purdue, and they bought the George F. Chester & Son seed corn plant at Boone Grove, near Valparaiso.

The seed corn plant developed into Chester, Inc., which has its headquarters on a 20-acre

site along U.S. Hwy. 30 three miles east of Valparaiso. It manufactures and sells more than 90,000 tons of liquid fertilizer a year, and last year this alone accounted for more than half of the company's sales of \$7 million-plus. It builds grain elevators, sells corn dryers, storage bins, and snowmobiles and the outerwear essential to snowmobiling.

But gourmet popping corn has turned out to be the tall that is wagging the dog. For Chester, Inc., it is already out in front of the popping seed business. From the profit standpoint, it has nearly equalled the company's fertilizer department.

It has, since mid October, turned Orville Redenbacher's life around. He's been flying all over the country, appearing on radio and television shows and being interviewed by writers, on the go sometimes from 6 a.m. until after midnight, everywhere popping his gourmet corn. He's even popped it in one radio station so they could record it for their sound effects department.

It's all in the interest of promoting the sale of gourmet corn, now that merchandising of it has been placed in the hands of a nationally known food distributing company. Orville will be on the run for several weeks yet; then he'll sit back in his office chair at Valparaiso and look at the sales chart. Chances are he'll dip his hand into a dish of popcorn while he's doing so.

Wherever he's been, wherever he expects to be on popcorn business, Orville will have corn and a popper on hand. When he and his wife, Nina, return to their hotel room late at night after an exhausting day of personal appearances, nine times out of ten they'll plug in the popper and whip up a serving or two of popcorn.

Because if you're Orville Redenbacher, popping corn is not only fun. It is quite profitable.

A DISTINGUISHED QUEENS' JURIST,
JUDGE JOHN F. SCILEPPI, RETIRES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, the New York Law Journal of January 24, 1973, contains an interesting and informative article on the state of the New York judiciary by Hon. John F. Scileppi, retired judge of the New York Court of Appeals. This article gives a retrospective view of Judge Scileppi's 33 years on the bench—23 years at the trial court level and 10 in the court of appeals.

Judge Scileppi, who is a resident of Queens, writes that there is a

Strong trend within the state (and possibly elsewhere) toward an abuse of the courts in that there seems to be a plethora of totally unwarranted litigation. The presence of these unwarranted cases delays justice to a significant degree in those bona fide cases which have been placed on the calendar.

The judge has some particularly incisive comments on the misuse of the judicial system by insurance companies and corporations. I recommend highly his article and I am placing it in the RECORD at this point:

AS JUDGE SCILEPPI SEES COURT OF APPEALS
(By John F. Scileppi)

After thirty-three years of judicial service, of which twenty-three were spent at the trial-court level and ten in the Court of

Appeals, I have had the opportunity to view the functioning of our judicial system from several vantage points.

When sitting on the lower courts, the law is given to the judge by the appellate tribunals of the state and nation and he is generally only concerned with the application of these principles to various factual situations. Frequently in conflicting factual situations it falls upon the trial judge to make a credibility judgment which in essence will determine the factual question and hence the case. This, of course, is best done by him because he has the witnesses before him.

Sitting on the Court of Appeals presents the judge with a totally new and different perspective from the trial level. The basic jurisdiction of the highest court, under our state constitution, is to be a court of law, and its function is to enunciate essential principles for state-wide application by the trial Bench and by the appellate division, and to guide attorneys in advising their clients.

CAUTIOUS ATTITUDE

In general, the function of the Court of Appeals is that of a law giver as well as a law interpreter in the sense that it determines decisional law. In this regard, of course, the court must be very cautious to not intrude into the legislative sphere, particularly when it construes statutes. The line frequently can become blurred and it is up to the judges of the court to exercise the personal responsibility and self-restraint which is necessary in a system of government which is based upon separation of powers among the three branches of government, each operating within its own sphere as part of an integrated functioning whole.

The Court of Appeals, in fulfilling the role of law giver, is least concerned with the particular facts of a case, when the findings are affirmed. In such situations, with rare exception, the court will accept the facts as found and either apply the law to them or set forth the law which should have been applied.

Essentially, the judicial system in this state works well by employing the aforementioned principles. However, it is my view that too many of our citizens, including corporations, are using the courts as a tool either to vindicate personal squabbles or as a wedge and lever in the commercial area.

UNWARRANTED LITIGATION

In other words, I have detected a strong trend within the state (and possibly elsewhere) toward an abuse of the courts in that there seems to be a plethora of totally unwarranted litigation. This is a most unfortunate situation because it does violence to a theoretically sound system and is antagonistic to the original intent and concept of the government of the state. The presence of these unwarranted cases delays justice to a significant degree in those bona fide cases which have been placed on the calendar.

A kindred problem similarly delaying justice is that, in personal injury actions, insurance companies tend to avoid settlement of legitimate claims until the eve of trial or even later. This, of course, also creates a serious problem with respect to the calendar, and it too significantly delays justice with respect to the bona fide cases. Moreover, the plaintiffs in such cases frequently must wait many years before damages, which are rightfully owed, are paid to them.

Because of the above situation, I would suggest to the judiciary, to the Legislature, and to the Bar that serious thought and study be given to conferring upon the trial judge the authority, in cases which he determines have been unnecessarily instituted or unnecessarily delayed, to impose reasonable counsel fees upon the losing party. This, of course, must include insurance companies who are the real parties in interest in many matters.

INFORMED DISCRETION

On the surface and at first impression this may appear to be harsh. However, I believe that, upon analysis, with the proper guidelines established by the appellate courts, the trial judges, who closest to the case, will be able to exercise an informed discretion in connection with the possible imposition of counsel fees against the losing party.

Moreover, in personal injury cases, I believe that thought should be given toward providing that interest should commence to run as of the date of the accrual of the cause of action rather than as of the date of judgment. Such a rule, I believe, would also have an impact upon expediting settlements and hence clearing the calendars.

During my tenure on the Bench I have also been taking serious note of the fact that plaintiffs with legitimate claims and/or defendants with bona fide defenses, frequently must pay legal fees which they cannot afford and, at times, do not prosecute or defend their cases because of the legal fees. Such a situation is deplorable, not because of the size of the attorneys' fees, but because the unfortunate litigants, for economic reasons, refrain from exercising their rights, both as plaintiffs and as defendants.

FEE INSURANCE

Accordingly, I would also recommend that immediate attention be given to studying and analyzing a workable and reasonably priced system of insurance for legal fees. I believe that this is an area which must be explored in depth.

In the civil area the discretion to impose counsel fees will deter many spurious and nuisance-type cases, the imposition of interest from the time of the wrong will encourage prompt settlements; the institution of a system of legal insurance will permit all citizens to vindicate their rights.

I do not believe that the system of insurance would encourage needless and frivolous claims and/or defenses, because, if such claims are brought, the imposition of counsel fees personally against the litigant will be a sufficient deterrent. I emphasize that counsel fees may be awarded not only against a plaintiff but also against a defendant who is obviously in error and still drags the plaintiff through the courts forcing the expenditure of legal fees, and the delay in justice. I also believe that the insurance to which I have made reference should be available in the criminal area to help defray the insured's expenses, if he becomes involved in a criminal matter.

DELAYED QUESTIONS

With respect to the criminal law, I believe that, except in extraordinary circumstances, too many post-conviction applications by defendants are being entertained by the courts after the case has finally come to rest either by affirmance on appeal or by an informed determination not to appeal. Frequently defendants attempt to raise questions, many years after the purported violation, which could have been raised on appeal, or which lack any substantial merit at all.

The raising of such points in this day and age where the right to counsel has been provided to defendants at every stage of the criminal proceeding and even before the actual proceeding should not be permitted any longer by the courts. In other words, since the defendant is entitled to counsel from the time he is being questioned by the police through all pre-trial hearings, through the trial and through appeals, there is the obligation upon counsel and upon the defendant to raise all points at the appropriate time and not encumber the courts with post-conviction applications, except in the most extreme situations.

This, in my view, will expedite justice for those accused who are awaiting trial and promote a more efficient operation of the criminal law.

LIMITATIONS ACT

Another restriction on post-conviction remedies can be achieved by the Legislature enacting a statute of limitations for all post-conviction remedies, except those in which substantial constitutional rights have allegedly been violated and which, of course, have not been before the court on appeal. In the event that an appeal was not taken, and the question could have been raised on appeal, the right to institute a post-conviction remedy at the state level, after the statute of limitations has expired, should be barred.

In both the civil and the criminal area, justice can best be achieved by the elimination of spurious claims and applications. To do so will permit the bona fide litigants to have their day in court much more expeditiously, and justice will be speedier for plaintiff, defendant, the state, and the accused.

FARRIS C. LIND—HANDICAPPED
AMERICAN OF THE YEAR

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. HANSEN of Idaho. Mr. Speaker, I would like to pay tribute to a man who has just been named "Handicapped American of the Year" by the President's Committee on Employment of the Handicapped.

Farris C. Lind of Boise, Idaho, a completely paralyzed businessman who has become Idaho's largest independent gasoline retailer, has been informed that he will receive the President's Trophy—the Nation's highest tribute to the courage and determination of its handicapped citizens. It was my privilege to nominate Mr. Lind for this special recognition.

In 1963, polio savagely struck down Mr. Lind just 2 weeks after taking the prescribed oral vaccine. All his bodily functions are impaired. He has had to spend a fortune in acquiring specialized hospital beds, lifts, breathing apparatus, generators, suction pumps, electronic equipment, and special telephone equipment to enable him to survive and communicate.

In spite of being paralyzed from the neck down, Farris has overcome his immobility and constant discomfort to become a productive and successful businessman. He is self-employed and manages to offer employment to over a hundred people who need an opportunity. In a special generator-equipped motor home with hospital facilities, he travels throughout four States looking after his 31 business concerns. He strives to increase his business, which has gone up 368 percent in the last 10 years; he deals with suppliers; he handles publicity; he creates ads—in fact, his humorous highway signs are well-known nationwide.

Civic minded, Mr. Lind is active in the Idaho State Department of Commerce and Industry, serves on PRA's, and is involved in State and civic affairs.

Because of his drive, courage, unfailing humor, and efforts to champion the causes of others Farris now more than ever lives up to his old nickname, "Fearless Farris." I know that as Handi-

capped American of the Year he will set a shining example and offer encouragement to others who might be inclined to yield to the constant discouragement that a handicapped person always faces. Farris visits by letter and telephone with many people throughout the country who are handicapped. Many visitors leave his bedside feeling that their problems are not so bad. Farris radiates the faith that a human will can overcome any physical misfortune.

Idaho is proud of Farris Lind, our handicapped citizen of this and other years.

GUNS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BINGHAM. Mr. Speaker, the position of the Nixon administration on gun control legislation promises to be an important factor in determining whether or not this country will continue to put up with the reign of terror imposed on us by the easy availability of guns, or whether we will act to end that terror. As the sponsor of legislation in the House to require registration of all guns and licensing of gunowners, and to outlaw private possession of handguns, I was most interested in an article by Richard Strout in the Friday, February 2, 1973, issue of the Christian Science Monitor. That article, entitled "Just Where Does Nixon Stand on Gun Controls," does an excellent job of summarizing the administration's position on gun control.

A disturbing report on the increasingly frequent appearance of guns in schools appeared in the same issue, and I insert both items at this point in the RECORD:

AFTER STENNIS ROBBERY-SHOOTING—JUST WHERE DOES NIXON STAND ON GUN CONTROLS?

(By Richard L. Strout)

WASHINGTON.—President Nixon has Washington uncertain of his position toward gun control in connection with his vehement press-conference denunciation of the burglary-shooting of Sen. John C. Stennis (D) of Mississippi.

Washington ponders these facts:

The 1972 Republican platform favored state, rather than federal, gun control.

Former Attorney General John N. Mitchell reversed the position of three previous attorneys general who advocated federal control.

Attorney General Richard G. Kleindienst reversed the position of three previous attorneys general.

Mr. Nixon in his press conference twice cited Sen. Roman L. Hruska (R) of Nebraska as an exponent of the proper type of gun-control laws, although Mr. Hruska has generally fought advocates in Congress.

LONG-TIME OPPONENT

Senator Hruska has long opposed strong gun control in Congress. The Senate rejected, Aug. 9, 1972, his amendment watering down a gun-control bill. The bill was passed but did not reach a vote in the House.

"For all that he has done on this issue over many years it seems clear that Senator Hruska is a spokesman of the gun lobby," David J. Steinberg, executive of the National

Council for a Responsible Firearms Policy, Inc., told a reporter.

The Congressional Quarterly Almanac for 1968, surveying the drive for gun control after the Kennedy assassination, stated, "Hruska substitute: In its final action of the gun-control section, the Senate defeated a substitute amendment offered by Hruska which embodied the proposals of the NRA (National Rifle Association)."

The National Rifle Association is generally considered the voice of the so-called gun lobby.

STENNIS OPPOSITION

Senator Stennis voted against federal gun-control legislation. Gov. George C. Wallace of Alabama, shot by a would-be assassin, also opposed federal gun registration.

In his press conference, Mr. Nixon noted that Senator Stennis had been shot by a small .22 caliber so-called "Saturday Night Special," whereas if the gun had been a .45, Mr. Nixon said, "he would be dead."

"We have, and I have, as you know, advocated legislation to deal with what we call the Saturday Night Specials," Mr. Nixon told the press conference.

So far as known the administration has not supported federal control of the larger .45 caliber guns which Mr. Nixon says are more lethal.

Proposed registration, or licensing, of firearms is equated in many rural areas with confiscation, and is poison politically. On June 3, 1971, a reporter at the White House asked then Attorney General John Mitchell "how the administration feels about federal gun-control legislation?"

MITCHELL DUCKED QUESTION

"I am surprised you asked," Mr. Mitchell said. "If you will look at the testimony that has been provided by the Treasury Department which is the lead agency in the federal government, you will find out where the administration stands. It is their responsibility."

"Well, sir, I am asking you," said the reporter.

"The federal presence in that field is in the Treasury Department and they have, in time and time again, testified before the Congress as to what the position of the administration is."

"What is your position?"

"With respect to gun control?"

"Yes, sir."

"My position is the same as it has been when I testified on the subject and that is that the legislation which was most recently passed in 1968 . . . should be given time to work itself out . . . and if we find that it does not in particular areas, well then, I think the Congress can again address itself to the subject matter."

SPARRING CONTINUES

"You have not answered my question, sir," the reporter said.

"I have told you exactly what my position is," said Mr. Mitchell.

"I don't know what your position is, still."

"It is that legislation which was enacted by Congress is its most recent expression of its will, and we should give that legislation time to be implemented and tested and determine whether or not it is serving the proper purposes of this country."

"Isn't three years time enough?" said the reporter. "Don't you know and can't you tell us what you think in the light of these recent killings?"

"You are confusing two different matters."

"I am only talking about gun control."

" . . . until we have a further period of time of working under that legislation, we will not know whether we need new legislation or legislation of a different type."

"You don't see a need for different legislation?" the reporter asked.

"Not at this particular time," concluded Mr. Mitchell.

KLEINDIENST REPLY

On Jan. 18, at a breakfast with newsmen a reporter asked Attorney General Kleindienst whether he favored federal gun control. He replied that he would leave it to the states and opposed stronger federal legislation, except in policing interstate traffic.

At his press conference, Mr. Nixon said: "In terms of the United States Congress, what we need is a precise definition which will keep the guns out of the hands of the criminals and not one that will impinge on the rights of others. . . ."

He said that "the legislation that we originally suggested or that we discussed with Senator Hruska, I thought precisely dealt with the problem, but it did not get through the Senate."

Presumably, this referred to a Hruska amendment to the Senate's 1972 bill. In its first form it allowed sale and distribution of all handguns until Treasury ban. He withdrew this amendment for another, similar to the first, but requiring manufacturers or importers to take the initiative in getting advance Treasury approval.

The amendment was defeated, 27-70. Mr. Nixon now indicates he supports it.

PROBLEM: GUNS IN HIGH SCHOOLS

Gunfire in U.S. high schools is becoming more frequent.

Students are carrying and using more guns in school, and some school guards have armed themselves as a result.

Most incidents occur at inner-city high schools. The weapons are usually cheap, small-caliber handguns, the so-called "Saturday night specials." Officials relate the increase to the revival of juvenile gangs in some cities and the persistence of racial tension.

An Associated Press survey around the country indicates the scope of the problem:

There have been 60 gun episodes in Los Angeles schools since September. Shots from a passing car killed a 16-year-old pupil near Locke High School. The car sped into the school parking lot, and three pupils were later arrested.

Fifteen handguns were confiscated last year in Atlanta schools. A 12-year-old boy, angered when school mates chided him for disobeying a traffic signal, got a pistol from home and opened fire on the school playground. He hit no one.

Four high-school pupils, three of them girls, were expelled in January in San Francisco for carrying guns.

School officials in Topeka, Kan., took a gun from a girl who had said she needed it for protection.

There were 15 school gun cases in Detroit and in Seattle during the last year. Since September, 15 incidents were reported in New York and 16 in Kansas City.

"We have a problem and it is increasing," says Everett Copeland, security manager for Kansas City schools. "Kids carry guns for different reasons. Some say they have been threatened. Some involve extortion attempts. Some kids just say it's a status symbol."

JENNIE GROSSINGER

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROBISON of New York. Mr. Speaker, one of the benefits of last year's redistricting efforts in New York State was the change in my own district—now the 27th—to include much of the Catskill area of New York, and more particularly,

the famed resort, Grossingers. Unfortunately, however, the beloved Jennie Grossinger, who was responsible for transforming a small family hotel into the luxury resort that it now is, died last fall. For those of my colleagues who may have missed the very fine New York Times article following her death, I am pleased to include it in the RECORD and commend it to your attention. The article follows:

JENNIE GROSSINGER DIES AT RESORT HOME

(By Richard F. Shepard)

Jennie Grossinger, the gentle Jewish mother who transformed a modest Catskills family hotel into a luxurious resort, died early yesterday morning in a ranch cottage on the vast property the world calls Grossinger's but she called home. Her age was 80.

Mrs. Grossinger had been in ill health for several years. Her death, attributed to a cerebral vascular stroke, caused sadness among the countless scores of guests and employees, known and unknown, who had passed through Grossinger's over the years.

For more than half a century, Mrs. Grossinger and her family worked to bring the little farm her father bought in 1914 to the rank of flagship of the fleet of landlocked luxury liners anchored in the Catskills 100 miles northwest of New York City, and she ruled, with regal dignity, a 1,300-acre domain larger than Princess Grace's Monaco. Many Grossingers have worked at Grossinger's, but it was Jennie who epitomized the tone of the place, an atmosphere that combined urgent family solicitude for guests with an elegance that gave to many an opulent feeling they never enjoyed at home. She was the sole owner of the Sullivan County resort.

For the guests, as many as 150,000 a year, Mrs. Grossinger was the voice of the recreational plantation. On Saturdays, after the lavish entertainment had bedazzled the viewers in the 1,700-seat auditorium, she would often take the stage and, in her quiet voice, thank the visitors for taking the trouble to come.

Whether she was greeting guests who had endured the long trip up with the "hackie" who had picked them up between Brooklyn and the Bronx, or such dignitaries as Governor Rockefeller or Senator Robert F. Kennedy, who came by chauffeured car, Mrs. Grossinger was the symbol that they were visiting a family, not merely an impersonal hostelry. Mr. Rockefeller said yesterday she would "be missed by the many thousands of persons in New York and throughout the nation who knew and loved her."

The gentle, slender, blond, blue eyed, philanthropic and genuinely sociable Jennie often kissed people spontaneously, not in the ritual theater-district style but with real affection. She was a poised woman who dressed with quiet elegance, not at all the flashy type of sleek Borscht Belt that is so often caricatured in depictions of life in the Catskills.

She achieved instant rapport with people, although she was not a brilliant, quotable wit. She was, in the words of an old associate, a real mother figure. She abhorred boxing, yet felt protective toward the prize-fighters who trained at Grossinger's. She had no great messages for guests such as Dr. Ralph J. Bunche, Cardinal Spellman, Senator Jacob K. Javits, Jonas Salk or Alfred Gwynne Vanderbilt. Yet she met them with no pretension and usually hit it off amiably and successfully.

SPOKE FLUENT ENGLISH

Although she spoke fluent English, occasionally tangled, Eisenhower fashion, she sprinkled Yiddishisms in her speech and professed a simplicity that encompassed all the homely virtues.

"I don't know from those hochmas," she might say, referring to sophisticated expositions that abounded in casuistry.

Quentin Reynolds, who was working on a biography of Mrs. Grossinger when he died, wrote of one incident that characterized lack of shyness in the proximity of the mighty.

One morning she received a call from her son Paul, now president of the corporation. Paul, then general manager of the hotel, said, "Rocky just phoned. He's speaking at Pines Hotel this afternoon and is landing at the airport in about an hour. He asked if he could stop in and see you. Remember how he liked those egg rolls last time he was here?"

"Egg rolls?" Mrs. Grossinger answered, in surprise. "Rocky has been to my house a dozen times, and he never asked for egg rolls. And what do you mean, he's landing at the airport in an hour? Where has he been? I saw him in the dining room last night. He was talking to Ingemar."

"I don't mean Rocky Marciano," her son explained. "I mean Governor Rockefeller."

For all that Mrs. Grossinger was the heart and soul of Grossinger's, she was not considered to be a great business operator. She had the sagacity to choose perceptive associates and she was naturally effective in human relations. If she was the "outside man," her husband, Harry, who died in 1964, was the "inside man" who made the place run.

An old employee recalled that she treated the workers as members of the family. In the early days, when the family was pinched for ready cash, some of the help would not take their salaries from her but insisted on getting by on their tips. "Use it, Jennie," they would say.

3 SWIMMING POOLS

Today, with three swimming pools, a ski slope, 600 rooms, a dining room that seats 1,700, an airport, a post office and a gross estimated at \$7-million a year, not including two nearby independent motels that house the rush season overflow, Grossinger's is a long way from the \$81 net profit it took in that first season in 1914.

But the diversity had, and still has, a Jewish flavor—no smoking in the public rooms Friday night and Saturday during the Sabbath, and a strictly kosher cuisine that is nonetheless Lucullan and universal even without mixing milk dishes with meat dishes.

The future lady of the house was born on June 16, 1892, in Galicia, then a part of Austria. Her father, Asher Selig Grossinger, who had once owned property had become an estate overseer. Because of the poverty, Asher emigrated to New York, got a job as a presser and, three years later, sent tickets to bring the rest of the family: his wife, Malke, and their two daughters, Jennie, 8, and Lottie, 5. A brother, Harry, was born in America.

Jennie entered Hebrew school and later Public School 174 in their new home on the Lower East Side. When she was 13, she went to work, sewing buttonholes during a 10½-hour day that added up to \$1.50 for the first week's wage. On May 25, 1912, she was married to a cousin with the same surname, Harry Grossinger, who worked in a garment factory.

"We started as a Jewish hotel and still are, in a resort area," Mrs. Grossinger wrote several years ago. "But today, about 25 per cent of our guests are non-Jewish. The first time Gentiles came, of course, they were celebrities and big names. Now they come routinely." A more recent estimate puts the non-Jewish trade at one-third of the total.

Mrs. Grossinger was proud of the diversification in clientele that made the resort a meeting place of all races, classes and castes, including kings (Baudouin of Belgium), baseball stars (Jackie Robinson) Arabs (with visiting United Nations groups) and Rothschilds, several varieties.

"Quietly and without fanfare, Grossinger's has become a social laboratory," Mrs. Grossinger once observed upon receiving an Interfaith Movement award.

A grabbag sampling of celebrities who made the Grossinger's scene comes up with

Bobby Fischer, Robert Merrill, Red Buttons, Mrs. Franklin D. Roosevelt, Vice President Alben W. Barkley, Chaim Weizmann, Dore Schary and two Nobel Prize winners, Dr. Selman A. Waksman and Dr. Arthur Kornberg. Eddie Fisher was an unknown singer at the hotel when he caught the ear of Eddie Cantor, a guest, and started on the road to glory from the hotel.

What was to become one of the larger facilities in the world dedicated to man's rest and recreation was then a rundown seven-room house with an old barn and chicken coop on 100 acres of rock-strewn land that would intimidate any farmer. It soon became clear that agriculture was not going to sustain the family, and Jennie suggested that they take in boarders.

In that first season, 1914, Grossinger's had nine boarders a week at \$9 apiece. Everyone in the family worked, even Jennie's husband, Harry, who recruited guests in New York.

By the spring of 1915, the Grossinger destiny was clear. Six rooms were added to the spruced-up house, suitable for 20 guests. Everyone worked an 18-hour day. That summer, Grossinger's took on its first hired hand, a chambermaid.

In 1919 Jennie negotiated the purchase of a neighboring hotel, a lake and 63 wooded acres. Ten years later, Grossinger's was entertaining 500 guests and Milton Blackstone was hired as press agent. He came up with the idea that couples who first met at the resort should get a free honeymoon there. Grossinger's has never wanted for publicity.

HOME AWAY FROM HOME

It was another idea of Jennie's, in 1934, that made Grossinger's a home-away-from-home for famous names of the era, and succeeding eras. She had read about a Jewish boxer, said to observe the rules of his religion, who was going to try for the welterweight title against Jimmy MacLarnin. The fighter was Barney Ross and, accepting an invitation, he set up training at Grossinger's.

The project was a success for both Ross, who won, and for Grossinger's. Training for pugilists became a resort staple.

Mrs. Grossinger was more than routinely involved in philanthropy and community responsibilities. She helped charities for all causes and denominations and was solicitous of Grossinger alumni who served in the armed forces. During World War II \$1-million worth of bonds were sold at the hotel, leading to an Army plane's being named "Grossinger."

A clinic and a convalescent home in Israel bear her name, and her activities led to several honorary recognitions by academic institutions.

Mrs. Grossinger lived in a ranch house on the property, called the Joy Cottage. As a friend put it, "Jennie was always on the phone and the door was never closed."

Besides her son, Mrs. Grossinger leaves a daughter, Mrs. A. David Etess; six grandchildren and a great grandchild.

A funeral service will take place at 1 P.M. Tuesday at Ahavath Israel, the Orthodox synagogue in nearby Liberty of which she had been a member for many years. She will be buried beside her husband on a hill in Ahavath Israel Cemetery, overlooking the hotel that was her life's work.

SATURDAY NIGHT SPECIALS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DINGELL. Mr. Speaker, I am introducing a bill to prohibit the sale of Saturday night special handguns in the

United States. This bill is short, uncomplicated, and imposes a direct, flat prohibition on the sale of so-called "Saturday night special" handguns by Federal licensees, to take effect 30 days after enactment, without the need for further bureaucratic action, promulgation of regulations, approvals, and so forth. The 30-day postponement is provided to allow time for licensees to familiarize themselves with the prohibition.

The principal advantages of this bill are that—unlike the so-called Bayh bill which passed the Senate in the last Congress—it precisely defines what is meant by a "Saturday night special," and its coverage is confined to that class of handguns. It will be recalled that the chief objections to last year's bill were that no objective definition was provided, and that it would have banned the sale of many expensive, high-quality handguns, chiefly short-barreled revolvers, and large-frame single action models suitable for sporting and defensive purposes. In his press conference on January 31, President Nixon reaffirmed the need for a precise definition of "Saturday night special" to avoid impinging on the rights of law-abiding citizens who purchase and own handguns for legitimate use.

The term "Saturday night special" is generally understood to mean cheap, crudely made, small-caliber handguns, priced attractively to casual, criminal and youthful buyers; but which are unreliable and sometimes unsafe, rendering them undesirable for legitimate purposes. It should be emphasized that the Gun Control Act of 1968 already prohibits the sale of handguns to persons under 21, or to persons who have been convicted of a felony. To the extent, however, that cheap handguns flow in illegal channels, their availability would be constricted by this bill.

The low price—hence, the ready salability—of "Saturday night specials" is directly attributable to one characteristic most of them share: a frame or receiver made of die-cast zinc alloy. This casting process is very cheap—especially advantageous because the frame or receiver is usually the most expensive component—often as little as one-twentieth the cost of conventional forgings or investment castings of steel or high-tensile alloys; the process is suitable, however, only for low-melting-temperature zinc alloys—so-called "pot metal." No high quality handguns are constructed by this process, because the durability of zinc alloy is marginal at best, and generally unsatisfactory for any but the smallest calibers. The alloy is relatively fragile and melts at 727 degrees Fahrenheit.

In short, if manufacturers are prohibited from selling handguns with die-cast zinc alloy receivers or frames, the increased cost of manufacture will drive Saturday night specials off the market. The unavailability of such low-cost handguns will mean that many persons will be unable or unwilling to make the substantial investment necessary for a high quality arm.

Mr. Speaker, cosponsors of this legislation are Congressmen JOHN P. SAYLOR, Republican of Pennsylvania, and BOB CASEY, Democrat of Texas.

The following technical data outlines a simple acid test which can be administered by any licensee to determine whether the metal used in a handgun is zinc alloy. The inclusion of an 800-degree melting point minimum is insurance against the remote possibility of die-casting with a substitute nonzinc metal.

TAUSSIG ASSOCIATES, INC.,
Chicago, Ill.

Metallurgical Testing of Receivers from a Falcon .38 Caliber, #89352, a Hawes .25, #83178, and an RG10 .22, #1203811.

PROBLEM:

Receivers from three (3) pistols identified as: a Falcon .38 Caliber Revolver, #89352, a Hawes .25 Caliber Automatic #83178, and an RG10 .22 Caliber Revolver #1203811, were submitted to our laboratory for metallurgical testing. This testing was to consist of a chemical analysis to identify the alloy from which these receivers had been manufactured.

TEST RESULTS:

Spectrographic analysis of the three (3) submitted receivers indicated that all three (3) components were manufactured from the same alloy, a Zamak Zinc Base Die Casting Alloy. This alloy has an approximate melting point of 727° F.

COMMENTS:

We were requested to offer our comments as to how this type of alloy could easily be differentiated from aluminum alloys or steel alloys. There are three rapid tests, these are:

1. A melting point test. Zinc Base Alloys of this type will melt at a lower temperature than aluminum or steel alloys, if the item to be tested is placed in a furnace at 800° F. The Zinc Base Alloy will melt while the aluminum or steel alloy will not.

2. A spot chemical test. If a drop of 50% Solution of Nitric Acid and Water is placed upon the item to be tested, a Zinc Base Alloy will produce a vigorous bubbling reaction. A steel alloy will produce a mild reaction and the spot will turn brown. An aluminum alloy will exhibit no reaction.

3. The item to be tested can be submitted to any qualified testing laboratory for a rapid spectrographic identification of the type that we performed on the submitted samples. This method of testing can positively identify the alloy type.

Respectfully submitted,

LYLE R. JACOBS,
Mgr. Met. Services.

H.R. 3611

A bill to prohibit the sale of "Saturday night special" handguns in the United States
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 921(a) of title 18 of the United States Code is amended by inserting after paragraph (20) the following:

"(21) The term 'handgun' means a firearm designed to be held and fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in section 5845(a) of the Internal Revenue Code of 1954."

SEC. 2. Section 922 of title 18 of the United States Code is amended by adding at the end thereof the following:

"(n) It shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell or deliver any handgun if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800° Fahrenheit."

SEC. 3. The amendments made by this Act

shall take effect 30 days after the date of its enactment.

CONSUMER LEGISLATION PACKAGE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, today I am reintroducing my package of 12 consumer bills aimed at closing the wide gap between the ability of Government to protect consumers and the ability of some segments of the business community to abuse them.

With the 30 names being added today, there are now 72 Members of Congress sponsoring these bills. A complete breakdown of individual bills and their sponsors, plus a brief explanation of each proposal, appears below. A list of sponsors introduced earlier can be found on pages 581-582 of the CONGRESSIONAL RECORD of January 9, 1973.

The American consumer is lost in a commercial jungle without weapons and without a guide. He faces the slickest combination of technology and Madison Avenue ingenuity. He is matched against whirling computers and motivational experts.

Adding to the importance and the immediate necessity for this legislative package is the present administration's obvious probusiness, anticonsumer biases.

These bills direct themselves to these needs of the American consumer. They are not, the FDA's recent food labeling proposals, a J. Walter Thompson exercise in producing image without substance. Each bill seeks to solve a specific problem, not avoid it.

The Truth in Food Labeling Act, with 66 cosponsors, requires food makers to show on their labels all ingredients by percentage, including all additives and preservatives, and by their common or usual names.

The bill was previously introduced as H.R. 1650 and 1651. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HAMILTON FISH, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, AUGUSTUS HAWKINS, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, MIKE MCCORMACK, SPARK MATSUNAGA, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Nutritional Labeling Act, with 62 cosponsors, requires that any packaged consumer food product be labeled by the producer with the following information: First, nutritional statements including fat content, vitamin and protein value, fats and fatty acids, calories, and other nutritional data; second, the net weight and drained weight of canned or frozen products packed in a liquid medium; and third, the major ingredients by percentage weight of any combination food item.

The bill was previously introduced as

H.R. 1652 and 1653. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Open Dating Perishable Food Act, with 63 cosponsors, requires that all packaged perishable and semiperishable foods be prominently labeled to show clearly the date beyond which it should not be sold and the optimum storage conditions at home. It also provides that overage products can be sold but only if they are safe, separated from other items and clearly identified as being beyond the expiration date.

The bill was previously introduced as H.R. 1654 and 1655. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HAMILTON FISH, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, JACK KEMP, WILLIAM LEHMAN, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Consumer Food Grading Act, with 58 cosponsors, requires a uniform system of retail quality grade designations for consumer food products based upon quality, condition, and nutritional value.

The bill was previously introduced as H.R. 1656 and 1657. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, ELLA GRASSO, HENRY HELSTOSKI, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, ROMANO MAZZOLI, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

The Honest Label Act, with 60 cosponsors, requires labels on foods, drugs, and cosmetics to contain the name and place of business of the true manufacturer, packer, and distributor.

The bill was previously introduced as H.R. 1658 and 1659. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, ELLA GRASSO, AUGUSTUS HAWKINS, HENRY HELSTOSKI, JACK KEMP, WILLIAM LEHMAN, SPARK MATSUNAGA, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Unit Pricing Act, with 54 cosponsors, requires disclosure by retailers of the unit price of packaged consumer commodities. Individual retail businesses with sales below \$250,000 a year are exempted.

The bill was previously introduced as

H.R. 1660 and 1661. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES C. CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, WILLIAM LEHMAN, SPARK MATSUNAGA, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

The Meat Price Freeze Act, with 46 cosponsors, stabilizes the retail prices of meat for 45 days at November 1972 levels and requires the President to submit to Congress a plan for insuring an adequate meat supply for U.S. consumers, reasonable meat prices and fair return on invested capital to farmers, food producers and food retailers.

The bill previously introduced as H.R. 1662 and 1663. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, HAMILTON FISH, DANIEL FLOOD, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, WILLIAM LEHMAN, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

The Meat Quota Repeal Act, with 50 cosponsors, repeals the Meat Import Quota Act of 1964 to increase the supply of lower cost meats.

The bill was previously introduced as H.R. 1664 and 1665. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HAMILTON FISH, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, WILLIAM LEHMAN, PATRICIA SCHROEDER, and GUS YATRON.

The Performance Life Disclosure Act, with 57 cosponsors, requires manufacturers of durable consumer products, including appliances and electronic items, to disclose on a label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product or its major components. It also requires such products as film and batteries be labeled as to the date beyond which they should not be sold because they begin to lose performance life.

The bill was previously introduced as H.R. 1666 and 1667. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CLEVELAND, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES J. DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, ELLA GRASSO, AUGUSTUS HAWKINS, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, WILLIAM LEHMAN, JOHN MOAKLEY, PATRICIA SCHROEDER, JAMES SYMINGTON, ANTONIO WON PAT, and GUS YATRON.

The Appliance Dating Act, with 56 cosponsors, requires that any appliance, TV, or other durable product whose design is changed or performance capabilities altered on a periodic basis shall have its date of manufacture permanently affixed to the product.

The bill was previously introduced as

H.R. 1668 and 1669. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, DANIEL FLOOD, L. H. FOUNTAIN, ELLA GRASSO, HENRY HELSTOSKI, ELIZABETH HOLTZMAN, WILLIAM LEHMAN, ROMANO MAZZOLI, JOHN MOAKLEY, PATRICIA SCHROEDER, and GUS YATRON.

The Sales Promotion Games Act, with 40 cosponsors, prohibits manufacturers, producers, or distributors from requiring or encouraging any retail seller to participate in promotional games; also prohibits a retailer from engaging on his own in a promotional game in connection in the sale of any item.

The bill was previously introduced as H.R. 1670 and 1671. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, BOB BERGLAND, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANTE FASCELL, HENRY HELSTOSKI, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

The Intergovernmental Consumer Assistance Act, with 50 cosponsors, provides Federal grants and technical assistance in the establishment and strengthening of State and local consumer protection offices.

The bill was previously introduced as H.R. 1672 and 1673. New sponsors being added today are: BELLA ABZUG, HERMAN BADILLO, PHILLIP BURTON, SHIRLEY CHISHOLM, JAMES CORMAN, WILLIAM COTTER, RON DE LUGO, CHARLES DIGGS, HAROLD DONOHUE, ROBERT DRINAN, DANIEL FLOOD, ELLA GRASSO, HENRY HELSTOSKI, WILLIAM LEHMAN, SPARK MATSUNAGA, JOHN MOAKLEY, PATRICIA SCHROEDER, ANTONIO WON PAT, and GUS YATRON.

PRESIDENT NIXON'S ABUSE OF "EXECUTIVE PRIVILEGE"

HON. WILLIAM S. MOORHEAD
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the increasing preoccupation of the Nixon administration with secrecy in its activities, the penchant to hide its wide-ranging deals from the Congress and the American public, and its abuses of so-called executive privilege have put this administration fast on the road to becoming the most closed Government in our history.

The Foreign Operations and Government Information Subcommittee of the House Government Operations Committee, which I Chair, has held extensive hearings and conducted numerous investigations over the years of the concept of "executive privilege" and its use in recent administrations—both Republican and Democratic. Excessive Government secrecy, violations of first amendment rights, and the undermining of the Freedom of Information Act (5 U.S.C. 552) were the subject of 41 days of hearings by our subcommittee in the last

Congress. House Report 92-1419, titled "Administration of the Freedom of Information Act," was approved last September by the committee and pinpointed massive abuses of the intent of Congress in enacting this important law. It also made a number of administrative and legislative recommendations for strengthening the peoples' "right to know." I will soon reintroduce legislation to carry out these recommendations and welcome the support of all Members who share our concern over the trend toward the all-powerful Executive in our Nation.

Typical of the position being taken by the administration are the comments yesterday by President Nixon during his press conference. Responding to several questions by Reporter Clark Mollenhoff, an expert on "Executive Privilege," who has testified before our subcommittee on several occasions, the President gave a grossly distorted view of Executive prerogatives in the information field and even distorted his own public position on "Executive privilege" procedures. These procedures were spelled out 4 years ago in an exchange of letters with our distinguished colleague, the gentleman from California (Mr. Moss), then chairman of our subcommittee. President Nixon pledged in his April 7, 1969, letter to Chairman Moss that, like his predecessors President Kennedy and President Johnson:

Executive privilege will not be asserted without specific Presidential approval.

Both Presidents Kennedy and Johnson had given similar written assurances to our subcommittee.

Mr. Speaker, President Nixon's comments in response to Mr. Mollenhoff's questions yesterday indicate that either he is confused about what he has pledged or that a drastic change in policy has taken place. I have, therefore, written to the President to clarify this situation. So that all Members may know of the full background of this important question which dramatically affects the constitutional duties and responsibilities of the Congress in its dealings with the executive branch, I will attach a copy of this letter, the text of the 1969 correspondence with Mr. Moss, and the portion of the transcript of the President's press conference yesterday in which this matter is discussed.

The material follows:

CONGRESS OF THE UNITED STATES,

Washington, D.C., February 1, 1973.

HON. RICHARD M. NIXON,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: As Chairman of the House subcommittee with legislative and oversight jurisdiction over government information, I read with interest the text of your news conference remarks on the claim of "executive privilege". In this connection you stated that you would like to have "a precise statement prepared" rather than rely upon "an off-the-top of my head press conference statement."

As you may recall, you assured Congress through a letter to this subcommittee on April 7, 1969, that the claim of "executive privilege" will not be asserted without specific Presidential approval. For your convenience a copy of the exchange of correspondence is enclosed herewith.

One statement made in the press conference could be construed to be contrary to

the precise statement made in your letter of April 7, 1969. I am referring specifically to that portion of the press conference where you made the following statement:

"On the other hand, I can assure you that all of these cases will be handled on a case-by-case basis and we are not going to be in a position where an individual, when he gets under heat from a congressional committee, can say, 'Look, I am going to assert executive privilege.'"

"He will call down here, and Mr. Dean, the White House counsel, will then advise him as to whether or not we approve it."

On the surface this statement might be interpreted as an intention to delegate to Mr. Dean the authority to assert the claim of "executive privilege." This would be contrary to the "specific Presidential approval" referred to in the letter of April 7, 1969.

On the other hand, the statement could mean that Mr. Dean's only function is to communicate the specific Presidential decision which would be consistent with paragraph 3 of the memorandum accompanying the letter of April 7, 1969.

Because you mentioned in the news conference the interest of Senators Javits and Percy, I am sending them copies of this material for their information.

Sincerely,

WILLIAM S. MOORHEAD,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 28, 1969.
Hon. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by President John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Roosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

"This Administration has gone to great lengths to achieve full cooperation with the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. Executive privilege can be invoked only by the President and will not be used without specific Presidential approval."

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,

Washington, D.C., April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

This Administration has already given a positive emphasis to freedom of information. I am committed to ensuring that both the letter and spirit of the Public Records Law will be implemented throughout the Executive Branch of the government.

With my best wishes.

Sincerely,

RICHARD NIXON.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

(Establishing a Procedure to Govern Compliance with Congressional Demands for Information)

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional

agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege.

RICHARD NIXON.

[From the Washington Post, Feb. 1, 1973]

EXTRACT OF PRESIDENT NIXON'S PRESS CONFERENCE, JANUARY 31, 1973

Q. Mr. President.

A. Mr. Mollenhoff.

EXECUTIVE PRIVILEGE

Q. Did you approve of the use of executive privilege by Air Force Secretary Seaman in refusing to disclose the White House role in the firing of air cost analyst Fitzgerald?

It came up yesterday in the Civil Service hearings. He used executive privilege. You had stated earlier that you would approve all of these uses of executive privilege, as I understood it, and I wondered whether your view still prevails in this area or whether others are now entitled to use executive privilege on their own in this type of case?

A. Mr. Mollenhoff, your first assumption is correct. In my dealings with the Congress—I say mine, let me put it in a broader sense—in the dealings of the Executive with the Congress, I do not want to abuse the executive privilege proposition where the matter does not involve a direct conference with or discussion within the administration, particularly where the President is involved. And where it is an extraneous matter as far as the White House is concerned, as was the case when we waived executive privilege for Mr. Flanagan last year, as you will recall, we are not going to assert it.

In this case, as I understand it—and I did not approve this directly, but it was approved at my direction by those who have the responsibility in the White House—in this case it was a proper area in which the executive privilege should have been used.

On the other hand, I can assure you that all of these cases will be handled on a case-by-case basis and we are not going to be in a position where an individual when he gets under heat from a congressional committee, can say, "Look, I am going to assert executive privilege."

He will call down here, and Mr. Dean, the White House counsel, will then advise him as to whether or not we approve it.

Q. I want to follow one question on this.

A. Sure.

Q. This seems to be an expansion of what executive privilege was in the past and you were quite critical of executive privilege in 1948 when you were in the Congress—

A. I certainly was.

PRECISE STATEMENT

Q. You seem to have expanded it from conversation with the President himself to conversation with anyone in the Executive Branch of the government and I wonder can you cite any law or decision of the courts that supports that view?

A. Well, Mr. Mollenhoff, I don't want to leave the impression I am expanding it beyond that. I perhaps have not been as precise as I should have been. And I think yours is a very legitimate question because you have been one who has not had a double standard on this. You have always felt that executive privilege, whether I was complaining about its use when I was an investigator, or whether I am now defending its use when others are doing the investigating—I understand that position.

Let me suggest that I would like to have a precise statement prepared which I will personally approve so that you will know exactly what it is. I discussed this with the leaders and we have talked, for example—the Republicans, like Senator Javits and Senator Percy, are very interested in it; not just the Democrats, and I understand that. But I would rather, at this point, not like to have just an off-the-top of my head press conference statement delineate what executive privilege will be.

I will simply say the general attitude I have is to be as liberal as possible in terms of making people available to testify before the Congress, and we are not going to use executive privilege as a shield for conversations that might be just embarrassing to us, but that really don't deserve executive privilege.

FITZGERALD FIRING

Q. The specific situation with regard to Fitzgerald, I would like to explore that. That dealt with a conversation Seamans had with someone in the White House relative to the firing of Fitzgerald and justification or explanations. I wonder if you feel that that is covered and did you have this explained to you in detail before you made the decision?

A. Let me explain. I was totally aware that Mr. Fitzgerald would be fired or discharged or asked to resign. I approved it and Mr. Seamans must have been talking to someone who had discussed the matter with me.

No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it.

BACH-MAI, TRUTH, AND BOMBING OF CIVILIAN TARGETS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DELLUMS. Mr. Speaker, on December 19 and 22, the week before Christmas, the largest hospital in North Vietnam was completely destroyed. At least 25 doctors, pharmacists, and health workers died and an unknown number of patients were killed or wounded.

The hospital, named Bach-Mai—which means white blossom in Vietnamese—was not a military hospital, but a facility devoted to clinical medicine, teaching, and research. The patients in Bach-Mai were not military personnel, but civilian. The hospital was clearly defined and was a well-known landmark, readily visible from both ground and air.

Yet on December 22, despite these facts and contrary to U.S. announced policy against bombing civilian targets, the 1,100-bed hospital of Bach-Mai was destroyed by over 30 500-pound U.S. B-52 bombs.

The immediate response from our Government came from Pentagon spokesman Jerry Friedheim, who said:

We have not struck any large 1,000 bed civilian hospital. We have no information that indicated that at all. (Boston Globe 12/28/72).

Friedheim then claimed on January 18 in a letter to the Boston Globe that he had "seen reconnaissance photography" of Bach-Mai which permitted him to state "with certainty" that the hospital was not totally destroyed. Later,

the story was changed to acknowledge the fact that the hospital was bombed, but the damage was now attributed to Vietcong, not American rockets and bombs.

This absurd claim directly contradicts countless eyewitness accounts.

On December 25, Brig. Gen. Telford Taylor, retired, chief U.S. prosecutor at the Nuremberg war crimes tribunal sent the following dispatch which appeared in the New York Times:

Early this morning, the large Bach-Mai Hospital was destroyed. The hospital grounds were torn with huge fresh craters and the buildings that escaped hits were shattered by the blasts. Viewed a few hours later, the hospital remains a terrible scene, with rescue workers carrying patients piggy-back, cranes and bulldozers and people using only their hands desperately clearing debris to reach victims said to be still buried in the rubble. And the frantic hospital director, running from one building to another.

Moreover, the Pentagon explanation denies what millions of Americans saw on television when Japanese films of the wreckage were broadcast on evening news several days after the bombing. The Japanese TV footage shows not one of the 30 buildings of the hospital still standing intact. Numbers of foreign journalists also confirm the report that Bach-Mai was completely destroyed.

Mr. Friedheim's announcement that he has seen reconnaissance photographs of Bach-Mai is somewhat surprising in regard to past statements. Previous inquiries regarding alleged bombing of civilian facilities have received a totally different response. Defense Department official Dennis Doolin, in recent testimony before Senator Edward Kennedy's Subcommittee on Refugees said that unlike trucks and bridges, the Defense Department could not provide information on the exact number of schools, churches, and hospitals destroyed, since it is not U.S. policy to target such buildings and no photographic record of damage to them is kept.

So, Mr. Friedheim has apparently uncovered some rare Pentagon photos of a North Vietnamese hospital hit by U.S. bombs; coincidentally, those photos are of Bach-Mai. I believe it is his obligation to provide these photographs to Congress and the American people.

As a member of the House Armed Services Committee I call for the immediate release of these photos. And furthermore, I request that Congress be given access to the Pentagon's reconnaissance files to assist in resolving past controversies around alleged bombing of civilian targets.

In this regard Mr. Speaker, I call my colleagues' attention to a letter I have sent to Secretary Richardson, requesting the aforementioned action:

CONGRESS OF THE UNITED STATES,
January 13, 1973.

HON. ELLIOT L. RICHARDSON,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: On December 22, 1973 the Bach Mai Vietnamese hospital in Hanoi was reportedly destroyed by American warplanes. This report was substantiated by several eyewitness accounts including Brigadier General (ret.) Telford Taylor.

On December 28, Mr. Jerry Friedheim of your office was quoted widely in the media as denying these reports. Later, on January 18, Mr. Friedheim claimed he had seen reconnaissance photographs that definitely prove Bach Mai was not destroyed. It was my understanding that the United States maintains a policy against the bombing of civilian facilities and subsequently compiles no reconnaissance files on damage to civilian property. Obviously I was mistaken. As a member of the House Armed Services Committee I demand that any such files be made public. The sensitive nature of the Bach Mai incident warrants a full investigation of the matter and a complete explanation to the American people.

Last July 24, I sent a letter to Air Force Secretary Robert C. Seamans, Jr. requesting an explanation of our air operations over North Vietnam. His reply of August 14, was insulting. I specifically asked four questions, which I ask once again.

1. Are U.S. bombs hitting non-military targets in North Vietnam, Laos, and Cambodia?

2. What safeguards exist to insure the safety of non-military targets?

3. How are B-52's and other aircraft involved in saturation bombing able to distinguish between military and non-military targets?

4. How can the obvious destruction of schools, churches and hospitals be explained by official policies and practices?

The reply, which came from Acting Secretary John L. McLucas, was shallow and demeaning to a United States Congressman. Mr. Lucas stated that it is not U.S. policy to bomb non-military targets, but "unfortunately, in bombing operations of this scale, it is inevitable that some accidental damage to non-military targets occasionally occurs. We regret these accidents and make every effort to avoid them." No attempt was made to seriously answer the questions I raised. My questions warrant more than a polite put-off and a shared concern over civilian damage.

I trust your office will be more cooperative. Sincerely,

RONALD V. DELLUMS,
Member of Congress.

Unfortunately, the bombing of Bach-Mai is not an isolated incident.

Many other hospitals in North Vietnam have been the targets of U.S. air raids. On April 27, 1972, the 300-bed Thanh Hoa provincial hospital was struck by 35 demolition and antipersonnel bombs, killing six doctors and three patients. On May 10 and June 27, 1972, the Vietnam-U.S.S.R. Friendship Hospital in Hanoi was extensively bombed. In all, 56 hospitals and clinics in North Vietnam were destroyed in part or completely from April 1972 to October 1972 alone.

Most tragic are those hospitals which were rebuilt after the bombing halt in 1968. The world-famous Quynh Lap Leprosarium, with over 2,000 beds, was bombed 39 times in 1 month during the Johnson years. It was rebuilt in decentralized fashion to provide protection from any future bombings. But during the aid raids of April and May of 1972 all 50 buildings were once again destroyed. The Vietnamese-Czechoslovakian hospital in Haiphong was also leveled under Johnson. Its reconstruction was completed in February 1972. Some 60 days later, it was bombed in the first of several attacks.

And now, in 1973, the possibility of more hospitals being destroyed by Amer-

ican warplanes remains. The President's wobbly cease-fire has halted the death by air in Vietnam. But the bombs continue to fall on neighboring countries. We have no guarantee that the travesties of Vietnam will not merely become the travesties of Laos and Cambodia.

In response to the complete destruction of the Bach-Mai Hospital, the Bach-Mai Hospital Relief Fund has been formed. Purpose of the fund is to demonstrate to the world our outrage at acts of our Government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. As a cosponsor of the Bach-Mai Hospital Relief Fund I heartily endorse their effort and place in the Record the following information about it:

MAY THE WHITE BLOSSOM OF BACH MAI
FLOWER ONCE AGAIN

THE BACH MAI HOSPITAL EMERGENCY RELIEF
FUND

The week before Christmas, the Bach Mai Hospital in Hanoi was completely destroyed by over 30 five-hundred pound U.S. B-52 bombs. At least 25 doctors, pharmacists, and health workers were killed and an unknown number of patients were killed or wounded. This 950 bed civilian hospital was the largest in North Vietnam. It had extensive clinical laboratories and all the auxiliary services required to run a major teaching hospital.

In response to the complete destruction of this hospital, the Bach Mai Hospital Emergency Relief Fund was formed. At a press conference in Washington, D.C., on January 2nd, 1973, it was announced that in the first week of the fund's operation, over one-quarter of a million dollars had been donated to the Fund by the American people.

The purpose of the Bach Mai Hospital Emergency Relief Fund is to show to the world our outrage at the acts of our government and at the same time to give Americans the opportunity to make available to the North Vietnamese some of the medical supplies and equipment they will need to replace the hospital. There can be no question of rebuilding the physical plant of the hospital as long as there is a danger that the bombs will continue to fall. Not until U.S. bombers are removed from their bases within striking range of Hanoi will it be safe to begin rebuilding. In 1970 and 1971 the people of North Vietnam undertook the rebuilding of the Vietnam-Czechoslovakian Hospital in Haiphong that had been bombed under the Johnson administration. Reconstruction was completed in February, 1972, and two months later, on April 16, 1972, the hospital was once again bombed by U.S. planes sent this time by the Nixon administration (it was bombed again during Christmas). The immediate goal of the Bach Mai Hospital Emergency Relief Fund is to send medical supplies to help the North Vietnamese substitute decentralized and underground health-care facilities for the services provided in the past by Bach Mai.

Bach Mai Hospital was more than the largest center for health care in all of North Vietnam. Within its walls, some of the major research and teaching of future doctors and health workers took place. In addition, Bach Mai served as a center for emergency treatment of civilians in the Hanoi area. It is perhaps not a coincidence that the U.S. bombers hit Bach Mai on the fifth day of the most intensive bombing in the history of the world, after the hospital had absorbed its full capacity of patients.

Unfortunately, Bach Mai Hospital is not an isolated incident of U.S. bombing of civilian structures. From April, 1972 to October, 1972 (before the massive Christmas bomb-

ings), all 26 provincial hospitals and every district hospital in North Vietnam had been hit at least once by U.S. bombs. In addition, during the week before Christmas and the few days thereafter, the following North Vietnamese hospitals were damaged or destroyed (according to the Boston Globe of December 28, 1972): Nga Tu So dispensary in Hanoi, Kien An Hospital and the contagious disease block of the Vietnam-Czechoslovakian Hospital in Haiphong, the An Duong dispensary in Hanoi, the Hoai Duc Hospital in Ha Tay province, the tubercular diseases hospital in Bach Thai province.

The initial \$250,000 raised in the past week is seen as the beginning of a major national campaign. The goal of this campaign is to raise \$3 million, the cost of Bach Mai Hospital, as soon as possible to respond to the immediate needs of the population of Hanoi. The campaign will attempt to involve as broad a spectrum of the American people as possible, with individuals, organizations, and church bodies who have the confidence of large numbers of Americans and the capacity to involve them in a successful campaign. A partial listing of sponsors of the Bach Mai Hospital Emergency Relief Fund includes: Ramsey Clark, Arthur Miller, Julian Bond, Dr. Charles E. Janeway, Salvador Luria, Rt. Rev. Robert DeWitt, Leon Eisenberg, M.D., Erik Erikson, Bishop Thomas Gumbleton, Rev. Dr. David Hunter, Rep. Robert Drinan, Bishop John Wesley Lord, Rt. Rev. Paul Moore, Jr., Albert Szent-Gyorgyi, George Wald, Dr. Charles Mayo III, and Dr. Herbert Abrams.

Events of this campaign will range from benefit concerts to direct mail solicitations to individual donations, however, the backbone of this massive fund-raising effort will be street corner and door-to-door solicitation by thousands of Americans across the U.S. These efforts will thus constitute a message: that we, as American citizens, believing life is precious and all human beings are created equal, want the bombing to stop once and for all, with no further tactics of deception or acts of violence by the United States government.

The campaign for Bach Mai Hospital is being co-sponsored by the Medical Aid for Indochina committee (M.A.I.) Medical Aid for Indochina has been operating for more than a year and in that period of time has sent over \$100,000 worth of medical supplies and equipment to the people of Indochina through the Red Cross Societies of North Vietnam, and those areas of South Vietnam, Laos, and Cambodia being attacked by the United States. Medical Aid for Indochina has established reliable information and transportation channels to provide the American people with a method of responding to the medical needs of the people of Indochina and a way of joining the rest of humanity in protest against the senseless brutality of the U.S. government.

MEDICAL AID FOR INDOCHINA.
CAMBRIDGE, MASS.

CLARK ANNOUNCES PLAN TO REBUILD
BACH MAI

Former Attorney General Ramsey Clark announced today a campaign to rebuild Bach Mai Hospital in Hanoi. Speaking to a Washington press conference, Clark said the Bach Mai Emergency Relief Fund has already received \$250,000 toward its \$3 million goal.

Clark said Bach Mai, the largest civilian hospital in North Vietnam, was leveled by B-52 attacks December 19th and 22nd. The 950-bed facility had extensive clinical laboratories and the auxiliary services required for a major teaching facility, he said. Twenty-five doctors and nurses, and an unknown number of patients, were killed in the raids, the former Attorney General stated.

The destruction of the hospital was confirmed in a written statement by Brig. Gen.

(Ret.) Telford Taylor. Taylor, the Chief U.S. Prosecutor at the Nuremberg War Crimes Trials after World War II, said Bach Mai had been "blown to bits, completely destroyed, and hit more than once on successive days."

The Fund will provide supplies for the North Vietnamese' underground medical facilities until the war is finally over and there is no chance of the hospital being attacked again.

Also speaking were, Arthur Miller, playwright; Bishop John Wesley Lord of the Methodist Church; Rev. Michael Allen of Yale Divinity School; Georgia State Rep. Julian Bond; Mrs. Virginia Warner, mother of Capt. John H. Warner, who has been a POW since October, 1967; Mrs. Pat Simon, whose son was killed in the war; Dr. Charles Janeway of Harvard Medical School; and Dr. Charles Magraw, a Boston psychiatrist who is co-chairperson of Medical Aid for Indo China.

The Emergency Relief Fund is being co-sponsored by this group and by Medical Aid for Indo China, a national group based in Cambridge, Mass.

Many persons accuse antiwar groups of too readily comparing Richard Nixon's war policies to those of Adolf Hitler. They would do well to examine an article in the Nation of January 22, 1973, by William Shirer, author of "The Rise and Fall of the Third Reich." In the article, Shirer recalls hearing Goebbels on German radio calmly denying on the first day of World War II that Nazi submarines had just sunk the British ship *Athenia*. Shirer then reminds us of the administration's response to the report that a POW camp in Hanoi was hit by American bombs during the recent Christmas raids. Administration spokesmen said they would hold the North Vietnamese Government responsible for any injury to American POW's during the raids. Shirer says the situation reminded him "of Hitler's declaration on the mornings he attacked Norway, and later Holland and Belgium, that if they resisted they would be held responsible for the bloodshed."

In the case of the Bach-Mai Hospital, and so many other destroyed civilian facilities in Vietnam, the administration seems to have accepted the old Nazi principle that the bigger the lie, the easier it will be for the public to swallow it. How else can one compare the brazen and wanton distortions of the truth by Mr. Freidheim and the Department of Defense?

Mr. Speaker, I join millions of Americans in calling for a complete and total cessation of all hostilities in Indochina, on the ground and in the air. I urge Congress to once more gain control of the war powers that are constitutionally ours. I ask Congress to find the truth in regards to our bombing policies. I am, Mr. Speaker, only too impatient to end our immoral and illegal adventurism in Indochina.

WHERE OUR HEALTH CARE
DOLLARS GO, GO

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mrs. GRIFFITHS. Mr. Speaker, technical progress in the field of medicine has

progressed to the point where machines can perform many chemical and tissue analyses in a fraction of the time required by earlier testing methods. Medical technicians have been trained to use these machines and to perform the vast array of other pathological testing procedures, which has freed pathologists from this tedious work. Pathologists now are able, due to these advances in medical science, to do that which they do best. And, according to the February 4 article by Delores Katz, Detroit Free Press medical writer, what they do best is negotiate "percentage contracts" with hospitals. Under these contracts, pathologists are able to receive fee-for-service payments for tests they do not perform and whose results they may never even see. With such contracts, pathologists have moved into second place on the income scale of hospital specialists. First place currently is held by radiologists who maintain similar percentage contracts with hospitals.

This will not be the case once my proposed Health Security Act is enacted into law. Under the Health Security Act, H.R. 22, hospital care costs would be anchored to an annual hospital budget established in advance. Pathologists, radiologists, and other hospital professionals will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in medical care which allows independent billing by these providers, permitting them to charge patients according to the number of tests performed in their laboratories during the course of the day. This new method will hold down total hospital costs significantly.

The financial incentives provided in H.R. 22 will move the health care delivery system toward organized and comprehensive arrangements for patient care, and reward health-care providers for keeping people well rather than merely providing treatment when they are ill. It is all too obvious that as long as these providers are able to command percentage contracts with hospitals and as long as the many other costs of health care continue to rise, last place in our health-care system will continue to be held firmly by the patient.

The article by Delores Katz follows:

MEDICINE'S NEW ROYALISTS

(By Delores Katz)

It is not uncommon for department directors in radiology and pathology to be paid \$100,000 a year.

Until three years ago, Dr. Sidney Kobernick was earning a salary of \$60,000 a year as chief of pathology for Sinai Hospital in Detroit.

It wasn't particularly good pay as such salaries go. The director of a large hospital laboratory in Detroit usually can command, according to area pathologists, between \$60,000 and \$80,000 a year.

Some make more. Outside, where pathologists are scarce, earnings can reach between \$80,000 and \$100,000 a year.

But in 1969, Kobernick reached an agreement with the hospital that increased his earnings to between \$80,000 and \$100,000 a year.

Instead of a salary, Kobernick and his eight associates now receive a percentage of the laboratory's earnings which they divide

among themselves. Basically, it is the same agreement held by more than half of the nation's hospital-based pathologists.

It means that for every one of the thousands of blood tests, Pap smears and other chemical and tissue analyses done at the laboratory, Kobernick receives a portion of the fee paid by the patient, even though most of the tests are performed not by him but by technicians and machines.

"But we are deeply involved in reporting these test results and discussing them with the patient's doctors," Kobernick maintains. "Gerstenberg doesn't produce General Motors cars, either, you know."

(It should be noted, however, that neither does Richard Gerstenberg, chairman of the board of GM, demand a percentage of the sale price of each car as his compensation).

The arrangement is one reason why pathologist are the second highest paid medical specialists in the country, right behind radiologists who work under a similar set-up.

It also contributes to the higher hospital costs that must be paid by the patient and the scarcity of funds hospitals have for other improvements.

"It's just obscene how much money they make," complained a University of Michigan medical economist. "If the pathologist struggled along on \$45,000 a year, the difference between that and \$100,000 could be applied to improving services in the outpatient department."

"But instead it's used to give the pathologists two Cadillacs instead of one."

Pathologists maintain that a percentage arrangement does not necessarily mean more money for the doctor, since a pathologist on salary can always ask for higher pay. However, a check of hospitals in the Detroit area shows that pathologists on salary—at hospitals like Metropolitan, Ford, and Children's—make at least \$10,000 to \$20,000 less than those who have percentage contracts.

The result of these arrangements is, inevitably, higher costs to the patient.

"It's pretty obvious that the percentage arrangement has the effect of inflating costs which must ultimately be paid by the patient," said Dr. Milton Roemer, a well-known medical economist and professor of public health at the University of California in Los Angeles.

Costs go up in one of two ways.

Traditionally, hospitals have used the profits from their laboratories to subsidize other areas of patient care, like emergency services, which are not profitable.

So as more laboratory money is paid to the pathologist, the less there is for the hospital. In order to make up that money, hospitals must raise the prices of other services or forego improvements.

Costs also rise because pathologists' earnings are paid by Blue Cross, Blue Shield, and other insurers. The more money the pathologists make, the higher the premiums must go to meet those costs.

The fact that pathologists can compel hospitals to agree to these percentage arrangements is a measure of their power and one reason why they are not handsomely remunerated.

Like pathologists, radiologists work in hospitals and also frequently demand a percentage of the radiology department's earnings.

Although exact figures are not available, conversations with hospital administrators and local radiologists indicate that earnings of \$100,000 a year and more are not uncommon for department directors.

Admittedly, pathologists and radiologists are highly specialized physicians, with as many years of training as general surgeons, and ought to be paid at a rate comparable to what other physicians make.

But radiologists and pathologists earn more than surgeons. They earn more than pediatricians, gynecologists, psychiatrists, and every other major medical specialty.

According to 1968 statistics gathered by the American Medical Association—the last year for which such figures are available—radiologists had the highest net earnings of all specialists. Their average net income in 1968 was \$46,423. Pathologists were second with \$46,360. And surgeons ranked third, with \$40,654. Pediatricians were the lowest paid, earning an average of \$30,718.

Detroit's hospital administrators are almost universally opposed to the concept of percentage contract arrangements. Yet they are so nervous about the consequences of speaking out openly against them, that none of them would talk about them unless they could be assured of anonymity.

"More administrators have lost their jobs when they upset the medical staff; I would hate to be jeopardized," said the assistant director of a hospital in the Detroit Medical Center.

"If I were to tackle this job myself, I would probably lose my entire career," said the administrator of a prestigious, 500-bed hospital in Detroit. "That's how powerful these guys are."

One man who tried to tackle the job in the effort, has a simple explanation for the administrators' reluctance to attempt a change.

"They haven't got the guts to do it," growls Dr. Kenneth J. Williams, former administrator of Detroit's St. John Hospital, now medical director of the Catholic Hospital Association in St. Louis.

"Those types of situations that I describe as scandalous—where pathologists, radiologists, and other (hospital-based) physicians have such exorbitant contracts, up into six figures—exist only because the hospital trustees and management allow them to exist. You just can't blame the doctor for having his hand into that long green."

Williams quit as administrator of St. John Hospital in 1968 after he failed in an attempt to put a ceiling on the amount the hospital's radiologists could earn.

"They were having exorbitant incomes at that point," he said. "We were instructed by the board to negotiate an income ceiling on their contracts. They refused, and quit, and then we went looking for other radiologists."

But Williams couldn't find any who would work for him. A group of Washington, D.C. attorneys advised him to bring suit against the Wayne County Medical Society and other physicians who were blocking his attempts to hire other radiologists.

Before that could be done, however, the board instructed him to rehire the radiologists on terms that did not include a fixed income ceiling.

"The radiologists and other physicians forced the board to their knees, forced them to change their minds," Williams charged.

Williams quit in protest, as did the assistant administrator Dale Morgan, and Sister Ricarda, executive director of the hospital.

"At this point we could see that we couldn't compromise our principles for which the hospital was supposed to be in business," Williams said. "The interests of the patients and the community are supposed to take precedence over all other concerns."

"All we were trying to do, and that any hospital board or management ought to be doing, is to make certain that sound principles of management are applied in the area of medical staff activities as they are anywhere else in the damn hospital."

"All we were trying to say was, how can you go on spiraling into six figures, and how does that get under the public microscope? And it doesn't."

Dale Morgan, now administrator of a small community hospital in San Francisco, confirmed that he, Williams, and Sister Ricarda had resigned rather than go along with the board's instructions.

"The board's policies and philosophies didn't agree with my standards," he said. "I'm working for the patient and I have a

public charge. When the board's policies and my standards don't mesh, I have two choices—put up with it or go somewhere else."

Others had a different impression of what happened. James T. Farley, present administrator of St. John, maintains that Williams wanted to put the radiologists on straight salary, not just put a ceiling on their percentage contract.

"The salary he offered was extremely low compared to the going contract at that time in Detroit," said Farley. Farley refused to name the amount, but said it was below \$50,000.

And a radiologist who left the hospital rather than accept a limit to his income had yet a different impression.

"Dr. Williams was quite a paranoid gentleman. He caused a great deal of trouble, and ultimately was forced to resign," he said. "He wanted to change many, many things very suddenly."

"Williams was a lunkhead," another radiologist declared sourly.

"Maybe I am, if that means putting the interests of the patient and the community over those of one special group," Williams rejoined.

The reason pathologists and radiologists can compel hospitals to provide them with such favorable financial arrangements is a simple one: They have a monopoly on the services they offer hospitals.

In order to qualify for various kinds of construction and operating funds, hospitals must be accredited by the Joint Commission on Accreditation of Hospitals. And the JCAH requires all hospitals to have pathologists as directors of their laboratories and radiologists as directors of their radiology departments.

Furthermore, there is a shortage of pathologists and radiologists in the United States. This has been caused partly by the lack of glamor that these professions hold for young doctors.

Despite their economic attractiveness, radiology and pathology are among the least prestigious of the medical specialties. The picture of the dedicated doctor at the bedside of his patient does not apply to the radiologist.

In fact, almost 60 percent of a group of 2,000 people surveyed by the American College of Radiology had never heard of a radiologist, and only one in four correctly identified him as a doctor.

But the shortage is also a result of a deliberate policy of "professional birth control" practiced by organized medicine prior to 1960.

Beginning in the 1930s, the American Medical Association conducted a campaign to limit and even reduce the number of students in the nation's medical schools on the grounds that there was an "oversupply" of doctors.

Through statements in their official journal and testimony before Congressional committees, the AMA effectively blocked federal legislation designed to increase the number of doctors in the United States.

The powerful American College of Radiology and College of American Pathologists has enhanced the effects of this shortage through various practices, including pressure on its members not to accept salaried positions in hospitals.

Finally, hospitals need pathologists and radiologists more than these physicians need hospitals. Hospitals can't operate without these doctors. But pathologists and radiologists can and often do set up lucrative independent laboratories that serve private physicians and small hospitals.

So pathologists and radiologists have the benefits of a seller's market, and they make the most of it in their dealings with hospitals.

The physicians defend the percentage contract by saying that it gives them greater

control of their departments and greater incentive to perform well. "There's a natural tendency to just do a day's work and go home unless you feel you can increase your efforts by income," says Dr. Andrew Climie, assistant chief of Harper Hospital's department of pathology.

"Let's say the Coulter counter (a machine that performs blood counts) breaks down at 5 p.m. Doctor X, who is on salary, says, 'Oh well, they can do the tests by hand, and I'll get it fixed tomorrow.' But Dr. Y, whose income depends on the number of tests performed, would stay around and make sure it got fixed that night."

"I think that's just not true," says Roemer, "that a doctor's only incentive is money. In fact, the most highly competent doctors are doing extra work without incentives. This really, if you probe it, represents a slander against the integrity of doctors."

In fact, there is no evidence to show that pathologists and radiologists who have percentage contracts run their laboratories any better or more efficiently than those who are on salary.

Dr. A. James French, chairman of the department of pathology for the University of Michigan, does not feel that a straight salary has impaired his ability to direct a good laboratory.

However, he says he would take a percentage contract if it were offered.

Why?

"Because you get more money."

Any other reason?

"That's a good enough reason," he said.

Roemer and other medical economists also question the wisdom of making a doctor's income dependent on the number of tests or X-rays his department performs.

"It gives the radiologist or pathologist an incentive for maximizing services beyond what is necessary to the patients," says Roemer.

For example, it is hard to see a pathologist whose income depends on a large volume of tests telling doctors that they are ordering too many tests.

And it is easy to see how a radiologist could rationalize the need for six X-rays of a person's chest instead of four if those additional two X-rays mean more money for him.

Without question, pathologists are indispensable to patient care. They are the ones who decide whether a tumor is cancerous or not, who discuss test results with physicians and help determine proper treatment, who perform autopsies to determine cause of death, who help maintain the hospital's quality of care at a high level.

Radiologists share the responsibility for maintaining quality care, and provide a huge array of diagnostic and treatment facilities.

These responsibilities should be recognized and properly compensated, health professionals agree. But they do not see the logic of percentage arrangements, any more than they could see the logic of paying nurses a percentage of daily room charges for their services to patients. Nor do they understand why pathologists have to earn so much more than most other health professionals.

"It disturbs me when you get up into the \$90,000 and \$100,000 bracket," says Dr. John Knowles, former director of Massachusetts General Hospital, now president of the Rockefeller Foundation, and a well-known critic of the nation's health system.

"At a time when the cost of medical care is rising so fast, and the radiologist is averaging a 40-hour week, you just can't justify that value placed on his services. It's just too much, when a pediatrician is working twice as hard and making \$35,000 a year."

Knowles has another reason for disliking the percentage arrangement. He has seen what happens to hospitals where radiologists, pathologists, anesthesiologists, emergency room physicians, and other specialists demand such contracts.

In effect, it makes each group an independent fiefdom, over which the hospital administration can exert little control.

Knowles has been called in as a consultant to many hospitals that have found themselves in this situation.

"You don't have an institution if you have everyone digging in on his own terms," he says. "You have a very dispirited group with everybody backbiting and working for himself instead of the patient."

"Pretty soon, what the hell is the sense of having them all under one roof? It's every man for himself, and the administration of such a conglomerate is damn near impossible. It can't respond as a social instrument to social pressures."

A MEASURE OF THE SHORTAGE

The shortage of radiologists and pathologists can best be measured by the number presently in training as residents, the number of residencies that go begging, and the number that have to be filled by graduates of foreign medical schools. Here are the latest available figures:

Total number of residencies offered in all medical specialties in 1971, 49,693.

Percent filled, 85% (42,293).

Percent filled with foreign medical graduates, 32% (13,520).

Total number of pathology residencies offered in 1971, 3,653.

Percent filled, 69% (2,534).

Percent filled with foreign medical graduates, 55% (1,401).

Total number of radiology residencies offered in 1971, 2,606.

Percent filled, 90% (2,333).

Percent filled with foreign medical graduates, 21% (494).

U.S.-U.S.S.R. TRADE NEGOTIATIONS AND "U.S.A. AND THE SOVIET MYTH"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. DERWINSKI. Mr. Speaker, with the opening of trade negotiations with the Soviet Union it becomes all the more necessary for American businessmen and others to prime themselves on the politico-economic nature of the U.S.S.R., its background, and its composition. The work on "U.S.A. and the Soviet Myth," authored by Dr. Lev E. Dobriansky of Georgetown University's economics faculty, is a solid primer for this purpose. Its chapter on "The Russian Trade Trap" is especially important in this regard. Some of the reviews of the book give an insight into its content, such as those in *Modern Age*, *Central Europe Journal*, the *Lane* column, the *Manchester Union Leader*, the *Book Exchange*, and the *Sunday News* which follow:

[From *Modern Age*, Spring, 1972]

TECHNOLOGY AND DEFENSE

(Reviewed by Robert A. Schadler)

Here Professor Dobriansky rigorously re-examines several fundamental themes deeply rooted in the conventional notions concerning American-Soviet relations. The broadest and least explicit of the questions he raises is one that was seriously debated twenty years ago, but is now smugly assumed to have been resolved. This question, posed most simply in the title of a book by Mr. James Burnham is "Containment or Liberation?" Can the United States survive by working, in con-

junction with other countries, to keep Russian expansion in check until the Soviet Union ceases to have aggressive ambitions or changes occur within the USSR so that these ambitions can no longer be implemented? Professor Dobriansky criticizes the current policy of containment and argues that the liberation of non-Russian nations within the Soviet Union would be the only change substantial enough to end Russia's historically persistent colonial expansion.

Professor Dobriansky analyzes the concept of the nation-state and finds that the USSR cannot rationally be considered one. An understanding of this point is tragically lacking in Americans, yet it is vital that the citizens and the officials of this country comprehend it thoroughly. A state is a political entity, with legal sovereignty and a single legitimate government. A nation, in contrast, is a cultural and historical entity which is analytically distinct from the idea of a state. A nation is composed of a single people united by common traditions, customs, history, language, institutions, values and purposes. The relatively recent rise of nationalism brought about the union of these two different concepts into a nation-state ideal—a yearning by each nation to be self-governing and responsible only unto itself. This movement, best exemplified in Woodrow Wilson's doctrine at Versailles, remains a powerful force throughout the world.

The author, after careful study, has found that the USSR is not only not a nation-state but is rather the antithesis, that is to say an empire which suppresses the desire for autonomy held by the captive nations within and without its boundaries. The Russians are indeed a nation, but statistically they constitute only about half the population of the Soviet Union. The other half is composed of non-Russian nations, led by the Ukraine, which are historically distinct both from Russia and from each other. Their long-standing and intense desire for autonomy is the Soviet Union's greatest weakness and the free world's greatest potential strength. The Ukraine is thus not a Russian Texas but another Czechoslovakia longing for its freedom. This fact must first be understood generally and then integrated into American foreign policy.

Professor Dobriansky pursues his point a step farther by reopening another oft-debated controversy, though this time with less profit. Is the communist ideology or traditional Russian imperialism the decisive motivating factor in the Kremlin? The author adopts the latter interpretation, and it must be admitted that he uses it to construct a powerful explanatory framework with many insights. The techniques used by the Kremlin, such as the "building of paper bridges of understanding" through diplomacy, propaganda and treaties, are traditional. Most of the areas marked for expansion follow the colonial patterns of tsarist times. Many of the appeals and policies are repetitions of Russian history prior to Lenin. Similarly, Dr. Dobriansky is quite correct when he points to the glaring contradictions between Marx's theories and Russian activities. Unfortunately, though, this does not clarify all that needs explanation.

People in all countries, of all classes, backgrounds and degrees of intelligence and ability read Marx and sincerely consider themselves Marxists. The effective bulk of these people identify themselves with and actively aid the foreign policy goals of the USSR. Despite all its fallacies and contradictions, the Communist Party line, originating from the Kremlin, has a globally credible link to Karl Marx. If the secondary communist leaders can accept this connection as legitimate, must we assume that they have been completely duped?

Are we to suppose that years of party indoctrination in Marxist-Leninist teachings have had no effect on the current leader-

ship in the Kremlin? Does not the history of all totalitarian movements show that they captivate the utopian, idealistic impulses before they pursue the perverse policies which destroy their claims to humanitarian principles and purposes?

It should be expected that any group of communist leaders, sincere or otherwise, will make many concessions to the culture and history of the country they rule. If the country has a messianic tradition, as Russia has, all the better. If the Ukraine and Turkestan are available for the taking, why should the communist leaders hesitate simply because a former tsar also wanted to annex them? Global expansion has to begin somewhere, so why not start with what is most convenient—historically, strategically and logistically? And since when, it might be asked, has Cuba been within the ambit of traditional Russian imperial interests? If man is to be remade according to Marx's ideal, why can't a totalitarian regime be rationalized until the bourgeoisie have been liquidated in every country?

A full understanding of Soviet policy does indeed require a thorough grounding in Russian history with all its techniques, tactics and strategies for brutally expanding and maintaining its traditional empire; this is vitally necessary and all too often ignored. Equally important, however, is a fundamental comprehension of original Marxist theory, also of its very warped Russian variety and its probable impact on the thinking and actions of both the Russian leadership and self-proclaimed communists everywhere.

Despite this criticism, and it is a serious one, I must conclude that this is a very important and valuable book. A knowledge, too, of the concrete, contemporary aspirations of the non-Russian peoples within the Soviet Union is indispensable to any serious study of international affairs. Dr. Dobriansky has collected the facts and marshalled sound arguments, insightful illustrations and persuasive rhetoric. The discussion of the captive nations, of "confetti diplomacy" and of East-West trade high-light the practical implications of this knowledge and are presented in the author's uniquely attractive style.

[From Central Europe Journal,
September-October 1971]

RUSSIAN EXPANSIONISM

(Reviewed by Michael F. Connors)

Even today, years after the passing of the great African and Asian empires of the West, the powers the very word "colonialism" can move those among us who are of a liberal-to-left political persuasion to a mood of angry indignation. Curiously, however, all their finely honed moral concern is conspicuous by its absence when the subject of present Russian colonial subjugation of Ukrainians, Byelorussians, Georgians, and others arises. Indeed, it is rarely understood (or admitted, at any rate) here that the U.S.S.R. is not a nation at all but is rather a Russian colonial empire and nothing more. It is the great merit of Professor Dobriansky's brilliantly devastating analysis that it underscores the essentially imperiocolonialist character of the U.S.S.R.

While the more politically perceptive American will appreciate the true nature of the relationship of satellite countries of Central Europe to Moscow, he is perhaps less likely to comprehend that within the primary empire which is the U.S.S.R. itself there is an even more oppressive Russian imperial structure. He is even less likely to comprehend that it is aggressive Russian expansionism, behind a facade of Communist ideology, that really threatens the free world including the United States today. Professor Dobriansky clearly exposes the true nature of this Russian expansionist menace with its roots deep in the dark soil of Tsarist times. He does not,

as no doubt some misguided critics will charge, minimize or deny the role of Communist ideology here. To the contrary, he points up how it is very effectively exploited for expansionist purposes by the Machiavellian power clique in the Kremlin.

One other line of criticism (again mistaken) may perhaps be anticipated: that the author is possessed of a Russophobia bias originating in his Ukrainian antecedents and present organizational connections. An honest and careful reading of U.S.A. and the Soviet Myth sustains no such charge. Though he clearly shows that the majority of the so-called "Russian people in the U.S.S.R. are in reality non-Russians (Byelorussians, Georgians, Turkestani, Ukrainians, etc.) and very logically demonstrates that any effective free world policy must therefore contemplate ultimate liberation not merely for satellite peoples like Czechs, Germans, Hungarians, and Poles, but also the political and territorial dismemberment of the primary Russian empire itself, he throughout distinguishes the pernicious structure of the expansionist Russian state from the Russian people. Indeed, one might well wish that everyone who had written about say Germany in the 1930's and 1940's had been so scrupulous about distinctions.

CAPTIVE NATIONS GIVE LIE TO DETENTE

WASHINGTON.—This third week of July has been designated by Congress as "Captive Nations Week" to remind us of the nations still held in the bondage of communist imperialism. Because so many Americans hold a heritage from these Captive Nations, we as a nation should have a pressing interest in restoring their freedom.

When Congress first passed the Captive Nations Week Resolution in 1959 and President Eisenhower signed it into law, Premier Khrushchev was greatly disturbed. He knew that the subjugated peoples were the Achilles heel of Soviet power and he feared an American policy directed toward their liberation. As nothing was done to align U.S. policy with the congressional resolution, Soviet fears subsided. The American government would do nothing to support its brave talk.

Dr. Lev E. Dobriansky of Georgetown University has been a leader of Captive Nations Week activities for twelve years. He has written extensively about the nature of Soviet power and about conditions in eastern Europe. In a new book entitled, "U.S.A. and the Soviet Myth", (Devon-Adair, \$6.50), Dr. Dobriansky reviews Captive Nations Week history and shows how American misconceptions about the nature of Soviet power have served the interests of Russian imperialism.

Perhaps the first misconception is that there are 200 million Russians in the Soviet Union. Dr. Dobriansky points out that 125 million of the Soviet population are non-Russians, captives of Russian imperialism just as the Soviet peoples are captives of the communist party. Minority rule is the rule in the Russian imperium.

Then too, the name "Soviet Union" has to Americans connotations of voluntary union, as the American colonies united to form a more perfect union. As Dr. Dobriansky reminds us, the Soviet Union is a creation of Russian imperialism, using communist internationalism to aid its conquests. The other communist states are not equals in an international communist society; they are the wards of Moscow.

The Soviet Union is the world's greatest imperialism. In the free world, small nations have won their freedom and independence; but no such freedom can exist in the communist world. The Soviet Union and Red China lay heavy hands upon their vassal states, controlling their economic growth and political development to assure full subordination to the twin imperialisms. Dr. Dobriansky lists 24 nations from Armenia

to Cuba which have been conquered by the Russian imperialism.

Instead of recognizing the weakness of these imperialisms, the yearning of the oppressed peoples for freedom and the great boon to world peace which their liberation would bring, the United States has sought peace by courting the imperialists and forsaking the Captive Nations. It has strengthened the dictators with trade and recognition even as it turned its back on the aspirations of the oppressed peoples. For 38 years, it has sought détente with the Soviet Union, always failing but always coming back to try again, incapable of facing the reality that the imperial appetite is not satisfied by throwing the children to the wolves.

The United States, as leader of the free world, has an obligation to focus international attention on the Russian and Red Chinese imperialisms, to condemn the medieval cruelty which is so offensive to modern ideas of human liberty and to assist the subject peoples to regain their freedom. It should use the United Nations as a forum for the peaceful dismantling of the Soviet imperialism.

It is a strange paralysis of reason and will which keeps the United States in a zombie-like stupor of seeking the goodwill of tyrants. Congressman Wm. G. Bray of Illinois, in the introduction to the Dobriansky book, likens the U.S. to Sweet Alice of ancient fame:

"Oh, don't you remember Sweet Alice, Ben Bolt,
Sweet Alice whose hair was so brown?
Who wept with delight when you gave her a smile,
And who trembled with fear at your frown?"

[From the Manchester (N.H.) Union Leader]
THE U.S.A. AND THE SOVIET MYTH
(Reviewed by George S. Schuyler)

The USA and the Soviet Myth by Lev E. Dobriansky (Devin-Adair, \$6.50) is a scathing treatise by a distinguished authority on Sovietism and the Russians, pointing out the many myths circulating which, if believed, spell our destruction. After all, we act and plan on what we believe, and the Soviet propaganda machine has been busily brainwashing us for a half century, with the help of the American fellow travelers in high places.

There is a widespread belief that there are more than 200 million Russians, impliedly united and thus unbeatable. Actually there are only about 125 million Russians, if that many, and most of them hating their Communist oppressors and ready to run on them at some propitious time. This is notable in the case of the Ukrainians who yearn for the freedom and independence they once enjoyed. The East Germans, the Finns, the people of the Baltic states, the Poles, who not long ago were independent, and the 30,000,000 people of Moslem extraction in the Central Asian "republics" who constitute imperialist enclaves where the white Russians ride herd on them in worse manner than did the Africans and Asians once under the European heel. Inherently there is wide discrimination in favor of the small fraction of Communist Party members who hold all important positions, and against the ordinary non-Communist citizen. Socially the two are as apart as colonial exploiters are aloof from their serfs.

[From the Book Exchange, November, 1971]
U.S.A. AND THE SOVIET MYTH

U.S.A. AND THE SOVIET MYTH. By Lev E. Dobriansky. Introduction by William G. Bray, M.C. (The Devin-Adair Company, One Park Avenue, Old Greenwich, Conn., 06870, U.S.A. 8 by 5 1/4 ins. 288 pp. Cl. Col'd illus'd d.w. \$6.50)

This book offers a thoughtful analysis of the dangers inherent in the current Amer-

ican thinking about the Soviet Union. One important point the author stresses is that there are not 200 million Russians in the world, let alone in Russia—for of the total population claimed, 125 million non-Russian people live in the USSR. Dr. Dobriansky suggests that the Soviet Union is, in fact, a much weaker nation than Americans believe it to be, and that the American government should call the Russians' bluff after a thorough reappraisal of Russia's potential as an enemy. The book touches on many controversial matters concerned with American policies towards Russia, and its author's clear thinking and plain speaking will be valued by the American citizen wishing to understand the real facts.

[From the Sunday News, March 14, 1971]
AFTER THE WAR—WHAT?

Secretary of Defense Melvin R. Laird rendered his annual report to Congress a few days ago, and we'd call it a realistic and statesmanlike document.

It blueprinted the course the Nixon administration hopes the nation will take in the next five years as regards national defense.

Our participation in the Vietnam war should end long before the five-year period is up. Where do we go from there?

Some well-meaning folks want us to pull in our horns from all around the civilized world (meaning the free world), cut the Defense Department and the armed forces to Tom Thumb size or thereabout, and spend the money thus saved on homefront goodies and giveaways.

Things aren't going to be that simple when this cruel war is over. Soviet Russia, barring unforeseen upsets, is going to be still determined on world conquest.

Secretary Laird therefore outlines a program for keeping our powder dry indefinitely and ample powder on hand.

We are happy to note that he wants a mix of offensive and defensive weapons—the most up-to-date of both.

Put our trust and tens of billions of our dollars into devices meant solely for defense against surprise attacks, and we're all too likely to acquire what, since World War II, has been called the Maginot Line state of mind.

France thought its hugely expensive Maginot Line would keep out the Germans—who proceeded to snake around its Belgian end in 1940 in overwhelming numbers. By the same token, some scientific enemy breakthrough could make a shambles of a U.S. magic-defense setup.

We must have the will to defend ourselves and the capacity—plus a full complement of offensive weaponry, on the principle that the best defense often is a good offense.

This is not a cheery prospect, true. But that is the way the world shapes up as of now, and we've got to adjust and stay adjusted to these facts of 20th century life. If we don't, it will be Farewell Freedom sooner or later.

ENVIRONMENTAL CONCERN BRINGS NEW BUSINESSES

HON. SPARK M. MATSUNAGA
OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. MATSUNAGA. Mr. Speaker, as national priorities shift from defense-oriented projects to domestic concerns, scientific and technological resources must be increasingly applied to urgent civilian needs, such as the restoration of

a clean and healthy environment. Business firms throughout the Nation are already redirecting their energies as they realize their environmental and social responsibilities.

My own State of Hawaii is leading this shift to social and environmental concern. A new breed of firms is developing in the Island State to help businessmen fulfill Federal and State environmental quality requirements. The new businesses not only fill a pressing social need, but also provide another source of employment for scientists and engineers.

Hawaii's experience gives another indication that professional scientists and engineers may be able successfully to apply skills and techniques developed in defense-related industries to civilian problems.

With the thought that my colleagues will find this new trend in Hawaii of interest, I am submitting for the CONGRESSIONAL RECORD an article about the growth of these new businesses in Hawaii by Jerry Tune of the Honolulu Star-Bulletin:

ENVIRONMENTAL CONCERN BRINGS NEW BUSINESSES

(By Jerry Tune)

The trend of environmental concern throughout Hawaii is bringing with it the attention of the business community.

And one of the newest forms of business in the State is the firm specializing in environmental services.

Easily the youngest firm—it began operations Jan. 2—is Environmental Communications, Inc. headed by Fred Rodriguez, former chief of public affairs for the State Office of Environmental Quality Control.

Rodriguez left government services at the end of 1972 because he saw a need for closer attention to such new requirements as the environmental impact statement.

"We found at the State level that many firms didn't fully understand what was required in the impact statement," said Rodriguez. "This lack of understanding cost them lost time and other problems that could have been avoided."

Rodriguez sees the basic problem mainly as one of coordination and finding out about environmental trouble spots as soon as possible.

He has assembled a team of environmental scientists, most from the University of Hawaii, to provide the brain-trust for the organization.

They include Michael J. Chun, sanitary engineer; Karl Bathen, oceanography and water quality assessment; Gordon L. Dugan, sanitary engineer; Howard W. Klemmer, microbiology; and Robert Nekomoto, analytical chemistry, and environmental health medicine.

Nekomoto recently retired as chief of the air sanitation branch at the State Health Department.

Environmental impact statements may be a big part of the business since both the federal and State governments require them under varying conditions. But Environmental Communications, Inc., also will offer management consultant services and environmental public affairs programming to clients.

The telephone book (white pages) lists five businesses with some form of the word environment in the title.

Environment Capital Managers, Inc. is a consultant firm that has been operating since 1968 but formerly was known as Bay Yee and Associates.

It has worked closely with the City on several occasions and recently completed portions of the environmental impact statement

for the City's proposed \$700 million rapid transit system.

Wayne Weatherford, vice president, said the firm operates as consultants in economic research and prepares feasibility studies on new areas of product demand.

There three remaining "environmental" firms in the telephone book have somewhat different functions.

The Environmental Development Council, headed by Margo Wood, represents many of the builders in Hawaii. The council was formed to explain the relationship of the environment to the construction industry.

Environmental Control Systems of Hawaii, Inc. is concerned with disposal of waste oil in a special incineration process. Roy Fukuda heads the firm which operates in Ewa.

Agricultural products is the business for Enviroculture International, Inc. The firm, headed by Herbert Chock, will be raising vegetables such as tomatoes and cucumbers in a special environmental setting.

Enviroculture International is following in the footsteps of other businesses in the same field which have done rather well in the past year.

The advantage is that the grower can better control the amounts of water on the plants, and the effect of insects. Chock plans to market the crops to normal produce outlets.

The final business from the telephone book really is nothing new at all.

Environment Control of Hawaii, under manager Alfred Hwang-Lee offers a complete building maintenance or janitorial service.

It is obvious the word "environment" is here to stay, even in the business world.

PUBLIC TELEVISION: IN THE BALANCE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. REES. Mr. Speaker, a terribly important speech on the uncertain fate of public television in this country was given last week by Robert MacNeil to the Consumer Federation of America, meeting here in Washington.

Mr. MacNeil, senior correspondent for the National Public Affairs Center for Television—NPACT—is one of television journalism's most thoughtful participants. One of the best books ever written about television news—"The People Machine"—was written by Robert MacNeil. He knows the nature of his profession, its strengths and weaknesses. He has worked in commercial and public television, both here and abroad. He believes deeply in public television, as only one can who has worked for the British Broadcasting Corporation—BBC. He knows the potential glory of public television's promise. Because of this he is greatly troubled by what is happening to public television in America under the Nixon administration.

The promise of public television in this land is in the balance so long as the Nixon administration is allowed to violate the spirit as well as the intent of the law governing public television. Congress created public television and was wise in safeguarding it from Government control. But now Clay Whitehead and others in the Nixon administration—

controls or not—seem bent upon its destruction. Oh, they do not say so in so many words, they are too wise for that, but that is the bottom line of what they are doing. This is but one more arena where the will of Congress is being challenged by the Nixon administration and with little apparent regard for that fact.

Well, there is much to say about all of this, and perhaps at a later time I shall, but for now, Mr. Speaker, I will let Mr. MacNeil say it:

THE THREAT TO PUBLIC TELEVISION

(By Robert MacNeil)

SPEECH TO CONSUMER FEDERATION OF AMERICA

You represent one of the healthiest developments in American life in recent years: organized skepticism before the blandishments of American industry about its products. I represent a much older institution which may not be so healthy these days: organized skepticism before the blandishments of American government about its performance. But our areas of concern overlap extensively and I would like to ask you for a few minutes to stop thinking about material consumer commodities—whether deodorants cause rashes or whether foods have the nutrition they claim—and to think about the more abstract commodity I deal in—information. Because without being too portentous about it, I think it is true that in this democracy the quality of information you consume through the news media is at least as important as the quality of an automobile you buy.

If you think about information as a consumer commodity, you will quickly appreciate that the truth often lies at the heart of a maze of deception and boastful verbiage as misleading as the packaging and advertising of the goods we buy. It is the function of journalists to find a way through the maze as it is your function to strip away the Madison Avenue wrappings and find out what a product really is. Your job, it seems, is getting easier: you have an aroused public behind you and government as well as industry is getting the message. Our job is getting harder because we have a public sometimes aroused against us and one branch of Government, the Executive, which is egging them on.

I would like to arouse you a little about what many see as a widespread threat to freedom of information in this country and then, about specific threats by the Nixon Administration in my own field, Public Broadcasting—your broadcasting.

You may have seen over the past few months any number of editorials or articles about an alleged campaign by this Administration to intimidate, or censor the press. Instead of quoting journalists themselves, I would like to quote a distinguished and respected United States Senator, Sam Ervin, Jr., of North Carolina. The only liberal axe he has to grind is the liberalism of the framers of the Constitution. Senator Ervin is Chairman of the Senate Sub-committee on Constitutional Rights.

In a speech a week ago, Senator Ervin remarked that government has often responded intemperately, sometimes justifiably, to press criticism.

"But," he added, "the actions of the present administration appear to go beyond simple reactions to incidents of irresponsibility or biased reporting, to efforts at Wholesale intimidation of the press and broadcast media."

He cited a recent speech by Clay Whitehead, Director of the White House Office of Telecommunications Policy, who threatened to hold local television stations accountable at license renewal time if they failed to correct what Whitehead called "imbalance or consistent bias" from network news programs.

Ervin also mentioned the early speeches

by Vice President Agnew harshly criticizing the press; the FBI investigation of CBS newsman Daniel Schorr; the exclusion of the Washington Post from White House social events; and the effort of the government for the first time in the nation's history to enjoin publication of a news story in the Pentagon Papers case. The Senator went on to talk of Administration endorsement of the Caldwell ruling by the Supreme Court last June. The Court held that the First Amendment's guarantee of a free press does not entitle newsmen to refuse to reveal confidential sources of information. A number of newsmen have gone to jail in recent months as a result of that ruling and Senator Ervin, among others, is considering legislation to shield newsmen from this requirement.

Senator Ervin concluded: "A free press is vital to the Democratic process . . . For to make thoughtful and efficacious decisions—whether it be at the local school board meeting or in the voting booth—the people need information. If the sources of that information are limited to official spokesmen within government bodies, the people have no means of evaluating the worth of their promises and their assurances."

Now whether there exists a deliberate, premeditated campaign by the Nixon Administration, I can't say; its spokesmen have repeatedly denied it. Yet the pattern of their statements and actions over the past four years strongly suggests that. Or in the words of the *London Economist*, a paper which supports many Nixon policies, "it is not untypical of Mr. Nixon's approach to domestic policy that he should hope . . . to change to some extent the behaviour of the broadcasting industry by simply leaning on it and making it nervous."

The truth probably lies somewhere in between. Historically, Richard Nixon has had a bad press. Whether you think the press has been unfair depends on the fervor of your admiration for him. But it is obvious that he carried a lot of resentful baggage into the White House and that the resentment burned at least as fiercely in the breasts of his most intimate advisers as it did in his own. He could cope with it, by his own frequent testimony; he was conditioned by it. He did not expect to be liked. It was yet another fact of the hostile environment he feels he lives in politically, and to an extent thrives on psychologically. Our Presidents have felt it but what is different about this administration is that it brought in a preponderance of men with special skills to deal with it. Many of them came, not from journalism, but from public relations and that is an industry with its own special attitude to information. Facts are what you say they are; the truth is what you shape it to seem to be. The PR mentality abhors information that it cannot shape. And they set about shaping the Nixon information package with great skill, producing the most tightly-controlled flow of information within the memory of Washington journalists. At the same time, Administration spokesmen from the Vice President down attempted to discredit the media by constant charges of bias. They were helped by public distaste for much of the content of the news in recent years—wars, riots, crime, the disaffection of youth and changing moral values. What the public did not like to hear, it threw back with charges of bias.

So much has been talked about media bias that the Administration now clearly believes it no longer has to prove its claims: it simply treats them as established fact. So Dr. Whitehead states as fact, unsupported by any evidence, that the commercial television networks are guilty of pumping out "ideological plugola" or "elitist gossip." It is nonsense. It is sad to hear these echoes of the Vice President's strained vocabulary on the lips of a man of Dr. Whitehead's intellect, but it is nonsense. Bias in their minds apparently is any attitude which does not indicate per-

manent genuflection before the wisdom and purity of Richard Milhous Nixon. And it would be nonsense if it were George Washington or Abraham Lincoln or Spiro T. Agnew in the White House.

Now while I feel a strong brotherhood with the writing press and the commercial networks (I have been part of both myself) I believe they have the resources to fight back. Except in the cases of some magazines threatened with extinction by higher postal rates, the TV networks, the wire services and the great newspapers of the country, will survive the Nixon Administration. But one institution in which journalism may not survive this administration is public television—and that is my main subject today.

I am speaking for myself and not for my colleagues in public broadcasting. It may be obvious but I should declare my interest. What I am going to talk about concerns my own livelihood (although I can earn that elsewhere) and my belief (now badly shaken) that this country not only needed television journalism independent of the commercial networks, but wanted it and could actually get it in a manner sufficiently insulated from the interference of the government of the day. Many other people believed that too. Today they are sadly disillusioned people as they watch their dream being perverted before their eyes and their ideal of independence made a travesty by Mr. Nixon's appointees.

I left one part of Senator Ervin's speech until now. He said: "We also see significant inroads being made into public broadcasting." After detailing a number of public affairs programs which may be cancelled, the Senator added:

"It was the intent of Congress in enacting the Public Broadcasting Act of 1967 which created an intermediary Corporation to receive funds for public television, to insulate control of programming from those who appropriated the dollars for it. It now appears that the intermediate agency is asserting the sort of political control which the Congress wisely denied itself."

Democratic Congressman Sidney Yates of Illinois said on the floor of the House on January 15 that recent actions by the Board of the Corporation for Public Television "is the latest step taken by the Nixon administration in trying to fashion news and broadcasting programs which are more favorable to its purposes."

Is the situation as bad as Congressman Yates puts it? It is.

Let us go back briefly to find out how public television—your television—got to a point where it is no longer an exaggeration to say we are on the way to creating a structure which could use your tax money to run a domestic Voice of America, a system uttering nothing but the Administration line. I do not apologize for using that now quite common comparison. I believe I was the first to raise such a possibility in a book I wrote five years ago.

One reason why the public and the press have been slow to understand this story is that the structure of public television is complicated and much publicity has centered on disputes between various parts of it. But it is not as complicated as all that.

There were educational or noncommercial stations all over the country long before 1967. Its financial base was precarious. Although government grants made possible the construction of education stations, the heavy operating costs had to be met from charity—grants from foundations like Ford, subsidies from universities and commercial broadcasters, donations from private citizens and direct support from lower levels of government. Only on rare occasions did they have the luxury of connecting into a live network, called NET.

In the sixties, pressure gradually built up (due partly to rising discontent with the

output of commercial television) for better funding for public television. A study by the Carnegie Commission prompted President Johnson to promote a Public Broadcasting bill and later that year an act was passed.

A Corporation was formed to receive and administer funds Congress appropriated and to have ultimate responsibility for the broadcasting those funds financed.

But Congress had a number of concerns in passing that bill.

(1) that the system must be insulated from government control or interference;

(2) that the Corporation should not itself operate the system but contract to others to do so and act as a shield for them from outside interference;

(3) that the autonomy and independence of the local stations in the system should be preserved;

(4) that public television should provide extensive news and public affairs programming but should be fair and balanced in doing so.

In one way or another, the Nixon Administration has, or is seeking to, subvert each one of these intentions of Congress.

Until last year, the Corporation Board of 15 members had a majority of Lyndon Johnson appointees. They created, as the act required, the Public Broadcasting System (PBS) which organized a live interconnection system, in other words a network. There are now 233 local public television stations. PBS has now been operating for two full years. In the last year audiences increased by 100%. It is now estimated that 30-40 million Americans watch some public television each week. In some instances, prime time hit programs, like "Elizabeth R" from the BBC outdrew the major networks in New York, the top television market. In other words, by last spring public television was beginning to smell viable.

Thirty percent of its schedule was prime evening time programs of news and public affairs, as compared with 2% on the commercial networks last year. Although there were continuous internal disputes about who had the power to do what, the system was settling down into a workable arrangement and producing programs that the audience increasingly liked. The principle of local station control over what was shown was preserved by PBS which sometimes distributed programs for local decision and airing which the network itself did not always totally approve of. Local stations had their say in what programs they wanted through the board of PBS which is dominated by managers of local stations.

Inevitably programs were produced which some people did not like, for reasons of taste, or political content. But the truth is that for all its troubles the system was roughly self-correcting and could look to a healthy future.

Then the roof fell in. The catastrophe came in two parts.

The first concerned the most sensitive part of any broadcasting and an ultra sensitive part in broadcasting that is publicly funded—the area of public affairs programs and the treatment of controversial and political issues.

The Nixon Administration began in 1971 to express its unhappiness with such programs. By January a year ago, Dr. Whitehead of the White House staff was saying there was a "real question as to whether public television, particularly I guess the national federally funded part of public television, should be carrying public affairs and news commentary."

He argued that commercial networks do "quite a good job in that area"—an argument that echoes strangely alongside his recent charges of "elitist gossip" and "ideological plugola" on the commercial networks. He further argued that there was an irreconcilable conflict between government and

journalistically free public affairs programs that demands that the two be kept separate.

We in the business of producing such programs did not think there was such an irreconcilable conflict and the Congress had not thought so, provided we were insulated from government pressures. Until this summer the CPB Board and its then President John Macy held to these principles and provided the insulation. Congress again debated the issue last spring and summer and, although there were extensive criticisms of certain programs, the sentiment of most Congressmen was to abide by the principle of insulation and keep their hands off.

Not so the White House. Congress passed a substantially increased grant to public television which would have lasted for two years—the first step towards long-term funding.

Mr. Nixon vetoed the bill unexpectedly. At roughly the same time, his new appointee, former Congressman Tom Curtis of Missouri became the new board Chairman. Macy resigned as President of the Corporation and was replaced by the White House choice, Henry Loomis, at that time Deputy Director of the United States Information Agency, the overseas propaganda arm of the American government, and former director of the Voice of America.

After announcing auspiciously that he had never watched any public television, Mr. Loomis immediately began to indicate which programs he thought should not be continued, in view of the reduced funding following the President's veto. If you heard someone say he disapproved of programs he had never seen, you might reasonably conclude that someone else had told him to dislike them. I conclude that.

As the fall wore on and the new board began to operate (and Mr. Loomis to watch some television programs) his objections became more explicit. At meetings in December, Mr. Loomis and Mr. Curtis (who also admits to not seeing the programs in question) decided with the new board to refund certain existing programs for the new fiscal year beginning in July. Missing from their list of approved programs, were seven public affairs series. You may know some of them: Black Journal, William F. Buckley's Firing Line, Bill Moyers's Journal, Behind the Lines, World Press, Washington Week in Review and America '73. I am a reporter on the last two, which are produced by NPACT, the National Public Affairs Center for Television, here in Washington. It has been difficult to get an explicit statement from Mr. Loomis on why these programs were not refunded. Ostensibly, decisions have merely been "deferred" and a final decision will be taken in early February.

All of these programs had been recommended for refunding by the Board of PBS, the organization where managers of local stations have the greatest say. For the most part, they were popular with the local stations (no program is ever 100% popular, even I Love Lucy), and popular with the audiences.

In various statements, Mr. Loomis had voiced these objections to the programs in question: that they duplicate programs on commercial television, which is manifestly not true; that they feature personalities (like Buckley and Moyers), which is a legitimate objection only if your intention is to castrate public affairs utterly and leave it no known way of attracting audience; that they are too topical, won't stand up in some cases for six months or a year, which is an absurd argument if you believe in journalism; and finally that the programs are not scholarly and educational enough; which is not only an undeserved insult to many of the participants, but is rational only if you wish to condemn public television to some musty intellectual ghetto where the millions, quite sensibly, will turn you off.

It is far more likely that the real reason is the one which emerged at a press conference conducted jointly by Messrs. Loomis and Curtis on January 11th. In it, Mr. Curtis admitted four times that they were under White House pressure over the "deferred" programs. "The Nixon administration," he said, "or some of its spokesmen are very worried about this area."

"Yes," Mr. Curtis said, "we have to be concerned about the constituency in the White House and we go through their budgetary process."

He made a valiant attempt several times to point out that the board was also listening to opinions from Congress and others, an exercise that the New York Times called "naive".

Mr. Curtis also said: "... we've got to come up with some proper machinery to insulate this great Public Broadcasting System from being a propaganda arm of this administration or, I might say, of any administration," ignoring the fact that such machinery not only exists but he was, as Chairman of the Corporation, sitting on it.

Mr. Loomis made no such qualifications. So, why is the White House unhappy about these programs? Well, there is a general impression abroad, which grows with every newspaper article about it, that some of these programs are oriented towards a leftwing point of view and that they are consistently critical of the President.

Speaking for the two programs on the list with which I am associated, that is simply not true. It is true that on Washington Week in Review some of the reporters are occasionally less than flattering to the President, as they would be no matter who the President was. They are experienced journalists who have seen Presidents come and go and they know what they are talking about. And not one of them maintains a consistent bias towards or against the President. Stations would have stopped carrying the program years ago if they were true.

But this cheap canard is repeated and repeated as fact by reporters who would not dream of passing on such unsupported hearsay if it involved anything else. And the taint spreads to all the programs in question.

For example, last Sunday, Edwin A. Roberts, Jr., a widely respected writer for the National Observer, wrote this: "Should tax money be used to broadcast political views that are mainly leftist? That those views are mainly leftist is hardly debatable." It is hardly debatable because it is not true. Mr. Roberts goes on: "With the exception of William F. Buckley Jr., there are few personalities on public television who have a conservative or even a centrist orientation."

Since when has it been a tenet of American journalism that a reporter, no matter how distinguished he is, must be reflecting his own personal political views in his copy? Only since the Agnew era, I am sure. Of course many of the people in journalism and the communications industry are basically liberal in their orientation, but it is their private personal orientation, not their public professional performance. If more conservatives want jobs in the country's great newspapers and television networks, no one is keeping them out. But they would be required to keep their personal views to themselves as liberals are. In fact, in my personal experience, a good many reporters in Washington are apolitical; they have seen too much and heard too much to be emotional liberals or conservatives.

I am not pretending that there have not been on public television, local and network, programs which I would consider biased and slanted. I regard them as unprofessional and journalistically irresponsible. Such programs appeared on the network before PBS had established its own internal evaluation sys-

tem and when it did there were some well published clashes and cries of censorship from program producers. I believe that what appears on the PBS network now is as responsible and balanced journalistically as Congress, which established the system, could wish. If anyone is interested there are exhaustive analyses by PBS to support that conclusion.

But the point is that the White House believes the charges of bias and that has apparently sent Mr. Curtis and Mr. Loomis scurrying to do its bidding.

The question I would like to put to you—as some of the owners and, I hope, viewers of public television—is this: is it appropriate that what one particular administration does not like should be banned from the airways? I don't mean it as a rhetorical question. Does anyone here present believe that a President, not just Mr. Nixon, but any President should have the right to veto what programs go out on the air partly funded by your tax dollars? Would you like to raise your hand?

Well, if you are representative of the general public of this nation, it is clear you and they would not approve what is happening.

We have some considerable evidence of that. Late in December we mentioned to the audience of Washington Week in Review that there was a chance that the program would not continue after June, and asked if they would care to write us their views. By today we had received more than 13,000 letters and I have never in years with NBC and the BBC in England seen such loyalty to a television news program. Of those 13,000 letters, precisely twenty were against the program.

These are the kinds of things people said: Mrs. Lathrop Merrick, Durham, New Hampshire: "This is the best television program, public or commercial, being broadcast and the only one we plan not to miss."

Mrs. Helen Wattson of Minneapolis: "I depend on WWIR for the real news—the stories behind the news answer 'why', what does it mean?"

Frances Monch of Carmel, California: "It is a very important means of getting the information needed to see what is really going on."

Mrs. Gertrude Thomson, a teacher in Detroit: "Almost all political programs are boring stiff but in contrast this program has life and vitality and gives one an insight that news reporting usually loses in the telling."

There are 13,000 letters like these.

It may seem in bad taste for me to quote them. I do so because I want to point out the reaction of Mr. Loomis. At his press conference on January 11th, he said: "The number and emotional content of letters is not necessarily a good measure of audience size or interest."

I think that translates as: "To hell with what the public wants."

Mr. Loomis reinforced the impression by dismissing with equal indifference the views of station managers: "What the station manager says is a different question than what the audience says," Mr. Loomis remarked.

Now this is interesting. How do you run a system which is supposed to give local stations in 233 communities around the country the say in what they show if you don't think the station manager is a valid judge of what his local audience wants? The answer is you don't.

One of President Nixon's objections when he vetoed the enlarged public television appropriation last summer was that the system was too centralized in Washington and there should be more localism.

It is ironic that the first act of reorganization of the system undertaken by the Nixon appointees is greatly to increase the centralization and the decision-making here in

Washington. And that is the second part of the Nixon revolution in public television. It is far more important than the fate of the individual programs that I've mentioned.

The press conference on January 11th was called to announce a decision by the new Corporation board that it was taking over most of the functions now handled by PBS. Particularly, the Corporation will devise its own machinery for making decisions on which programs are distributed on the network. PBS will be left to operate the mechanical side of the interconnection. Which means that CPB will make the decisions on what we will see and what we don't and PBS will put the plugs in the right holes and turn the switches.

This has produced an outcry in the press, an incipient revolt among the local stations and it raises grave moral and legal questions.

The moral question has been dealt with in discussing the programs. The CPB was intended by Congress to be an overseeing and insulating agency. Who insulates the system from government pressure now, if CPB is actually running the system?

The legal position seems less open to dispute. PBS retained the most experienced broadcasting lawyer in Washington as outside counsel, Harry Plotkin, to advise them. His finding was that the Corporation was specifically and explicitly forbidden by Congress in the Act to run the system. In other words, the CPB takeover is, according to this opinion, illegal. The issue will have to be fought out before Congress and perhaps the courts but it is being fought out right now at another level.

The local stations are furious, and many are saying they will not go along with Loomis. Most of them get the bulk of their funds from other sources and not from the Congressional appropriations. Each gets a small amount of the federal kitty and to give it up would cause hardship because most of them are operating on the margin. But many of them (the count is not final) are apparently willing to give up what they get from Washington to remain independent.

Mr. Loomis and Mr. Curtis say they intend to set up a system to give the local stations input in the decision-making. But the local stations have that input right now through PBS. The Corporation, by junking the present system arbitrarily, is taking that input away. So much for the principle of localism.

There are many other facets to this and I won't bore you with them. But I would like to make a few more points.

Mr. Curtis says stoutly: "It's one thing to put on pressure and another to have someone bow to it" but he also said rather plaintively to the reporters who were pressing him: "If you report this—that at least the board claims that it is independent."

If the board is independent of the White House, it has not demonstrated that and such a demonstration should, to my mind, be one of its most immediate ambitions. They must not only be independent they must be seen to be independent and all they have been seen to be so far is subservient.

I also have some concern for Mr. Nixon's position in this. Of course he has every right to make his views known. But he should not have the right, even if he has the power, to dictate what his fellow Americans will see on their screens.

This whole furor may have been quite unfair to him personally. He advertises himself as a strict constitutionalist. He understands the law. But he has had many far more momentous concerns on his mind this past year than what goes on public television. In the meantime, his subordinates have been running roughshod over the public interest. He has been getting a very unfavorable press on this issue. It is unlikely that he wants to be remembered among other things as the man who set out, in the words of the Na-

tional Observer last Sunday, "to strangle the public broadcasting network."

If he wishes to change that impression, I would with the greatest respect and full recognition of his many more urgent priorities, suggest that he take half an hour to see what his people have been doing.

To Mr. Curtis, who says he is not glued to the television set and has not seen many of the programs whose fate he is about to decide, I would like to quote John O'Connor of the New York Times: "With all due respect, Curtis might consider gluing himself to a TV set for a while. If his decisions are not based on first-hand knowledge, an innocent bystander might assume that they are based on orders from higher powers."

Finally, to you, as television consumers, I would like to say this: if you are watchers of public television in your respective cities, if you think public television is a necessary thing in your lives (and the range goes all the way down to your children watching Sesame Street) then you might like to discuss the situation with the groups you represent at home. Obviously I'd like it if you agreed with me, but that is not important. What is important is that such drastic changes would not be made in your television system without you knowing and thinking about it. If you feel moved to approach him, your local station manager, who is fighting for his independence, would welcome your opinion. Give him a call or write him.

This is not a partisan political issue. It does not matter if you are a Republican or a Democrat, whether you voted for Mr. Nixon or did not. The issue is above that. Many of the people who have written to us supporting Washington Week in Review are Republicans. The issue is: should there be a free discussion of public issues on a system you pay for or should there not?

I'm going to wait and see. If the changes I have outlined take effect, this will not be the sort of broadcasting organization I would care to work in. I would go back to the BBC in Britain where they have learned what freedom and independence are all about.

THE FREE PRESS CONTROVERSY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. WALDIE. Mr. Speaker, since I introduced my bill to provide unequalled protection to newsmen, a number of articles dealing with this important issue have appeared in the press.

I would like to call the attention of my colleagues to two excellent articles from the January 14 issue of the Los Angeles Times which deal with the roots of the controversy and the precedent of the Pentagon papers.

The articles follow:

FREE PRESS AND FAIR TRIAL: ROOTS OF THE CONTROVERSY

(By Gene Blake)

Two events of the last quarter century, one sordidly sensational and the other of unquestioned historical significance, have led to the imposition of "gag orders" in publicized criminal cases.

The first, the 1954 murder trial of Dr. Sam Sheppard in Cleveland, was not to have an impact for a dozen years. But the second, the 1963 assassination of President John F. Kennedy, spurred almost immediate action.

A signal of what was about to be spawned came in August of 1964 in a speech by Dean

Erwin N. Griswold of Harvard Law School, now the U.S. solicitor general.

Griswold called for ground rules prohibiting lawyers and law enforcement officers from making certain public statements and releasing evidence in pending criminal cases.

"Having made this clear to lawyers and law enforcement officers," he said, "let us then enforce these requirements through disciplinary action and by the contempt powers of the courts."

"If the lawyers and courts will thus put their house in order, there will be far less basis for complaint about the news media."

The very next month, the report of the commission investigating the assassination of President Kennedy, headed by Chief Justice Earl Warren, came out with a full chapter criticizing the behavior of Dallas police and the news media.

"The experience in Dallas during Nov. 22-24," the commission said, "is a dramatic affirmation of the need for steps to bring about a proper balance between the right of the public to be kept informed and the right of the individual to a fair and impartial trial."

The Warren Commission recommended that "the representatives of the bar, law enforcement associations and the news media work together to establish ethical standards concerning the collection and presentation of information to the public so that there will be no interference with pending criminal investigations, court proceedings or the right of individuals to a fair trial."

Three months later the American Bar Assn. appointed an Advisory Committee on Fair Trial and Free Press, headed by Justice Paul C. Reardon of the Supreme Court Judicial Court of Massachusetts.

In the midst of preparing what was to become known as the Reardon report, the committee got a big boost in 1966 from no less an authority than the U.S. Supreme Court.

Until then, the court had reversed several convictions on the ground that prejudicial publicity had denied the defendant a fair trial. But it had not gone so far as to suggest guidelines for courts to prevent such activity in the future.

The Supreme Court chose the Sheppard case to do just that, after the Cleveland osteopath had served nearly 12 years of a life sentence for the murder of his wife, Marilyn.

Granting a writ of habeas corpus, the court said that the trial judge should have attempted "to control the release of leads, information and gossip to the press by police officers, witnesses and the counsel for both sides."

"The courts must take such steps by rule and regulation that will protect their processes from prejudicial outside interferences," Justice Tom Clark, now retired, wrote for the majority.

"Neither prosecutors, counsel for defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function," he said.

"Collaboration between counsel and the press as to information affecting the fairness of a criminal trial is not only subject to regulation, but is highly censurable and worthy of disciplinary measures."

It is far more appropriate, the court said, that the public learn of a case "as it unfolds in the courtroom—not pieced together from extrajudicial statements."

"Due process requires that the accused receive a trial by an impartial jury free from outside influences," Clark wrote.

"Given the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against them."

Thus armed with almost a blueprint, the

ABA overrode strenuous opposition from the news media and adopted the Reardon report in early 1968.

It recommended that rules limiting what lawyers may say about a pending criminal case for public dissemination be embodied in the ABA Code of Professional Responsibility.

It also recommended the local departmental and court rules limiting what law enforcement officers, judges and judicial employees may say.

The ABA recommendations are not binding unless adopted by state bar associations, state legislatures or federal and state courts.

Many states have done so, and in late 1968 the Judicial Conference of the United States adopted guidelines for the federal courts similar to the ABA standards.

California has not chosen to do so, either by action of the State Bar or the Legislature, or by statewide court rule. However, because of the Sheppard decision, such action is not necessary.

On a case-by-case basis, judges have exercised their discretion to impose "gag orders," usually in notorious cases such as that of the Charles Manson family or of Sirhan Sirhan, the assassin of Sen. Robert F. Kennedy.

Such orders have not been directed at the news media, until a recent one in a murder case by Superior Judge Julius A. Leetham, and that order is being appealed. However, they have indirectly affected newsmen, particularly Los Angeles Times reporter William T. Farr, jailed for contempt for refusing to name lawyers who violated an order.

Moreover, in the Sheppard case, the Supreme Court hinted darkly that the news media might not be exempt, even under the free press guarantee of the First Amendment.

"We . . . do not consider," Justice Clark wrote, "what sanctions might be available against a recalcitrant press . . ."

PENTAGON PAPERS SET A PRECEDENT

The Vietnam war has brought similar pressures on newsmen to accept the Administration's view of the conflict.

These culminated in the Pentagon Papers case of 1971, in which for the first time in history the government got the courts to impose prior restraint—to stop four newspapers from publishing articles on the Pentagon Papers. The court later lifted the restraining order.

Moves against television newsmen have been at least as strong.

CBS President Frank Stanton was threatened with contempt of Congress because he refused to release unbroadcast materials and notes used in making the devastating documentary, "The Selling of the Pentagon," stimulating a struggle over whether these "outtakes" of unbroadcast film can be demanded by investigators.

Apprehension among TV newsmen was heightened by the recent government proposal that renewal of local station licenses hinge upon the local manager's handling of network news, which he does not initiate.

These moves have been accompanied by vigorous attacks from Vice President Agnew on the fairness of the press.

And President Nixon, in a letter to the American Society of Newspaper Editors, termed a "privilege" the protection of "shield" laws for newsmen serving the public's right to know.

"The merits of enacting such laws must be carefully weighed against the dangers inherent in the administration and exercise of such privilege," the President wrote.

Taking note of these moves and threats against the press, the International Press Institute of Geneva in its Jan. 1 report warned that the Nixon Administration is bent on "chipping away at press freedom through the courts and by the threat of court action."

THE NEED FOR TECHNOLOGY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BROWN of Ohio. Mr. Speaker, Martin M. Ostrow, president of the Air Force Association, recently gave a speech which should be of considerable interest to my colleagues as the new Congress begins its work. The speech was delivered in Dayton, Ohio, at the Wright Memorial Chapter of the association, and concerned the philosophy of the "anti-technologists" and its effect on our society as a whole and our defense posture in particular.

In considering such issues as new weapons systems and our efforts against pollution, technology cannot be abandoned. Mr. Ostrow, ably points this out. The speech follows:

SPEECH OF MARTIN M. OSTROW

I am delighted to be here this evening, in the hometown of the Wright Brothers—the cradle of the United States Air Force. When I say this, I am very much aware of the fact that this base—Wright-Patterson—is the spiritual home of the B-1, the F-15, A-X, SRAM, SCAD, the fabulous RPV's, and an array of other systems fundamental to the future of the Air Force. With so many Air Force laboratories located here at this base, Wright-Patterson is also one of the strongest bastions of our country's entire technological effort.

And technology is the subject I would like to talk about tonight.

The importance of technology to the Air Force has been obvious ever since the invention of the airplane right here in Dayton. The interdependence between technology and airpower has never been broken—sometimes with technology leading concepts and doctrine and, at other times, with the reservoir of technological options permitting doctrine to set the pace.

There is one general truism applicable to the togetherness between the Air Force and technology . . . namely, that the depth and nature of the technological reservoir available at any one time is largely determined by the quantity and quality of the scientific research and development efforts launched over the preceding fifteen years. And, ladies and gentlemen, as you above all people know, this is where our trouble starts.

The national level of effort in the field of defense-oriented science and technology is falling more and more behind that of the Soviet Union.

Even more ominous, the scientific and technological base, the seminal foundation of not only our national security but our economic health, is being eroded and enfeebled.

What is the underlying problem? In a word—public support.

Primarily as the result of public failure to understand and gauge the role of science and technology, we find ourselves in the throes of an anti-technology backlash.

Someone said recently that what we need in the field of science and technology is another Columbus. Here was a man who sold a program and did not know where he was going. When he got there, he did not know where he was. When he returned, he could not tell anyone where he had been. And best of all, he borrowed the money to get there in the first place.

Ladies and gentlemen, we're beyond simplistic answers to the problem of how to move technology forward in both military

and civilian sectors. It is no longer possible to operate in a public vacuum and expect broad support for this effort.

Especially so, with large portions of our leadership not having the foggiest notion of why science and technology are crucial and beneficial.

The Air Force Association has long recognized this problem, and, through its affiliate, the Aerospace Education Foundation, has for years pursued a program called "scientific literacy". Let me tell you about scientific literacy. First, why it is important.

The center of the power system in our mechanistic dehumanized world is "the latest IBM computer zealously programmed by Dr. Strangelove and his associates."

This is the view of Lewis Mumford, the noted cultural historian and urbanologist who at the age of 75 acts as the ideological quarterback of the revolt against science and technology.

Science and technology represent, to Mumford, a "mega-machine" which dooms Western civilization. He would replace science, as we know it today, with a vague new human science modeled on living organisms. But the new science can't take over, he argues, until the current "mega-technical wasteland" is destroyed. And the first step, in his view, is to put a halt to "progress"—until we know where technology is taking us.

Mumford's computer-centered power system, programmed by Dr. Strangelove, leads directly to the United States Air Force—which stimulated the development of computers and which today is the world's greatest single user of them. Mumford also aims straight for the aerospace industry and this adds up, of course, to the military-industrial complex as the villain of this scenario.

Mumford's indictment of science and technology—indeed, of progress itself—is supported by an international group of scientists which believes that unrestrained increases in population, industrialization, pollution and resource consumption have put mankind on the road to catastrophe. They find their "bible" in "The Limits of Growth," a book prepared by a team of young scientists at M.I.T. It sounds the alarm of an environmental crisis, caused to great degree by the abuse of natural resources and by misguided technology.

The environmentalists, unlike Lewis Mumford, have not been willing to launch an all-out attack on technology. Yet, the massive movement to control energy and resources is now the top motivator of the anti-technology movement.

Environmental control has become a universal issue which exerts enormous political pressures. As Peter Drucker comments in *Harpers' Magazine*, "The environmental crusade may well become the great cause of the Seventies—and not one moment too soon."

Drucker, a professor of social sciences at Claremont Graduate School, adds, however, that "the relationship between technology and the environment is hardly as simple as much anti-technological rhetoric would have us believe."

That gets to the crux of the problem—the widespread illusion fabricated from half truths, that we must clean up the environment by reducing or even abolishing our dependence on technology. Drucker punctures that illusion, when he says that "environmental control requires technology at a level at least as high as the technology whose misuse it is designed to correct."

And Drucker adds for good measure: "The sewage treatment plants that are urgently needed all over the world will be designed, built and kept running—not by purity of heart, ballads, or Earth Days, but by short-haired engineers working in very large organizations."

When the American supersonic transport program was voted down by the United

States Senate in 1970, the action climaxed the first massive mobilization of environmentalists and the first demonstration of public support for leashing technology. It strengthened the hand of those who would use the environmental cause to slow down scientific and technological progress.

The Air Force was both provident and perceptive when it undertook a program to reduce the noise and emission pollution of military engines and, at the same time, looked for ways to accomplish this with only minimum degradation in combat performance. All future military aircraft may well have to pay some price in the interest of good community relations and in order to blunt ecological criticism. Having to allow for environmental considerations in the design of weapon systems may be incongruous but it is an omen of things to come.

But more than any other single factor it is the war in Southeast Asia that has soured a large number of Americans on technology. In a very perceptive article, *Fortune Magazine* recently commented that the Vietnam War "represents to more and more people the biggest mis-use of technology in recent history."

The *Magazine* points out that the anti-military issue and the environmental issue have, together, "whipped up a wholly new conservationist attack on science." "At its emotional extreme," *Fortune* says, "it reduces itself to the proposition that America needs less growth, less knowledge, less skill, less progress."

The anti-technology movement and the anti-war movement are tightly interwoven, one feeding the other. While scientists and engineers are the obvious villains in this drama, and industry takes its share of the blows, the United States Air Force becomes the epitome of pollution in the broad sense of the term.

The "bible" for this view is the comprehensive report of the Air War Study Group of Cornell University, now published as a book titled "The Air War in Indochina." It is a sharp condemnation of the technological approach to counterinsurgency, as implemented by the Air Force. It argues that since the goal of the struggle is political rather than military, Air Force action is further depersonalizing an essentially human struggle. While it does not question the competence or courage of Air Force participants, the report pillories the Air Force as the prime instrument of a debased foreign policy.

In the so-called "electronic battlefield" of Vietnam, the anti-technology people have a plush target. Indicative of their reaction is a documentary film now making the rounds of the schools through the auspices of the American Friends Service Committee, a Quaker group in Philadelphia. The film is titled the "Automated Air War" and has to do with smart bombs, electronic sensors and computerized targeting—all of which adds up to what is called a de-humanized "war by remote control." The aerospace industry shares the villain's role with the Air Force in this clever presentation. Printed material included in the package points out that many makers of "de-humanized" weapon systems also offer very humanized products for household use—and it loudly suggests a boycott of these consumer goods.

All of this sage advice from their elders is made to order for the new youth culture—or counter culture, if you will.

These young people, along with other members of the anti-establishment structure, substitute a glorified irrationality for the scientific method, but only when it doesn't conflict with their self-interests. Their culture, for example, rests pretty firmly—and noisily—on the technology that powers electric guitars. The culture gets its beloved mobility from such technological offshoots as automobiles and motorcycles.

And the culture gets its new visions from the products of chemical technology.

Hypocritical or not, the negative attitude of many young people toward science and technology has had its effect on those in this age group who normally would aspire to scientific careers. The defection of young people from science, as measured by enrollments of science majors in under-graduate colleges, adds up to a real problem. Right now we have a surplus of scientists, but 15 years from now we may not have nearly enough.

The Air Force, the aerospace industry, and the nation cannot afford to let that happen.

Some anti-technologists try to parlay the anti-military bias into a more basic anti-American issue. They struggle to make capitalism the fall guy in the ecological crisis. They don't report that the bathing beaches for fifty miles around Stockholm are so polluted they're unusable—not as a by-product of Sweden's capitalistic technology but because of the raw, untreated sewage from Communist Leningrad that floats across the narrow Baltic.

They don't report that Moscow, with relatively few automobiles to blame it on, has an air pollution problem equal to Los Angeles.

America's magnificent space program has been denounced by the anti-technologists on the premise that the money spent to put man on the moon could have been better spent to improve man's condition on earth—a neat little argument. But these same critics don't bother to report that the federal government allocates about 50 cents out of every dollar for social programs and little more than a penny out of every dollar for space research.

The undocumented accusation can always outrun the documented rebuttal. So we're playing catch-up ball. We need a frontal attack on the anti-technology movement. Or maybe an end run. As Eugene Rabinowitch states in the Bulletin of the Atomic Scientists:

"The only effective defense against knowledge is more knowledge. It is popular today to emphasize the need of counteracting the fear and despair created by exploding technology by restoring the emphasis on the humanities, on ethical value systems. They alone, it is said, could give people stability and strengthen their will to assert themselves against soulless technology. But man cannot return from the maturity of knowledge to the innocence of ignorance. Mankind needs a new sense of values, a new philosophy, perhaps even a new religion, but these must incorporate and not exclude scientific knowledge."

In our democratic system, the overriding issue would seem to be this: How does the average citizen acquire enough scientific knowledge to separate truths from half-truths—enough to exercise his responsibilities of citizenship? This is a massive problem.

The Educational Policies Commission says it well:

"A man is free in the degree to which he has a rational grasp of himself and his surroundings. The main restrictions to freedom are prejudice and ignorance. It is in this sense that a person without some degree of intellectual sophistication, though he may be free to think, speak and act as he pleases, is not free."

Ten years ago—before the environmental crisis had surfaced, before the Vietnam War, before Lewis Mumford invented the "megamachine"—AFA's Aerospace Education Foundation pioneered a movement for "scientific literacy." This can be defined as the minimum standard of knowledge and values required for an individual to enjoy the rights and fulfill the obligations of citizenship in the midst of technological revolution.

In testimony before a Senate Committee back in 1965, the Foundation stated:

"In the years ahead, as technological breakthroughs come within reach—offering great potential at great cost—the nation must have a pattern for exploitation that is politically acceptable. Such a pattern can succeed, in the long run, only through the will of the people and the cornerstone of this pattern is knowledge—education."

And scientific literacy, I might add, is the cornerstone of the far-reaching education program of the Air Force Association. Yet, with all that we have done and are doing in this area, we have merely scratched the surface.

Today the need that we first defined a decade ago, is greater and more urgent than ever. One of the most crucial tasks of the Air Force Association this year is to work for scientific literacy wherever and whenever possible. The reason is at once simple and compelling: We cannot—under any circumstances—surrender in this senseless war on science and technology. At stake is nothing less than our commitment to knowledge—and the basis of national defense—in the years to come.

Thank you.

A BETTER DAY FOR L. B. J.

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. BOLLING. Mr. Speaker, a thoughtful evaluation of the Johnson Presidency was published by the Economist on January 27. It follows:

A BETTER DAY FOR L. B. J.

(If Lyndon Johnson could have lived 24 hours longer he would have known that he was on the way to getting his true value in history)

It was Lyndon Johnson's last piece of bad luck that he died before the revival of his reputation was complete, and a single day before the event that could do more than anything else to complete it. Harry Truman had 20 years after he left the White House until his death in December for the historians to start to get a clear view of his presidency. Even Dwight Eisenhower had eight years. But Lyndon Johnson, who died on Tuesday, would still have been in the White House until last weekend but for the war whose end President Nixon announced on Wednesday night. Four years, years in which the war was still dividing America, were not long enough for his contemporaries to reach a dispassionate reckoning of this remarkable man. Lyndon Johnson would have liked to know that the war was over at last, on terms he would have been glad to settle for. He would have liked even better to have lived to hear people eating even more of the savage things they said about him four or five years ago.

As it is, what has been written about him this week has been far more generous than would have been conceivable in 1968. Forgotten is the entirely personal dislike of his style and his manners that coloured so much of the opposition to his policies. Johnson was a child of his background, the old south and the old west: he was ruthless in the pursuit of what he thought to be right, he could be as brutal with other men's feelings as he was sensitive about his own, he never had much time for people who tried to stand on the middle ground between right and wrong. And there was something even more damaging for

his effectiveness while he was in the presidency. He was a man from an America that was ceasing to exist, trying to cajole and exhort and jolly along, in his own way, the new America that was growing up in the university-educated suburbs. He was a non-intellectual, non-middle-class survival of the frontier spirit in an increasingly middle-class half-intellectualised United States. There was not much communication between them. The things he said in public were rarely memorable; the memorable things he said pungently in private were too often unprintable. He was, for the politics of his time, and in the jargon he loathed, a disadvantaged man. But the personal disadvantages he carried with him have fallen into proportion even in these four years. It is no longer held against him that he was the sort of person he was.

Forgotten, too, is the accusation that he was responsible for the whole three-layered time of troubles that came upon America in the 1960s—the convergence of three separate crises that fed upon one another, but would each have happened even if the others had not.

It was Johnson who ordered the American army to take over the fighting in Vietnam in 1965. But he was not responsible for the fact that the early 1960s found America's blacks sufficiently aroused in their expectations of equality, and sufficiently self-confident at last, to turn to violence to make sure they got what they wanted. He was not responsible for the fact that in the later 1960s the long erosion of the Christian basis of morality, and the long dying of certainty in the two great political ideas of the nineteenth century, liberalism and marxism, brought about an explosion of desire for new certainties among the middle-class young all over the western world. The blacks and the young made Vietnam one of their issues, to be sure, and they carried some of the non-young, non-black with them, especially liberal America; but these were three separate movements of history, and it was just Johnson's bad luck to be there when they came together. It is not easy, or pleasant, to remember how fashionable it once was to blame him for everything: even, among some people, to hint that the assassination of John Kennedy was not what the facts said it was. There was a good deal of hysteria in American politics throughout the 1960s, which came to the surface on that day in Dallas, and the Johnson presidency took the brunt of it.

THE FEAT, AND THE DOUBT

The United States has grown calmer since then, and the removal of what is irrelevant in the charges against Johnson has let the magnitude of his social reforms stand out unobscured. His legislative programmes of 1964 and 1965—the anti-poverty programme and civil rights act in the first year, and the measures the next year to get fuller voting rights for blacks, and to bring federal money to the help of poor schools and the aged sick—remain a monument to the ideas that dominated a third of a century of American politics. They were the last great act, and the justification, of the Democratic coalition that Roosevelt created in 1932. The curious thing is that the growing recognition of what Johnson achieved in getting those laws through Congress is now matched by a growing doubt about their effectiveness. It no longer seems as evident as it did to the Rooseveltians that these problems should, and will, yield to the application of federal willpower and federal money; the causes of inequality and discrimination may lie deeper than governments can reach. The politics of communal compassion, for the moment at any rate, have given ground to the politics of individual responsibility. But that change in the intellectual climate is not peculiar to America, and it takes nothing away from Johnson's achievement.

There remains the argument of the "fatal flaw," the decision about Vietnam that "destroyed" him, as this week's headlines have put it. Of course, Johnson knew that he had made serious mistakes over Vietnam. He underestimated the communists' resistance, and therefore the length of the war and the damage it would do to American morale; he authorized his army to use unnecessarily and, as it turned out, ineffectually brutal tactics in trying to find and beat its enemy. But he also saw the terrible weakness in the argument of the neo-isolationists—that the United States had no business to be even trying to fight such a war, because it ought to be concentrating on removing the flaws in its own society. The problems of poverty and oppression were far greater outside America, he would have replied; and the richest country in the world, the ultimate guarantor of the liberal idea, could not escape the responsibilities such a world imposed on it.

THE GREAT IF

Whether or not the United States has succeeded in doing what it wanted to do when Johnson dispatched that army in 1965, and whether it was worth doing at the cost it has turned out to involve, are still questions without clear answers. The previous article suggests that the terms Mr. Nixon has now achieved, on the basis of Lyndon Johnson's refusal to accept Hanoi's original terms, could make history's eventual answer very different from the glib assumption implied in so many of this week's headlines.

At least Johnson knew that the decision he took in 1965 came straight out of the body of liberal ideas that shaped his political life, in what he did both within America and toward the world. He knew before he died that if he had not acted in 1965 the verdict of events would already have gone the other way. There would be a communist-controlled government in South Vietnam, imposed without any test of its subjects' wishes; there would be the same sort of government in Laos, and a client state in Cambodia; China would probably not now have swung over to the relative moderation of Chou En-lai; and the rulers of countries south, east and west of Hanoi and Peking would be accommodating themselves to the demonstration of success flowing outward from those capitals. That is what the domino theory means. It is because of Lyndon Johnson that that has not happened by now. Harry Truman brought America out of the innocence of its power into the time of its maturity, when decisions were harder. And then Lyndon Johnson had to take the most difficult of all the decisions that confronted America in its maturity. His irreverent ghost will be content to see what history says about it.

BAN THE BOOM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. ROSENTHAL. Mr. Speaker, today I am introducing legislation to prohibit flights by civil aircraft at supersonic speeds within the navigable airspace of the United States.

We know what a sonic boom is. We know what a sonic boom does to our health and our homes. We know that Americans living in airplane flight paths or close to airports do not want the SST. Environmentalists abhor it. The 92d Congress decisively voted it down. Now

it appears even the aviation industry has recognized it for what it is, an overpriced, underproducing flying white elephant.

Last week Pan Am, TWA, and Lufthansa decided not to exercise their options to purchase the multibillion-dollar flying fiasco. Citing significantly shorter range, less payload capacity, higher operating costs per seat-mile, and noisier engines than the jumbo jets, these three airlines led the way for other American and foreign airlines to reject the SST. Only the English and French national airlines have firm commitments to purchase the Concorde; they have little choice in the matter.

The Nixon administration in its latest budget, seeks to revive the SST by asking for \$44 million in various departments for supersonic transport research. This includes \$28 million to NASA for propulsion and airframe technology, \$6 million for DOT to study climatic impact, and \$10 million to FAA for "civil supersonic aircraft development." This does not include another \$4.5 million for FAA to terminate old SST contracts.

The 92d Congress voted decisively to cut off all funding for an American SST on the grounds that it would be too expensive and would be a threat to the environment. New funding of the SST, whether it be openly requested or disguised in the budget, would be no more than throwing good money after bad. We have decided before and, if necessary, will do so again, to discontinue funding for SST programs.

Now we must go one step further and forbid the use of any civil supersonic aircraft over any part of the United States. That is why I am introducing today my bill to prohibit sonic booms by civil aircraft in the navigable airspace of the United States.

An FAA proposal to limit the flight of supersonic transports—notice of proposed rulemaking No. 70-16—was issued on April 10, 1970. That was almost 3 years ago. We are still waiting. We cannot rely on the FAA to protect the public from the furious assaults of aircraft noise pollution. Unfortunately, that agency's role in noise pollution has not been one of regulator but one of collaborator.

The proposed FAA rule is riddled with loopholes. The FAA says it would not permit supersonic flights by civil aircraft over the United States if the sonic boom reaches the ground. But, exceptions are made for "research and development flights." Since the FAA would be the patron agency for civil supersonic transport development one can hardly doubt that exceptions will be made and it is easily conceivable that the FAA will view the early years of SST flight as "research and development," thus approving wide-spread use of sonic boom-producing flights.

The FAA proposal represents a significant erosion of the Government's original promise to prohibit civilian supersonic flights over the United States.

The FAA believes that sonic boom prohibition should be done by the FAA and not the Congress. Why? Regulations are

more flexible and more subject to change than are acts of Congress.

The United States may be out of the business of active production of the SST at this time, but the airplane builders, the current administration and especially the FAA hope we will be back in before too long.

Meanwhile, Concorde was designed and built to fly the lucrative New York-London/Paris run. Both sponsor governments have invested billions of dollars in the project and have relied heavily on it as a source of national pride. They were hopeful of economic success although that prospect has long since vanished. However, you can be sure that both governments will be willing to put great pressures on the U.S. Government, both directly and through their friends in the aviation industry, to relax barriers threatening the Concorde. If the FAA ever promulgates its proposed regulation I firmly believe the economic and political influence of France and England plus the U.S. aviation industry will quickly punch that already weak regulation wide open.

Will the FAA, in the interest of promoting aviation, grant the airlines permission, under its proposed regulation, to use the planes on routes over large areas of the United States? Will the Government and industry launch a public relations campaign to tell the American people that the boom is a nice thing to have around—"a 20th Century sound" or, as Boeing calls it, "a symbol of prosperity and progress" for the Nation?

Will the ban on the boom be lifted to meet a stirred-up demand by a relatively privileged, affluent, small number of travelers who want the flights because of the speed and convenience advantages?

The Congress must act decisively to prohibit supersonic flights over this country.

Without such action, there could be some day a sufficient erosion of the proposed FAA regulation which would permit the supersonic planes to work attractive domestic routes such as New York to Los Angeles.

Conservationists say an SST on such a flight would trail a thunderous boom along a path 50 miles wide and disturb the peace of 20 million Americans. One noise expert contends it could cause heart attacks and hearing impairments for many of those 20 million.

The Congress and the people have spoken. The development of an American SST is not to be tolerated. It would be an ecologic and economic travesty. We should not retreat from this position. We must forbid the use of these planes in and above the United States.

Because the sonic boom is unacceptable, the Congress should not give the FAA such broad authority to regulate and possibly permit this threat to the public health and welfare. The Congress should—must—leave no doubt about the abhorrence for the sonic boom.

There must be an absolute ban on sonic booms by civilian aircraft over the United States.

THANK GOD FOR THE UNITED STATES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LANDGREBE. Mr. Speaker, I commend to the attention of my colleagues a recent editorial by Mr. David Lawrence in the February 5, 1973, issue of the U.S. News & World Report. Mr. Lawrence cites the reasons for the U.S. involvement in Southeast Asia and I think that he presents them in very concise and accurate terms. For the information of my colleagues and with permission of the magazine, I insert the editorial into the RECORD.

[From the U.S. World & News Report, Feb. 5, 1973]

THANK GOD FOR THE UNITED STATES!
(By David Lawrence)

Ten years of war in Indo-China could be followed by a lasting peace in Southeast Asia, which could also help to promote the peace of Europe and other continents. But can we be sure?

South Vietnam has struggled since 1954 to establish its independence. North Vietnam started a war to prevent it. The Communists of China and the Soviet Union provided military supplies and weapons to the North Vietnamese.

To whom could the people of South Vietnam turn for aid? The United States, as a party to the Southeast Asia Treaty, recognized its obligation when a request for assistance was made by the Saigon Government. Acting under the pledge of the treaty, America began to give military advice and send troops to contest aggression.

Where else could South Vietnam have looked for the support it so desperately need-

ed? The United States responded because of the principle at stake. Acquisition of other nations' territory by force of arms could lead, if unchecked, to similar acts of aggression in other parts of Asia as well as in Europe and elsewhere.

The United States Government was conscious of its responsibilities and unhesitatingly endeavored to demonstrate respect for the commitments made in the Southeast Asia Treaty, which had been duly ratified by the Senate in 1955.

Now that the peace agreement has been made to end the Vietnam war, there is an opportunity for reconstruction and rehabilitation of the war-torn lands of Indo-China. Already some countries which were not participants in the war have begun to offer funds for the rebuilding. Financial aid will be given so that a better life will come to those who have suffered from the tragedy of war. Tens of thousands of civilians have been killed and millions more have been wounded or left homeless in the savage fighting which has swept the whole area.

The generosity of peoples throughout the world will be extended to both North and South Vietnam. The chance to make the word "peace" meaningful, however, will rest with the governments which signed the documents, pledging themselves to carry out a cease-fire, to return the prisoners of war and to resolve differences without military coercion.

If the United States had declined to fulfill the provisions of the Southeast Asia Treaty, what would have been the consequences? Is there any doubt that the countries of Indo-China would no longer be free but would be part of the system ruled by the Communists? Is there any doubt, also, that Australia and New Zealand would have been confronted by aggression or internal revolutions?

Communist imperialism or dictatorial rule is not confined to Europe or the Asian continent. Just 90 miles away from the United States, we have seen Cuba become an ally of the Communists. The Soviet Union in 1962

even set up missile bases in Cuba. This is an example of how limitless are the efforts to expand Communist domination. Indeed, since those days, some countries in Latin America have been victims of subversion by Communist agents who have managed to stimulate local groups to seek a virtual alliance with the Soviet Union.

People who want the United States not to be involved in any conflict overseas and to confine itself merely to resisting military attacks on its own territory are not aware that there are conspiracies by the Communists to produce disorders inside many countries, including ours. These activities cannot be brushed aside as inconsequential.

The United States today is known as a champion of freedom and as a nation which has given substantial military support for the defense of South Vietnam. This is an example of fidelity to the principle of self-determination of peoples. There are hardships in becoming a party to any war, but the critics ignore the true significance of what the United States has done by its decision to protect South Vietnam.

There are those who see the entry of the United States into the war to save South Vietnam as a "big mistake." They do not realize what America did in standing up to its commitments under an existing treaty. For history will record that the unselfishness of this country was exhibited and continued not only to the day the war terminated but in the financial assistance given subsequently to the peoples on both sides in Vietnam so reconstruction could be begun.

The United States has performed its duty under the Southeast Asia Treaty and also has shown itself to be the friend of countries threatened with a loss of their sovereignty. The world knows there is at least one major power willing to help a small nation when armed aggression menaces its independence.

Millions of people around the globe who do understand what the Vietnam war means to the cause of freedom will say:

"Thank God for the United States!"

SENATE—Tuesday, February 6, 1973

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

Almighty God, who hast given Thy servants diversities of gifts by the same spirit, and hast taught us by the Apostle that without charity nothing abides, bless all who love and serve their fellow men with a pure heart fervently, remembering the poor, healing the sick, comforting the sorrowful, teaching the ignorant, lifting up the afflicted and in all ways following Him who came not to be ministered unto but to minister. Reward them with peace and joy.

We pray in His name who went about doing good. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (H. Con. Res. 105) providing for the adjournment of the House from Thursday, February 8, 1973, to Monday, February

19, 1973, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal Aid Highway Act of 1970.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 5, 1973, be dispensed with.

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

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.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. McCLELLAN) is recognized for not to exceed 15 minutes.

THE IMPOUNDING OF FUNDS BY THE PRESIDENT

Mr. McCLELLAN. Mr. President, the administration has proposed for fiscal year 1974 the largest expenditure budget in our history—\$268.7 billion. This amount is more than double the \$118.6 billion Federal budget of fiscal 1964. This is an increase in the cost of our Federal Government by more than 127 percent during the past 10 years.

The total budget submitted by the President for fiscal 1974, including obligatory authority, amounts to \$288 billion. Of this amount, approximately \$172 billion or about 60 percent of the total will require current congressional action in order for it to become available for expenditure in 1974 and in subsequent fiscal years.

Most of the remaining 40 percent—\$116 billion—of budget authority requested by the President requires no current action by the Congress since it is