

information as requested by the Federal Energy Administration, to authorize auditing of such information by the General Accounting Office, and to provide for enforcement; to the Committee on Interstate and Foreign Commerce.

By Mr. MINSHALL of Ohio (for himself, Mr. KEMP, Mr. HELSTOSKI, Mr. FORSYTHE, Mr. DUNCAN, Mr. MILLER, Mr. ICHORD, Mr. CONTE, Mrs. COLLINS of Illinois, Mr. YATES, Mr. PEPPER, Mr. LEHMAN, Mr. GUDE, and Ms. ABZUG):

H.R. 11917. A bill to encourage increased use of public transit systems by amending the Internal Revenue Code of 1954 to allow a credit against individual income taxes for funds expended by a taxpayer for payment of public transit fares from his or her residence to his or her place of employment and from his or her place of employment to his or her residence; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 11918. A bill to amend the Clean Air Act to prohibit the Environmental Protection Agency from imposing parking surcharges; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSE:

H.R. 11919. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. ROSENTHAL (for himself, Mr. ADDABO, Mr. BRASCO, Mr. BROWN of California, Mr. DELANEY, Mr. DRINAN, Mr. HARRINGTON, Mr. GUYER, Mr. HAWKINS, Mr. LEHMAN, Mr. STARK, Mr. WALDIE, and Mr. YATRON):

H.R. 11920. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 11921. A bill to amend certain provisions of the Land and Water Conservation Fund Act of 1965 relating to the collection of fees in connection with the use of Federal areas for outdoor recreation purposes; to the Committee on Interior and Insular Affairs.

By Mr. VEYSEY:

H.R. 11922. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Alaska:

H.R. 11923. A bill to amend the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees; to the Committee on Ways and Means.

By Mr. YOUNG of Illinois (for himself, Mr. HANRAHAN, and Mr. CRANE):

H.R. 11924. A bill to encourage increased use of public transit systems by amending the Internal Revenue Code of 1954 to allow, for income tax purposes, a deduction for funds expended by an individual for payment of public transit fares from his or her residence to his or her place of employment and

from his or her place of employment to his or her residence; to the Committee on Ways and Means.

By Mr. ASPIN:

H.R. 11925. A bill; temporary tax on energy corporations; incentive investment deduction for increased net capital outlays; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. RANGEL, and Mr. ST GERMAIN):

H.R. 11926. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, propane gas, and residual fuel until he determines that no shortage of such fuel exists in the United States; to the Committee on Banking and Currency.

By Mr. BELL (for himself and Mr. PETTIS):

H.R. 11927. A bill to establish criteria to be observed by approving entities for federally assisted post-secondary education programs in order to protect students in such programs; to the Committee on Education and Labor.

By Mr. BLATNIK (for himself, Mr. JONES of Alabama, Mr. HARSHA, Mr. WRIGHT, Mr. GROVER, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, Mr. ROBERTS, and Mr. HOWARD):

H.R. 11928. A bill to amend the Federal Water Pollution Control Act to establish the ratio for allocation of treatment works construction grant funds, to insure that grants may be given for other than operable units, and to clarify the requirements for development of priorities; to the Committee on Public Works.

By Mr. JONES of Alabama (for himself, Mr. BEVILL, Mr. FLOWERS, Mr. EVINS of Tennessee, Mr. FULTON, Mr. KUYKENDALL, Mr. BAKER, Mr. QUILLEN, Mr. DUNCAN, Mr. BEARD, Mr. JONES of Tennessee, Mr. STUBBLEFIELD, Mr. CARTER, Mr. WHITTEN, Mr. BOWEN, Mr. DAVIS of Georgia, Mr. LANDRUM, and Mr. WAMPLER):

H.R. 11929. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works.

By Mr. LITTON (for himself, Mr. BRAY, Mr. MILFORD, Mr. STUBBLEFIELD, Mr. COLLINS of Texas, Mr. DAN DANIEL, Mr. LOTT, and Mr. CAMP):

H.R. 11930. A bill to amend the National Emissions Standards Act in order to conserve fuel; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK (for herself and Mr. HAWKINS):

H.R. 11931. A bill to provide for the regulation of financing with respect to campaigns for election to certain elective offices; to the Committee on House Administration.

By Mr. SNYDER:

H.R. 11932. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Interior and Insular Affairs.

By Mr. VANK:

H.R. 11933. A bill to amend the Internal Revenue Code of 1954 to provide for the amortization of facilities used for the manufacture of solar heating and cooling equipment; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.J. Res. 856. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning April 21, 1974, as "National Volunteer Week"; to the Committee on the Judiciary.

By Mrs. MINK:

H.J. Res. 857. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and the Office of Vice President, or in the case of a vacancy in the Office of President if the person serving as Vice President was chosen as provided by the 25th article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. O'NEILL, Mr. MCFALL, Mr. RHODES, Mr. ANDERSON of Illinois, Mr. ARENDT, Mr. BLATNIK, Mr. GRAY, Mr. WRIGHT, Mr. ROBERTS, Mr. MILFORD, Mr. PATMAN, Mr. MAHON, Mr. POAGE, Mr. FISHER, Mr. TEAGUE of Texas, Mr. BURLESON of Texas, Mr. BROOKS, Mr. YOUNG of Texas, Mr. CASEY of Texas, Mr. GONZALEZ, Mr. DE LA GARZA, Mr. ECKHARDT, Mr. KAZEN, and Mr. PRICE of Texas):

H.J. Res. 858. Joint resolution to provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac; to the Committee on Public Works.

By Mr. VEYSEY:

H.J. Res. 859. Joint resolution to designate the third week of September of each year as "National Self Pronouncing Alphabet (SPA) Week"; to the Committee on the Judiciary.

By Mr. CEDERBERG:

H. Con. Res. 398. Concurrent resolution expressing the sense of Congress with respect to the missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 399. Concurrent resolution to conserve gas; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LEGGETT:

H.R. 11934. A bill for the relief of Manuel Bonton; to the Committee on the Judiciary.

By Mr. SNYDER (by request):

H.R. 11935. A bill for the relief of Robert Simmons Construction Co., Inc., Louisville, Ky.; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 11936. A bill for the relief of Maria Gilda Jimenez-Alcala; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

373. The SPEAKER presented a petition of Clinton Pettiford, Jr., Randallstown, Md., relative to redress of grievances; to the Committee on Post Office and Civil Service.

## EXTENSIONS OF REMARKS

EDITORIAL BY IRVIN HUTCHISON

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. SHOUP. Mr. Speaker, the following editorial appeared in the Liberty

County Times, a weekly newspaper published in the town of Chester, Mont. Although the parallel described may not correspond perfectly, the editorial, written by Publisher Irvin Hutchison, does contain some very valid points which too often are overlooked in the heat of emotional argument:

EDITORIAL BY IRVIN HUTCHISON

Now let's make one thing perfectly clear—I wasn't there, so I am writing a second hand account of what happened.

According to the story as told to me, the language used in the play "All the King's Men" presented by the Repertory Theatre and sponsored by the Liberty County Arts Council was profane, to say the least. It must have been pretty vulgar because over

half, perhaps two-thirds of the audience got up and walked out. At the end of the first act Liberty County Arts Council president Bob Mattson expressed his regrets over the language, saying that the Arts Council had no advance knowledge of the profanity in the script. He asked all children who were unaccompanied by their parents to leave, and he told others that he wouldn't blame them if they also left.

Since then there have been wide and numerous opinions expressed. Some think Mattson made a mistake, that he could have been more tactful. Others think he displayed great courage and is to be commended for taking his stand. Another group is critical of him for allowing such a play to come to Chester, while still others say he should have made his announcement much sooner. Such are the perils of leadership. I would like to come to his defense.

Whenever a man takes a moral stand, he is going to come in for some adverse criticism. It's a lot easier to keep silent. Too many Americans have remained silent too long while a minority have led the country into the depths of moral decay.

It has been argued that language such as this, accompanied by obscene pictures appear regularly in R and X rated movies. That is true, and many people object to the showing of these movies, but there is a vast difference. People who go to an X rated movie know what they expect to see and hear.

In the past, and I hope in the future, programs of the Liberty County Arts Council have been presented as family entertainment. Family memberships are sold. Those parents who feel they have an obligation to protect their children from profane and obscene material have felt they could let their children go to anything sponsored by the Liberty County Arts Council. Aside from his own personal convictions on the matter, Mattson had the reputation of the Arts Council to defend. The Arts Council can ill afford to lose the patronage of these families.

From a Christian view point we see clearly here the problems involved in carrying out Christ's command to live in the world without being of the world. Don't let anybody ever tell you it is going to be easy. Bob has some good strong Christian convictions, and I commend him for taking a moral stand that was neither easy nor without opposition.

Most folks will probably think I am way off base now, but I would like to compare this with President Nixon and Watergate.

Look at these similarities.

It was the people in the Nixon administration who committed the Watergate crimes. The program Thursday was sponsored by the Liberty County Arts Council. President Nixon did not know about or condone the Watergate affair. The Liberty County Arts Council did not know about or condone the profanity in the play presented here. Because the perpetrators of the Watergate crimes were in the Nixon Administration, he must share the responsibility for what was done. Because the Arts Council sponsored the show, the Arts Council is responsible for the presentation.

But the President has a right to be judged innocent until proven guilty, and the Arts Council has a right to the same judgment. There are those who simply cannot believe President Nixon didn't know about the Watergate affair, and they say that even if he didn't know about it, he should have known. There are also those who say the Liberty County Arts Council must have known the script of that play, and if they didn't know, they should have.

I don't agree with either position, because although it is his responsibility, President Nixon is far too busy to know exactly what every member of his administration is doing. When it comes to selecting a program, the Arts Council is in much the same position.

To further illustrate the point, I am publisher of a newspaper. As a publisher, I am responsible for every word that is printed in this paper. But try as I may to control the whole paper, every once in awhile something slips into print which I do not condone. This does not relieve me of the responsibility, but it does put me in a better position to understand the failings of others who are also in positions of responsibility.

I do not believe President Nixon is a crook and I do not believe the Liberty County Arts Council is an instrument of dissemination of smut.

Therefore, I do not believe the President should be impeached because of Watergate, and I do not believe this community should in any way withhold future enthusiastic support of the Liberty County Arts Council because of this incident.

### "MURDER BY HANDGUN: THE CASE FOR GUN CONTROL"—NO. 56

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HARRINGTON. Mr. Speaker, today, from the November 29th Washington Post, come two articles on handguns. One is the story of an accident; the other a robbery. One was fatal; the other was not.

Francis Catchedi was accidentally shot in the face while examining a revolver with a friend. An 18-year-old in southeast Washington was murdered after being robbed of an undetermined amount of money.

Lindberg Brewer's death must be added to the large number of futile deaths caused by handguns. How many more innocent people like him must die before adequate handgun legislation is enacted?

The two articles follows:

#### SILVER SPRING YOUTH SHOT IN PISTOL MISHAP

A 15-year-old Silver Spring boy was wounded in the face yesterday when a .38-caliber revolver being shown him by a friend accidentally discharged, Montgomery County police reported.

The gunshot victim, identified as Francis A. Catchedi, 407 Irwin St., was reported in good condition last night at Holy Cross Hospital where he was receiving treatment for a flesh wound in the left cheek.

Police said the incident occurred in a home in the 800 block of Whittington Terrace about 4:30 p.m. while the youth was visiting a 16-year-old friend.

According to investigators, the older youth was exhibiting the pistol which police said belonged to his father to the Catchedi boy when the weapon went off.

Police said the revolver was taken into their custody and no charges were filed in the case.

#### SE YOUTH SHOT IN ROBBERY DIES

An 18-year-old Southeast youth died of a gunshot wound suffered yesterday when he was robbed on South Capitol Street, Washington police said.

He died at 8:06 p.m., nearly three hours after the robbery, on a Cafritz Memorial Hospital operating table, a hospital spokesman said.

The youth, identified by police as Lindberg Brewer Jr., lived with his father at 621 Elmira St. SE, a hospital spokesman said.

Brewer was walking in the 3600 block of

South Capitol Street, police said, when a gunman approached him, robbed him of an undetermined amount of money and then shot him once in the abdomen.

### SAVING FUEL: A PROPOSAL

#### HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MARTIN of North Carolina. Mr. Speaker, in connection with our deliberations over the Emergency Energy Act bill, H.R. 11450, I have made earlier remarks arguing that any system of rationing must be nondiscriminatory and evenhanded. In order to treat all consumers fairly and avoid weighing cases for special allocations, I have proposed that each person be rationed a basic share of fuel, with an option to buy an extra share at a higher net price or tax.

Such a system would not be unfair to the poor, would not encourage black-market profiteering, would not establish a chaotic administrative apparatus and would permit economic considerations to determine who would pay extra for the extra share. Such a combination would preserve a healthy measure of the free market if we must resort to rationing short supplies.

In support of this proposal I am pleased to insert into the Record the following editorial from the Charlotte, N.C., News of December 6, 1973:

#### SAVING FUEL: A PROPOSAL—COMBINATION OF TAX AND RATIONING IS BEST

Like the rest of the energy crisis, the gasoline shortage is not going to have any pleasant and immediate solutions. But of the various approaches to it being discussed, one seems most likely to be reasonably equitable, effective now and compatible with the long-range solutions that must follow it.

This proposal is a combination of gasoline rationing and higher gasoline taxes. It could take any one of a number of forms, but the central idea is the same in all of them. For basic needs, each person (or driver or family or automobile) would be allocated a set amount of fuel, say 10 gallons a week; this could be purchased for roughly today's prices. All gasoline above that would be heavily taxed, selling perhaps for \$1 a gallon. The allocations—perhaps represented by stamps—would be transferable and sellable. People who wanted more gasoline could buy it—by paying higher prices or by buying coupons from their neighbors entitling them to additional lower-priced gas.

It would not be a perfect system, or a perfectly fair system. But it does have some considerable advantages over the alternative plans:

#### UNREGULATED PRICES?

Reducing demand by letting the price of gasoline rise naturally would be disastrous, though that's what's happening now pending a decision on what else to do. It would give windfall profits to the oil companies who are heavily at fault in the current crunch (though are not really to blame for the larger, long-term energy crisis). In doing that, it would give great economic incentive to the production of gasoline, when refinery capacity should be shifted, to the extent possible, to the production of home heating oil and the fuels essential to the economy. Also it would allow the rich to pay and the poor to walk.



## A HIGHER TAX?

Simply imposing a higher tax alone could solve some of the defects in the floating-price solution, but not all of them. The money would not go to the oil companies but to the government, which could return it in the form of mass transit grants and subsidies. But unless the tax were very steep, it might not reduce usage sufficiently. And it would not solve the problem of discrimination against the poor. In addition, economists say, it might take too much money out of an economy already heading for recession.

## RATIONING ALONE?

Rationing alone would permit the government to effectively limit the sale of gasoline, thus removing that disincentive to fuel oil production. It would allow everyone a share of the available supplies. But it very likely could not be set up as quickly as the combination tax-rationing program, could encourage black-market diversion of gasoline, and would not be as flexible in the countless cases of individual hardship any rationing system will create. It would be better than the simple tax and free-market plans, but not as good as the combination.

For the short run, then, the combination tax-rationing proposal has quite a few advantages. It could be set up fairly quickly, need not lead to black markets, would not confront the poor and middle income workers with sudden new financial burdens, and would have much of the flexibility of an open-market system. It would not be painless: it is a system for sharply reducing gasoline consumption; but it would be preferable to other available systems, which would endeavor to accomplish the same end through means that could be much harsher, and more unjust in individual cases.

For the long run, the tax-rationing proposal is compatible with the direction energy policy must take. It would move toward energy prices more in line with the real cost of energy, prices more in line with the need to conserve fuels in the years ahead. It would not force people to sell their gas-guzzling cars today—which they couldn't afford to do—but would encourage them to buy more efficient cars for the future. It would not force them to abandon suburbia—which they couldn't afford to do—but would encourage a reversal of the sprawling development patterns that make mass transit uneconomical and force workers to drive unnecessarily long distances.

## TODAY AND TOMORROW

What the tax-rationing combination proposals would do is impose direct controls now—when they are needed—while setting the stage for eventual control by market force, which are the only controls that can be expected to work for the long-term. There are obvious details to be worked out. Who would get the allocation of gas? How large would it be? How high would the tax be set? Should additional production and price controls be imposed on the oil industry? But essentially these same questions of usage, price and mechanism would have to be answered for any system. The combination tax-rationing plan seems to be the most attractive, at least for now.

## HATE MAKES WASTE

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. CARTER. Mr. Speaker, times of trouble are certainly not the times when

dissension and hard feelings serve any constructive purpose. Indeed, all of us know that there can never be any positive results from ill feelings toward our fellow human beings.

Our Nation faces difficult times. It is essential that we set aside feelings of hate among ourselves and move to build greater efforts for improvement. I call to the attention of my colleagues the following statement on this subject:

## HATE MAKES WASTE

Hate drains time and energy, and gets no one anywhere.

If all the time Americans now spend hating each other was spent instead on working to improve whatever it is they dislike, there soon wouldn't be much of anything left to hate.

Since hatred hasn't resulted in anything except destruction, hurting everyone, might this constructive method be worth trying, for a change?

## CONGRESS SHOULD ACT ON BLOOD BANKING

## HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. VEYSEY. Mr. Speaker, next Monday, December 17, the American Medical Association, the Department of Health, Education, and Welfare and the Nation's blood collection and distribution industry leaders will consider further a voluntary agreement on how best to clean up the unconscionable scandal of the spread of disease through the blood industry in this country today.

Those three entities, along with numerous groups who share in the lately awakening national concern over the problems which beset the business of buying and selling blood, will meet in Chicago on that day with absolutely no official voice or expression of concern from the U.S. Congress.

Mr. Speaker, I submit that if there was ever a case for Congress to take the lead in righting a wrong, this is that case.

The blood business is nationwide. Blood purchased in the ghettos or skid row areas of Los Angeles, Chicago, Dallas, Miami or a hundred other cities can show up the next week in the blood stream of an open heart surgery patient on the other side of the country. Blood is sent to where it is needed, and it should be.

Mr. Speaker, the three entities which will meet next Monday in Chicago are trying desperately, though belatedly, to seek some kind of common ground where they can cooperate comfortably and also clean up the hepatitis-infested blood supply. Most of the individuals involved are conscientious, well intentioned, and dedicated to ending this hepatitis blight.

At the same time, each entity within the blood business, including the American Red Cross, the American Association of Blood Banks, the Council of Community Blood Centers, and the American Blood Resources Association have their own vested interests to protect. Each wants the voluntary agreement to reflect its individual wants. The same is true of the AMA and to some extent, HEW.

The Department of Health, Education, and Welfare, which prompted this convergence with the announcement of a newly conceived national blood policy, is now anxious to do the job, but is relatively powerless to undertake more than weak administrative action.

The American Medical Association, meanwhile, has announced its own national blood plan which would set the AMA up as the monitoring station at all checkpoints, from community level to nationwide.

On Monday, all of these interests will be represented at the Chicago meeting, because they genuinely want to work out any shred of agreement that may be possible. But there is no doubt in my mind that any partial solution which might evolve will place the priorities of each special interest group, including HEW, ahead of the needs of each individual citizen in this country.

Mr. Speaker, in my opinion the Congress should be squarely in the middle of this debate. The issues should be brought to the surface in public hearings before the appropriate congressional committees, and the solutions should be hammered out in discussion, drafted into statute, and become the law of the land. The solution should be comprehensive, as fair as possible to all special interests, and attentive to protecting a very particular special interest—the life and health of every American.

Mr. Speaker, the National Blood Bank Act of 1973 now has more than 100 sponsors in the House of Representatives. Meanwhile, Senator PERCY has taken the initiative in the other body and is developing comparable, comprehensive legislation.

This problem is not a partisan one, nor is the proposed solution a partisan one. Further, the details of the proposal are open ended. We are not bound to any concept other than eliminating the unacceptable level of hepatitis and other diseases which result from the blood business we have today.

Mr. Speaker, I urge immediate congressional attention to this problem. It is not only the responsibility of the Congress to assume the role of arbitrator in developing a solution, it is imperative that we take the lead in shaping that solution. Unless we do, the legitimate interests of each segment of the blood industry are in danger.

The well-being of every American must come before the protection of any special interest.

Congressional attention can assure that such is the case.

## KING COAL RETURNS

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. GAYDOS. Mr. Speaker, King Coal is back.

For years he was alone and unwanted by his people. But the energy crisis has changed all that. He has been draped

anew in robes of royal purple and there are indications he once again will assume his throne as reigning monarch of this Nation's natural energy fuels. He has found favor among the leaders of this government as well as the sovereign heads of foreign financial kingdoms.

The December 3 edition of the Wall Street Journal headlined an article heralding King Coal's popularity abroad. It cited a number of reasons responsible for his resurgence to power.

The worldwide scramble by many nations to acquire new energy sources is, of course, a major one. But, there are others, too. The double dip of the dollar has made any investment in the United States cheaper, and therefore more attractive, to the foreign buyer. Also, our coal operators here have long been in a depressed state. They may find the offers dangled before them by foreign solicitors, whose briefcases bulge with dollars and whose checkbooks are open and blank, irresistible.

There is another reason, however, which particularly interested me. I quote from the Journal:

Unlike the situation in various other countries, the U.S. hasn't any—I would like to emphasize the word "any"—regulations that limit foreign ownership in this basic industry. Thus far, only a tiny fraction of the U.S. coal business is foreign-owned. But—and I would like to emphasize this also—analysts say the share could become significant if the present trend were to continue for long.

Mr. Speaker, the Foreign Investment Limitations Act of 1973, of which I am a cosponsor, would prevent the trend from continuing for too long. It would allow foreigners a share of our industry but prohibit them from shackling it.

The Journal says the United States now has no regulations to limit foreign coownership in the coal industry. I say if limiting legislation is not passed, the United States will not have a coal industry to regulate.

#### UNFAIR TRADE PRACTICES

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. LONG of Maryland. Mr. Speaker, four countries control over 80 percent of the world's copper exports, two countries control over 60 percent of tin exports, and four countries control more than half of the world's bauxite supply. The United States is now primarily dependent on imports for 6 of the 13 basic industrial raw materials—from aluminum to zinc—and projections show we will depend on 12 of these 13 materials by the year 2000. The United States is currently the target of an oil embargo by Arab States. Should we not be preparing for the possibility that other politically unstable countries will imitate the Arabs' use of scarce resources as economic and political weapons? Yet the Trade Reform Act, H.R. 10710, is silent on this point.

I am informed by various counsel that

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unjustifiable restrictions on exports, such as the discriminatory quotas and embargoes imposed by Arab oil producers, are not clearly defined as unfair trade practices under title III of the Trade Reform Act. In such far-reaching legislation as this, which allows the President broad discretionary powers, the purpose of Congress must be as clear as possible.

I bring to the attention of my colleagues a table which describes U.S. dependence on imports for principal industrial raw materials:

U.S. DEPENDENCE ON IMPORTS OF PRINCIPAL INDUSTRIAL RAW MATERIALS WITH PROJECTIONS TO 2000

Raw material	[Percent imported]			
	1950	1970	1985	2000
Aluminum.....	64	85	96	98
Chromium.....	(1)	100	100	100
Copper.....	31	0	34	56
Iron.....	8	30	55	67
Lead.....	39	31	62	67
Manganese.....	88	95	100	100
Nickel.....	94	90	88	89
Phosphorus.....	8	0	0	2
Potassium.....	14	42	47	61
Sulfur.....	2	0	28	52
Tin.....	77	(1)	100	100
Tungsten.....	(1)	50	87	97
Zinc.....	38	59	72	84

1 Not available.

Source: Data are derived from U.S. Department of the Interior publications, "World Without Borders," by Lester R. Brown [c.1972 by Random House].

#### THE AFL-CIO CASE FOR IMPEACHMENT—I

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. ABZUG. Mr. Speaker, recently the AFL-CIO launched a forceful campaign for the impeachment of the President. For the consideration of my colleagues, I am inserting the first in a series of articles in the CONGRESSIONAL RECORD:

FIRST IN A SERIES: THE CASE FOR IMPEACHMENT OF RICHARD M. NIXON—NOW

Richard M. Nixon has committed an impeachable offense by instituting in the name of national security a plan which violated civil liberties through domestic political surveillance, espionage, wiretapping, burglary, eavesdropping, opening of mail, and military spying on civilians.

On June 5, 1970, the President summoned the directors of the FBI, the CIA, the Defense Intelligence Agency and the National Security Agency to the White House and directly instructed them to devise a new scheme for expanding domestic intelligence operations beyond the confines of and the restraints on the existing intelligence network, and without regard to the constitutional rights of the American citizenry.

This command resulted in a 43-page document proposing and supporting a wide-ranging series of "improvements" in domestic intelligence gathering. The document specifically recognized, and stated, that the proposals were "clearly illegal" and of such nature that "serious risks are involved." The recommendations were:

1. Lifting of the ban on "surreptitious entry;" the document noted that "this amounts to burglary."

2. Increased wiretapping of domestic security suspects and foreign diplomats.

3. Relaxation of restrictions on covert mail coverage—another term for the opening and reading of people's mail.

4. Increasing FBI informers on university campuses.

5. Spying on American citizens using international communications facilities.

6. Arrangements for hiring additional manpower and providing for the increased intelligence costs.

7. Increased CIA spying on students and others abroad.

8. The establishment of a new supra-agency intelligence group to include representatives from the White House, the FBI, the CIA, the DIA, the NSA and the three military counterintelligence agencies. This group was ordered to carry out the objectives specified in the report and to "perform such other duties as the President from time to time shall assign."

This was a plan to establish direct, day-to-day White House control of the nation's intelligence apparatus.

This was a plan to give the President a secret police force, ready and able to respond to his command, stripped of the traditional and legal restraints and safeguards against abuse which had carefully been built around the FBI, the CIA, and the government's other intelligence gathering operations.

This was a plan which Sen. Sam Ervin, chairman of the special Senate Watergate Committee, described as showing "a Gestapo mentality."

This was the plan the President of the United States, after "careful study," approved and put into operation.

This was the plan which the President intended to keep secret from the Congress and the American people.

The President does not deny that he approved this plan. On May 22, 1973, he said: "On June 25, (1970), the (intelligence) committee submitted a report which included specific options for expanded intelligence operations and on July 23 the agencies were notified by memorandum of the options approved. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorizations for surreptitious entry—breaking and entering, in effect—on specific categories of targets in specific situations related to national security."

"National security" is the umbrella phrase the President has repeatedly used to deny the Congress, the courts, and the public information as to what was going on and who was responsible with respect to Watergate.

After five days, this plan was rescinded, so the President claimed on May 22, 1973. It was rescinded:

Not because the plan was illegal.

Not because it was a bad plan.

Not because establishing a super-secret intelligence network—with expanded, presidentially-approved powers to break the law, to pry into the private affairs and lives of American citizens at home and abroad on the most massive scale ever attempted by an American government in peace or war—was repugnant to the entire democratic history and traditions of the Republic.

But because FBI Director J. Edgar Hoover objected to the plan.

And because Hoover objected, the plan could not work.

"After reconsideration," the President said on May 22, "prompted by the opposition of Director Hoover, the agencies were notified . . . that the plan had been rescinded."

Or so the President said.

But on July 9, 1973, Tom Charles Huston, the former White House aide who drafted the secret police plan, told the House Armed Service Intelligence Subcommittee, under oath, that the plan was never formally can-



celled, as Nixon said in his May 22 statement to the public.

What is an impeachable offense?

According to Cannon's Precedents of the House of Representatives (Vol. VI, Section 545), which governs the procedures of the House:

"Impeachable offenses are not confined to acts interdicted by the Constitution or the federal statutes, but include also acts not commonly defined as criminal or subject to indictment.

"Impeachment may be based on offenses of a political character, on gross betrayal of public interests, on inexcusable neglect of duty, tyrannical abuse of power and offenses of conduct tending to bring the office into disrepute."

Richard M. Nixon has committed an impeachable offense by initiating and establishing a secret police, authorized by him in contravention of the Constitution and unchartered by Congress, to violate the legal rights of the American people.

Therefore, Richard M. Nixon, President of the United States, should be impeached—now.

(Emphasis added.)

#### LYNDON B. JOHNSON MEMORIAL GROVE

#### HON. W. R. POAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 3, 1973

Mr. POAGE. Mr. Speaker, while I recognize that it is entirely unnecessary to add to comments made in behalf of the establishment of the Lyndon B. Johnson Memorial Grove, I want to raise my voice in behalf of such a worthy objective. I think that this is an especially appropriate tribute to one of the great Presidents of the United States; one of the great Members of the U.S. Congress; one of our most distinguished former Members of this House and a dear personal friend.

I am happy that Congressman PICKLE, who has long represented the Austin, Tex. district, has sponsored this measure. I know that it has the approval of Lady Bird, the former President's wife and helpmate. Both the President and Mrs. Johnson have long sought to improve the beauty of our environment. Indeed a part of the very area in which this grove is to be located has already been designated as the Lady Bird Johnson Park and is already a thing of beauty and enjoyment to our people, especially in the early spring when its thousands of flowers are in bloom.

When the former President was a boy in the hill country of central Texas practically no one recognized the beauty of that area. Over the years Lyndon and Lady Bird have done so much to focus attention on the outstanding natural beauty and to add to that beauty by so many improvements that today most of the world knows the hill country as a land of great attraction.

This grove of trees along the Potomac River is in itself but a small item, but it will add to the beauty of the most beautiful city in the world and it will give deserved recognition to Lyndon

Johnson's efforts to make this whole country a more attractive place.

I trust that this bill will become law without undue delay.

#### GEORGE F. KENNAN ADVISES "NO" TO ARAB OIL

#### HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. JAMES V. STANTON. Mr. Speaker, in an article published recently in the Washington Post, George F. Kennan, noted diplomat and historian, expressed his view on what our policy toward the Arab oil embargo should be. Kennan analyzes our position vis-a-vis the Middle Eastern states in a thoughtful and perceptive manner and concludes that our interests would best be served by refusing, for the time being, any offer to resume oil shipments.

I commend this article to the attention of my colleagues.

THANK YOU, NO!

(By George F. Kennan)

On Nov. 17, 1973, The New York Times carried a story, from a Washington correspondent, based largely on statements of the President, concerning speculation that the Arab oil embargo on shipments to this country might soon end—that the Arab governments, or at least certain of them, might soon "relent" and resume the shipment of oil to this country.

The story contained no hint that in such a case the United States would not gratefully accept the renewed shipments; it seems, on the contrary, to have reflected an assumption on the part of various highly placed people that the United States would do just that.

This assumption causes me, as one who was once moderately involved in the planning of national policy, no small measure of amazement. I would have thought that if the events of recent weeks had taught us anything at all, it would have been the danger of allowing ourselves to remain unduly dependent upon foreign suppliers for raw materials vital to the continued prosperity of our society, especially when it is a case of suppliers who are obviously not inclined to acknowledge the responsibility they assume when they permit great industrial nations to become dependent upon them in this manner, and who feel they have no reason to respect our interests.

Particularly is this a lesson to be pondered when it relates to the Saudi Arabians. It is obvious that the Government of that country already has far more foreign currency than it needs or could even use to any particularly good effect. This has two connotations that should concern us:

First, we should reflect whether we wish, on principle, to place more money in the hands of people who are unlikely to use it to any good purpose.

Second, it means that the money with which we would be paying for further shipments of Saudi Arabian oil would be essentially valueless in their eyes. They could see these shipments, in the circumstances, only as a form of charity on their part, or as a means of assuring future arms shipments.

Either alternative is undesirable: the charity, because it represents a poor peg on which to hang the security of the supply of a commodity vital to the stability of a country's economic life; the assuring of arms

shipments, because if the government we have to do with here does not hesitate to bring to us the sort of injury implicit in this abrupt withholding of oil shipments, what assurance can we have that arms placed in its hands would always be used for purposes any more compatible with our interests.

Today, of course, a further price is being asked of us: a political price; and the nature of it is such that we ought fervently to wish that we might not again be placed in a position where we are vulnerable to this sort of demand. In addition to its being a price that can be paid only at the expense of a third party—a situation undesirable on principle, regardless of the rights and wrongs of the matter, it is one that promises no secure return, for the payment of it would leave us no less helpless and vulnerable tomorrow than we are today. If it should be demonstrated that we could be successfully whipsawed by one such demand, we would be naive to suppose that we would not soon be faced with others.

The relatively minor adjustment we would be obliged to make in order to get along without Arab oil, or at least without the oil of those who have cut us off at the present juncture, should be seen only as a beginning of a much wider process of self-emancipation from dependence on foreign-controlled sources of energy which we ought anyway to be putting in hand, with vigor and determination, at this stage in our national life.

We can be grateful that we were kicked into such a beginning. If we quail at this minor inconvenience, it will be a bad omen for our prospects for coping with the larger problem, for it will mean that our addiction to the wastage of energy, particularly through the medium of the automobile, is so abject that we prefer to face the loss of a considerable portion of our independence of policy rather than make even a minor effort to overcome the addiction. This would represent a humiliation which earlier American statesmen would never have accepted, and for which future generations of Americans would be unlikely to forgive us.

These observations flow from no hostility toward the Arabs, nor are they meant as a commentary on the rights and wrongs of their conflict with the Israelis. One can understand that certain of them have their own problems and feel themselves the victims of an historical injustice, for the remedy of which all means are fair. But justice is not an invariable feature of international life, nor is it always easy to determine to every one's satisfaction. And a relationship of on-sided dependence, which one of the parties has shown itself quite ready to exploit for ulterior political purposes, provides a poor foundation on which to build for the future.

There are times in international life, no less than in personal affairs, when it becomes possible to live satisfactorily with people only when one has demonstrated the capacity to live without them; and this would seem to be one of those times.

The day may well come—let us hope that it will—when we have been able to create, in one way or another, sufficient bargaining power to deal with our Arab friends once again on even terms and against a background of mutual respect. But this day, obviously, will not be soon in coming. Until it comes, let us treat them with courtesy and with no ill feeling; but if faced with offers to resume the sort of shipments of which we are now being so usefully (for us) deprived, let us thank them very much and tell them frankly that we have ways of assuring the continued functioning of our national economy that are less costly in terms of our international position, of the independence of our national policy, and of our own self-respect.

## IN DEFENSE OF THE FAIR CAMPAIGN PRACTICES COMMITTEE

## HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. REES. Mr. Speaker, I was very disturbed recently to read that the Internal Revenue Service has revoked the tax exempt status of the Fair Campaign Practices Committee. The seriousness of this move is compounded by the continued revelation of scandals which seem to surround some political campaigns.

I wonder if there could be any possibility that the revocation of the tax exempt status of the Fair Campaign Practices Committee was in retaliation for the activities of the committee. I am planning to take this matter up with the Internal Revenue Service and will report my findings back to the Congress.

A recent article dealing with the revocation follows:

## FAIR CAMPAIGN UNIT PERILED BY LOSS OF TAX EXEMPTION

(By William Claiborne)

The Internal Revenue Service has revoked the tax exempt status of the Fair Campaign Practices Committee retroactive to 1966, a move that jeopardizes the existence of the 19-year-old non-profit, non-partisan watchdog organization.

Charles P. Taft, chairman of the committee and son of the 27th President, suggested last week that the Nixon administration's ruling on the committee's tax status might be retribution for the embarrassing disclosure in 1971 that Republicans had financed a series of newspaper ads in the closing days of the 1970 campaign denouncing eight Democratic senatorial candidates as extremists and "radicals." The advertisements were so harshly worded that they were repudiated even by the opponents of the Democratic candidates.

Responsibility for the advertisements was laid by the campaign practices group to Carl L. Shipley, a prominent Washington lawyer and a member of the Republican National Committee. Shipley vehemently denied it at the time, and sources outside the committee said the ads were prepared by a secret unit operating under the aegis of the White House.

The Fair Campaign Practices Committee was critical of the newspaper ads, and more recently has been critical of President Nixon's public statements about the Watergate scandals.

Last May, Taft, former mayor of Cincinnati and now a Republican city councilman, declared in a report that the tactics used in the Nixon re-election campaign were the "dirtiest" encountered in the nearly 20 years of the committee's existence.

In July, the committee publicly rejected what it termed Mr. Nixon's implication that Watergate was the "result of inadequacies in the law itself."

In an interview Taft, 76, said he had no evidence to prove that the IRS decision to revoke the committee's tax exempt status was a direct result of his statements on Watergate.

"But the first noises from the IRS came not too long after the Shipley affair. It makes you wonder whether someone made a telephone call to the right place," Taft said.

The committee, which monitors campaign practices and investigates complaints of unfair tactics, was notified by the IRS four

months ago that it was losing its tax exempt status, Taft said.

In an undated memorandum sent to Samuel J. Archibald, the committee's executive director, the IRS ruled that the committee's release of information about a candidate's unfair campaign practices was, in effect, a statement in behalf of the candidate's opponent.

Therefore, the IRS reasoned, "such activity brings you within the definition of an 'action' organization," resulting in loss of tax-free status.

Taft said that the committee routinely monitors congressional, gubernatorial and presidential elections and, when a complaint is made by one candidate against another, attempts to verify the charges. Taft said that his group then notifies the accused candidate of the charges and sends notices to the news media that the files are available for examination.

In recommending the lifting of tax-free status, IRS agent O. C. Francisco wrote, "On the basis that your files are public records, you have continued to make them available to individuals coming to your office. There was no indication that they were made available only for non-partisan analysis, study or research purposes."

The Fair Campaign Practices Committee, whose members include three former national committee chairmen from each major party, last year investigated 80 complaints, of which only six stemmed from the presidential election.

In 1965, for example, the panel supported charges by former Republican Sen. Kenneth B. Keating that his Democratic challenger in New York, Robert F. Kennedy, unfairly distorted some of Keating's remarks. In 1964, the panel attacked the Citizens for Goldwater Committee for publishing "hate books" attacking President Johnson.

Taft said that if the committee loses an appeal of the IRS ruling, it is doubtful that the organization can survive financially.

## AMENDMENT TO H.R. 11882

## HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. SARASIN. Mr. Speaker, under rule XXIII, clause 5, I am offering my amendment to section 122 of H.R. 11882 for publication in the CONGRESSIONAL RECORD:

## AMENDMENT TO H.R. 11882, AS REPORTED OFFERED BY MR. SARASIN

Page 44, after line 12, insert the following:

(b) The President is authorized and directed to make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly

amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Page 44, line 13, strike out "(b)" and insert "(d)".

## THE AFL-CIO CASE FOR IMPEACHMENT—II

## HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. ABZUG. Mr. Speaker, recently the AFL-CIO launched a forceful campaign for the impeachment of the President. For the consideration of my colleagues, I am inserting the second of a series of articles in the CONGRESSIONAL RECORD:

## SECOND IN A SERIES—THE CASE FOR IMPEACHMENT OF RICHARD M. NIXON—NOW

Richard M. Nixon has committed an impeachable offense by creating a special and personal secret police, answerable only to the White House and operating totally outside the constraints of law.

In mid-1971, President Nixon, by direct and secret order, created within the White House a special investigations unit known as the "plumbers."

Not only was its creation secret, but its existence and functions were secret. E. Howard Hunt, one of the "plumbers" and a convicted member of the Watergate burglary team, once described it as "above the FBI and CIA."

On May 22, 1973, President Nixon acknowledged his creation of the unit:

"This was a small group whose principal purpose was to stop security leaks and to investigate sensitive security matters. . . . The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons in the White House."

This was the group which plotted and carried out the burglary of the office of the psychiatrist of Daniel Ellsberg. The "plumbers" committed this crime with the clear knowledge that it was a crime. They committed this crime under the clear impression that they were ordered to do so by the President of the United States.

Why did the "plumbers" think they were operating under the orders of the President of the United States?

President Nixon admitted, in his May 22 statement, that he personally told Egil Krogh, head of the "plumbers" unit, to "find out all it could about Mr. Ellsberg's associates and his motives" for making the Pentagon Papers public. The President added: "I did impress upon Mr. Krogh the vital importance to the national security of his assignment."

So certain was Mr. Krogh that he was under presidential orders that he sent a memo to Presidential Assistant John Ehrlichman stating: "We would recommend that a covert operation be undertaken to examine all the medical files still held by Ellsberg's psychiatrist."

So certain of presidential approval was Mr. Ehrlichman that he sent the memo back marked: "approved—if done under your assurance that it is not traceable."

John Dean, counsel to the President, testified that Mr. Krogh twice told him that the orders for burglary came "from the Oval Office" of the President, Mr. Krogh, now under indictment for lying under oath about his role in the Ellsberg case burglary, has plead-



ed not guilty, claiming that he was ordered to lie in order to preserve the secrecy of the "plumbers" and its operations.

Mr. Ehrlichman later told the Senate Watergate Committee that the President had told him in March of 1973 that the Ellsberg case burglary "was an important, vital national security inquiry well within the constitutional function of the President."

Not only did Mr. Nixon order that the existence and operations of the "plumbers" be kept secret, but he personally took extraordinary steps to keep it hidden.

He obstructed justice by personally ordering that evidence of the "plumbers" involvement in the Ellsberg case be kept from the judge presiding over the Ellsberg trial.

On April 18, 1973, Assistant Attorney General Henry E. Petersen went to Mr. Nixon to tell him that if details of the Ellsberg case burglary were not disclosed to the judge, the Department of Justice would be party to a conspiracy to obstruct justice.

Mr. Petersen testified that as soon as he raised the matter of the burglary with Mr. Nixon, the President told him: "I know about that. This is a national security matter. You stay out of that."

The President did finally release the information—but only after Mr. Petersen and then Attorney General Richard Kleindienst threatened to resign.

Mr. Nixon has gone to other extraordinary lengths to keep the existence and the operations of the "plumbers" secret.

He directly ordered that the investigation of the Watergate break-in be limited to keep the "plumbers" activities hidden. On May 22, he stated that he had "instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose . . . the activities of the White House investigations unit," and that this effort be "personally coordinated" with top officials of the FBI and the CIA.

He has insisted that the "intelligence" activities of the "plumbers" had no connection with the Watergate break-in—despite the fact that both G. Gordon Liddy and E. Howard Hunt were members of the "plumbers" unit and now are convicted principals in the Watergate break-in.

He has sought to preclude further revelations of the "plumbers" activities by classifying these as "national security" matters. In revealing the creation of the unit, he add-

ed that he "also assigned the unit a number of other investigatory matters . . . Additional assignments included tracing down other security leaks."

At this time no one knows what these assignments were, or, for that matter, whether they too were illegal.

Richard M. Nixon has committed an impeachable offense by creating a special and personal secret police, by hiding its illegal activities behind "national security," and by obstructing justice in the name of "national security."

Therefore, Richard M. Nixon, President of the United States, should be impeached—now.

#### PLASTICS AND PETROCHEMICALS: IMPENDING DISASTER

### HON. STEWART B. MCKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MCKINNEY. Mr. Speaker, this Nation faces a scarcity of raw materials which, if not remedied today, could bring economic catastrophe for industry throughout the United States. The petrochemical industry, in general, and the plastic industry, in particular, are in jeopardy. I am prepared to offer statistics today which not only highlight the problem but also call for immediate action.

Figures from the Department of Commerce show that in the first 10 months of this year, this country exported 1.228 billion pounds of major petrochemical feedstocks. This represents a 27.4 percent increase over the same 10-month period last year. In the first 10 months of this year, this country exported 164 million pounds of polystyrene—PS—a product used in the plastic moulding industry. This represents a 45.1-percent increase in exports over last year. These figures are shocking.

With these statistics in mind, Mr. Speaker, let us look at the typical plastics company in the United States. Mar-

con Products, Inc., is located in Stamford, Conn. It is now operating at 25 percent of capacity. It has laid off 60 percent of its work force. Marcon is not unlike a hundred other firms in Connecticut. Five months ago, Marcon was running at peak capacity.

It was purchasing its needed raw material, polystyrene—PS—for 17 cents a pound. In November, its major suppliers, the top petrochemical companies in the United States, notified Marcon that they could no longer supply them with PS. Since the 17 cents a pound figure is frozen under phase IV guidelines, it is obvious from the Department of Commerce figures where all the raw material is going. It is going overseas at 35 cents a pound and it is driving American industries out of business. At the same time, Mr. Speaker, Marcon has been offered PS at 71 cents a pound on the black market. That Marcon cannot sustain this cost is obvious. It also highlights the intolerable position we now face in this country.

Mr. Speaker, today, I have taken the following steps. I have written the President and asked that he immediately place an embargo on all exports of petrochemicals. Under the Export Administration Act of 1969, the President is empowered to "protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand (50 U.S.C. App. 2401)." I called for the President to enforce this authority.

I have also urged the Cost of Living Council to take necessary action immediately to see that the cost of petrochemicals may float to a natural level so as to wipe out the black market and restore the all important flow of raw materials to American companies.

These actions are necessary now.

I am enclosing the statistics from the Department of Commerce for my colleagues' attention:

MAJOR PLASTIC MATERIALS TRENDS IN PRODUCTION AND EXPORTS  
[Quantities, millions of pounds]

Plastic material	Production (January to September)			Exports (January to September)			
	1972 quantity	1973 quantity	Change (percent) 1973 vs. 1972	1972		1973	
				Quantity	Percent of production	Quantity	Percent of production
Polyvinyl chloride (PVC).....	3,071.8	3,345.9	+8.9	121.6	4.0	113.9	3.4
Polystyrene (PS).....	2,742.4	3,050.5	+11.2	103.4	3.8	134.8	4.4
Low density polyethylene (LDPE).....	3,863.8	4,280.5	+10.8	289.7	7.5	361.8	8.5
High density polyethylene (HDPE).....	1,697.5	1,956.0	+15.2	204.6	12.1	213.2	10.9
Polypropylene (PP).....	1,246.9	1,584.5	+27.1	115.2	9.2	224.7	14.2
Phenolic.....	1,092.2	1,445.2	+32.3	16.0	1.5	21.0	1.5
Total.....	13,714.6	15,662.6	+14.2	850.5		1,069.4	

MAJOR PLASTIC MATERIALS CHANGES IN EXPORT SHIPMENTS JANUARY-OCTOBER 1973 VERSUS 1972

Exports (million pounds)			
Plastic material	January-October		Change percent 1973 versus 1972
	1972	1973	
Polyvinyl chloride (PVC).....	135.7	129.5	-4.6
Polystyrene (PS).....	113.0	164.0	+45.1
Low density polyethylene (LDPE).....	330.3	411.9	+24.7
High density polyethylene (HDPE).....	233.0	237.4	+1.9
Polypropylene (PP).....	133.8	262.1	+95.9
Phenolic.....	18.4	23.1	+25.5
Total.....	964.2	1,228.0	+27.4

#### ABSURD TO KEEP SWEDEN AT ARM'S LENGTH

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. FRASER. Mr. Speaker, the Thursday, November 29 editorial page of the Jamestown, N.Y. Post-Journal devoted considerable space to an international problem that is easily solved. The problem: Lack of normal United States-Swedish diplomatic relations. The solution: Exchange of ambassadors.

The Post-Journal's editorial on the subject is optimistic and I hope with good reason.

A statement of our colleague from Wisconsin (Mr. REUSS), who earlier this session joined me in sponsoring House Resolution 521 which urges the administration to restore normal relations with Sweden, is quoted in the editorial. Mr. REUSS said:

Mr. Nixon has just decided to send an American ambassador to Cairo. This is a wise move. But why not also send an ambassador to Sweden?

This, too, would be a wise move.

One of the Post-Journal's readers also

expressed himself on this subject. At the close of these remarks, his letter follows the editorial "United States, Sweden May Repair Breach":

#### UNITED STATES, SWEDEN MAY REPAIR BREACH

Within the last few days there have been indications from Washington that the United States and Sweden may be moving to improve relationships that have been strained for more than a year.

Late last week Secretary of State Henry Kissinger met with Wilhelm Wachmeister of the Swedish Foreign Ministry's political department, and State Department officials said the subject was "upgrading of the diplomatic establishment between the two countries."

Many Americans, particularly Swedish-Americans in the Jamestown area, have found appalling the rupture in relations that included recall of the American ambassador to Sweden and Washington's refusal to approve the incoming Swedish ambassador to the United States.

Earlier this month, Rep. Henry S. Reuss of Wisconsin told the House of Representatives, "Mr. Nixon has just decided to send an American ambassador to Cairo. This is a wise move. But why not also send an ambassador to Sweden?"

Mr. Reuss' reasoning was to the point. "In the last 10 years," he said, "the Egyptians have publicly insulted the United States on many occasions. Their head of state, for example, publicly advised the United States to 'go drink from the sea.' Sweden, while steadfast in its criticism of the U.S. presence in Southeast Asia, has remained a friend of this country."

Olof Palme, Sweden's prime minister, brought matters to a head when he compared U.S. bombing in North Vietnam with Nazi massacres of World War II.

Observers at the time interpreted Washington's diplomatic response as reaction as much to what was seen as a violation of Sweden's professed neutrality as to Prime Minister Palme's speech itself.

If many Americans found the United States' reaction overbearing and regrettable, there no doubt were many others who derived satisfaction that the United States had in some way finally lashed back at its critics.

But in the intervening year, the United States has found areas of agreement and accord with several of its long established and militant enemies around the world. With this in view, there has grown increasing dissatisfaction with our posture toward Sweden.

After all, many have pointed out, the United States has remained at least diplomatically tied to France even though that country has on various occasions openly disrupted our commerce, nearly wrecked the dollar abroad, tried to assert itself as a European power at our expense and treated far more openly and directly with our enemies than most countries in western Europe.

In the year that has seen changing friendships, there has also been change in Sweden that makes resumption of full diplomatic relations between the two countries more likely. Prime Minister Palme, although still in power, seems to be less solid in office than before September's election gave his opposition greater voice in the Swedish parliament. That vote is seen by some as an indication that Swedes are unhappy with the diplomatic situation just as many Americans are.

If, as some observers predict, the latest round of maneuvering will result in the resumption of full diplomatic relations between the two countries by the end of this year, it will be a step long overdue. The differences between countries, particularly with such a tradition of friendship as exists between Sweden and the United States, must be minimized in this day and age. There are more than enough problems around the world without looking for new ones.

## THE FAILURE OF THE PUBLIC HEALTH SERVICE

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. CRANE. Mr. Speaker, while many in Congress seek to continue the system of Public Health Service hospitals which the administration seeks to limit, the facts with regard to the efficiency of such hospitals tell a story far different than the one their proponents set forth.

The Hoover Commission, for example, first studied the problem in 1949, and in 1955 recommended that the PHS hospitals and clinics be closed. In 1965, the House Committee on Government Operations held 3 days of hearings into the problem spurred by the Johnson administration's proposal to close the hospitals.

In an important article in the October 27, 1973, issue of Human Events, Marvin Edwards, the former editor of Private Practice, the journal of the Congress of County Medical Societies, and author of the book, "Hazardous To Your Health," comes to similar conclusions concerning the failure of the hospitals run by the Public Health Service.

Mr. Edwards notes that—

The inefficiency of the PHS system is detailed. . . . The 1965 committee hearings received testimony that in the previous year the average stay in general medical and surgical hospitals operated by the Public Health Service was 18.6 days, far longer than the average stay for similar illnesses in private hospitals.

Also cited in Mr. Edwards' article is testimony submitted in 1970 by the American Association of Councils of Medical Staffs to the Senate Finance Committee. Citing official reports in Hospitals magazine, the association reported that the average length of stay in all private hospitals in the city of New Orleans was 8.11 days while the average stay in PHS hospitals was nearly 18 days. While the average cost per stay in the private hospitals was \$527, the average cost in the PHS hospitals, where taxpayers paid the bill, was \$922.

Mr. Edwards concludes that—

With the health of thousands of PHS patients at stake, it would be a tragic error to continue the flow of funds into a system that has proved not only costly but inefficient in providing health care. In altogether too many instances those persons who have placed their reliance on government-operated health plans have been rewarded by receiving worse care than their neighbors who continue to use the private health care system.

I wish to share Mr. Edwards' important article with my colleagues, and insert it into the RECORD at this time:

#### PUBLIC HEALTH SERVICES PROGRAM IS A MONUMENTAL FAILURE

(By Marvin Henry Edwards)

The Nixon Administration has lost the first round in its attempt to finally close the nation's Public Health Service hospitals, a target of government health experts for the past 25 years.

Even before Congress created the Medicare and Medicaid programs in 1965, the Public Health Service had demonstrated the problems which have since led both of those

projects into massive cost overruns and snarls of red tape, reducing the quality of care received by millions of aged and indigent patients.

Since 1949 the PHS facilities have survived investigation into the inefficiency and high cost which have plagued government health programs, but the future of the hospitals took on a new look of uncertainty recently when the House of Representatives, by a narrow five-vote margin, sustained the President's veto of the Emergency Medical Services Act.

In his veto message, the President had specifically cited his objection to the bill's inclusion of a rider which would have committed the federal government to continued funding of the hospitals. The President told Congress that in-patient facilities at the hospitals have outlived their usefulness, that the number of individuals they serve is declining and that many of the hospitals are old and outmoded.

In an attempt to provide better care to those patients now treated in the Public Health Service facilities, the Administration has launched a program of contracting with community hospitals to care for PHS patients. The President claimed the patients would thus receive better care in more modern, better-equipped hospitals.

Although the presidential veto was sustained primarily on the basis of the Administration's proposal to phase out the PHS facilities, congressional advocates of the program succeeded in winning at least a temporary reprieve with a bill introduced by Sen. Warren G. Magnuson (D.-Wash.), to keep the hospitals operating at current levels unless Congress specifically authorizes their closing or a reduction in care levels.

The legislation, worded to play on the recent mood of Congress to defend legislative prerogatives, sailed through the Senate by a vote of 52 to 19 and was accepted without change by a House-Senate conference committee.

Although the vote to sustain or override the President's veto became, to a large extent, a mid-Watergate test of strength between the harassed Administration and congressional Democrats, there was nothing partisan in the President's attempt to improve the care received by Public Health Service patients. Both President Kennedy and President Johnson favored a change in the system and it was Anthony Celebrezze, secretary of health, education and welfare under the Kennedy and Johnson Administrations, who led the fight for a very similar phaseout program as long ago as 1965, on essentially the same grounds.

The government has been attempting for nearly 25 years to do away with the hospitals maintained by the Public Health Service and to provide its patients with a better level of care.

The Hoover Commission first studied the problem in 1949, and in 1955 recommended that the PHS hospitals and clinics be closed. In 1962, President Kennedy, in his health message to Congress, urged that something be done about the hospitals to improve the facilities and make the services more accessible. In 1965 the House Committee on Government Operations held three days of hearings in to the problem, spurred by the Johnson Administration's proposal to close the hospitals.

There was no debate in committee this year. The rider to continue funding the PHS facilities was tacked onto the bill on the Senate floor and never made its way through the committee process where members would have had a chance to take testimony and discuss the issue themselves. Nonetheless, the 1965 hearings remain instructive.

The Department of Health, Education and Welfare testified in 1965 that closing most of the Public Health Service hospitals, with



major expansion and modernization of the remainder, would permit more comprehensive care, make the care more convenient, and save the government \$1 million a year in operating costs. In addition, it was estimated that the government would save another \$1 million in construction costs (for maintenance of the outdated facilities).

HEW's statement in connection with its proposal to close the facilities put the issue in concise form:

"The over-all proposal for the future of the Public Health Service hospitals and the care of persons eligible for treatment in these facilities has several noteworthy aspects. It permits more efficient and economical utilization of federal health care programs and facilities. It provides for a significant improvement in the quality of care for the bulk of patients now receiving [PHS] hospital services."

Although the 1965 Congress failed to adopt the HEW recommendation, which was strongly supported by the Johnson Administration's Bureau of the Budget, the failure was not so much due to support for the PHS programs as it was a result of a fear that transferring patients to other government hospitals—primarily the Veterans Administration hospitals, which have been widely criticized for their own inadequacy—would provide worse, not better, care for the PHS patients.

Significantly, the current Administration proposal does not call for a reliance on other federal facilities, which may be as bad or worse, but on contracts with community hospitals, entitling federal health care beneficiaries to the same level of care enjoyed by other citizens.

Although the Magnuson bill has again forestalled attempts to place PHS patients in higher-quality private hospitals, the drive will likely continue and Congress may some day be forced to debate the issue on its merits. When it does, these are some of the factors that will have to be taken into account:

For the past 100 years the Public Health Service has been responsible for health care provided by the government to American Indians. The result has been an angry cry from tribal leaders and Indian militants who protest that the care they receive is inefficient and of low quality.

The inefficiency of the PHS system is detailed in other ways as well. The 1965 committee hearings received testimony that in the previous year the average stay in general medical and surgical hospitals operated by the Public Health Service was 18.6 days, far longer than the average stay for similar illnesses in private hospitals.

The American Association of Councils of Medical Staffs, in 1970 testimony to the Senate Finance Committee, presented similar figures: Citing current official reports in *Hospitals* magazine, the association reported that the average length of stay in all private hospitals in the city of New Orleans was 8.11 days; the average stay in the U.S. Public Health Service hospital in that city was nearly 18 days. While the average cost per stay in the private hospitals was \$527, the average cost in the Public Health Service hospitals—where the tab was picked up by taxpayers—was \$922, which was \$274 more than the most expensive private hospital and \$395 more than the private hospital average.

Government health care facilities are coming under increased criticism, as evidenced by a powerful attack on Veterans Administration hospitals in a 1971 *Reader's Digest* article which stated that the system "is beset by critical malfunctions that result in mis-spent funds and misdirected treatment."

With the health of thousands of PHS patients at stake, it would be a tragic error to continue the flow of funds into a system that has proved not only costly but inefficient in providing health care. In altogether too many instances those persons who have placed their reliance on government-oper-

ated health plans have been rewarded by receiving worse care than their neighbors who continue to use the private health care system.

The record of federal failures in providing health care is becoming increasingly well known and should become a major factor in any congressional deliberations on proposals to keep pumping taxpayer funds into existing programs or to create new ones.

## THE ENERGY CRISIS: A FEW ANSWERS AND MANY QUESTIONS

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. STUCKEY. Mr. Speaker, today we are considering a bill to reduce the consumption of petroleum products in order to insure that the essential energy needs of the United States are met during this shortage. It also allocates supplies among all users without discrimination, except where users are designated as priority. This is an emergency measure, and although it may solve the short-run problems, Congress has yet to adopt legislation to deal with the long-range planning so essential for insuring adequate energy supplies in the future.

Before we can competently draft legislation to provide for the future energy needs of this country, we must understand the reasons for the current shortage. There have been many rumors, an equal number of accusations, some thorough analyses, and a few lawsuits. It is up to us, as policymakers, to find out exactly who and what conditions were responsible for the shortage, and then we must take those steps, no matter how drastic, to insure that our future energy needs cannot be once again disrupted. I commend the following article by Mr. Art Larsen entitled "The Energy Crisis: A Few Answers and Many Questions" from the preview issue of *Motorboat*, copyright 1973. It sets forth in highly readable, layman's language some of these rumors, accusations, facts, and lawsuits and provides a framework from which to continue our examination of why we ended up in this emergency situation:

### THE ENERGY CRISIS: A FEW ANSWERS AND MANY QUESTIONS (By Art Larsen)

John D. Rockefeller, 1908: "I ascribe the success of the Standard Oil Company to its consistent policy of making the business large through the merit and cheapness of its products. It has spared no expense in utilizing the best and most efficient methods of manufacture . . . It has not only sought markets for its principal products, but for all possible by-products, sparing no expense in introducing them to every nook and corner of the world."

Those were the days! Oil for the lamps of China, Black Gold, Boomtown—all the blithe promise of an industry that was both business and bonanza. In fact, it seems like only yesterday that Johnny Cash was telling us to expect more from Standard (or Amoco), Chevy was telling us to see the U.S.A., and there was a tiger roaring resolutely in our tanks.

Johnny's singing a different tune these

days, telling us we should only go 50 on the highway (and probably get climbed upon by a semi doing 70); Datsun is sticking it in GM's ear with its economy ads; and the Exxon (nee Esso) Tiger has become an endangered species.

Where does this leave you, with your 42' twin-screw cruiser?

A pessimist will tell you that you aren't going to be able to run it down the Intracoastal to Lauderdale this winter. He might even tell you that you won't have enough gas to get your Caddy to the dock. An optimist will tell you that the oil companies have made their point, and from now on you'll have no worries.

For the boat owner, and the consumer in general, it doesn't matter whether the Energy Crisis is real or concocted. If it isn't real, it might as well be. It's possible that there are supplies squirreled away in tank farms—but maybe there aren't.

Whatever the explanations, the stuff isn't reaching the pumps in sufficient quantity. So, before we get into the charges and countercharges, we'd best look at the immediate past and future impact of the Energy Crisis (recently described by an oil company executive as the "Energy Intensive") on recreational boating.

The sport survived the summer with only "spot shortages," according to just about everyone. A "spot shortage," of course, is one that occurs somewhere else. If it was you that had to bribe the dock boy five bucks to get three bucks worth of gas, calm yourself, Chicken Little. You can relax in the knowledge that the heavens fell on only a small minority, and that the rest of the boating brotherhood had hardly any problems.

Many marinas were held to the same amount of gas they bought last year. In some parts of the Midwest, where the weather was bad in the summer of '72, this meant rationing in the balmy summer of '73. In New England, some yacht clubs were selling only to their members. On Lake Austin, in Texas, there was only one marina open to serve 4500 boats on a hot summer Sunday. The *Boston Globe* made points with boat owners by carrying weekend fuel forecasts on Fridays. Some resourceful marina owners were obtaining surreptitious supplies of gas from other than their regular suppliers. Trailer boat owners filled up the tanks on their boats at the same time they filled up their cars.

Boating, in short, survived Year One of the Energy Crisis in relatively fine shape. We'll never know, of course, how many long boating vacations and weekend trips were scuttled because of the uncertainty of a fuel supply along the way.

Next season, things may be different, and some say worse. The oil men tell us we ain't seen nothin' yet. The next three to four years, they say, will be critical, and we'll almost certainly face some kind of rationing.

John Ross, executive vice president of Sohio, commented recently that Americans are unwilling to make voluntary sacrifices in their lifestyle, and that rationing will be absolutely necessary. "If that happens, I can assure you that boating will be very low on our priority list," he added. He didn't say "Just ahead of motorized pogo sticks," but the implication was clearly there.

Gulf Oil probably feels, reluctantly, the same way. In past years they've made a strong play for marine business, what with their maps, Racing Hall of Fame, and so on. This year they dropped their support of the Gulf Marine Racing Classic series after running only one of a scheduled 14 races. Reasons: "The promotion was just too effective and has boosted our marine sales beyond our ability to supply the product," in the words of a Gulf spokesman.

From an oil man's point of view, this new attitude makes good sense. If you're selling gas, you immediately notice that the corner

gas station is open all year around. If that station, and all the others in your marketing area (not to mention the increasing number of factory-owned outlets) are selling your entire quota to motorists, why disrupt things by sending a tank truck down to that hard-to-get-to marina that's only open four months of a year anyway? If necessary, you can even justify your action on moral grounds: "We're short. If we give it to those powerboats, our fire trucks and police cars may run short, too."

The oil industry is hitting the lecture circuit hard this year with topnotch speakers. Their message: We're only about seven years away from running out of domestic oil and natural gas. Our consumption rate continues to climb, thanks largely to energy-gobbling consumers. Whacko environmentalists ("mis-guided" is probably more accurate) and the always-bumbling government only complicate the matter. There's just no incentive to look for more, what with "bargain basement" prices for fuel oil, etc. "Our refineries," say the speakers—if they happen to work for one of the major firms, which they probably do—"are working at capacity, and nearly a third of what we're refining is coming from foreign countries."

Then comes the snapper: The conjured vision of robed sheiks and emirs in every corporate boardroom in America—a nation in chains, controlled not from the Kremlin, but from Riyadh, Kuwait, and Teheran. This vision may not be as conjured as it sounds, but more about that later.

The oil industry says the Energy Crisis didn't take them by surprise; they've been telling us about it for years. We just haven't been listening. We've been too busy buying cars (about 12 million sold last year) and outboard motors (half a million sold), not to mention power mowers, air conditioners, and snowmobiles.

The federal government must also share a big hunk of the blame, according to oil apologists. The new pollution controls on cars sucked up much more gas than any oil company could have predicted. Environmental restrictions on offshore drilling and refinery building, plus ordinances—federal and local—forcing abandonment of coal as an energy source, have all played a role.

In fact, just about everyone is to blame except the oil industry.

As proof, they cite statistics—Boy, do they ever!

Our nation, with six percent of the world's population, consumes nearly a third of the world's energy and this energy consumption will double in the next decade, according to oil spokesmen. Coal represents 77 percent of our fossil fuel reserves, but it accounts for only 18 percent of our current energy production. Oil and gas supply 78 percent of our energy, but they comprise only 12 percent of our proven fossil fuel reserves. Oil exploration is down—only half as many wild-cat wells were drilled last year as were drilled in 1956. With the exception of the Prudhoe Bay discovery in 1968, our consumption is outpacing new finds. Even now that the way has been cleared for construction of the Alaska pipeline, we're three to four years away from getting that precious North Slope nectar into our gas tanks.

To keep pace with the demand for oil and natural gas, says the oil industry, we've got to find and develop the equivalent of a Prudhoe Bay each year. We need to find as much domestic oil in the next 18 years as we have produced in the last 115 years. And this won't come cheap. All the big, easy-to-find oil fields in this country have been found. The remaining big discoveries aren't going to be made in places like the backyard of the Oklahoma State Capitol building; they're going to be made in places like the Outer Continental Shelf or Alaska. Just getting the stuff back to us, warns the oil industry, is going to cost a lot more than we've become accustomed to paying.

Meantime, we must plug the gap with imports, build new refineries, and construct deepwater ports to handle the new super-tankers, some of which go 500,000 deadweight tons (with bigger ones on the drawing boards). Then, too, according to the oil-industry scenario, we must relax our pollution controls to permit more burning of coal; we must intensify research and development in nuclear power, geothermal power, liquefaction and gasification of coal, solar power, and other potential long-term solutions. Again, they add, it's going to cost plenty.

The oil industry has a few other items on its list of "musts." Like getting the recently-cut depletion allowance back up to a point that actually provides an incentive to that risky exploration. Like getting favorable leases on the federally-owned oil shale lands in Colorado, Utah and Wyoming. And like tossing out environmental controls on construction of new refineries.

When an oil man presents a shopping list like this, he does it solemnly—like a campus militant of a few years ago presenting a list of "non-negotiable demands." The oil man does, however, give us an alternative—those robed sheiks and emirs. Here the oil industry can be most convincing: Given the current trend in oil imports, our trade deficit could soar to \$30 billion a year in just a few years. Most of this would get salted away in air-conditioned palaces in the deserts of the Near East. The Arabs would control the world's liquid assets in more ways than one. In fact, we're already risking Arab control over some corporations with the dough we've been forking over. Once you've got the essentials, like a full harem and a fleet of Rolls-Royces, you need to do something creative with your money, like playing the U.S. stock market.

Reinforcing this vision for the oil industry is the recent agreement between Ashland Oil and the government of Iran: Ashland gets a guaranteed supply of crude, and Iran gets half of Ashland.

Sohio's Ross summed it up, when asked to speculate on what the price of gasoline might be, five years hence: "It's going to cost just exactly what the Arabs decide they want to charge us for it."

Thus speaks the oil industry. But not everybody is listening.

There are unbelievers, and they run the gamut from crusading journalists to bureaucrats, and from politicians to naive geology students.

The unbelievers begin with the "cui bono?" argument. Who benefits from the current Energy Crisis? The oil industry, of course. They can sell everything they're producing, drive the price-cutting independents out of business, cut their advertising budgets, get bigger depletion allowances, and, in general, loot the Treasury and the pockets of the citizens. They'll also get cheap leases on oil shale lands and offshore sites, crash their tankers and foul our beaches, and even make us choke on coal smoke (because a bunch of them already own coal companies). They're underestimating the size of their reserves, and their arguments sound exactly the same as the ones they put forth in the 1947, 1935 and 1923 Energy Crises. With their awesome power they keep a host of politicians beholden to them. And that stuff about the sheiks and our national security is a lot of bunk, because that stuff from the Middle East is coming straight from wells owned mostly by the big oil companies themselves.

Too, the unbelievers have a rough time swallowing the suddenness of it all. They wonder if it's possible for the nation's largest industry to be caught napping, what with their banks of computers and armies of prognosticators. The unbeliever doesn't even believe the "We've been telling you this all along" line, especially when he looks at the sudden, simultaneous switch in selling tactics. (Advertising may not be literally true,

but like an article in *Pravda*, you can draw lots of inferences.) Suddenly, ad budgets were slashed by the major refiners, and there was a remarkable similarity in the message that remained—"Let's all pull together to conserve fuel." To the unbeliever, this constitutes a remarkable coincidence.

The Federal Trade Commission doesn't dispute the long-range problem, but it thinks the current crisis is a plot by major companies in the oil industry to drive the independents out. James Halverson, director of FTC's Bureau of Competition, last summer told two Senate committee hearings that, since 1950, the eight biggest refiners have built no new refineries in the East and Gulf Coast states, where half the gasoline is consumed, despite a doubled demand. Independent refineries depend on the major oil companies for their crude supplies, and they're in no position to ante up the \$250 million it now takes to build a new and efficient refinery. The major companies would rather sell to their own dealers and keep the price of crude high to outsiders (because the depletion allowance means that a dollar of crude oil profit gets taxed at a lower rate than a dollar of refinery profit). With the large companies supplying all their crude to their own refineries, the independent refiner can't supply the independent retail marketer, and the major companies can't, or won't, Halverson charges.

The major companies reply that, one, it's the environmentalists who've stymied refinery construction, and, two, that it's unfair to supply the independents at the expense of their own dealers. They can also show that, historically, small refiners have supplied the independents—but, then, that was when the large companies had enough crude to spare.

Halverson also told the senators that natural gas reserves are consistently understated by the producers in reports furnished by the American Gas Association. Subpoenaed records from the producers themselves showed reserves up to 1,000 percent greater than what was reported through AGA.

Are petroleum reserves similarly understated?

Sen. Adlai E. Stevenson III (D., Ill.) thinks so. He says gasoline production is at record levels, but that the supply is being withheld from the market. "There is no doubt, however, that the independent segment of the market is short of supply and is paying a premium price for what they do get," he said. He condemned the Administration for not taking action against the major oil companies and for failing to use the new mandatory allocation powers equitably.

A team of *Philadelphia Inquirer* reporters thinks so. After a long investigation, they've noted that the oil industry won't even bid on low-profit municipal fuel contracts. They note that two Detroit police precincts recently ran out of gas because the independents didn't have the supply to bid on the contracts, and the larger companies didn't have the inclination. The same reporters note that research by the U.S. Geological Survey and estimates from independent consultants place recoverable petroleum reserves considerably higher than the oil industry does. They cite a Senate Interior Committee report placing estimated reserves at anywhere from 575 to 2400 billion barrels—a helluva lot of latitude, but a helluva lot of oil, either way. That's excluding the estimated 1.8 trillion barrels of shale oil reserves (the thrifty Scots have been extracting petroleum from shale economically for decades, they point out).

The oil industry's answer to the question of what's actually left in the ground generally runs along the lines of "We're the only ones in a position to know," or, as one oil-company executive recently put it: "If he (a petroleum expert) doesn't work for an oil company, he's either unemployed, or he's a fool." Good point. Even if he's a private consultant, who might his clients be?



The State of Florida has joined the ranks of the unbelievers. It has sued 15 major oil producers, charging them with conspiracy to contrive the current shortage and asking that the firms divest themselves of all crude oil exploration and development if they remain in the retail gasoline business. The suit is modestly billed by Florida officials as the greatest trust-busting effort since the break-up of Standard Oil in the early 1900s.

Environmentalists—the definitive unbelievers—suddenly find themselves on the defensive again. Thanks to the Santa Barbara oil spill and other disasters, they were able to push through restrictions on offshore drilling and ports for supertankers. They also got what they wanted in the way of laws regulating strip-mining and coal burning. They delayed the Alaska pipeline for better than three years. The oil industry's massive counterattack is aimed directly at these environmentalists and points out to mass-America that they pose a barrier to its cherished lifestyle. The environmentalists charge that the whole thing's a hoax—especially the Alaska pipeline. The reason for running the pipeline across the world's most earthquake-prone area, they say, is not to convey the oil to the "Lower 48," but to facilitate its export to Japan.

Even the proverbial Man on the Street questions the oil industry's sincerity now and then—when he reads items about Sohio cutting its octane ratings to conserve the supply without bothering to tell the customers; or when he learns that Atlantic-Richfield beat last summer's price freeze by raising the rent on its stations (no rent controls under Phase III) instead of raising the price of gasoline a penny a gallon. When he reads the financial pages, he wonders about the record profits being turned in by the oil industry this year, especially by the large firms doing the most hand-wringing.

The oil industry answers this latter charge with the admonition: "This profit situation may be temporary, and, to be on the safe side when the crunch comes (they're talking about the "real" one, not the current one), most oil companies are diversifying."

If the Man on the Street knows an oil company truck driver well enough, he might even hear the driver say something like "I've never seen as much gas as they've got stashed away down there at the refinery."

And a real cynic will ask why last summer's shortage hit hardest in Colorado. Denver isn't particularly off the beaten track, oil-wise. Could it be, the cynic asks, that the oil industry is striking hard at what it considers a hotbed of environmentalism? Probably not, but Colorado voters did gain something of an environmental reputation when they struck down the Winter Olympics. A more plausible explanation is the fact that independent oil companies enjoy a relatively large share of Denver's fuel market, compared with their share of the market in every other large U.S. city.

There are other facets to the problem, but each generates more questions than answers. The oil companies may well be vindicated in the years ahead. Or some latter-day Ida Tarbell may uncork tapes of the secret meeting in the Petroleum Club in Houston (where, presumably, the whole thing was plotted, if it was).

As a boat owner, you have no choice but to assume that it's real. And because boating has little leverage (it's a sideline with anybody who supplies the stuff either to build boats or to make them run), you'll just have to run with the tide—and hope that the new mandatory allocations do what they say they'll do guarantee a fuel supply to all users. Whether they will or not is just one more question.

## WORLD PEACE AND BROTHERHOOD

### HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. CHISHOLM. Mr. Speaker, since the first day I entered Congress, I vowed to use my office as an instrument to fight for this Nation's adoption of the principles of world peace and brotherhood. I abhor war and shall always work to persuade our Nation to resist the temptations of war and aggression.

When our Nation was suffering daily through the agony of an insane war in Southeast Asia, I voted consistently against any and all military appropriations for its support and continuation. However, when considering the conflict in the Middle East and voting for emergency assistance to Israel, I have not broken with my vow to oppose war, but I have searched my conscience and heart in an effort to fight for and do that which would best insure a lasting peace that will benefit all parties.

There often seems to exist a gulf or mutual incomprehension between Arabs and Israelis as to the nature of each other's fears and the nature of a settlement by which the two peoples could peacefully coexist in the Middle East. Thoughtful Americans are appalled at the resulting carnage wrought by three wars there in the past 25 years, and they are deeply saddened that, during that period, they seem to have lost the good will and trust of the Arab people and gained simultaneously only the suspicions and doubts of the Israelis.

What is so tragic about this development is that Americans have genuine historical and spiritual ties with the peoples of the Middle East, Arabs and Jews. As schoolchildren, we learned about the birth of great religions and the growth of great civilizations. We marveled at the accomplishments and contributions which the cultures of the Mesopotamia and the Nile Valley made to the development of Western civilization. Jerusalem, with its incredibly rich and diverse history, retains a special place in our hearts and minds as a great international city.

Today, Arabs and Jews live in the United States, enriching our society and contributing to its cherished diversity. An increasing number of Americans, young and old, want to travel to these lands to see their architectural wonders, to meet their peoples, and to learn about their customs.

All of us, Arabs, Israelis, Americans—everyone—lose by the political confrontation in the Middle East. Choices have been forced for too long, passions have been inflamed, and foreign powers with alien and hostile ideologies have sought to gain strategic advantage in the region. A new approach to solving this dilemma is crucial if we are to get off the treadmill of fruitless talks and new outbreaks of violence.

As the elected Representative in Congress of a district in which a number of concerned American Jews reside, I am

compelled to provide them with the input in the policymaking process to which they are entitled.

If peace is to be obtained in the Middle East, military balance must be essential. When entering the first and fragile stages of peace negotiations, it is not fair that any one side be strapped into a disadvantaged posture. For the United States to maintain a long hoped for neutral policy in the Middle East, the Soviet Union must do likewise. For there to be balance in the Middle East, both super powers must subscribe to a commitment of disarmament and not have one engage in unilateral arms support.

Instead of talking around each other or not even talking to each other, let us hope for a lasting settlement in Geneva and stop to realize that Arabs and Jews groan at their arms burden, the continuing brutal loss of life, and the hatred. I favor the following steps in an effort to move to what should be recognized as the heart of the Middle East conflict:

First, a United Nations guarantee, supported by the United States and the Soviet Union, to guarantee the stability and territorial integrity of all states in the Middle East;

Second, a limitation on all arms shipments to the area by both sides;

Third, resumption of diplomatic relations with all Middle East governments;

Fourth, increased economic aid to the less developed nations of the region;

Fifth, full representation for the Palestinian refugees in all negotiations concerning the return or compensation for Palestinian Arab property; and immediate consideration of the problem of the lack of status of the several hundred thousand people who left Israeli held territory in 1948 and 1967; and

Sixth, firm, joint agreement by both the United States and Russia to support and defend agreed territorial boundaries of Israel and its sovereignty forever.

If we stop to remember the human element in international affairs, rather than relying on deceit and threats and cheating, so much a part of great power politics, we will be attacking the Middle East problem at its root—Palestine. It is a tragedy for the suffering peoples of that area, as it now is for the poor of our own society, that the present American and Soviet Governments have become so enamored of their game plans, and their great schemes that they have completely ignored the desperate problems of human beings. Unresolved they keep our world in turmoil.

## THE AFL-CIO CASE FOR IMPEACHMENT—III

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. ABZUG. Mr. Speaker, recently the AFL-CIO launched a forceful campaign

for the impeachment of the President. For the consideration of my colleagues, I am inserting the third in a series of articles in the CONGRESSIONAL RECORD:

THIRD IN A SERIES—THE CASE FOR IMPEACHMENT: THE PRESIDENT AND THE TRUTH

Richard M. Nixon has committed an impeachable offense by consistently deceiving the American people.

The President said on April 30, 1973:

"On March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the (Watergate) matter, and I personally ordered those conducting them to report directly to me."

But, on August 7, former Assistant Attorney General Richard Kleindienst and Assistant Attorney General Henry Petersen denied before the Senate Watergate Committee receiving such orders.

The President said on April 30, 1973:

"I have given him (Attorney General-designate Elliot Richardson) absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters."

He also said on May 22, 1973:

"With the selection of Archibald Cox . . . as special supervisory prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see that the truth is brought out. In this effort he has my full support."

But Cox was fired by President Nixon on October 20 for rejecting a "compromise" on the tapes which included an order that Cox "make no further attempt by the judicial process to obtain tapes, notes or memoranda of presidential conversations." Richardson refused to fire Cox and resigned.

The President said on May 22, 1973:

When he first learned on March 21 of the break-in at the office of Mr. Ellsberg's psychiatrist, "I specifically authorized the furnishing of this information to Judge Byrne," presiding over the Ellsberg trial.

But Petersen testified on August 7 that he raised the Ellsberg case burglary in mid-April with President Nixon who said, "I know about that. This is a national security matter. You stay out of that." Petersen and Kleindienst testified that President Nixon released the information only after both threatened to resign.

Then the President, on August 15, 1973, admitted:

He had first told Petersen to stay out of the Ellsberg burglary matter and said: "On April 25 Attorney General Kleindienst, came to me and urged that the fact of the break-in should be disclosed to the (Ellsberg) court, despite the fact that since no evidence had been obtained, the law did not clearly require it. I concurred."

But on May 11, 1973, Judge Byrne dismissed all charges of espionage, theft and conspiracy in the Pentagon papers trial against Daniel Ellsberg because of government misconduct—evidence of the burglary and of other surveillance of Ellsberg.

The President said on May 22, 1973:

"Because approval (of a plan to establish a secret police force) was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect."

But on June 25, 1973, former White House Counsel John Dean told the Senate Watergate committee that two months after the secret plan for expanding domestic intelligence activities was approved, he was asked to get it started, and that he never saw any document showing a revocation of the plan.

And on July 9, 1973, Tom Charles Huston, the former White House aide who drafted the secret police plan, told the House Armed

Services Committee, under oath, that the plan was never formally cancelled.

The President said late in April, 1973:

(According to testimony by Petersen before the Senate Watergate committee) that he (the President) had a crucial April 15 conversation with Dean "on tape."

But on October 31, the White House announced that the April 15 tape was missing. Then the White House said the tape never existed. Then the White House said there was a Dictabelt of the President's recollections of that conversation. Then the White House said that the Dictabelt did not exist.

The President said on November 17, 1973: "I, of course, waived (executive) privilege with regard to turning over the tapes (to the courts), and so forth. Let me point out it was voluntary on my part . . ."

But the President turned over the tapes to the court 21 weeks after Federal District Judge John Sirica had ordered him to do so and after the U.S. Court of Appeals upheld the Sirica ruling and ordered the President to comply. And on November 26 he claimed executive privilege on three of the subpoenaed tapes.

The President said on November 17, 1973:

"Neither party was without fault. . . . They raised \$36 million (in the 1972 presidential campaign) and some of that, like some of ours, came from corporate sources and was illegal because the law had been changed, and apparently people didn't know it."

But, the Washington Post said on November 23: "Now the fact is that no corporations have admitted or have been charged with making illegal gifts to the McGovern campaign, while six have so far been convicted of making large unlawful donations to Mr. Nixon's reelection drive. Furthermore, the law barring such corporate gifts is hardly new; it was enacted in 1907."

The President said on November 17, 1973:

"I paid \$79,000 in income tax in 1969. In the next two years I paid nominal amounts. (The reported amounts of \$792 in 1970 and \$878 in 1971 on an annual salary of \$200,000 have never been denied by the White House.) Whether those amounts are correct or not, I do not know . . . Now, why did I pay this amount? It was not because of the deductions for, shall we say, a cattle ranch or interest or all of these gimmicks . . . I turned them (his vice presidential papers) over (to the tax people). They appraised them at \$500,000 . . . So the tax people who prepared . . . the returns took that as a deduction."

But figures the White House has made public on the President's acquisitions of his Key Biscayne and San Clemente homes indicate he paid substantial sums in interest in 1970 and 1971. If he did not use "interest or all those gimmicks" as deductions and relied only on the deduction for his papers, his tax liability for the two-year period would have totaled some \$84,000 instead of the \$1,671 he reportedly paid. The amount he paid was the same tax imposed on a worker with a wife and two children earning about \$9,000 a year.

Further, an exhaustive study by Tax Analysts and Advocates, a long-established, reputable, nonprofit organization that analyzes complex legal issues, has concluded the President is not entitled to the deduction because he did not complete his gift of the papers before July 25, 1969, the cutoff date set by the Tax Reform Act of 1969. There is no deed signed by the President. There is no document showing acceptance of the gift by the government.

The President said on November 17, 1973:

"Lyndon Johnson came in to see me shortly after I became President, and he told me that he had given his presidential papers, or at least most of them, to the government,

and he told me that under the law, up until 1969, presidential or vice presidential papers given to the government . . . could be taken as a deduction from the tax. And he said: 'You, Mr. President, ought to do the same thing . . . You have got your vice presidential papers.' . . . I can only say we did what we were told was the right thing to do and, of course, what President Johnson had done before . . ."

But in 1969, former President Johnson made a careful decision not to take a deduction on his papers because in that year Congress was debating the cutoff law. He decided it would be unseemly for a former President to attempt to make such a gift to beat a congressional deadline. The President, however, did just that.

The President said on November 17, 1973:

" . . . I have referred to what I call the Jefferson rule (defending executive privilege as an answer to a subpoena) . . . Jefferson . . . had correspondence which it was felt might bear upon the guilt or innocence of Aaron Burr (in his treason trial). Chief Justice Marshall, sitting as a trial judge, said that Jefferson, as President, had to turn over the correspondence. Jefferson refused. What he did was to turn over a summary of the correspondence, all that he considered was proper to be turned over for the purposes of the trial. Then Marshall, sitting as Chief Justice, ruled for the President."

But, Jefferson sent the subpoenaed documents to the U.S. attorney in Richmond, who authorized the court to use those portions relating to the case. Marshall did not rule as Chief Justice on the case in which he had been the trial judge. It never went to the Supreme Court.

The President said on August 22, 1973:

"I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, Mr. Mitchell on (March) 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it's going to hurt . . ."

But, on July 11, 1973, Mitchell testified before the Senate Watergate Committee that the President never asked him about Watergate at any time.

The President said (according to Republican congressmen) on November 13 and 14, 1973:

That Richardson had fully agreed to the compromise plan in the tapes dispute which would have ordered Cox to take no further judicial actions to get evidence from the White House.

But, on November 6, in testimony under oath before the Senate Judiciary Committee, Richardson said he never approved limitations on Cox.

The President said (according to Republican congressmen) on November 13 and 14, 1973:

That Richardson "did not tell the truth" to the Senate Judiciary Committee and that Richardson had a "faulty recall."

But, on November 27 in an interview, Richardson revealed additional documents supporting his sworn testimony and quoted Presidential Assistant Alexander Haig, a former general, in a phone call after the meeting with Republican congressmen, as saying: "I don't disagree with anything you said in your testimony."

The President told Republican governors on November 20:

"If there are any more bombs, I'm not aware of them."

But, on November 21, White House lawyers told Judge Sirica that there was an 18-minute "gap" in one tape, and that President Nixon personally had known that since October 1. Governor Dan Evans of Washington said: "He just didn't square with us, level with us."



According to Cannon's Precedents of the House of Representatives, which governs House procedure:

"Impeachment may be based on offenses of a political character, on gross betrayal of public interests, inexcusable neglect of duty, tyrannical abuse of power and offenses of conduct tending to bring the office into disrepute."

Richard M. Nixon has committed an impeachable offense by consistently lying to the American people, by suppressing the facts of the Watergate case, by refusing the cooperation and participation he has repeatedly pledged and, by these actions, obstructing justice.

Therefore, Richard M. Nixon, President of the United States, should be impeached—now.

#### CAN WE BELIEVE NIXON?

It's a sad, sad day when Americans cannot believe their President. Not agree with him, but just believe him.

We have disagreed with Presidents in the past—and we have said so whenever we felt their policies were not in the interests of working people, or of the nation as a whole.

We have certainly disagreed with the policies of the Nixon Administration. Everybody knows what these disagreements are.

But these differences, serious as they are, have nothing to do with the central issue confronting the American people today.

The issue now is not presidential policy but presidential credibility.

This is the inescapable issue raised by the literally incredible events of recent weeks and months, which are summarized on this page.

The President cannot meet this issue convincingly by launching "Operation Candor" or any other public relations gimmick. He can meet it only by telling the truth—the whole truth and nothing but the truth—now. Right now.

In the unreal setting of Disney World, on November 17—the 45th anniversary of Mickey Mouse—the President told the AP editors:

"People have got to know whether or not their President is a crook."

They also have a right to know whether their President is a liar.

Mr. Nixon's relentless resistance to full disclosure has left the people with only one avenue to the truth—the avenue urged on this page: impeachment.

GEORGE MEANY.

### HUD SUSPENDS 25 FOR VIOLATION OF POLICY RULED ILLEGAL BY FEDERAL COURT

**HON. WILLIAM S. MOORHEAD**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, this week the Department of Housing and Urban Development officially reprimanded 55 of its employees, suspending 25, for violating an internal policy which a Federal court already has ruled illegal.

HUD's ax fell on employees who, the Department claims, processed applications for housing after the Department issued a moratorium of all Federal assistance for housing on January 5, 1973.

The fact that the moratorium has been ruled illegal, by the Federal District Court for the District of Columbia, seems not to have deterred HUD from penaliz-

ing employees who, in the Department's eyes, tried to supply housing when the President, violating laws this House passed, insisted that no housing be built.

Three dedicated public officials, the Director and two of his assistants, who run the HUD Pittsburgh area office, were among those suspended.

The Pittsburgh office has one of the finest records of any HUD area office in the country, in terms of most mortgage applications processed and fewest mortgage foreclosures.

This fine record was not produced by men given to "gross misjudgment, tantamount to insubordination," to quote the HUD press release.

I am concerned that these 55 HUD employees are being pilloried as an example to other HUD staff that internal political decisions should guide their actions, not Congress and its laws.

I have written to Secretary Lynn, asking for all of his substantiation of claims of wrongdoing against the three Pittsburgh area employees.

The current administration, in the past, has not been above making allegations, after claiming to have done a first-rate investigative job, only to have it shown afterward that a proper investigation never took place.

Thus I want to see their evidence.

For the information of my colleagues, I want to include in the RECORD at this time, a copy of the HUD press release and my letter to Secretary Lynn:

#### STATEMENT—PROBE ACTION

The U.S. Department of Housing and Urban Development announced completion of an investigation ordered by HUD Secretary James T. Lynn into violations of the moratorium invoked January 5, 1973, on FHA-insured loan commitments.

Following Lynn's orders to "take appropriate action where evidence of wrongdoing is uncovered," HUD's Inspector General reviewed 400 cases in area and insuring offices, whose records reflected an unusually high rate of applications marked by a high incidence of error, filed shortly before the January 5 moratorium deadline.

Regional Directors have taken administrative action ranging from "unofficial admonishment" to dismissal against 55 HUD employees in 27 area and insuring offices in eight of HUD's 10 Regions.

Twenty-two employees received "unofficial admonishment," written chastisement for bad judgment. The action does not go into their personnel files.

Seven employees were officially reprimanded for more serious bad judgment. The action will be reflected in their personnel files.

Sixteen HUD employees were suspended for five working days without pay; four were suspended for 10 working days without pay; five were suspended for 30 working days without pay. Their infractions ranged from serious to gross misjudgment tantamount to insubordination.

One acting director of an insuring office was dismissed.

Names are being withheld pending notification of action to those affected by their Regional Directors.

CONGRESS OF THE UNITED STATES,  
Washington, D.C., December 12, 1973.

HON. JAMES T. LYNN,

Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I am very much disturbed by the punitive action taken by the Department of Housing and Urban Develop-

ment against Charles Lieberth, Robert Anderson, and William Costello, senior officials of the HUD Area Office in Pittsburgh.

All three have been notified that they will be suspended without pay, for a period of 30 days in the case of Mr. Lieberth, and five days for Messrs. Anderson and Costello.

As you know they have been charged with violations of the January 5, moratorium, instituted by your predecessor, Mr. Romney, at the direction of the President.

I need not remind you that the very policy these men have been accused of violating has itself been ruled illegal by one federal court. This fact alone casts questionable legality on the actions taken by HUD.

I am equally concerned with claims that these men exhibited, in the words of HUD, "gross misjudgment, tantamount to insubordination."

Charlie Lieberth administers an office which, as of March, 1973, is insuring 48,594 single-family mortgages and 13,470 units of multi-family housing.

Through quality processing and applications procedures, only 200 (less than .5%) single-family mortgages, approved by Lieberth's office, have resulted in foreclosure.

An equally impressive figure exists for multi-family foreclosures. There has been only one foreclosure (200 units) of the 13,470 units of housing approved by Lieberth's staff.

This hardly seems like the type of work put out by employees who are insubordinate and employ gross misjudgment.

Mr. Secretary, I know Charlie Lieberth to be a fine, dedicated public official, whose competence and integrity are acknowledged by all those engaged in housing and community development activity.

I am bothered by the possibility that Mr. Lieberth is being punished—not for a violation of law—but for running afoul of a decision of political expediency. And that his censure, and that of the others involved, is being used as a warning to other HUD employees who might believe that not all O.M.B. policy decisions are in the best interests of the nation.

For these reasons, I would like to be supplied with a copy of the investigation and report completed by your Inspector General. In addition, I would like a complete list of all charges against Messrs. Lieberth, Anderson, and Costello, and a copy of the evidence you have uncovered to substantiate Department claims of gross misjudgment, tantamount to insubordination" against these men.

If your intention was to get a message to the employees of your Department I believe that the HUD press release of December 10 accomplished that purpose. Maybe at Christmastide we should remember that "the quality of mercy is not strained."

I believe this matter merits your personal review and reconsideration.

Sincerely,

WILLIAM S. MOORHEAD.

### OIL COMPANIES EXPLOIT NATIONAL CRISIS

**HON. JEROME R. WALDIE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. WALDIE. Mr. Speaker, the energy crisis and what to do about it has unearthed a host of suggestions on how to conserve energy and fuel, and how to increase our energy supplies and resources. We have been bombarded daily with various reasons why we are now in the middle of a crisis as well as with a

plethora of solutions—some of which are diametrically opposed to each other—on how to solve our energy problems.

But there are two areas in which there is little dispute and which have until recently not been subject to much public attention.

The first is the fact that the Congress and the American people have not been able to get enough hard, factual information about our energy supplies and needs. I am, therefore, introducing today legislation—the Energy Information Act—designed to help us obtain a much clearer picture of our energy situation. It would establish a system for collecting, organizing, and disseminating accurate, complete, and timely statistical information on energy matters. In my view, the bill is an important first step toward closing what is now a massive information gap.

The second area involves the role the major oil companies have played in the energy crisis. I think it is reasonable to say that the oil companies helped to precipitate the energy crisis and, incredibly, they now stand to gain the greatest benefits from the crisis.

The relationship between the situation the major oil companies now find themselves in, and the information gap is simply that almost all information we now have is provided by the oil industry. There are no mandated requirements concerning the data that must be supplied, and what is given is not verified by the Government. In spite of this, the unverified data is the basis for a number of steps taken by the Government, which have redounded to the benefit of the oil companies.

Incredibly, these unverified statistics have played a major role in the following:

Relaxing of hard-won environmental protection standards;

Increases in fuel prices; for example, the wholesale cost of gas and other petroleum products increased 341 percent in November 1973 alone;

Passage of the Alaskan pipeline bill; and

Apparent permission to drill for oil in the Santa Barbara Channel;

But the actions of the major oil companies do not stop there. The record is clear that they have perpetrated a series of acts that almost defy belief:

First. In 1972, they cut their output even as they warned of impending shortages. Refineries were operated at 84 percent of capacity during the first 4 months of 1972—almost 10 percent below the maximum sustainable level—and well below rates for comparable months in 1970 and 1971.

Second. Until 1973, they opposed the importing of oil, thus contributing to dangerous lessening of needed reserves.

Third. They deliberately reduced heating fuel production levels, because the price level, instituted in August 1971, was unattractive.

Fourth. They have increased their 1973 profit margins far beyond reasonable levels, even considering their allegation that 1972 was a depressed year:

Profits were 47 percent greater in the first 9 months of 1973 than in a comparable time in 1972;

Profits of 15 major companies increased an average of 62 percent;

In the third quarter of 1973 oil industry profits increased 63 percent from 1972 third quarter levels;

In the first 9 months of 1973, oil corporate profits were more than twice what the Federal Government spent in the field of energy research in the past 5 years; and

Phase IV rules allow all phases of the industry to pass through increased costs to consumers, but not to pass through increased profit margins.

Fifth. Within the past year, the oil industry has cut off supplies to, and the forced closing of 2,000 small independent service station owners.

Sixth. Since the acute crisis developed, fuel oil and gasoline exports have increased—500 percent in October and November alone. While the total exports is small in comparison to the total U.S. use of oil and gasoline, they have increased since the crisis began and the Cost of Living Council predicts doubling of heating oil exports in 1973.

Perhaps the most damning evidence of all is the recent Cost of Living Council's decision to increase the price of heating oil 2 cents a gallon. The oil companies have insisted on at least this minimum increase or they would not divert their resources to the meet the needs of the country.

I find that almost beyond belief. In effect, the oil industry has thumbd its nose at the American people. Not only is the industry refusing to experience inconveniences as individual Americans and a number of businesses have had to do, but it has taken the tact that it refuses to help solve the crisis unless it can make more money from its efforts. It may be that it is time to seriously consider putting the major oil companies under total Federal control—in effect, nationalizing the industry—for the duration of the crisis if their past is prolog to the future.

Mr. Speaker, the oil industry has effectively kidnaped America. It is now holding it for ransom.

#### MOBILE HOMES ARE NOT FIRE HAZARDS

#### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. FUQUA. Mr. Speaker, in recent weeks I have been particularly concerned and interested in legislation and proposals to strengthen programs to eliminate the toll which fires take in lives and property in these United States.

In this connection, I am interested in both residential and business properties. In the former, I have been studying data concerning conventional housing and mobile homes.

It is my impression that there are misleading statements being made about the latter and their potential danger. I think a fair statement is that both have certain fire dangers and that builders,

manufacturers, and those in sales in both types of housing are interested in reducing the potential for danger.

That reduction is not going to happen unless we take a long and hard look at realistic statistics and factual data. The mobile home industry has been the victim of many misleading statements, in my opinion, in far too many instances.

In that connection I would like to offer a short column written by Brownie Hardison and Jim Kennedy in the November issue of Mobile-Modular Housing Dealer.

I think it is food for thought by all who are genuinely interested in the solution of a national problem—the danger which fires so often pose for all walks of American life.

Their article read:

#### MOBILE HOMES ARE NOT FIRE HAZARDS

One of the major—and generally unfounded—complaints expressed about mobile home living is the claim that they are potential fire traps for the occupants. Several outspoken critics of the industry have often cited the so-called fire danger that a mobile home presents, supposedly far more than site-built housing.

There is no better way to refute this argument than to review the results of a study made by the National Fire Protection Association at the annual convention of the Fireman's Association of the State of New York in Rochester, New York, late in August.

The speaker was George H. Tryon, administrative secretary of the association that is nationally recognized for its fire preventive studies and programs. In his closing comments, Mr. Tryon said: "I have one more overall observation to make about the mobile home fire-danger picture as viewed against all forms of residential fire dangers.

"We figure that the number of mobile homes in use today is in the neighborhood of 3,000,000 units and we are saying that, nationwide, probably there are a total of about 25,000 fires of one kind or another in these mobile homes in a year.

"We also estimate from figures available from the National Bureau of Census that there are (in total) some 63,450,000 ordinary residences in the country and the National Fire Protection Association estimates that there are 669,000 fires in these properties a year.

"The number of fires per unit for mobile homes in this one in 120; the number of fires per unit for all other residences is one in 94.8. This means that the number of fires per unit is .0083 for mobile homes and .0105 for all residences."

Mr. Tryon further added that "we know that our homes—be they mobile or 'stick-built'—are where more Americans die from accidental fires than in any other occupancy," and that standards for mobile homes are being introduced to prevent these tragedies.

We commend the association for its efforts in this area, as well as their observation that mobile homes are less dangerous housing than other types of residences.

#### THE ENERGY CRISIS: WHAT'S IN STORE FOR POOR FOLKS

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. RANGEL. Mr. Speaker, the energy crisis, while threatening to adversely affect all Americans, threatens the poor



to a greater extent than anyone else in our society. Both in short and long range effects, the energy crisis may result in a devastating setback for those who have struggled long and hard to reach the bottom rung of our economic ladder.

We in New York City are particularly concerned with the effect that this winter's heating oil shortage will have upon the older housing available to the poor and upon the city's housing projects.

We hear of no planning that is taking into account the special problems of the inner city urban poor, which include old buildings with inefficient heating plants, thin or broken windows, unscrupulous landlords, and an inability to pay the higher rents which landlords will be forced to charge because of their escalating fuel costs.

The Reverend H. Carl McCall, president of radio station WLJB recently editorialized this concern. I place this editorial in the CONGRESSIONAL RECORD for the information of my colleagues and in the hope that it will increase our sensitivity to the special needs of the urban inner city poor.

#### THE ENERGY CRISIS: WHAT'S IN STORE FOR POOR FOLKS?

(By H. Carl McCall)

Businesses will be allotted sufficient fuel this winter, but will poor people get enough?

We've already witnessed the past actions of some unscrupulous landlords who don't provide sufficient heat for their tenants. Will these landlords now use the energy crisis as an excuse for not providing heat?

We need to see to it that the fuel allotted to the city's housing projects and tenements is enough to heat these apartments, and that an effective monitoring system is implemented to make sure that some landlords are not shortchanging their tenants.

We can't wait until winter to see how fuel shortages will affect poor people. Let's all put the heat on the city, now, to make sure there's enough for us.

#### THE PRESIDENT

#### HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. SHOUP. Mr. Speaker, I would like to submit the following article taken from one of my local papers, the Daily Interlake of Kalispell, Mont. It is one journalist's view of some of the biased reports given on the President. I am sure this will be of interest to many of my colleagues:

#### ENOUGH IS ENOUGH

Our world is turning topsy-turvy. Our nation is flying apart in all directions.

Whoa!

Let us keep our perspective. How quick are the wolves who have been nipping at the heels to leap for the throat!

The nation isn't coming apart at the seams—it's just that some would have us think so. Their motives vary from naive to subversive.

Seldom is a public official—much less a President of these United States—treated to as much abuse as the man presently occupying the White House, Richard M. Nixon.

Now, wait a minute. Be you a Nixon supporter, indifferent or a real Nixon hater, there

are limits and rules and fair fighting. Some say nothing needs to be fair in politics. That should be a lot of rubbish . . . enough is enough.

National labor leader George Meany said the President appears to suffer from "dangerous emotional instability" and repeated he should resign or be impeached. He has a right to call for impeachment if he so feels, but his statement on emotional instability is a hysterical observation based on pure conjecture. It is irresponsible, in that Meany's words are given a lot of publicity which many people will take for gospel.

Mr. Nixon is not our hero, but we consider him to be a capable, energetic leader who has been both right and wrong, who is human, who has been at times a most outstanding President. We are aware of his failures and shortcomings as a public figure, just as we are aware of his successes and triumphs. We are not naive. It is our hope not to be blind either to the left nor the right.

Never within our memory has anyone been attacked for so long a time and so relentlessly as has Mr. Nixon by his enemies and detractors. They are found in the national press, in Congress and among ordinary citizens as well as king-makers. Whether you like him or hate him, it should be obvious much of this attack is politically motivated. Criticism is to be expected of all public figures, but carefully maneuvered attacks are more than that.

He must be deeply troubled, for he is greatly maligned. Like him or not, he has been plagued by a most amazing chain of luckless circumstances. True, he has brought some of it on himself. But the relentless tactics of his enemies are those of people bent on totally destroying this nation's President.

Mr. Nixon is our country's duly elected, number one citizen. Like the lowest among us he is innocent until proven guilty.

#### IMPACT OF OIL EMBARGO IS "DISTORTED"

#### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. EILBERG. Mr. Speaker, after Watergate the energy crisis is probably the most talked about subject in America today.

Unfortunately, like Watergate, the truth about this crisis is a very elusive thing. However, a copyrighted article was published in the Philadelphia Inquirer on Sunday, December 9, 1973, on this subject. This outstanding piece was written by Donald L. Barlett and James B. Steele and it dispels many of the myths about the energy crisis.

It also raises some very disturbing questions. The article points out that the Nixon administration has been issuing conflicting statistics and statements constantly about this problem and that needs and interests of the major multinational oil companies are in conflict with the needs of the American people.

My subcommittee will shortly be looking into one aspect of this problem, the Interior Department's administration of the oil reserves located under the Outer Continental Shelf. There are indications again, that the needs of the oil companies are not the same as those of the people of the United States.

At this time I enter into the RECORD the first half of this report published in the Philadelphia Inquirer. Tomorrow I will insert the remaining portion.

#### U.S. OIL FIRMS EXAGGERATE EMBARGO'S EFFECTS

(By Donald L. Barlett and James B. Steele)

Key officials in the Nixon Administration—aided by the major oil companies—are exaggerating American dependence on Arab oil and the effects of the Middle East oil embargo.

The exaggerations have tended to obscure the fact the United States would be experiencing an energy crisis even without the Arab oil boycott.

Contrary to a barrage of publicity from federal officials, the United States receives only a small percentage of its petroleum supplies from Arab nations.

In fact, the very same fuel oil shortages that exist today would have existed even if Arab oil was flowing without any restrictions. The same is true of the gasoline shortages that will follow next year.

Just how little this country depends on Arab oil is reflected in a variety of statistics compiled by The Inquirer from data prepared by the United States Bureau of Mines and the British Petroleum Co., Ltd.

During 1972, for example, the United States received an average of 562,000 barrels a day of crude oil and refined petroleum products directly from Arab countries—or 3 percent of the nation's daily demand of 16,354,000 barrels. A barrel contains 42 gallons.

Additional Arab oil was refined in other countries and the products ultimately shipped into the United States. This was especially true of the Caribbean area and such countries in Europe as Italy and Belgium.

There are no precise figures on the amount of Arab oil used in these products, but a reasonable and liberal estimate, based on available refinery data, would place the total at about 368,000 barrels a day.

That would bring the overall volume of imports of Arab crude oil, as well as petroleum products made from Arab crude oil, to 930,000 barrels a day—or 6 percent of the nation's daily demand.

Even though Arab oil imports rose steeply during the first six months of this year, that increase, projected for the year, still would leave Arab oil accounting for only 7 percent of the nation's petroleum needs.

When viewing the statistics from the Arab standpoint, there is an even sharper focus on the distribution of Middle East oil.

Last year, the Arab countries produced about 12,325,000 barrels a day, of which 930,000 barrels—or less than 8 percent—came into the United States.

The remaining 92 percent of Arab oil went largely into Europe and Asia, and that is why countries like the Netherlands and Japan are especially hard hit by the Arab production cutbacks.

These figures contrast sharply with those being tossed out by key federal oil policy officials in Washington and even President Nixon himself.

In a nationwide television address on Nov. 25, when he announced implementation of a mandatory fuel-oil-allocation program, President Nixon said shortages "could run as high as 17 percent." That would be about 3,000,000 barrels a day.

Speaking of the effects of the Arab oil embargo, the President declared:

"When I spoke to you earlier (in November), I indicated that the sudden cutoff of oil from the Middle East had turned the serious energy shortages we expected this winter into a major energy crisis."

But such is not the case, according to findings documented by The Inquirer during a continuing investigation into the underlying

reasons for the oil shortage and the way both the federal government and the industry are handling the problem.

As The Inquirer disclosed last summer in a three-part, 12,000-word series on "Oil—The Created Crisis," the present petroleum product shortages in this country can be traced to a hefty lack in refinery capacity.

The failure to build new refineries—the shortage in refinery capacity now is running upward of 4,000,000 barrels a day—was accompanied by a general decline in the domestic oil industry.

In recent years, the difference between the country's demand and available refinery capacity has been made up largely of imports of finished petroleum products from Canada and the Caribbean area.

The industry's present inability to meet the country's needs stems directly from policy decisions made by the federal government and the major oil companies, which have been concentrating their producing and refining and marketing operations in foreign countries over the last two decades.

#### CONFLICT OF INTEREST

Why, then, all the emphasis on the Arab oil shutoff by the Nixon administration and the oil industry when the United States receives only about 7 percent of its petroleum supplies from the Arab countries?

One possible explanation is that there exists a potentially serious conflict of interest between the petroleum needs of the United States and the financial security of at least several large American oil companies.

The reason is this: The five largest multinational oil companies have invested billions of dollars in their oil operations in Arab countries. These companies are Exxon Corp., Mobil Oil Corp., Texaco Inc., Gulf Oil Corp. and Standard Oil Co. of California.

In addition to their direct investments in the Arab countries, these same five companies have spent more billions building refining and marketing systems throughout Europe and Asia to sell products made from Arab crude oil.

Thus, while the United States is not dependent on Arab oil, European and Asian countries are. And so are the multinational American oil companies that rely on Arab oil to supply their markets in those countries.

That is why several of the large American oil companies, beginning last summer, urged the United States government to bring pressure on Israel to reach a Middle East peace agreement and keep the Arab oil flowing.

Consider just a few of the statistics:

Gulf Oil Corp., the nation's fourth largest oil company, has about 79 percent of its worldwide crude oil reserves located in the tiny (pop. 830,000) Arab state of Kuwait on the Persian Gulf. The company produced 1,569,100 barrels of oil daily last year in Kuwait, 786,600 barrels in both North and South America.

Exxon Corp. has investments of \$4.8 billion in the eastern hemisphere, much of it in property, plants and equipment either in Arab states or in countries dependent on Arab crude oil. Of the 5,701,000 barrels of petroleum products sold daily last year by the world's largest oil company, 2,950,000 or 52 percent, were sold in Europe, Asia and Africa.

Texaco Inc. has crude oil reserves totaling about 30 billion barrels in the Middle East, or 80 percent of its worldwide reserves. The third largest oil company processed 1,314,000 barrels of crude oil a day—the bulk of it from Arab countries—in refineries across Europe and Asia. In the United States, the company refined 1,012,000 barrels a day.

Standard Oil of California produced 2,555,306 barrels of crude oil a day last year in the eastern hemisphere, again much of it in Arab countries. The figure represents 81 percent of the company's total daily crude oil production of 3,159,530 barrels. The company,

the fifth largest in the country, has an interest in more than three dozen refineries in the eastern hemisphere which rely heavily on Arab oil.

Mobil Oil Corp., the country's second largest oil company, produced 1,911,000 barrels of crude oil daily last year. Of that amount, 791,000 barrels, or 41 percent, were produced in Arab countries. The company sold 1,291,000 barrels of petroleum products daily across Europe, Asia and Africa, or 54 percent of the company's total worldwide daily sales of 2,409,000 barrels.

It should be emphasized that it has been a long-standing policy of the international oil companies to sell most crude oil produced in the Arab states, as well as elsewhere in the eastern hemisphere, in Europe, Asia and Africa—not the United States.

That means that most Arab oil was never intended for the United States—embargo or not.

That policy was spelled out way back in September 1947, when then Standard Oil Company of New Jersey (now Exxon) entered into a secret agreement with the Anglo-Iranian Oil Co. (now British Petroleum Co. Ltd.)

The agreement, one of several signed during the late 1940s by the major international oil companies, effectively carved up the markets and staked out territorial rights in the eastern hemisphere for these companies.

The Standard Oil Company of New Jersey (Exxon) contract carried a clause that stated:

"It is, however, buyer's (Standard) intention in entering into this agreement to use oil receivable by buyer here under in supplying buyer's business in Europe (including the British Isles), North Africa (including the whole of Egypt), and West Africa."

During negotiations with the British oil company, a Jersey Standard official stated:

"I told Basil (B. R. Jackson of Anglo-Iranian) that so far as crude oil deliverable by pipeline was concerned, it was for the purpose of helping to supply the requirements of our total business in the European and North African countries."

More than two decades later, on May 22, 1969, this policy of foreign oil for foreign markets was affirmed by another Standard Oil Co. of New Jersey official, M. A. Wright, now chairman and chief executive officer of Exxon Co., U.S.A.

In an appearance before the Senate Antitrust and Monopoly Subcommittee, Wright declared:

"I think the important thing to you gentlemen is that, in a company like Jersey, the foreign production that is developed is primarily for the purposes of supplying foreign markets."

"We do not develop crude on the outside of the United States primarily to supply markets inside the United States. Now, this I think is something that many people do not quite understand."

There are several interesting footnotes to the multibillion dollar investments by the international oil companies, not only in Arab countries but throughout Europe, Asia and Africa.

#### U.S. PAID OFF SHEIKS

The American taxpayer over the years has subsidized the foreign operations of the oil companies through a variety of tax allowances and benefits. For example, the oil industry deducts from its United States taxable income the same 22 percent depletion allowance for oil produced in Arab countries that it deducts for oil produced in the United States—even though the Arab oil is intended for sale abroad.

Even more beneficial was a private ruling issued by the Internal Revenue Service (IRS) in the early 1950s which had the practical effect of enabling the oil companies

to convert royalty payments to Arab rulers into foreign taxes, allowing a foreign tax writeoff, dollar for dollar, against income taxes they owed in this country.

During 1970, the latest year for which complete figures are available, the depletion allowance—for oil produced in this country and abroad—provided deductions totaling \$2.9 billion for the oil industry, the foreign tax credit allowed writeoffs of \$1.3 billion. With spiraling prices on Arab and other oil, as a result of increased taxes and royalties, these writeoffs will climb sharply next year.

Even with all these tax benefits and a private IRS ruling not available to other businesses and industries operating abroad, several of the international oil companies, The Inquirer has established, substantially under-reported the federal income taxes they owed during the 1960s.

An intensive IRS audit, which was to become known as the Persian Gulf audit within IRS and the Treasury Department, resulted in what has been described as the largest deficiency assessment ever levied by IRS.

The audit, as is the case with all IRS audits, was carried out in secrecy. And after lengthy and secret negotiations during the late 1960s, a settlement was reached in which the oil companies agreed to pay a percentage of the back taxes that the IRS said were owed.

#### FIRST AND LAST AUDIT

Because of the secrecy surrounding the audit, the exact figures are unknown. But a former Treasury Department official told The Inquirer the IRS assessment was for about a half-billion dollars and the oil companies finally paid approximately \$300 million.

One of the irregularities the audit turned up, the former Treasury Department official said, was an oil industry practice of using an inflated figure as the cost for producing a barrel of crude oil, thus increasing the value of the depletion allowance, which is calculated on that per barrel cost.

Curiously, the Persian Gulf audit was the first and last audit of its kind ever made involving the business practices of American oil companies operating abroad.

One reason for this, put forth by the former Treasury Department official, is that the oil industry is so complex, and the overall rate at which oil companies pay taxes so low, that the additional taxes collected are not worth the manpower needed to make an exhaustive audit that may take several years to complete.

In any case, one of the problems encountered by the IRS auditors, according to a government official familiar with the case, was a lack of basic data relating to oil industry costs. There is similar lack of information concerning other phases of the oil industry.

As The Inquirer has disclosed previously, there is no government agency authorized to collect and verify data concerning the operations of oil companies—a condition which has aggravated the nation's energy problems and precluded the formation of any meaningful national energy policy.

As has been the case since the first oil well was drilled, all government oil policies—including the current mandatory fuel-oil-allocation programs—are based solely on unverified data furnished by the oil companies.

To further compound the problem, an assortment of government agencies with no particular expertise in oil matters—from the Treasury Department to the State Department—are churning out their own sets of statistics in response to the energy crisis.

That explains in some measure the conflicting figures federal oil policy officials toss out concerning not only the extent of the oil shortage but the effects of the Arab oil embargo.



Speaking on United States dependence on Arab oil, Duke R. Ligon, director of the Office of Oil and Gas in the Interior Department, told a United States House subcommittee on the merchant marine last Oct. 10:

"There will be an increasing reliance on Middle East oil. In 1970 we imported only 185,000 barrels a day from that source or only 1 percent of our consumption. We project that by 1975 we will be importing over 2,000,000 barrels a day from the Middle East."

#### HOW FIGURE VARIES

Less than two weeks later, on Oct. 22, figures released by Stephen A. Wakefield, another Interior Department official, showed that the United States had just about reached the 2,000,000 barrel a day of imports projected for 1975.

Wakefield, assistant secretary for energy and minerals in the Interior Department, told the annual meeting of the Independent Petroleum Association of America in Houston:

"When you include our purchases of refined products made from crudes originating in these areas (Middle East and North Africa) we are now importing 1,750,000 barrels a day of oil from this region."

A little more than two weeks later, a third government agency, the new Energy Policy Office, reported imports of 1,200,000 barrels a day—a decline of 550,000 barrels from the figures released Oct. 22.

In an environment-impact statement published Nov. 7, the Energy Policy Office—created specially by the White House to solve the energy crisis—reported:

"Last year America imported about 400,000 barrels of Middle Eastern oil a day. Data from the Bureau of Mines reports indicate that this figure has jumped 200 percent this year to 1,200,000 barrels a day."

But two weeks later, on Nov. 14, another government official, Julius L. Katz, was again putting Arab oil imports at 1,700,000 barrels.

Katz, deputy assistant secretary of state for international resources and food policy, told a House Committee on Interstate and Foreign Commerce:

"Prior to the imposition of the Arab boycott, the United States was importing about 6,300,000 barrels per day, of which the Arab producers furnished 1,700,000 in direct shipments of crude oil and products refined from Arab oil in third countries."

By Nov. 29, the loss of crude oil imports as a result of the Arab boycott, had soared to between 2,500,000 and 3,000,000 barrels a day, at least according to the calculations of George M. Bennis, another State Department official.

Testifying before a House Foreign Affairs subcommittee, Bennis, director of the Office of Fuels and Energy in the State Department, reported:

"Taken altogether the Arab oil boycott will deprive the United States of between 2,500,000 and 3,000,000 barrels a day of oil this winter or up to 17 percent of our estimated winter demand of 18,500,000 barrels a day."

What with all the apparent confusion among those federal officials responsible for resolving the energy shortage, it is little wonder the problem has spawned a wave of near-hysteria stories on television and radio and in the newspapers and newsmagazines ranging from how much oil can be saved by turning out Christmas tree lights to a war against the Arabs.

#### PREMATURE WORRIES

In Philadelphia, a radio talk show host invited his listeners to voice their opinions as to whether the United States should mount an invasion against the Arabs if they persisted in maintaining the boycott.

Even Time Magazine, in its Dec. 3 issue, raised the question of military intervention, stating:

"Unhappily, the one countermeasure that

would be effective would be invasion and occupation of the Arab oil fields. The United States could easily defeat the Arab armies, and though the Arabs would probably blow up the wells, the technology of oil production in the desert is so simple that the United States could get some oil flowing again."

And Newsweek magazine, in its issue on the same date, observed:

"Secretary of State Henry Kissinger spoke openly but vaguely of possible retaliation against the boycotting Arab states. Most people thought he meant economic countermeasures, but some people spoke wildly of military action."

Shortly after the Arab boycott was announced in mid-October, Time magazine forecast the possibility of dire consequences for the United States, Europe and Japan. Time wrote:

"That oil squeeze could easily lead to cold homes, hospitals and schools, shuttered factories, slower travel, brownouts, consumer rationing, aggravated inflation and even worsened air pollution."

While all of this may come about in Europe and Japan—which rely heavily on imports from Arab states—the boycott itself never would have brought on all those calamities in this country.

At least not this year or even early next year. If continued for a prolonged period, say a year or two, and if there were no efforts whatsoever to curb the growth in demand, then the American consumer and industry certainly would feel this pinch.

### THE AFL-CIO CASE FOR IMPEACHMENT—IV

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. ABZUG. Mr. Speaker, recently the AFL-CIO launched a forceful campaign for the impeachment of the President. For the consideration of my colleagues, I am inserting the fourth in a series of articles in the CONGRESSIONAL RECORD:

#### FOURTH IN A SERIES—THE CASE FOR IMPEACHMENT: THE OBSTRUCTION OF JUSTICE

Richard M. Nixon has committed an impeachable offense by obstructing justice in the Watergate affair.

He has repeatedly refused to reveal the facts about the Watergate break-in and coverup to the public, the courts, the Congress and the Special Prosecutor despite his frequent public promises to make a full revelation.

The President said on August 29, 1972:

"... these investigations—the investigations by the General Accounting office, by the FBI, by the Justice Department—have, at my direction, had the total cooperation not only of the White House but also of all agencies of government."

"In addition to that, within our own staff, under my direction, counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve present members of the White House staff or anybody in the government. I can say categorically that no one in this Administration, presently employed, was involved."

But John Dean testified under oath before the Senate Watergate Committee that he had never conducted any such investigation for the President.

The President also said, on August 29, 1972:

"I will say in that respect that anyone on the campaign committee, Mr. MacGregor has

assured me, who does not cooperate with the investigation or anyone against whom charges are leveled where there is a prima facie case where those charges might indicate involvement, will be discharged immediately. That is also true of anybody in the government. I think that under these circumstances we are doing everything we can to take this incident and investigate it and not cover it up."

But at that very time officials of the White House and of the Committee to Re-Elect the President, aided by the President's personal attorney, Herbert Kalmbach, were secretly collecting and disbursing funds to the men indicted for the break-in.

And the President said on October 5, 1972:

"Now when we talk about a clean breast, let's look at what has happened. The FBI has assigned 133 agents to this investigation. It has followed out 1,800 leads. It conducted 1,500 interviews. ... I agree with the amount of effort that was put into it. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff, and no man or woman in a position of major responsibility in the Committee for Re-election had anything to do with this kind of reprehensible activity."

But at this very time, White House aides were deeply involved in the coverup of the Watergate break-in. They were operating under instructions of the President, who admitted on May 22, 1973, that he has ordered his aides "to ensure that the investigation of the break-in not expose ... the activities of the White House (special) investigations unit." This secret unit, known as the "plumbers," included two of the men later convicted in the Watergate break-in, E. Howard Hunt and G. Gordon Liddy.

The President said, on March 2, 1973:

"(It (the Watergate break-in) is now under investigation by a congressional committee, and that committee should go forward, conduct its investigation in an even-handed way, going into charges made against both candidates, both political parties, and if it does, as Sen. Ervin has indicated it will, we will, of course, cooperate with the committee just as we cooperated with the grand jury."

But, at that very time, the President and his close aides were mounting a counter-offensive to becloud the Senate Watergate Committee hearings. This included, in the words of a Haldeman memo on February 10, 1973, putting out "the story on the foreign or communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern ... This is a good counter-offensive. ..."

And the President, also on March 2, 1973, sought to block the appearance of White House aides before the Senate committee by declaring that "members of the White House staff, at least in that position, cannot be brought before a congressional committee in a formal hearing for testimony."

And on March 15, 1973, he said: "... if the Senate feels that they want a court test, we would welcome it."

The President, on April 17, 1973, reversed his previous stand, saying:

"All members of the White House staff will appear voluntarily when requested by the committee."

The President on April 30, 1973, said:

"... on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigation to get all the facts and report them directly to me, right here in this office."

But, on August 7, former Attorney General Richard Kleindienst and Assistant Attorney General Henry Petersen denied that they ever received such orders from the President.

The President said on May 22, 1973:

"I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate."

But, the President said in a July 6, 1973, letter to Sen. Ervin, in response to the committee's request that the President testify before them and turn over certain presidential papers:

"In this letter, I shall state the reasons why I shall not testify before the committee or permit access to presidential papers."

"I want to strongly emphasize that my decision, in both cases, is based on my constitutional obligation to preserve intact the powers and prerogatives of the presidency . . ."

"I have agreed to permit the unrestricted testimony of present and former White House staff members before your committee."

Then on July 16, 1973, Alexander P. Butterfield, former White House aide, revealed under oath that all telephone calls and personal conversations in the President's Oval Office, his hideaway office in the Executive Office Building and in his personal quarters at Camp David were taped. Butterfield described the taping equipment as sophisticated, voice-activated and impossible to circumvent. He said it was installed, maintained and checked regularly by the Secret Service. The committee immediately subpoenaed the Secret Service agents.

And the President, on July 16, 1973, sent the following order to Treasury Secretary George Shultz:

"I hereby direct that no officer or agent of the Secret Service shall give testimony to congressional committees concerning matters observed or learned while performing protective functions for the President or in their duties at the White House."

And the President, on July 23, 1973, in response to a request from the Senate Watergate Committee for the tapes of crucial presidential conversations, said:

"I have concluded that the principles stated in my letter to you of July 6th preclude me from complying with that request, and I shall not do so. . . . Before their existence became publicly known, I personally listened to a number of them. The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth."

And the President, on July 25, 1973, said in reply to subpoenas from the Watergate Committee of the White House tapes and other presidential material:

"I cannot and will not consent to giving any investigatory body private presidential papers."

But he also denied the facts to the courts as well. A brief for the President filed before Judge John Sirica considering a subpoena requested by the Special Prosecutor on August 7, 1973, said:

"... in the exercise of his discretion to claim executive privilege, the President is answerable to the nation but not to the courts."

The President on August 15, 1973, said: "I pledge to you tonight that I will do all that I can to ensure that one of the results of Watergate is a new level of political decency and integrity in America. . . . My consistent position from the beginning has been to get out the facts about Watergate, not cover them up."

But he also said on August 15:

"The principle of confidentiality of presidential conversations is at stake in the questions of the tapes. I must and shall oppose any efforts to destroy this principle which is so vital to the conduct of the Presidency."

And the White House said on August 29, 1973, in response to Judge Sirica's ruling that the President turn over the tapes, that the President would not comply because in-

spection by a judge would be "inconsistent with the President's position relating to the separation of powers as provided by the Constitution, and the necessity of private presidential conversations. . . ." On August 30, the White House appealed the Sirica ruling.

And on September 10, 1973, a White House brief filed with the Appeals Court said:

"It is . . . with a strong desire that the truth about Watergate be brought out that the President has not asserted executive privilege with regard to testimony about possible criminal conduct or discussions of possible criminal conduct. But testimony can be confined to the relevant portions of the conversations and can be limited to matters that do not endanger national security. Recordings cannot be so confined and limited, and thus the President has concluded that to produce recordings would do serious damage to presidential privacy."

And on September 30, 1973, President Nixon's attorney, Charles Wright, notified the Appeals Court that the White House and Special Prosecutor Cox had failed to reach a compromise on the tapes as suggested by the Court on September 13.

On October 12, 1973, the Appeals Court in a 5-2 ruling upheld Judge Sirica's ruling that the tapes be turned over to him.

And on October 19, 1973, the President fired Archibald Cox as Special Prosecutor.

And on October 23, 1973, Special White House Counsel Charles Wright told Judge Sirica:

"I am authorized to say that the President of the United States would comply in all respects" with the Appeals Court ruling on the tapes.

The President said, on October 26, 1973: "We worked out what we thought was an acceptable compromise (on the tapes). Under the circumstances, when he (Cox) rejected it. . . . I had no choice but to fire him."

And the President said: "The Acting Attorney General, Mr. Bork, will appoint a new special prosecutor for what is called the Watergate matter. The special prosecutor will have independence. He will have total cooperation from the executive branch, and he will have primary responsibility to bring this matter which has so long concerned the American people, bring it to an expeditious conclusion."

But, he also said on October 26: "We will not provide presidential documents to a special prosecutor."

Then, on October 31, 1973, the White House notified Judge Sirica that two of the nine subpoenaed tapes were missing; then that they never existed; then that there was a Dictabelt of the President's recollections of that conversation; then that the Dictabelt did not exist.

The President said on November 17, 1973: "I want the facts out, because the facts will prove that the President is telling the truth. . . . I will do everything I can to cooperate where there is a need for presidential participation."

But, on November 21, 1973, White House lawyers revealed there was an unexplained gap of some 18 minutes in one of the key tapes. President Nixon had known that since October 1.

The 18-minute gap covered the entire conversation between the President and Haldeman about the Watergate break-in that had taken place three days earlier.

And on November 26, 1973, when the White House turned over the tapes to Judge Sirica—21 weeks after he had ordered him to do so—the President claimed executive privilege on three tapes.

And on November 28, 1973, the President's counsel told Judge Sirica that there were other gaps on other subpoenaed tapes.

Richard M. Nixon has obstructed justice by denying to the American people, the courts, the Congress, and the Special Prosecutor the full facts about Watergate.

Therefore, Richard M. Nixon, President of the United States, should be impeached—now.

## COMMUNITY COLLEGE OF THE AIR FORCE: A NEW CONCEPT IN EDUCATION

### HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HANSEN of Idaho. Mr. Speaker, one of the most innovative and promising developments on the education scene in recent years is the Community College of the Air Force. Although it is only a year and a half old the college has experienced rapid growth because of its ability to meet a great variety of educational needs. The student body, scattered throughout the world, numbers 570,000. It offers 3,750 courses, taught by 9,500 instructors.

Much of the credit for the remarkable success of the college belongs to Col. John L. Phipps who has served as its president since the beginning. Colonel Phipps is not only an outstanding Air Force officer, but also combines the talents of a gifted educator and skilled administrator.

The Community College of the Air Force offers new concepts in education and a model that could be used elsewhere in both military and civilian education programs. In order to give my colleagues more detailed information and a better understanding of the achievements and potential of the college, I include as a part of my remarks an article entitled, "The Credit is Yours," by Tom Anderson, which appeared in the November issue of Airman magazine.

The article follows:

#### THE CREDIT IS YOURS

(By Tom Anderson)

Your Community College of the Air Force transcript is meaningful to schools and employers.

Richard Kopenski credits the Community College of the Air Force (CCAF) for his early graduation from New York's State University College at Brockport. Presently a management analyst for the Marine Midland Services Corp. of Buffalo, N.Y., he left the Air Force as a staff sergeant in May 1972.

Kopenski had attended Brockport for three years prior to his military service. The one year he needed for his B.A. in mathematics was shortened by the credits he got for his Air Force training.

"I earned 12 additional semester hours: nine in computer science and three in physics. I could have been granted eight additional hours in physics but I had already earned those hours during my initial enrollment," Kopenski explained. "All I had to do was present my CCAF transcript."

The services offered by the College also proved profitable for TSgt. Stephen Acuff, instructor at Goodfellow AFB, Tex.

"This is the best thing that's happened to me!" Acuff emphasized. "The CCAF is the main factor for my going back to college. I probably wouldn't have returned without it. But since I was given these credits for technical training, I decided to go back and get a degree." Sergeant Acuff had 33 credits transferred to Angelo State University, losing only one credit in the process. Presently, he



is well into his junior year and hopes to get his masters in physical education in two or three years.

Although only a year and a half old, the Community College of the Air Force has made it possible for these airmen and others to get credit for their Air Force technical training. Headquartered at Randolph AFB, Tex., the CCAF has many other facilities at the disposal of its 570,000 students. It offers over 3,750 courses taught by 9,500 instructors. To keep up with the paperwork, the Community College uses computers that not only can handle the progression of all the students, but can also update 2,000 transcripts weekly.

The college's curriculum includes 79 different major fields of study. Upon completion of the requirements for any major, a student will be awarded a Career Education Certificate (CEC) signifying his "graduation".

The Community College of the Air Force is just what its title suggests—a college that coordinates the education and training Air Force members have completed both within and outside the service and presents a transcript in a form acceptable to civilian schools and employers. These transcripts have been issued upon request since November 1972.

Every airman, whether he is aware of it or not, is admitted to the Community College upon completion of basic training. If he completes further Air Force accredited instruction, his transcript is placed on file at CCAF. And even if he doesn't realize it, each airman has earned a minimum of four credits. Chances are though, he has earned even more.

SMSGT. William Rushing, for instance, discovered that he had accumulated enough credits to give him the distinction of being the first CCAF graduate. With 22 years of Air Force service, Sergeant Rushing had little difficulty in meeting the required 65 semester hours of credit designed to be completed in a normal four-year enlistment.

Sergeant Rushing, presently assigned to the Student Resources Directorate at the Military Personnel Center, Randolph AFB, was aware of the Community College long before he considered "attending" it. "In my business here we ran the Bootstrap Commissioning Program and the Airman Commissioning Program, and as the NCOIC of this section, the CCAF information came under my jurisdiction. I worked with the CCAF earlier last year when they were developing transcripts, and I've been in touch with them regularly throughout its entire development," he explained.

The value a certificate from the College would have in attaining future educational or vocational goals is what prompted him to consider it for himself. Sergeant Rushing said, "I realized how much these degrees or certificates can mean to your education."

A big factor in the origin of the Community College was the *Utah Project*, a unique program jointly conducted in 1967 by the Air Force Association's Aerospace Education Foundation and the U.S. Office of Education. Three Air Force courses of instruction were conducted in Utah high schools, vocational schools, and one college. The material was presented exactly as it was in Air Training Command classes and the Utah students loved it. In fact, it proved to be more effective and popular than the previously used materials. This prompted the question: If Air Force courses meet the standards of U.S. colleges, then why not arrange for direct college credit when these courses are taken in the Air Force?

Why not, indeed! Since 1967, the answer to that question has evolved into the Community College. Progress was made in leaps and bounds but CCAF didn't come easy. Major problems included getting all the Air Force schools accredited by civilian institutions, converting course identification data

into terms recognizable to college registrars, and publishing a general catalogue listing all the majors and their requirements.

One of the first services the College offered was the issuance of transcripts, all entries of which meet the recommended standards of the American Association of College Registrars and Admission Officers. This may allow you to transfer credits from your Air Force training courses to a civilian school. As present and former members of the Air Force are finding out, this feature can be extremely helpful. Each civilian school makes its own decision on whether it will accept credit on the basis of CCAF transcripts.

AIC Randall Bodie, Charleston AFB, hopes to receive his B.A. in computer science from the University of South Carolina by spring, 1976. Although only 15 of 36 possible credits transferred, Bodie is pleased with the CCAF.

"They should have had it a long time ago," he noted. "Some of the retirees could really use the credits in continuing their education, rather than starting from scratch."

The CCAF transcript has other uses besides converting credits to the appropriate college terminology. It comes in handy for job applications. In addition to Air Force courses, the transcript may list courses taken from civilian institutions and on-the-job training. Transcripts are available without charge to any member or former member of the Air Force upon request.

The heart of the Community College effort, however, is the Career Education Certificate. This certificate is awarded to an active duty airman or NCO when he completes the requirements in one of the major areas. The CEC parallels, as closely as possible, the two-year programs of community and junior college across the Nation. It is, in fact, a symbol of achievement.

Col. John L. Phipps, the College's first and present president, elaborated on this point. "The importance of degrees, licenses, certificates and other symbols of qualification in today's society cannot be overemphasized. The world of work is a world in which doors open only to those who have the 'papers' attesting to their achievements. Perhaps that is too Orwellian a view, but few would argue that 'diplomas' often sharply separate the socio-economic status of some members of our society from others who are equally deserving, but lack formal recognition of their qualification."

With his CEC, Sergeant Rushing can enroll with advanced standing in a civilian institution of higher learning. Or he can use it for employment purposes when he leaves the Air Force.

"I don't really know yet what I'm going to do with the certificate," Rushing admits. "Certainly it's going to help me get my baccalaureate degree in business administration, because most of the work is accepted by civilian institutions. I'm counting very heavily on its help in that respect."

The certificate is unique in that it combines Air Force technical training with voluntary civilian courses.

Sergeant Rushing's CEC, for instance, includes courses taken from a variety of sources. "I've attended classes at three colleges," he says, "primarily Texas Lutheran College at Seguin, San Antonio College, and the University of Maryland. I've also had extensive correspondence work through the USAFI program in Madison, Wis. The remainder was credit given for my military service and tech schools I've attended."

Rather than inhibiting the attendance at civilian schools by military men, as some people initially feared, the CCAF will instead act as a catalyst because CEC requirements make outside education mandatory. To qualify for a certificate, a minimum of 64 semester hours must be completed in three different areas: technical, related education, management, and military science. The specific requirements vary for each major. The related

education segment can be fulfilled only by attending a civilian school. But with a network of more than 600 civilian institutions which conduct classes on or near bases through the Air Force Education Services Program, an airman won't have to go too far to take these courses.

Most airmen or NCOs may pursue a CCAF career education program from one of 79 different majors categorized under eight general areas for which their Air Force Specialty Code qualifies them. However, Sergeant Rushing was one of approximately 14,000 airmen for whom a curriculum does not relate directly to their technical specialty.

To take care of these people, CCAF has a Work Center Management program, designed specifically for cross-trainees, bypass specialists, and those who completed technical schools prior to January 1, 1968. The requirements for this curriculum are 65 semester hours. The Work Center Management program is the only one in which credit (maximum—semester hours) is awarded for work.

Sergeant Rushing received his CEC with a business emphasis in the Work Management program. He used this major as he had completed his training prior to 1968. "Being an old timer, most of my schooling was way back when, so I did not get credit for it."

The first step in qualifying for the Career Education Certificate is to complete basic military training. This admits you into the Community College and gives you four semester hours of credit.

Any airman who completed an accredited Air Force technical course after January 1968 is automatically admitted to the CCAF. And, although complete records of courses were not collected on computer tapes until 1968, it is possible to receive credit for Air Force courses taken after 1963. The course must be evaluated to determine first, whether it is relevant to the airman's particular study program, and second, whether there is enough information to describe it in terms of subjects and semester hours. Another method of transcribing credits to the Community College is by an official transcript from a civilian educational institution, describing a course completed there.

To register for the Career Education Certificate, an airman must announce his intention of doing so by asking his Education Services Officer to help fill out the appropriate form and forward it to the College.

Education Services Officers will help by sending this information to CCAF and counseling the student while he is working towards his certificate.

The guidance that the education services officers can give each student is most necessary. Although Sergeant Rushing's credits fell into the right categories, he admits this isn't always the case. "Most of my work was already accomplished," he commented. "It just happened that the work I had completed fitted into the various categories correctly—right where it's supposed to be."

"Often, in an academic curriculum, however, you have a bunch of credit hours, but they don't fit into the particular categories that are necessary for a certificate or degree. You can have excess hours in one group and not enough in other groups. As the CCAF certificate works, you have to have various numbers of hours in various categories. Mine just happened to work out right, I guess."

When the student completes the required number of hours, his Base Education Services officer and the CCAF Policy Council reviews his complete program of study. Upon approval, a Career Education Certificate is awarded.

Besides being the first to qualify for the CEC, Sergeant Rushing may someday be the first to qualify for the Instructor in Technology Certificate offered by the Community College. After all, with his CEC he does have

a head start on everyone else. To get the Instructor in Technology Certificate, you must have taught in your CEC specialty for at least two years, completed 11 semester hours of Air Force technical subjects, and have a minimum of 15 additional semester hours in related areas. This program is designed to prepare airmen to be vocational or technical instructors.

Both the CEC and Instructor Certificates are valuable because of the recognition the Community College won in getting the seven Air Force schools accredited. The Southern Association of Colleges and Schools voted unanimously December 13, 1972, to accredit for a five-year period the Schools of Applied Aerospace Sciences at Keesler AFB, Miss., Lackland AFB, Tex., and Sheppard AFB, Tex., the School of Health Care Sciences at Sheppard; and the USAF School of Applied Cryptological Sciences at Goodfellow AFB, Tex. The remaining USAF Schools of Applied Aerospace Sciences at Chanute AFB, Ill., and Lowry AFB, Colo., were accredited March 28, 1973 for a five-year period by the North Central Association of Colleges and Secondary Schools.

This accreditation assures other institutions of higher learning that an independent educational accrediting association has conducted a thorough investigation of Air Force technical training and found it to meet comprehensive standards.

The Community College of the Air Force is just getting off the ground. Its first anniversary was observed last April 1, and all of its potentialities have not yet been realized. But with the groundwork that has already been laid, the CCAF has a solid base.

One of the greatest incentives for young people to enter the Air Force is the opportunity for vocational training, especially since 92 percent of the skills taught in ATC courses can be used in civilian jobs. By 1980, it is estimated that 80 percent of the new jobs created will require post secondary training, while less than 20 percent will require baccalaureate degrees. Now, with the accreditation of Air Force schools, the more than 100,000 veterans that leave the Air Force every year will represent a skilled manpower resource that can be more readily assimilated into the civilian job market. At the same time, by stimulating outside education enrollment, the Community College will help develop the future corps of NCOs for a high technology Air Force.

The facilities offered by the CCAF can be used without charge by any of the approximately 570,000 enlisted personnel of the Air Force. Most, however, are probably unaware that they have already started accumulating credits toward a Career Education Certificate. A first term airman, for instance, will have earned from 4 to 24 credits after two years.

Over 60,000 copies of the CCAF's General Catalogue, which lists the majors and requirements, have been distributed to high schools, colleges and base information officers, libraries, directors of personnel and education services officers. So there are several copies of it on every base.

As SMSgt. William Rushing concluded from his experience with CCAF, "It doesn't matter whether it's young first term airman type, or an old guy like me who's been around for 22 years, the opportunity to get something out of the Community College of the Air Force is there if you'll just take advantage of it. You have everything to gain and absolutely nothing to lose."

#### THE SCHOOL COMES TO YOU

Airmen stationed at Lackland AFB, Tex., are eligible to participate in a first time venture for that installation—an on base program in which servicemen can complete a college degree.

Southwest Texas State University at San Marcos and the Community College of the Air Force pooled their resources to provide

this opportunity starting with the fall semester, 1973.

This program will enable active military personnel to earn bachelor degrees in occupational education, with majors in Air Force technical fields and concentrations in business, law enforcement, human relations, and teacher certification. They never have to leave the base to do it.

Like the Career Education Certificate, credits will be awarded for Air Force training. John S. Bell, chief of education services at Lackland, commented, "Being designed especially for military personnel, allowances will be made for credit for military training and experience."

"This will be the first opportunity for Air Force personnel to complete requirements for a bachelor degree on base here at Lackland."

What is especially helpful about the Southwest Texas State University program is the inversion of the order of study. By getting credit for their experience and technical training on the job, airmen will have completed, or nearly completed, what is traditionally taught in the last two years of college. Special courses will be offered which are customarily taken in the first two years.

Potential students can acquire credits by several different routes. A maximum of 48 semester hours can be awarded for an airman's technical specialty, depending on the amount of experience. Upon recommendation of the Community College or the American Council on Education, credit may also be granted for courses completed in military service schools.

In addition an airman may receive up to 18 semester hours of credit for obtaining a designated score on the General Examination of the College Level Examination Program (CLEP). Finally, any amount of credit may be transferred from other accredited colleges for courses completed there. This includes college level correspondence courses and group study courses administered through USAFI.

To receive a baccalaureate degree, a student must complete at least 30 semester hours with Southwest Texas State University. Twenty-four of these credits are required to be done "in residence."

Under this program the residency requirements are simplified by conducting courses at Lackland AFB. A variety of three-hour classes, usually meeting two evenings a week for eight-week terms, will be offered on base.

Although priority for enrollment will be given to active duty military personnel—dependents, retirees, and federal employees, may enroll on a space available basis.

Assistance is available in meeting the tuition costs. Airmen may apply for the In-Service GI Bill or the Tuition Assistance program, which, if granted, will cover 75 percent of the cost.

The baccalaureate degree completion program at Lackland parallels one of the main objectives of the Community College of the Air Force. Both are designed to have an individual's Air Force technical training and experience officially recognized by civilian institutions.

#### MARGARET WRATHALL JOHNSON SERVES WITH PEACE CORPS IN ETHIOPIA

#### HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. DANIELSON. Mr. Speaker, as we sit in the comfort of our homes this

Christmas and enjoy the abundant life that America has given us, Margaret Johnson, a Peace Corps volunteer, will be spending her Christmas in Ethiopia with her husband and their two children. Mrs. Johnson, daughter of Mr. and Mrs. Robert Wrathall of Monterey Park, Calif., has been the dietician at the Birla Pediatric Clinic in Addis Ababa, Ethiopia, for the past year. Her husband, Dr. Charles Johnson, is the medical director and one of two staff physicians at the clinic.

The Birla Pediatric Clinic is 1 of 2 pediatric facilities in a nation of 26 million people where only 5 or 6 babies out of every 10 will live to the age of 5. Epidemics, malnutrition, inadequate sanitation and hygiene, and poor health care all contribute to this high infant mortality rate. As the hospital dietician, Mrs. Johnson supervises the preparation of menus and formulas for the children in the clinic, many of whom are suffering from malnutrition. She also works with the mothers of clinic patients to teach them how to plan and cook nutritious meals for their children.

The work Mrs. Johnson does in Ethiopia is difficult and demanding, and sometimes depressing. But it is not without its rewards. I think that at Christmastime the deeds of people like Mrs. Johnson and her husband, who live Christmas year-round, deserve our praise and thankfulness.

#### AMENDMENTS TO THE ENERGY EMERGENCY ACT

#### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, when this body considers H.R. 11882, the Energy Emergency Act, under the 5-minute rule, I intend to offer at least three amendments. At this point in the Record, Mr. Speaker, I include the texts of those three amendments so that my colleagues may have the benefit of reviewing them before they are offered. The amendments follow:

#### AN AMENDMENT TO H.R. 11882 OFFERED BY MR. ANDERSON OF ILLINOIS

On page 31, after line 8, add the following new subsection, and redesignate succeeding subsections accordingly:

"(e) The Secretary of Transportation shall conduct a study of the impact of existing automobile insurance plans on the goal of promoting increased utilization of carpools, including an analysis of so-called 'no-fault automobile insurance' as a possible incentive for the promotion of such goal, and shall submit to the Congress no later than 90 days after the enactment of this Act a report which shall include the findings and recommendations based on such study."

#### AN AMENDMENT TO H.R. 11882 OFFERED BY MR. ANDERSON OF ILLINOIS

On page 32, after line 8, insert the following new section and redesignate succeeding sections accordingly:



**"SEC. 117. EMERGENCY MASS TRANSPORTATION ASSISTANCE PLAN**

"(a) Within 30 days of the date of enactment of this Act, the Secretary of Transportation, after consultation with the Administrator, shall submit to the Congress for appropriate action an "Emergency Mass Transportation Assistance Plan" for the purpose of conserving energy by expanding and improving public mass transportation systems and encouraging increased ridership as alternatives to automobile travel.

"(b) Such plan shall include, but shall not be limited to—

(1) recommendations for emergency temporary grants to assist States and local public bodies and agencies thereof in the payment of operating expenses incurred in connection with the provision of expanded mass transportation service in urban areas;

(2) recommendations for additional emergency assistance for the purchase of buses and rolling stock for fixed rail, including the feasibility of accelerating the timetable for such assistance under section 142(a)(2) of title 23, United States Code (the "Federal Aid Highway Act of 1973"), for the purpose of providing additional capacity for and encouraging increased use of public mass transportation systems;

(3) recommendations for a program of demonstration projects to determine the feasibility of fare-free and low-fare urban mass transportation systems, including reduced rates for elderly and handicapped persons during nonpeak hours of transportation;

(4) recommendations for additional emergency assistance for the construction of fringe and transportation corridor parking facilities to serve bus and other mass transportation passengers;

(5) recommendations on the feasibility of providing tax incentives for persons who use public mass transportation systems."

**AN AMENDMENT TO H.R. 11882 OFFERED BY MR. ANDERSON OF ILLINOIS**

On page 37, at line 25, strike all after the period through line 5 on page 38, and insert in lieu thereof the following:

"Such a plan shall provide for the expeditious completion of those projects offering significant power potential already authorized by Congress and which meet the current standards of the Water Resources Council and for the planning of other projects designed to utilize available hydroelectric power, solar energy, and geothermal resources, including tidal power and pumped storage."

**POLICE AND PRISON SYSTEM OF SOUTH VIETNAM**

**HON. EDWARD R. ROYBAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ROYBAL. Mr. Speaker, almost 15 years ago the United States began supplying aid to the National Police of South Vietnam. This aid program, known as the public safety program, took the form of weapons, supplies, training and advisory support. Throughout our long stay in Vietnam, officials of AID told Congress that continued aid to the police was necessary to maintain law and order in urban and pacified rural areas, and to combat smaller Vietcong elements in areas of nominal government control.

Congress responded by appropriating \$155 million for the South Vietnamese police and prison system between 1967 and 1972. As a result of this aid the po-

lice force grew from a civilian agency of 19,000 in 1963 to a huge paramilitary machine of 120,000 in 1973.

During the long struggle in South Vietnam this unit, like other Vietnamese institutions, became a political instrument to quell dissent and the expression of grievances. The Thieu regime was able to seize and rework every existing cultural and governmental element in society to insure its ironclad hold on the country. Under this structure, the police and prison system soon became a tool to repress South Vietnamese who held political views in disagreement with the Thieu regime. The police have arrested religious leaders who advocated peace and war veterans who sought better housing and veteran services.

These petitioners were incarcerated under brutal conditions. Some were thrown into the infamous tiger cages, others were subjected to torture and mutilation. The U.S. Government admits that there are still 20,000 political prisoners in South Vietnam jails, other observers have placed the number at a much higher figure. But whatever the final figure, U.S. aid should no longer be utilized to support the police and prison system in South Vietnam.

Article 5 of the peace treaty agreement signed by the United States provides:

Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions and war material of the United States and those of the other foreign countries mentioned in Article 3 (a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

In accordance with the terms of that treaty, AID declared that its Public Safety Division in Saigon would be abolished. But unfortunately this public declaration has turned out to be nothing more than a subterfuge. Now the police and prison system are receiving grants for telecommunications, technical assistance and public administration. This money is being funnelled into the country to carry out the same programs and purposes as the public safety program once did.

There are four different funds that are being utilized to circumvent the provisions of the peace agreement and surreptitiously provide aid to the police and prison system in South Vietnam. The first is the Indochina postwar reconstruction assistance program. Congress has established a \$2.63 billion fund to aid overall redevelopment in South Vietnam. AID which manages the fund has given many grants to the police and prison system.

Second, AID has \$3.79 million in an unliquidated obligations account. Their funds have been used to grant contracts to aid and support public communications, national police, and corrections centers.

The police and prison system also receives funds from the Department of Defense and the American AID chapter of the South Vietnamese budget.

The United States should not fund a police and prison system which stifles public dissent and the voicing of griev-

ances. We must stop funding programs in violation of our commitments in the peace treaty.

For these reasons, I introduced an amendment to delete those funds from the foreign aid appropriation bill:

No part of any amount appropriated under this Act and no part of any local currency generated under any program carried out under this Act may be used in any manner by or for the police or prison system of South Vietnam.

The Foreign Operations Subcommittee accepted a compromise version of my amendment:

No assistance shall be furnished under this section to South Vietnam unless the President receives assurances satisfactory to him that no assistance furnished under this part, and no local currencies generated as a result of assistance furnished under this part, will be used for support of police, or prison construction and administration, within South Vietnam.

It is my belief that this amendment will adequately insure that the police and prison system do not receive any funds generated directly or indirectly by the passage of this bill.

The amendment refers to assurances satisfactory to the President. This means that the appropriate officials of the Saigon government must provide written assurance to the President that the prohibition in the bill will not be violated. I will ask that the GAO monitor the expenditure of funds to see that these written assurances are complied with. By adopting this approach, the amendment can serve as an effective vehicle to prohibit U.S. support of South Vietnam's police and prison system.

**HON. HAMILTON FISH, SR., CELEBRATES 85TH BIRTHDAY**

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. GILMAN. Mr. Speaker, the Honorable Hamilton Fish, Sr., a former Member of this august body who served faithfully in the House representing most of my district for over 25 years, recently celebrated his 85th birthday. On that occasion, the Times Herald Record, a daily newspaper in my congressional district, printed the following article. I include the article in this portion of the RECORD so that my colleagues may have the benefit of reading some of the recent remarks from the venerable, former Congressman from New York:

**FISH AT 85: DON'T SELL AMERICA SHORT**  
(By Peter Schoenberg)

NEW YORK.—Former Congressman Hamilton Fish Sr., who turned 85 Friday, indicates none of the disillusionment sometimes expressed by men his age.

"Despite present difficulties, we're better off than any nation in the world," Fish said in a telephone interview Saturday from his Park Avenue apartment.

"I've seen a great deal and many administrations and I can tell you this: Any American that sells America short is not only doing a disservice to themselves, but a disservice to the country."

"You know," he said, "half the world would

try to get into the United States if we relaxed our immigration requirements."

A Republican, Fish was first elected to the House of Representatives in 1920. He represented the 26th District which included Orange, Dutchess and Putnam Counties until 1944.

Fish said about 100 guests helped him celebrate his birthday Friday. Among them were his son, Rep. Hamilton Fish Jr. of Millbrook, R-25, and one of two grandsons, Hamilton Fish III. Also attending was retired Army Gen. James Van Fleet.

Several Orange County residents, including Mr. and Mrs. William E. Doulin of Newburgh, were guests. Doulin is Orange County Republican Party chairman.

Fish said he received a congratulatory letter from President Nixon. Fish says that despite Watergate, he still thinks highly of the President. And he thinks history will justify his faith in the troubled chief executive.

"I don't believe there's any chance whatsoever of Nixon resigning or being impeached," Fish said, "I think he will finish his term and be regarded as one of the better presidents."

Fish recalled that former President Harry S. Truman's popularity plummeted to 23 percent "and now he's regarded as one of our better presidents."

The feisty former Congressman proudly recalled other birthday greetings received from such luminaries as Gov. Rockefeller, Senators Jacob Javits and James Buckley, and Rep. Benjamin A. Gilman of Middletown, R-26.

Fish said he felt good and cited moderation and enthusiasm as reasons.

"As far as growing old is concerned, it's simply a matter of moderation," Fish said. "I'm simply not doing things in excess."

He said he believes in moderate exercise and recommends that "older people should always keep active in something they're interested in. Otherwise you fold up in atrophy."

Proud of his family, he looks to his grandson, Hamilton Fish III to become the fifth generation of the family elected to Congress.

The younger Fish, a Harvard senior, gets mostly A's, according to his grandfather and may end up with a Rhodes scholarship.

"I think that he's not only intelligent, but a good looking young fellow with a good personality. I think they ought to send him to Congress in 1990."

As to what might be called the Fish dynasty in Congress, he refers to it as "my legacy."

#### A TRIBUTE TO MR. YOUNG OF FLORIDA

#### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. YOUNG of Alaska. Mr. Speaker, I wish to bring to the attention of the House a rather unusual personal tribute that was recently accorded our distinguished colleague from Florida (Mr. YOUNG).

In the Sixth District which Mr. YOUNG so ably represents, the voter registration between Republicans and Democrats is almost even. The fact that Congressman YOUNG has been elected and reelected many times, first as a Florida State senator and then in 1970 to the Congress, indicates strong GOP support but it is rather obvious that it takes large numbers of Democrats to reelect Congressman YOUNG year after year by

a 3-to-1 margin and last year by over 106,000 votes.

It is, I feel, a rather personal tribute to Congressman YOUNG's sincere dedication to his country and the people of his district that the Democratic Executive Committee of Pinellas County and the Greater Seminole Democratic Club, Inc., also in Pinellas County, have adopted official resolutions in support of Congressman YOUNG's efforts to sidetrack action on congressional salary increases.

I am sure many of my colleagues would welcome the same kinds of bipartisan support that is in evidence for Congressman YOUNG, both at the ballot box and in party positions. The text of both resolutions follows:

#### RESOLUTION

Whereas, the current wage guidelines proposed by President Nixon on all Americans call for salary increases of not more than 5.5 per cent per annum and

Whereas, both House and Senate Post Office and Civil Service Committees have now approved legislation calling for Congressional salary increases amounting to 29 per cent per annum; now therefore be it

Resolved that the Pinellas County Democratic Executive Committee supports Congressman Bill Young's House Resolution 971 which directs the House and Senate Post Office and Civil Service Committees to recommend no salary increases for Congressional Members this year, be it further

Resolved that this resolution be entered into the minutes of this meeting and a copy delivered to Congressman Young.

JAMES M. STEGALL,  
Chairman.

Attest: Carolyn Gaylor, Secretary.

#### RESOLUTION

Whereas, the current wage guidelines proposed by President Nixon on all Americans call for salary increases of not more than 5.5 per cent per annum; and

Whereas, both House and Senate Post Office and Civil Service Committees have now approved legislation calling for Congressional salary increases amounting to 29 per cent per annum, now, therefore, be it

Resolved that the Greater Seminole Democratic Club, Inc., supports Congressman Bill Young's House Resolution 971 which directs the House and Senate Post Office and Civil Service Committees to recommend no salary increases for Congressional Members this year, be it further

Resolved that this resolution be spread upon the minutes of this meeting and a copy delivered to Congressman Young.

Passed and adopted this 14th day of September, 1973.

ARTHUR McCABE,  
President.

JEROME F. BARRY,  
Recording Secretary pro tem.

#### IMPEACHMENT: AN INSTRUMENT OF REGENERATION

#### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. STOKES. Mr. Speaker, the distinguished Professor Raoul Berger has written an article on impeachment which will appear in the January, 1974, issue of Harper's magazine.

It is an excellent description of the

impeachment process by the acknowledged master scholar on the subject. It describes what the Founding Fathers intended to accomplish by inserting impeachment provisions in the Constitution. And it clearly indicates that, even the probability of criminal guilt aside, President Nixon has without any doubt, by his own admission, committed non-criminal acts which are eminently impeachable.

The only question that remains, therefore, is not whether the President has really done anything for which he can be impeached. He has, many times. The question is: Will the American people and the Congress now, with dispatch, impeach him?

I strongly urge my colleagues in the House to take Professor Berger's words to heart:

#### IMPEACHMENT: AN INSTRUMENT OF REGENERATION (By Raoul Berger)

How it works and why it must be used—now.

Impeachment, to most Americans today, seems to represent a dread mystery, an almost parricidal act, to be contemplated, if at all, with awe and alarm. It was not always so. Impeachment, said the House of Commons in 1679, was "the chief institution for the preservation of the government"; and chief among the impeachable offenses was "subversion of the Constitution." In 1641, the House of Commons charged that the Earl of Strafford had subverted the fundamental law and introduced an arbitrary and tyrannical government. By his trial, which merged into a bill of attainder and resulted in his execution, and by a series of other seventeenth-century impeachments, Parliament made the ministers accountable to it rather than to the King stemmed a tide of absolutism that swept the rest of Europe. Thereafter, impeachment fell into relative disuse during the eighteenth century because a ministry could now be toppled by the House of Commons on a vote of no confidence.

Our impeachment, modeled on that of England, proceeds as follows: a committee of the House of Representatives may be instructed to investigate rumors of charges of executive misconduct. If the committee reports that it found impeachable offenses, it is directed by the House to prepare articles of impeachment, which are the analogue of the accusations contained in the several counts of an indictment by a grand jury. Strictly speaking, it is the articles that constitute the impeachment. The articles, if approved by a majority of the House, are then filed with the Senate.

At that point, the articles are served by the Senate on the accused, who is given time within which to file an answer to the charges. At an appointed time, the Senate convenes as a court. If it is the President who is being tried, the Chief Justice of the Supreme Court acts as the presiding officer. Evidence is subject to the exclusionary rules applied by a court, and the accused is permitted by his counsel to cross-examine witnesses and to make arguments for acquittal. A vote of two-thirds of the Senators present is required for conviction.

When the Framers came to draft our Constitution, they might well have regarded impeachment as an outworn, clumsy institution, not particularly well-suited to a tripartite scheme of government protected by the separation of powers. Why, then, did they adopt it?

The reason lies in the fact that the Founders vividly remembered the seventeenth-century experience of the mother country. They remembered the absolutist pretensions of the Stuarts; they were haunted by the



greedy expansiveness of power; they dreaded usurpation and tyranny. And so they adopted impeachment as a means of displacing a usurper—a President who exceeded the bounds of the executive's authority.

The colonists, after all, regarded the executive, in the words of Thomas Corwin, as "the natural enemy, the legislative assembly the natural friend of liberty." Throughout the colonial period, they had elected their own assemblies and trusted them as their own representatives. The governors, on the other hand, were often upper-class Englishmen with little understanding of American aspirations, who had been foisted on the colonists by the Crown. Hence, Congress was given the power to remove the President. This power, it must be emphasized, constitutes a deliberate breach in the doctrine of separation of powers, so that no arguments drawn from that doctrine (such as executive privilege) may apply to the preliminary inquiry by the House or the subsequent trial by the Senate.

The Constitution adopts the old English formula: impeachment for and conviction of "treason, bribery, or other high crimes and misdemeanors." Because "crimes" and "misdemeanors" are familiar terms of criminal law, it is tempting to conclude that "high crimes and misdemeanors" is simply a grandiloquent version of ordinary "crimes and misdemeanors." Not so. As the terms "treason" and "bribery" suggest, these were offenses against the state, political crimes as distinguished from crimes against the person, such as murder. The association of "treason, bribery" with "other high crimes and misdemeanors" indicates that the latter also refer to offenses of a "political" nature. They were punishable by Parliament, whereas courts punished "misdemeanors," that is, lesser private wrongs. In short, "high crimes and misdemeanors" appears to be a phrase confined to impeachments, without roots in the ordinary English criminal law and which, so far as I could discover, had no relation to whether a criminal indictment would lie in the particular circumstances.<sup>1</sup> Certain political crimes—treason and bribery, for example—were also indictable crimes, but English impeachments did not require an indictable crime. Nonetheless, the English impeachment was criminal because conviction was punishable by death or imprisonment.

In fact, under English practice there were a number of impeachable offenses that might not even be crimes under American criminal law. First and foremost was subversion of the Constitution: for example, the usurpation of power to which Parliament laid claim. Other impeachable offenses were abuse of power, neglect of duty, corrupt practices that fell short of crimes, even the giving of "bad advice" to the King by his ministers. Broadly

<sup>1</sup> The phrase "high crimes and misdemeanors" is first met, not in an ordinary criminal proceeding, but in the impeachment of the Earl of Suffolk in 1386. At that time there was no such crime as a misdemeanor. Lesser crimes were prosecuted as "trespasses" well into the sixteenth century, and only then were trespasses supplanted by "misdemeanors." As "trespass" itself suggests, "misdemeanors" derived from private wrongs, what lawyers call torts. Fitzjames Stephen stated that "prosecutions for misdemeanors are to the Crown what actions for wrongs are to private persons."

Although "misdemeanors" entered into ordinary criminal law, they did not become the criterion of the parliamentary "high" misdemeanors. Nor did "high misdemeanors" find their way into the general criminal law. As late as 1757, Blackstone could say that the "first and principal [high misdemeanor] is the mal-administration of such high officers, as are in the public trust and employment."

speaking, these categories outlined the boundaries of "high crimes and misdemeanors" at the time the Constitution was adopted.

Let us now turn to Philadelphia in 1787. Article II, Section 4 of the Constitution provides that "the President, Vice-President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

There is good reason to conclude that the Framers consciously divorced impeachment from the necessity of proving an indictable criminal offense. This is because Article I, Section 3(7) provides that "judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office . . . but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." Thus the Framers sharply separated removal from office from criminal punishment by indictment and conviction, in contrast to the English practice, which joined criminal punishment and removal in one proceeding. From the text of the Constitution there emerges a leading purpose: partisan passions should not sweep an officer to the gallows.

The starting point, therefore, to borrow from Justice Story, is that impeachment "is not so much designed to punish as to secure the state against gross official misdemeanors." It is prophylactic, designed to remove an unfit officer from office, rather than punitive. Two important considerations persuade us to understand American impeachment in noncriminal terms, though it may, of course, include offenses such as bribery and obstruction of justice, which are indictable "political" crimes. First, since Article I contemplates both indictment and impeachment, the issue of double jeopardy would be raised if impeachment were deemed criminal in nature. The Fifth Amendment, which embodies a centuries-old guarantee, provides that no person "shall be subject for the same offense to be twice put in jeopardy." This means that if a person were indicted and convicted he could not be impeached, or if he were impeached he could not be indicted. By providing that impeachment would not bar indictment, the Framers plainly indicated that impeachment was not criminal in nature. Therefore, criminal punishment may precede or follow impeachment.

A second consideration is the Sixth Amendment provision that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury." If impeachment is deemed a "criminal prosecution," it is difficult to escape the requirement of trial by jury. Earlier, Article III, Section 2(3) had expressly exempted impeachment from the jury "trial of all crimes"; and with that exemption before them, the draftsmen of the Sixth Amendment extended trial by jury to "all criminal prosecutions" without exception, thereby exhibiting an intention to withdraw the former exemption. We must conclude either that the Founders felt no need to exempt impeachment from the Sixth Amendment because they did not consider it a "criminal prosecution," or that a jury trial is required if impeachment is in fact a "criminal proceeding."

Elsewhere<sup>2</sup> I have discussed the problems that arise from the Framers' employment of criminal terminology. I would only reiterate that if impeachment is indeed criminal in nature, it must comprehend the offenses considered grounds for impeachment at the adoption of the Constitution. On this score, the Senate, which tries impeachments, has on a number of occasions found officers guilty

<sup>2</sup> *Impeachment: The Constitutional Problems* (Harvard University Press, 1973).

of nonindictable offenses, and to the Senate, at least initially, is left the construction of "high crimes and misdemeanors."

It does not follow that Rep. Gerald Ford was correct when he declared that an impeachable offense is whatever the House and Senate jointly "consider [it] to be." Still less can it be, as Mr. Nixon's then Attorney General Richard Kleindienst told the Senate, that "you don't need facts, you don't need evidence" to impeach the President, "all you need is votes." That would flout all requirements of due process, which must protect the President no less than the lowliest felon. The records of the Convention make quite plain that the Framers, far from proposing to confer illimitable power to impeach, intended only to confer a limited power.

When an early version of impeachment for "treason, bribery" came up for discussion, George Mason moved to add "maladministration," explaining that "treason as defined in the Constitution will not reach many great and dangerous offenses . . . Attempts to subvert the Constitution may not be Treason as above defined." Mark that Mason was bent on reaching "attempts to subvert the Constitution." But Madison demurred because "so vague a term [as maladministration] will be equivalent to a tenure during the pleasure of the Senate." In brief, Madison refused to leave the President at the mercy of the Senate. Thereupon, Mason suggested "high crimes and misdemeanors," which was adopted without objection.

Shortly before, the Convention had rejected "high misdemeanors" in another context because it "had a technical meaning too limited," so that adoption of "high crimes and misdemeanors" exhibits an intent to embrace the "limited," "technical meaning" of the words for purposes of impeachment. If "high crimes and misdemeanors" had an ascertainable content at the time the Constitution was adopted, that content marks the boundaries of the power. It is no more open to Congress to ignore these boundaries than it is to include "robbery" under the "bribery" offense, for "robbery" had a quite different common-law connotation.

Recent events are of surpassing interest, and it behooves us to weigh them in traditional common-law terms. It will be recalled that the first and foremost impeachable offense was subversion of the Constitution, of the fundamental law. Had Mr. Nixon persisted in his position that he could not be compelled by the courts to furnish the tapes of his conversations, that would have been a subversion of the Constitution. That issue may not yet be dead. In the wake of Mr. Nixon's dismissal of Special Prosecutor Archibald Cox, and the resignations of Attorney General Elliot Richardson and Deputy Attorney General William French Smith, the "fire storm," as a White House aide called it, that blew up across the country impelled President Nixon, by White House counsel, to advise Judge John Sirica, "This President does not defy the law. . . he will comply in full with the orders of the court." Let the sober appraisal by *The Wall Street Journal* sum up the inferences we must draw from this event:

"In obeying the appeals court order requiring that the tapes be submitted to Judge Sirica, the President has indeed ceded, without a final Supreme Court test, some of the privilege to withhold information that he previously claimed for the Chief Executive. A precedent is being established whereby judges can demand White House evidence . . . The President tried to protect a presidential claim and lost. The claim may not have been entirely valid, but the loss is for real."

Nevertheless, during his press conference on the evening of October 26, 1973, Mr. Nixon stated, "We will not provide Presidential documents to a special prosecutor . . . If it is a document involving a conversation with the President, I would have to stand on the

principle of confidentiality." Thus he renews the claim, lost before the Court of Appeals, to which he apparently yielded when he advised Judge Sirica that he would comply with the court's order. "Confidentiality," in short, still remains at issue. Were an independent prosecutor set up by Congressional enactment, and were he to insist on production of White House tapes and documents, a confrontation between the President and the courts would be replayed.

If Mr. Nixon were again to refuse to comply with a court order to produce tapes or documents, that would constitute subversion of the Constitution. Ours is a government of enumerated and limited powers, designed, in the words of the Founders, to "fence" the Congress and the executive about. To police these limits the courts were given the power of judicial review. On more than one occasion they have declared Acts of Congress, though signed by the President, unconstitutional. Although the House of Representatives was made the sole judge of the qualifications of its members, the Supreme Court held that in excluding Adam Clayton Powell for misappropriation of government funds, the House had exceeded its power, the sole qualifications for membership being age, residence, and citizenship. In short, it is the function of the courts finally to interpret the Constitution and to determine the scope of the powers conferred on either President or Congress. By what reasoning the President claims to be exempted from this judicial authority passes my comprehension. In disobeying a court order, the President would undermine a central pillar of the Constitution, and take a long step toward assertion of dictatorial power. Benign or otherwise, dictatorial power is utterly incompatible with our democratic system. Disobedience of a court order, I submit, would be subversion of the Constitution, the cardinal impeachable offense.

A second article of impeachment based on subversion of the Constitution could rest on the President's impoundment of appropriated funds. The Constitution gives Congress the sole power to provide for the general welfare; in so doing, it is entitled to select priorities. Nowhere in the Constitution is power given to the President to substitute his own priorities. Some twenty courts have held his impoundments to be unconstitutional, that is, in excess of his powers and an encroachment on the prerogatives of Congress.

The secret bombing of Cambodia in 1969-70 may also be viewed as a subversion of the Constitution. It is widely agreed among eminent historians that so far as the "original intention" of the Founders is concerned, the power to make war was exclusively vested by the Constitution in Congress. They intended, in the words of James Wilson, second only to Madison as an architect of the Constitution, to put it beyond the power of a "single man" to "hurry" us into war. The argument for a President powerful enough single-handedly to embroil the nation in war rests on comparatively recent Presidential assertions of power.

No President, or succession of Presidents, can by their own unilateral fiat rewrite the Constitution and reallocate to themselves powers purposely withheld from them and conferred on the Congress alone. On this reasoning, the Cambodian bombing, being a usurpation of Congressional power, constitutes a subversion of the Constitution, and is a clearly impeachable offense.

Although some twenty courts have gone against the President on the issue of impoundment, the Supreme Court has yet to speak. So too, although Presidential usurpation in the secret Cambodian bombing seems quite clear to me, the President has yet to have his day in court. Little as I attach to Presidential assertions of power plainly withheld from him by the Constitution, I am re-

luctant to have the Senate decide an issue of constitutional law, disputed by the President, in its own favor. That issue, the trial of Andrew Johnson teaches, is better left to the courts, removed from any suspicion of partisan bias, unclouded by conflict with the tradition that one should not sit in judgment on his own case.

There may well be other grounds of impeachment which the House Judiciary Committee will in due course consider. For example, thus far the implications of the Watergate coverup have been considered in terms of criminal complicity; but a statement by James Madison in the First Congress indicates that it may be viewed in wider perspective. Recall that Madison was the chief architect of the Constitution, and had a hand in the introduction of "high crimes and misdemeanors" in the impeachment provisions. Who would better know what scope the Founders intended to give those terms? Arguing for an exclusive Presidential power to remove his subordinates, Madison stated that this "will make him in a peculiar manner responsible for their conduct, and subject him to impeachment himself, if he . . . neglects to superintend their conduct, so as to check their excesses."

On March 22, 1973, Mr. Nixon stated, "It is clear that unethical as well as illegal activities took place in the course of [the reelection] campaign . . . to the extent that I failed to prevent them, I should have been more vigilant." This is little short of a confession of neglect; and that neglect is no less clear with respect to the ensuing cover-up launched by his subordinates, an obstruction of justice. Mr. Nixon stated, "I must and do assume responsibility for such [reelection] actions." Responsibility carries with it accountability, not, it is true, criminal responsibility, for no principal is responsible for the crimes of his agent. But he is civilly responsible for the wrongs he enabled them to commit; and impeachment, you will recall, is prophylactic, not criminal. President Nixon can be impeached, in Madison's words, for "neglect to superintend [his subordinates'] conduct, so as to check their excesses."

The Founders feared an excess of power in executive hands; they had just thrown off the shackles of one tyrant, George III, and were not minded to submit to another. Hence, they provided impeachment as an essential restraint against arbitrary one-man rule. The wisdom of the Founders has been abundantly confirmed by recent events. The time has come to regard impeachment, not as a clumsy, outworn apparatus, but rather as an instrument of regeneration for protection of our liberties and our constitutional system.

## REPORTS AID CRIME REDUCTION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ESCH. Mr. Speaker, for the information of the Members I would like to point out that the National Advisory Commission on Criminal Justice Standards and Goals recently completed its sixth and final report as part of a 2-year study financed by the Law Enforcement Assistance Administration.

These very excellent reports provide a wealth of information useful in the formulation of national criminal justice standards and goals for crime reduction and prevention at the State and local levels.

In its final report based on the work

of a task force headed by Jack Michie, director of the Michigan Division of Vocational Education, the Commission issued a warning about the effect of corruption of public officials. It cautioned that:

The existence of corruption breeds further crime by providing for the citizen a model of official lawlessness that undermines any acceptable rule of law.

The Commission also called for a citizen crusade against Government corruption and said the system of criminal justice will break down unless citizens come forward as complainants, as witnesses and as jury members to participate actively in the prosecution of official corruption.

Mr. Speaker, I hope the public and Members of Congress will take the time to study this very valuable report and the earlier volumes including another report prepared by a task force headed by a Michiganite, Col. John R. Plants, director of the Michigan State Police. In that report, the Commission raised a timely warning about the risk of unwarranted encroachment on individual privacy by the unchecked use of computers to compile crime records.

I believe the warning was clearly aimed at the efficiency-minded system's developer who might attempt to create a single "dossier" by linking welfare, tax, health, criminal justice, and other files. In other words, eagerness for more data about people and efforts to reduce the cost of maintaining separate systems could endanger the individual's right to privacy.

In this regard, I was encouraged by the comments of FBI Director Clarence M. Kelley, in a recent interview with Susanna McBee of the Washington Post. I include the interview to be printed at this point in the Record and to be followed by an editorial from the Detroit News entitled, "A Computerized Overkill?"

The articles follow:

FBI CHIEF SEEKS TIGHTER CURES ON CRIME FILES

(By Susanna McBee)

WASHINGTON.—FBI Director Clarence M. Kelley says he will seek legislation to place tight controls on criminal information systems in order to protect individual privacy.

Kelley, who has been the bureau's leader since July, said in an interview that federal and state legislation to restrict the use of such systems would be "most acceptable."

He added, "I do not believe that we should have a carelessly administered system whereby there are possible leaks and possible inroads into what we have established as a secure system."

The issue has become important in police and civil liberties circles as more and more police departments are computerizing information about arrests, prosecutions, and sentences for crimes.

The FBI operates the National Crime Information Center (NCIC) here. It contains computerized information on persons wanted for crimes, stolen vehicles, and criminal history files on individuals.

Civil libertarians contend that the criminal history segment, which now accounts for only 8 percent of all NCIC data, has inherent dangers because dispositions of cases are not always included and because unauthorized persons can gain access to the files. So far only six states have joined the national criminal history system.



Kelley conceded that there "could be a situation where the disposition of not guilty is not shown" on a person's criminal history file. He insisted the FBI is trying to correct the problem.

He said the FBI wants to build a system "so that dispositions come through immediately." He also agreed with a recent study of the National Advisory Commission on Criminal Standards and Goals, which says credit rating services and the media should not have access to criminal history data.

An FBI spokesman said later, however, that Kelley favors the practice of bank officials checking FBI fingerprint files on prospective employees and that of state licensing agencies checking arrest records through local police departments.

But the spokesman said Kelley does not approve of such information going to other private firms.

A 1971 decision in Federal Court here said the FBI had no statutory authority to hand out fingerprint files and arrest records to private employers. But since then, Congress has passed riders to Justice Department appropriation bills giving the bureau some authority to continue the practice.

Kelley also discussed a Justice Department study of basic issues concerning the FBI—whether its intelligence gathering functions should be separated from its ordinary criminal investigations, how long the director should serve, whether additional guidelines for wiretapping should be established, and whether its investigative techniques should be revised.

The study was initiated by former Atty. Gen. Elliot L. Richardson and former Deputy Atty. Gen. William D. Ruckelshaus.

Kelley said the bureau has provided answers to about half the questions raised in the study, which has been slowed but not stopped by the departure of Richardson and Ruckelshaus.

The FBI director said he does not feel the bureau's intelligence gathering functions should be separated from its regular law enforcement work because, he said, "informants in a criminal field can and do turn up information valuable in a security investigation."

He said legislation dealing with intelligence-gathering or surveillance would create "difficult" problems. But he disclosed the bureau is considering changes in its investigative techniques.

Kelley said a task force is studying investigative operations in the bureau's New York office and hopes to apply its findings to other field offices.

He said he is not thinking of changing the FBI's use of informants but he stressed that they should not become "provocateurs" or "violators of civil rights."

As for charges that the FBI has engaged in burglaries in past surveillance activities, Kelley said, "I can assure you it's not going on now."

#### A COMPUTERIZED OVERKILL?

New York City has decided to strike the scofflaw motorist where it hurts him the most—right in the credit rating. It is now possible that a New Yorker could be denied a mortgage or a bank loan because he hadn't paid a parking ticket.

It is an interesting new twist to the old problem of chasing the parking violator who—as the term implies—"scoffs at the law." New York officials say with evident pride they are the first city in the nation to take the court-judgment route in the war to collect \$75 million in overdue fines from 250,000 people.

They claim attacking a motorist's credit rating will accomplish more than their present technique of cutting off his car registration.

Judgments obtained in the New York State Supreme Court are to be "docketed," and the information thus becomes available to the "big brother" organizations that collect bad debt data and stuff it into computers for member businessmen to see.

Thus, if a scofflaw applies for a bank or department store credit card, he may be denied because he hasn't paid a ticket.

This is a case where the bureaucratic mind turns to these unfeeling computers for salvation. Yet another layer of personal information will be stored, and in those records more unfortunate mistakes are sure to occur. Some innocent people are going to get hurt.

Imagine—being denied a mortgage for a home because one had failed to pay a \$10 parking ticket in New York City. The price is rather high when one considers that a parking violation isn't exactly murder in the streets.

#### OBSERVATIONS ON NIXON

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HARRINGTON. Mr. Speaker, the December 15 issue of the National Observer carried an editorial presenting a rather perceptive review of the situation in which President Nixon finds himself. The editorial was noteworthy, no doubt, for the fact that it appeared in the National Observer, but in addition, the perception of the President as a man who prospered by creating an image, and who is now being hung by an image deserves the attention of each of my colleagues. For that reason, I would like to insert the editorial in the RECORD at this time:

#### HE WHO LIVES BY HIS IMAGE

The American people finally have reached their tipping point on Richard Nixon; they won't tolerate him any more. The thousands of telegrams protesting Archibald Cox's firing, the diminishing Nixon support among GOP stalwarts on Capitol Hill, even the change of heart by The National Observer's most outspoken conservative, Ed Roberts—all this confirms that the populace has had enough of the lemon grower's son from Yorba Linda, Calif. (Yes, Nixon's father once grew lemons; he didn't spend all his life in a grocery store.)

Odd, this matter of a tipping point. Until a few weeks ago the conventional wisdom held that the people were sick of Watergate and related odorous scandals coming out of Washington. They didn't want to talk about it. They were disgusted by the mess, but dismissed it as "politics" and thought Nixon no worse than other politicians. They were willing to put up with three more years of Nixon, though precious few really liked him.

The people, in sum, had become inured to the stench from Nixon's Washington.

Then, with astonishing quickness, many of them changed. They became outraged. Cox's firing, the resignations of the Justice Department's top two, and Nixon's squirming on the tape issue combined to tip many people into the anti-Nixon camp. Why?

Social scientists and historians eventually may provide us with learned answers, but two possible reasons suggest themselves now. One is the widespread perception of Archibald Cox, Elliot Richardson, and William French Smith as honest men surrounded by unscrupulous connivers. In this context it doesn't matter if the three were in fact honest; they were perceived to be such by the nation's TV view-

ers and newspaper readers, and that's what counted. Nixon, the cad, had forced three honest public servants out of his Administration.

The other reason: tape recordings and people's knowledge of them. Everyone either knows what tricks are possible with tapes, or thinks he does. Lots of people own tape recorders or tape decks and know something about erasing and dubbing. And who hasn't seen TV or movie spies rearranging tapes so skillfully that no tape mission seems impossible?

So when the President's lawyer tries to tell the people that recording equipment in the President's office malfunctioned, nobody believes him. When the lawyer says there's an 18-minute blank space in a taped conversation between Nixon and his then top assistant H. R. Haldeman—a conversation held just three days after the Watergate burglary—who will accept that as innocent happenstance? And Rose Mary Woods' wild story of acrobatics while at the tape recorder surpasses all credibility. Again, it doesn't matter if these preposterous explanations are true or false; they were perceived to be false by the people, and that's what counted.

The President's recent frenetic efforts to refurbish his public image will surely fail. His feeble explanation of paying "nominal" income taxes and his protestation that he's not a crook won't significantly change the public's new attitude toward him.

Well, it's only right. For a man who has lived by his image, who won in 1968 with the indispensable help of TV coaches and makeup men, who has always seemed more concerned about the kind of person people thought him to be than the kind he really is—for such a man, it's indeed fitting to die politically because of the public's perception of him, whatever the accuracy of that perception.

JAMES G. DRISCOLL.

#### U.S. RELATIONS WITH PAKISTAN

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HAMILTON. Mr. Speaker, the President of Pakistan, Zulfikar Ali Bhutto, visited the United States in September 1973 at a time when certain new emphasis in U.S. policy in south Asia were becoming apparent. I refer to the administration's desire to maintain good relations with Pakistan while removing several irritants in United States-Indian relations, to restrict severely the sale of arms to any state in the region, and to channel limited and reduced aid funds, mostly developmental loans, into specific areas. These policies reflect our limited interests in the Indian subcontinent and certainly a decision that our aid programs will not again reach the massive proportions they did in the 1950's and 1960's.

These new trends in our policies in the subcontinent raise certain questions about longstanding bilateral and multilateral relationships we have had with Pakistan. Some of the questions were discussed in recent exchanges of letters I had with the Department of State. I enclose in the RECORD for the interest of my colleagues my correspondence with the Department of State:

COMMITTEE ON FOREIGN AFFAIRS,  
Washington, D.C., October 1, 1973.

HON. HENRY A. KISSINGER,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: During his visit to the United States, Zulfikar Ali Bhutto, Prime Minister of Pakistan, made several references to 1954 and 1959 agreements which he felt defined his country's special relationship with the United States and under which he felt his nation was entitled to gain access to certain military equipment by mutual agreement.

I am aware of the texts of these agreements; but I want to inquire concerning their validity today. Are they both still in force? Does the 1959 accord define our total commitment to Pakistan under the CENTO agreement? Is the 1954 accord made obsolete by decisions on military supply to South Asia taken unilaterally by the United States since 1965? Do these accords today define our military relationship and supply policy toward Pakistan? What value does the United States attach to these agreements?

I appreciate your consideration of this matter.

With best regards,

Sincerely yours,

LEE H. HAMILTON,  
Chairman, Subcommittee on the Near  
East and South Asia.

DEPARTMENT OF STATE,  
Washington, D.C., November 1, 1973.

HON. LEE H. HAMILTON,  
Chairman, Subcommittee on the Near East  
and South Asia, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of October 1 in which you raised several thoughtful questions regarding our treaty relationships with Pakistan.

I should like to answer individually the questions which you have posed.

Are both agreements still in force? Yes, both are still in force. Neither the United States nor Pakistan has undertaken action for their termination under Article VII of the 1954 agreement or Article VI of the 1959 agreement.

Does the 1959 accord define our total commitment to Pakistan under the CENTO Agreement? The United States is not a signatory to the CENTO Agreement and thus has no direct commitments to Pakistan or any other country under that Agreement. However, we are linked to the CENTO countries by bilateral accords; in the case of Pakistan this is the 1959 agreement. This agreement is restrictive. Article I of the agreement, by its reference to the Joint Resolution to Promote Peace and Security in the Middle East, limits our use of armed forces under that agreement to instances of "armed aggression from any country controlled by international communism." It should also be noted that our commitment under the 1959 agreement is to take such action "as may be mutually agreed upon".

Is the 1954 accord made obsolete by decisions on military supply to South Asia taken unilaterally by the United States since 1965? No. Article I of the 1954 agreement provides that it is within the purview of the United States to determine which classes of items or services shall be supplied to Pakistan. The article states that the United States will provide such assistance as it "may authorize" in accordance with "terms and conditions" agreed to by the two countries.

Do these accords today define our military relationship and supply policy toward Pakistan? It would be inaccurate to state flatly that these documents define our military relationship or supply policy toward Pakistan, although they provide the basis for both. In addition to the agreements you have noted, the United States and Pakistan

are parties to the Mutual Security Defense Support Assistance Agreement of January 11, 1955, and several other agreements amending or implementing that agreement and the 1954 agreement. These documents provide for the furnishing of such commodities and services to Pakistan "as may be . . . authorized by the Government of the United States" (1955 Agreement, Art. I).

The 1959 agreement provides the basis for the ongoing military relationship with Pakistan. Similarly, the 1954 accord established the basis for our original supply relationship with Pakistan, but the manner in which we are prepared to exercise our discretion under Article I of the 1954 and 1955 agreements is controlled by policy determination, currently reflected in the supply policy guidelines announced on March 14, 1973.

What value does the United States attach to these agreements? The United States continues to assign importance to these agreements. Not only do their practical consequences have significance for us but, equally importantly, they symbolize our close and effective relationship with Pakistan, a relationship which was clearly underscored during Prime Minister Bhutto's recent visit to this country.

I hope, Mr. Chairman, that these answers are sufficient to provide you with adequate background on our assessment and evaluation of the agreements in question. Please feel free to call upon me whenever I can be of assistance.

Sincerely yours,

MARSHALL WRIGHT,  
Assistant Secretary for Congressional  
Relations.

COMMITTEE ON FOREIGN AFFAIRS,  
November 8, 1973.

HON. HENRY A. KISSINGER,  
Secretary of State,  
Washington, D.C.

DEAR MR. SECRETARY: My inquiry of October 1 concerning the 1954 and 1959 agreements between Pakistan and the United States was answered by Marshall Wright in a letter dated November 1. I appreciate that response.

The Department gave me fairly precise answers to the few questions I raised in my initial letter but several other, more general lines of inquiry still remain concerning Pakistan's and our conceptions of the legal nature and intent and substance of our close ties. President Bhutto made it very clear in his visit with Members of the Committee on Foreign Affairs that he considered his government to be entitled, through these agreements, to access to certain, mutually agreed upon, military materiel and that if such access was not forthcoming, his government would consider our relationship with Pakistan to have changed and his government might have to reevaluate some of its foreign policy orientations.

The Pakistani Government's conception of the restrictive nature of these agreements may be similar to yours, but the Pakistanis seem to believe that if these documents are still in force, they imply a certain relationship and access to military equipment, specifically, more substance and less diplomatic reaffirmation. This raises questions concerning the substance we intend to give to our relations with Pakistan, whether our conception of the intent and purpose and force of the 1954, 1955 and 1959 agreements has changed over the years and how Pakistan's view and our view of the meaning of these documents coincide and differ today.

I look forward to continuing a discussion on this matter with the Department.

Sincerely yours,

LEE H. HAMILTON,  
Chairman, Subcommittee on the Near  
East and South Asia.

DEPARTMENT OF STATE,  
Washington, D.C., December 7, 1973.

HON. LEE H. HAMILTON,  
Chairman, Subcommittee on the Near East  
and South Asia, Committee on Foreign  
Affairs, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of November 8 inquiring further into the nature of our treaty relationship with Pakistan.

I think there is no question as to the substance we assign to our relationship with Pakistan. As the President said when welcoming Prime Minister Bhutto to Washington on September 18, "the independence and integrity of Pakistan is a cornerstone of American foreign policy". The 1954, 1955 and 1959 agreements exemplify this view. As an indication of our commitment to Pakistan, the United States has provided economic assistance in all forms totalling nearly \$350 million during the difficult period since the end of the Indo-Pakistan war in December 1971. It is the Department's view that this substantial assistance has made an important contribution, not only to Pakistan's development, but also in enabling it to be a force for regional peace and stability.

Turning to your query suggesting that "the intent and purpose and force" of the agreements may have changed over the years, the bilateral relationship which the three agreements evidence has not changed. However, the international context in which the U.S.-Pakistan bilateral relationship exists has altered over the years since 1959. These changes in turn have influenced the United States Government's view of the appropriate way in which our bilateral agreements with Pakistan should be implemented. We believe these views have been consistent with the language of these agreements and we intend that our actions should continue to further the underlying purposes of our mutual security interests.

I have set forth in this letter, and that of November 1, the view of the United States in regard to the three agreements. I do not think that it would be appropriate for me to attempt to set forth Pakistan's view. However, I can suggest that the fact that neither Pakistan nor the United States has given notice of intention to abrogate the agreements indicates quite clearly that both countries find the agreements in their mutual interest.

I hope, Mr. Chairman, that these answers will assist you in your assessment and evaluation of the agreements in question. Please feel free to call upon me whenever I can be of assistance.

Sincerely yours,

MARSHALL WRIGHT,  
Assistant Secretary for Congressional  
Relations.

## ENERGY AND ENVIRONMENTAL EFFECTS OF RAIL TRANSPORT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HARRINGTON. Mr. Speaker, in addressing the Northeast rail crisis thus far, Congress has been primarily concerned with the economic considerations and ramifications of the possible termination of rail services in the 17 Northeastern States. It is a virtually unchallenged premise that a financial collapse of the railroad must be avoided to prevent great damage to the regional economy and consequential disruption of the



national economy. The economic considerations of the Northeast rail crisis have been addressed in great detail, but we have failed to give adequate attention to the consequential impact of rail reorganization upon the environment, energy conservation, and questions of land use.

Especially when considering the issue of abandonment, it seems to me that Congress should thoroughly examine the environmental and energy conservation impact of large-scale transfers of freight from rail transport to truck transport, as would be required by abandonments on the order of magnitude as is desired by the Department of Transportation and by the Penn Central trustees. Massive abandonments would seriously aggravate air pollution, worsen shortages of petroleum products, and virtually require more highway construction at a time when automobile and truck transportation are increasingly undesirable, and when there is a clear need for comprehensive land use planning.

The distinguished environmentalist, Prof. Barry Commoner of Washington University in St. Louis, has written a perceptive article on the advantages of rail transportation. The author of the widely acclaimed book, "The Closing Circle," Professor Commoner argues convincingly that railroads should be a critical component of our future transportation system.

Professor Commoner's article in the December 2, 1973, Washington Post follows for the information of my colleagues:

**TRAINS VERSUS TRUCKS: A BALANCE SHEET**  
(By Barry Commoner)

Commoner is professor of plant physiology at Washington University in St. Louis and author of "The Closing Circle." This article is excerpted from Harper's Magazine.

For more than a hundred years the nation's railroads have been operated on the sound American principle of exacting as much profit as possible from whatever the traffic will bear. The recent failure of that principle has been so obvious and so enormous that it no longer remains plausible if trains cannot run at a profit. Then presumably we have no choice but to nationalize the railroads, and by an unintended coincidence the legal means to do just that lie readily at hand in the National Environmental Policy Act. A single paragraph of that act, a paragraph written with an entirely different objective in view, provides the basis for what otherwise might be considered a radical argument.

The argument requires a certain amount of preliminary reasoning that follows from the bankruptcy engulfing the Penn Central Railroad.

The Department of Transportation, the Interstate Commerce Commission and the Congress all have proposed plans to avoid a catastrophic shutdown of the railroad. The plan proposed by the Nixon administration would relinquish half the trackage of the Penn Central and of five other bankrupt railroads in the Northeast.

Probably the biggest obstacle in the way of the plan is paragraph 102(2)(C) of the National Environmental Policy Act of 1970. Because of that paragraph, the Department of Transportation (DOT) was required to attach to the administration's bill an environmental impact statement, which is supposed to detail the impact of the proposed action on the environment, delineate its long-term effects on natural resources, and, most por-

tentiously, discuss "alternatives to the proposed action."

The saga of the Penn Central Railroad is remarkable in the history of U.S. private enterprise. A company with \$4.6 billion in assets loses over \$500 million in two years; the merger that creates the Penn Central—which supposedly combines the talents of two experienced railroad managements—bogs down in childish bickering. The end came in June, 1970, when the Penn Central disaster became the largest bankruptcy in U.S. history.

**GAGING THE IMPACT**

Before environmentalism, the arguments about what to do with a bankrupt railroad would have been based solely on economic considerations: stockholders' equity, labor costs, rate structures and taxation. Now, however, under the NEPA requirement for an informative environmental impact statement, the discussion takes on the air of a class in ecology.

The impact statement filed by the DOT is a masterpiece of nondisclosure. It claims that communities deprived of rail service by the proposed reorganization could readily shift their freight business to trucks; that such shifts would have an "overall beneficial effect"; that the network of rail corridors—irreplaceable once abandoned—would be retained by a provision allowing other railroads to purchase them (not a likely event since the abandoned lines are guaranteed to be unprofitable).

The requirements of paragraph 102 are clear, however, and the DOT statement and others like it are certain to be judged inadequate by the courts. To bring such a statement into line with these requirements, the courts will need to consider just how the proposed reorganization would influence the quality of the environment, and then take up the merits of other ways to resolve the Northeast railroad crisis.

The task, then, is to determine the environmental impact of shifting a given amount of freight from the Penn Central Railroad to trucks. How much environmental degradation takes place when a ton of steel is shipped, let us say, from Bethlehem, Pa., to New York City by rail, as compared to the environmental cost of shipping it by truck?

To begin with, some basic facts about rail and truck freight: In 1970 U.S. railroads carried about twice as much freight as intercity trucks (808 billion ton miles compared to 419 billion ton-miles); at the same time, freight trains traveled far less to deliver their freight than trucks (448 million miles compared to 34.9 billion miles).

Thus, compared to freight trains, trucks make more numerous, faster trips, carrying considerably less weight per trip. This reflects the chief economic advantage of truck freight: It will arrive sooner and in smaller, often more convenient, units than railroad freight.

**FUEL AND POLLUTION**

There are big differences between the effects of trains and trucks on the environment. Here are some relevant figures: Per ton-mile of freight carried, trucks use four to six times as much fuel as the railroads, and produce about that much more air pollution. Although the levels of noise generated by trains and trucks are about the same, since trucks travel much more than trains to carry about equal loads of freight, trucks are probably responsible for about 10 times more noise, overall, than freight trains for equal movement of freight.

Next, the environment effects of maintaining and constructing the rail lines and highways need to be compared. Although railroads could handle two to three times their present freight traffic without clogging up, most truck-bearing highways operate close to capacity. This means that the proposed shift of freight in the Northeast from trains

to trucks would require some new highway construction, with considerable impact on the environment.

For example, highways capable of carrying trucks take up about 51,000 square miles. About 28 per cent of highway construction is needed to accommodate trucks; truck freight involves about 14,000 square miles of land use, or about 34 square miles per billion ton-miles of annual truck freight. (In comparison, freight-carrying rail lines occupy about 3,800 square miles, or about 4.7 square miles per billion ton-miles of annual freight.) Similarly, because cement-making uses a great deal of heat, the energy needed to construct a highway is large—about four times that needed for the same length of railroad track.

The DOT plan calls for abandonment of about one-half the rail lines, which now carry about 20 per cent of the Penn Central freight. This means a shift of about 14 billion ton-miles of freight, annually, from railroads to trucks—which now haul about 46 billion ton-miles in the Northeast region. This amounts to a 25 per cent increase in regional truck freight. Accordingly, any environmental measurement depending on ton-miles of truck freight (such as air pollution) would increase proportionally. The proposed shift of freight haulage would result in the consumption of 420 million extra gallons of fuel annually. This would increase the total amount of fuel consumed in hauling freight in the U.S. by 3.5 per cent and add about 80,000 tons of pollutants to the air.

Consider a factory located at the edge of a small city, adjacent to a branch rail line that DOT proposed to abandon. Rail freight moving to and from the factory has little impact on city streets. But if the branch rail line were abandoned, the factory would ship its goods by truck on the nearest highway—probably some distance from the factory. Abandonment of the railroad is likely to send a stream of trucks through city streets in and near populated areas, intensifying local air pollution, noise, the risk of pedestrian and vehicular accidents, damage to streets, and disruption of neighborhoods and community life.

**WHOSE PROFIT?**

At the present rate of consumption, petroleum resources available to the U.S. are likely to be depleted in the next 25 to 30 years, but coal supplies are expected to hold out for about 400 years. This means, first, that the efficiency with which fuel is used, especially in transportation (which accounts for about 24 percent of our fuel consumption) will have to be improved. Secondly, it means that modes of transportation dependent on petroleum products will need to be displaced by those that can use coal.

The NEPA's mandate has a direct bearing on the Northeast railroad reorganization plan. There is clearly an unresolved conflict between the DOT plan to dismember the Penn Central and the five other bankrupt railroads, and President Nixon's admonition to the heads of federal agencies, in June, 1973, to "review the demands on our energy resources and determine how demand can be reduced." There is a marvelous irony in Mr. Nixon's urging that the country achieve a reduction in fuel consumption while DOT urges a plan for the Northeast railroads that would increase fuel used for transportation.

Thus, the logic of ecology, together with some simple financial statistics, establishes two fundamental facts about the railroads: The railroads are so much more efficient than their competitors in moving freight and people at minimum cost to the environment and to the dwindling supplies of fuel that we shall have to rely heavily upon them to find our way out of the growing environmental and energy crisis. At the same time it is

equally true that no railroad, anywhere in the world, has been able to provide all of these services to society at a cost sufficiently competitive to support profitable operation.

If we give up the demand for profitable operation, which means that the railroads become publicly owned, then they can be rebuilt to provide the country with environmentally clean, energetically thrifty transportation. The choice is between social and private profit.

So, step by step, the way signposted by statistics on fuel consumption, air pollution, freight and passenger traffic, profit and loss, the journey that begins in the flowery innocence of ecology ends up before the most frightening specter in the demonology of private enterprise: nationalization.

#### PANAMA THREATENS FIGHT IF TALKS FAIL

#### HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. FLOOD. Mr. Speaker, Ambassador Ellsworth Bunker arrived on the isthmus on November 26, 1973, in connection with the reopened negotiations for a new canal treaty that was ill-advisedly resumed by the executive branch of our Government without authorization by the Congress.

A newsstory from Panama published in a recent issue of the Miami Herald provides some interesting reading. One of my ablest correspondents on Panama Canal matters, who has had extensive experience in Latin America, Arthur L. Denchfield, Jr., wrote the editor criticizing the malicious editorializing in news columns, which have continually misguided the people of our country.

Because of the pertinence and timeliness of Mr. Denchfield's letter, I quote it and the newsstory to which it refers as parts of my remarks:

ARTHUR LEIGHTON DENCHFIELD, JR.,  
Coral Gables, Fla., November 28, 1973.

DEAR EDITOR: Headlining the November 28th "Around The Americas" section of your excellent paper we read with awe and dismay that "Panama Threatens Fight If Talks Fail". This is a "Special To The Herald" report and bears the by-line of no columnist or reporter; neither is your source mentioned as the "UP" or "AP". Consequently, your readers may well be led to believe, without realizing it, an editorialized report containing a scattering of facts but containing a glaring, dangerous, and irresponsible misstatement which demands immediate correction.

We quote: "In the ten years of negotiations there has been general agreement that jurisdiction over the canal zone should revert to Panama and American control of the waterway and the Canal Zone should have a fixed term".

Nothing could be farther from the truth and we point out: (1) that there has NOT been general agreement that the jurisdiction over OUR Canal Zone should revert to Panama; your source can very easily verify that the sense of both the US Senate and House are to the effect that the US should continue to maintain absolute control over this US strategic property; (2) the use of the verb "revert" implies that the Canal Zone should be returned to a former owner where-

as the former owner was not Panama but Colombia (When Panama was a province of same) to whom substantial compensation was paid; the Panama Canal Zone is as much US property as is Alaska, Hawaii, or Louisiana!

In this same connection we wish to also make perfectly clear the matter of the annuities we pay to Panama. Many misinformed Americans, as well as Panamanians, mistakenly believe that the US rents, leases, or has acquired the Canal Zone with some sort of option to purchase; the fact is that these annuities voluntarily paid Panama represent our freely-given compensation to Panama in lieu of our taking over the assets of the then revenue-producing Panama Railroad at the time of the Treaty of 1903.

In the interest of truth, a principle your paper has always defended, we ask that you kindly publish these comments.

Cordially yours,

ARTHUR L. DENCHFIELD, JR.

#### PANAMA THREATENS FIGHT IF TALKS FAIL

PANAMA.—"This will be the last peaceful negotiation," was Panamanian strongman Brig. Gen. Omar Torrijos' welcome for Ellsworth Bunker, U.S. special ambassador and chief ANAL Treaty negotiator.

Even as Bunker was jetting toward Panama, the government-controlled evening paper was disseminating Torrijos' words under an eight-column headline reading: "If the negotiation fails, we will be left with no other recourse but the battle."

Bunker is in Panama for week-long talks with Torrijos and Panamanian Foreign Minister Juan Antonio Tack preliminary to renewed negotiations for a new treaty to replace the 1903 treaty under which the United States administers the Canal Zone.

In a brief airport statement, the veteran U.S. diplomat adopted a markedly different tone than that of Torrijos:

"Such an arrangement (the treaty) will require accommodations on both sides. The complexity of the issues will require flexibility and skill on the part of the negotiators and understanding on the part of the public," Bunker said.

The evening daily El Panama America quoted Torrijos as saying:

"It is the last opportunity. This will be the last peaceful negotiation. If the negotiation fails, we will be left with no other recourse but the battle. I am not tossing a threat but recognizing reality," Torrijos said.

Bunker, 79, met with Torrijos Tuesday, following calls on President Demetrio B. Lakas and Vice President Arturo Sucre.

Most of his week-long stay will be devoted to talks with Tack, with whom Bunker said he hoped to "initiate a dialogue that will result in the promptest possible negotiation of a new and modern treaty arrangement."

Accompanying Bunker is deputy negotiator Morey Bell who, shown a copy of the evening paper, remarked jokingly, "Is this our Bible?"

Bunker was met at the airport by Panamanian negotiators Carlos Lopez Guevara and Diogenes de la Rosa and Nicolas Gonzalez-Rivera, Panama's ambassador to Washington.

"If the challenge is great, so are the possibilities for statecraft to achieve a lasting settlement which serves the national interests of both countries and meets their responsibilities to the world concerning a major avenue of international commerce," Bunker said.

In 10 years of negotiations, there has been general agreement that jurisdiction over the canal zone should revert to Panama, and American control of the waterway and the Canal Zone should have a fixed term. The treaty now calls for American control in perpetuity. But there has been little headway on how to put the principles into effect.

Bunker was U.S. ambassador to the Organization of American States when Panama broke relations with the United States in 1964 after a bloody battle between Panamanian civilians and U.S. Army troops along the Canal Zone boundary. Bunker signed the agreement that led to the resumption of relations and the canal treaty negotiations.

His first diplomatic assignment was ambassador to Argentina in 1951, and President Lyndon B. Johnson sent him to the Dominican Republic during the 1965 crisis there.

He later served as U.S. ambassador to South Vietnam before returning to hemisphere diplomacy and the Panama assignment.

#### MASS TRANSIT SUBSIDIES

#### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MINISH. Mr. Speaker, as the House prepares for a conference with the Senate on legislation to establish a program of Federal mass transit operating aid, I am pleased to receive word from the National Legislative Conference of their strong support for this vital program.

In view of the country's present energy situation, it is now more important than ever that our Government demonstrate a firm commitment to urban mass transit by supporting Federal operating subsidies.

At this point in the RECORD, I insert a resolution adopted last week by the Intergovernmental Relations Committee of the National Legislative Conference:

#### MASS TRANSIT SUBSIDIES

The operation of adequate, modern systems of urban mass transit is essential to the continued life of the urban areas within our States. Fare boxes no longer pay the operating costs of mass transit systems. In many cases fare hikes have resulted in reduced riderships. The day of the private mass transportation company is over. State and local government are heavily subsidizing the operating costs of public transportation in many cities. The Federal Government has limited its help to capital subsidies. This is not enough. The public is not well served if a transit is able to purchase a new, modern bus but cannot afford to pay the driver or buy the gasoline to run the bus. Better mass transit will save energy and make our cities less polluted and congested. Both the Senate and the House have passed mass transit subsidies bills. House-Senate conferees are in the process of resolving their differences. They will send to the President a bill which contains \$800 million over two fiscal years for operating subsidies for urban mass transit. The administration has indicated its disapproval of both the House and Senate bills.

The Intergovernmental Relations Committee of the National Legislative Conference supports federal operating subsidies for urban mass transit and strongly urges the Congress to expeditiously pass the bill for operating subsidies for mass transit. Further, the Committee strongly urges the President to sign such a bill which will enable the cities to maintain the lowest possible fares to encourage use of mass transit. Increased public use of mass transit will save energy and make our cities both cleaner and a more pleasant place to live.



LAMENT OF A REPUBLICAN  
BUSINESSMAN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ASHBROOK. Mr. Speaker, I recently received a very moving letter from one of my constituents in Ohio. I want to share this letter with my colleagues, because I think it summarizes the problems faced by many American businessmen today. I have deleted the name and address of this writer in order to preserve his privacy. The text of the letter follows:

DEAR JOHN: The headlines in the newspapers don't make it comfortable being a Republican today. However, it is nothing compared to being a Republican businessman. I feel certain you are aware of what is going on but I still feel better having you hear it from me.

## FRUSTRATION NO. 1

Last year Columbia Gas informed us they would probably go on allocation and they advised us to install a standby propane system so that our manufacturing facilities would not be cut off entirely. We spent \$100,000, now have a beautiful propane standby system but we can't get the propane.

## FRUSTRATION NO. 2

This week we were advised by our supplier of phenolic resin that this is not available—that end of his business is finished and now we can't make cores for a lot of our foundry products.

## FRUSTRATION NO. 3

We were advised last week that we are on allocation of fuel oil and kerosene which are used for heating our pouring ladles in the foundry.

All of the above, of course, are created by the shortages of oil and gas.

## FRUSTRATION NO. 4

Today we were informed that scrap iron, the biggest single product used in our foundry, is increasing in price by \$18.00 a ton which brings the price of scrap iron up to \$92.00.

This, they tell us, is caused by the foreign market demands and the price they can get for this product overseas. I might add, this is the highest price scrap iron has ever been and is quickly approaching the price of finished steel.

## FRUSTRATION NO. 5

In the last year and a half, our company has spent over a million and a half dollars for equipment and dies for plastic pipe fittings. This, also, is on very strict allocation due to the petroleum problems. However, one basic ingredient such as monomer which has a controlled price in this country of \$.12 a pound is being diverted to Europe where it is being sold by domestic sources at \$.40 a pound.

If the above isn't enough to drive you crazy, we can't get wood for making pallets, corrugated container prices are sky high and even the stationery this letter is on is getting in short supply as well. Frankly, I dread coming to work every day as another crisis must be met.

I remember not to long ago when a congressman used to envy a businessman. Any time you want to change jobs, I am open for negotiations. Seriously, John, this is a very deplorable state of condition quickly leading to chaos. We here in Ashland are very concerned as I am sure you are. I wish I had

answers for the problems but since I don't, that is why I am turning to you.  
Kindest regards,

## A SERMON PREACHED ON AMNESTY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. FRASER. Mr. Speaker, a former Minneapolis, the Reverend John G. Simmons, now resident in California, recently sent me a copy of "A Sermon Preached on Amnesty." This sermon, delivered October 21, 1973 in St. Matthew Lutheran Church, North Hollywood, Calif. by the Reverend Richard S. Lippert, is a very personal statement. But no matter how the reader feels about the issue of amnesty, she or he will sense the agony and self-examination that went into its preparation and delivery.

Mr. Speaker, we are fortunate that the product of Reverend Lippert's introspection has been preserved and is available to us. If it had not been preserved we would have been denied one of the most important statements on amnesty resulting from the Vietnam war.

The sermon follows:

## A SERMON PREACHED ON AMNESTY

I have agonized this past week trying to decide whether or not I should talk to you about this subject. I must admit that at this very moment I am feeling nervous, as I have been all week. I agonize because this is a touchy, emotionally charged issue that has only now begun to be talked about. And I agonize because this, as well as any subject that is controversial, always has the possibility of dividing rather than bringing together. I realize that and I understand that. It has never been easy for any religious community to come to grips with controversy. One needs only to look back into our own Judeo-Christian heritage, back to the days in early Israel in the time of the prophets when they had their running controversies with the Kings; back to Judaism in Jesus' days and their running feud and controversy with the Roman Government; and back into the entire history of our own Christian Church. In all of these instances, one finds that the time was pregnant with controversies which Judaism and the Church were, on many occasions, unable to handle.

So I must tell you that I agonize and at this moment—at this very moment I have a pit in my stomach—and I am nervous—and my hands are literally shaking. And I must tell you too, that anytime I talk about this or any related subject, I am flooded with memories and I still hurt terribly inside. So before I embark on what I have to say, there are two things which constitute a preamble to my remarks and my feelings.

The first is this: I will own my feelings, I will own what I say, I will own my words, I will own my thoughts. I cannot and I will not demand that you accept what I have to say, or for that matter, reject what I have to say. I am telling you what I feel, what I believe, what I must deal with from the very depths of my own soul and experience. And as I understand the will of God and my subsequent responsibility as a Christian, I speak to you this morning. I sincerely believe that as I understand the will of God and as I believe that His spirit works in me, I am

moved to say what I have to say. If you can relate to that, okay. And if you don't relate to what I have to say, that's okay, too. All I can give you is the depth of my feelings and my understanding. I do not lay that on you for you will have to come to your own understandings, your own conclusions and deal with your own feelings.

Secondly, I want to give you some of my background so that you can get a better picture of me and, hopefully, garner more credibility about my remarks. Perhaps most of you by now know that I came to this Parish from the Military. I was a Navy Chaplain for three and one-half years and during that time I spent three years with the United States Marine Corps.

Now first, in 1968, at the very height of our involvement in Southeast Asia, I went to Vietnam and served for a year. Upon arriving there, I served about two weeks with the First Reconnaissance Battalion, a highly trained and very skilled counter-insurgent force. But I didn't stay there long. I was transferred to the field with a regular infantry battalion because their Chaplain had been badly injured. So I remained for eight months with the Second Battalion of the Fifth Marine Regiment, First Marine Division. During that particular time of eight months, my battalion suffered among the highest casualties of killed and wounded of any battalion in the I Corps area of operation. I Corps ran from the DMZ South to Quang Nal City.

Second, I spent a whole year away from my family. For those of you who, either in the service, or for some other reason have had to spend long periods of time away from your family will understand what I am talking about. I spent a whole year away from my wife, away from my child, during the most formative year of my life. And because of that, I missed out on an awfully large chunk of his life. I can never have that time back.

Third, I contracted illnesses the likes of which I hope I never have to go through again. I had falciparum malaria which has a much higher fatality rate than the normal vivax type of World War II. I had shigella dysentery so bad I was withered up like a prune. I had practically every kind of internal and external parasite—hookworm, roundworm and ringworm so bad that my skin broke open and began to pus. I was in so many fire fights and in so many shellings that it's like one big, bad nightmare. And I still pick small pieces of shrapnel out of the back of my neck and the back of my head. I have my medals, nine of them in all, to show where I've been. I say all of this not because I boast or am proud. On the contrary! I tell you this only to hopefully make my remarks more creditable. Also to talk or to think about any of this only brings on anxiety and sadness and a strong desire to withdraw. However, I have committed myself to this task and I choose to carry on. I must tell you also that I do so hesitantly, especially against the background of convulsion which is now going on in Washington, because I am sensitive to that also.

The issue or question simply put is this. What is to become of the thousands upon thousands of young men languishing in our jails right now; and what is to become of the thousands upon thousands of our young men across the world who have had to flee this country because of something they believed in, because they refused to participate in something which they felt was immoral and wrong? The war is now over between North Vietnam and us but it is not over for the majority of our sons who refused to fight, who refused to be caught up in something which they believed was wrong, and immoral, and indecent. So I ask—when will this war end?

Some people have suggested that what

we need to do is to apply what the law says. They should be tried, convicted and put into prison. Others have advocated that these young people should be pardoned by the President. That is, what they have done should be recognized as a crime because they broke a law and it should be so recorded; but that the offenders should be relieved of any consequence of the offenses for which they have been convicted. Now others have suggested that what they need is amnesty. Now amnesty comes from a Greek word which means literally to not remember or to overlook, or to not recognize. The proposition is that the whole matter of desertion, the refusal to fight, or the refusal to be drafted should be forgotten, that there would be no recognition of a crime having been committed and therefore no reason for pardon.

Now, I gave you all of that background on myself, on my feelings, on where I had been and what I have done because I wanted you to know exactly what I felt and what I went through. And I want you especially to know that during that year in Vietnam I died a hundred times, believe me! I suffered! I suffered terribly and because I suffered I say this to you this morning that I am completely and totally for complete and total amnesty! I say that as a human being and as one who recognized the basic tenets of my faith as being reconciliation, and peace, and love. Because I recognize these things I must, and I am moved, to ask our government to remove the penalties immediately from those who have suffered long enough in prisons, or have gone underground, or who are now in exile. I take very seriously my responsibility as a citizen of the United States and I take very seriously my responsibility as a Christian, and I am well aware of the arguments that might be raised against my position.

First, that I am neglecting my Christian responsibility to the state as set forth in the Thirteenth Chapter of Romans which states: "Let every person be subject to the governing authorities, for there is no authority except from God and those that exist have been instituted by God." Now I accept that and I believe that, but I also must balance that with a statement in St. Matthew where Jesus in the Sixth chapter said you cannot serve two masters. Now I understand that to mean, within the context of Church and State, that if the demands of the State and if the demands of your faith have come into conflict you must choose between the two. I have that conflict and I have chosen between the two! I choose the demands of my conscience and my understanding of my faith as opposed to the demands made on me by the State. I cannot and I will not give complete, absolute, unconditional and unquestioned allegiance to the State. Nazi Germany is not that far behind for me to forget the ovens at Dachau and Auschwitz.

Another comment that people are making in regard to amnesty is that if we do give amnesty it is going to be destructive for our country and for those who served. Now I ask this question: who is to say who did the most for their country, whether it was he who answered his call to duty and went overseas, or whether it was he who answered his call to duty and refused to go? I'm not trying to say that all of those who refused to fight, who refused to be drafted and who refused to go to Vietnam were doing so for moral reasons because I know that isn't true. There are thieves and interlopers and hustlers and con-artists and murderers who at this very moment are in jail, who are across the sea, who deserted and refused to go to Southeast Asia. But their number is small. That same line of reasoning could be applied also to those who served in the Armed Forces because I know that there are thieves and interlopers and hustlers and con-artists and murderers who went to Vietnam and

came back and answered their "call to duty" to serve in the armed forces. There are bad people in both places who did their thing for bad reasons, just as there are good and honest men in both places who did their thing for what they believed were good reasons. Who therefore is to say who did the most for freedom and conscience? To me it really is amazing that most Americans continue to believe that these young men who refused to fight or be drafted still must be punished when over 70% of the American people now believe that the war was wrong from its inception to its conclusion. Doesn't it seem rather ironic then that even though we feel the war was wrong and in many quarters immoral, we still demand our pound of flesh from our sons?

Third, it is argued that amnesty will contribute to a general breakdown of law and order. This is inaccurate. For the past one hundred and ninety-seven years of our country, we have had thirty-five instances of amnesty or pardon beginning with the whiskey rebellion in 1785 in the State of Pennsylvania. And mind you, these people in 1785 fought against their own and not a foreign government and received amnesty from President Washington. In all of these instances when amnesty or pardon was given, the general breakdown of law and order never occurred! Either to know or to hope that you will be forgiven, or that your act will be forgotten after a war, did not make it any easier to go to jail or flee your country during the war. Further, to speak of law and order, that one must obey the letter of the law or be punished, is rather hard to take when hypocrisy, double-talk, lying, deceit, and the breakdown of law and order emanates from the very highest positions in our land. What kind of a country is this when those who govern feel they can break laws with impunity while imposing laws and rules and judgments and regulations of their own liking on others? What kind of hypocrisy is that? President Nixon talks a lot about law and order, and though he gets pardon and amnesty mixed up, I think the following quote by Mr. Nixon valuable in terms of what I've been talking about. "Now amnesty means forgiveness. We cannot provide forgiveness for them. Those who served paid their price; those who deserted must pay their price and the price is not a junket in the Peace Corps or something like that as some have suggested. The price is criminal penalty for disobeying the laws of the United States. If they want to return to the United States, they must pay the penalty." In light of what is going on right now in Washington, I can only shake my head in disbelief.

Fourth, some argue that to grant amnesty is unfair to those who died and suffered in Southeast Asia because it robs them of their sacrificial meaning. I came back with my life, but I want you to know that I suffered there and that this line of reasoning, that it robs those who suffered and died of their sacrificial meaning, is absurd, illogical and irrational. Is putting these young men in prison and keeping them there because they believed in the rightness of their cause going to bring back the lives of any of those young men who were killed in Southeast Asia? Is putting into prison those who have fled the country because they refused to be drafted and participate in a war that they thought was immoral going to bring back or change any of the suffering that went on with the thousands and thousands of young men who served there? Is it going to change anything? What will the pound of flesh bring? What will our retribution bring? If we throw them in prison and keep them there, is that really going to make the death and suffering of so many Americans any more meaningful?

Today I speak to you as a veteran of the Southeast Asia War, as a Christian and as an American who tries and fails far short, but

who tries to understand myself and my world in terms of forgiveness, restoration, reconciliation and healing. We teach our children from the time they are able to walk that they should forgive, learn to live with people, to seek peace and not to demand our pound of flesh. Now if this is so, how can I as a Christian and an American refuse to be reconciled to our exiled and imprisoned sons—how can I do that? We have taught them to honor their conscience, to listen to the voice of God in them, to forgive, to heal and to reconcile. What gross hypocrisy if we honor that inside the Church but not in the market place of the world. Is it no wonder then that so many of our youth regard the Church and our country with contempt and cynicism? Lest some of you accuse me of lack of allegiance to my country and an appreciation of what and who we are, I want to go on record right here that I very dearly love my country—and because I do, I say these words this morning. Just because I disagree with some of its policies does not mean I love her any less. And contrary to the intentionality of a well known bumper sticker, I do love my country and I will not leave!

In closing, I am going to quote a short, but eloquent thought that can best sum up exactly what I feel about amnesty. It was uttered during what I believe to be the most critical period of American history: "With malice toward none, with charity for all, let us strive to bind up the nation's wounds. To do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." The man who said that did so on a bloodsoaked battlefield one hundred ten years ago and his name was Abraham Lincoln.

Finally then, I urge from my perspective and my feelings and experience as a Christian and an American: not malice, but forgiveness; not revenge, but charity; not more brokenness, but unity; not peace only in Viet Nam but here with our sons as well.

If what I have said here today has any relevancy, then I am forced to ask this question: Is the King God; or is God the King?

RICHARD S. LIPPETT.

#### FOOD LABELING

### HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ROSENTHAL. Mr. Speaker, Michael Gryzbinski, of Dedham, Mass., is not with us today. On April 17, 1973, at the age of 10, he died. The cause of death was anaphylactic shock caused by eating ice cream. It was ordinary ice cream, the kind we all eat. Michael was allergic to peanuts, and from the age of 3 he knew to check the labels of everything he ate. He was particularly careful about cakes, cookies, and candies, all of which he loved.

On April 17, after playing ball, he was invited to a friend's house for something to eat. Michael checked the ice cream carton and found nothing listed on it. So he ate some.

Tragically, the ice cream had been whipped with peanut butter. Within a few minutes, Michael went into anaphylactic shock and died. As parents, we can only sympathize with his mother and father over the needless, heartbreaking loss. As legislators, we can and must do more.

That is why, with over 70 of my col-



leagues, I have introduced the Truth in Food Labeling Act to require all food labels to contain a full disclosure of their ingredients.

Until such time as the Congress enacts this legislation or the food industry on its own begins telling consumers what they are putting in the foods we eat, I am today asking the Food and Drug Administration to order all food labels that do not contain a full ingredient disclosure, to bear the following caution:

Warning: Unlabeled ingredients contained in this product.

This warning will not accomplish the ultimate goal of informing the consumer of all the ingredients in his food, but it will put him on notice that despite the impression he gets from the package label, there are additional ingredients inside that the manufacturer does not want to tell him about.

It can be compared to the warning required on cigarettes, but there is an even greater potential health hazard here, because it involves every citizen and there are so many food ingredients, especially chemical additives, about which so little is known.

The FDA has publicly stated it would like full ingredient disclosure, but it lacks the necessary authority to make it mandatory at this time. H.R. 1650, the Truth in Food Labeling Act, would give it that authority. But there is no need to wait—the warning label is one step that the FDA can legally take now.

I find it incredible that one product which usually lists all its ingredients on the label is pet food. Not only does the label reveal all ingredients, it also bears the nutrient percentages.

Every American consumer has the right, indeed the necessity, to know what is in the food he eats.

Joining me as petitioners are 36 Members of Congress and nine consumer groups.

The Members of Congress are:

Joe Addabbo, Herman Badillo, Alphonzo Bell, Frank Brasco, George Brown, Cardiss Collins, John Conyers, James Delaney, Robert Drinan, Thaddeus Dulski, Dante Fascell, Don Fraser, Ella Grasso, William Green, Tennyson Guyer, Michael Harrington, and Augustus Hawkins.

Jim Howard, Bob Kastenmeier, Ed Koch, William Lehman, Parren Mitchell, William Moorhead, Claude Pepper, Jerry Pettis, Bertram Podell, Joel Pritchard, Peter Rodino, Robert Roe, Leo J. Ryan, John Seiberling, Pete Stark, Louis Stokes, Gerry Studds, Jerry Waldie, and Gus Yatron.

The consumer groups are:

Consumers Union of United States, Inc.  
LABEL, Inc.  
Consumer Action for Improved Food and Drugs.  
Action on Safety and Health.  
The Federation of Homemakers.  
Concern, Inc.  
The Center for Science in the Public Interest.  
Environmental Lobby, Inc.  
The National Consumers League.

I am inserting in the RECORD at this point statements by two principal co-petitioners, LABEL, Inc., and Consumers Union:

STATEMENT OF ARTHUR D. KOCH, CHAIRMAN, LABEL, INC., DECEMBER 12, 1973

According to present Food and Drug Administration regulations, many of the major food manufacturers are exempted from telling the consumer what ingredients they add to the foods they sell. Other manufacturers are required to list only some of the ingredients. Accordingly, even when there is a list of ingredients on the label, such a list may be only a partial disclosure. The inconsistent, incomplete, and industry-oriented ingredient labeling regulations are misleading and not in the interest of consumers. For far too long, unsuspecting consumers have been eating foods which are potentially harmful to them because the package label does not reveal all the contents.

Knowing what is in the foods we eat is important to all of us, but it is especially vital to millions of Americans with allergies, high cholesterol levels, dietary problems, and certain religious beliefs.

On February 25th, 1971, LABEL, Inc. (the Law students Association for Buyers' Education and Labeling) filed a petition with the Food and Drug Administration requesting that a new regulation be promulgated stating that "for the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

Although agreeing with the basic principle that the consumer is entitled to more complete ingredient information, the FDA rejected the LABEL petition on the grounds that the agency lacked the legal authority to require such a disclosure. This decision was upheld by the U.S. Court of Appeals for the District of Columbia Circuit and the Supreme Court denied LABEL's petition to review the issue.

The only mechanism now open to require complete ingredient disclosure is an Act of Congress. Until such legislation is passed, the Food and Drug Administration must act to protect the innocent, unsuspecting consumers who logically believe that an ingredient listing on a food label is a complete disclosure of the package content. To accomplish this goal, LABEL, Inc., Congressman Benjamin Rosenthal, Consumers Union and a coalition of seven other Washington based consumer groups concerned with the quality of our food supply are today petitioning the Food and Drug Administration to require that the statement: "Warning: Unlabeled Ingredients Contained in this Product," be placed on the label of every food product not containing a complete disclosure of the ingredients. In addition to serving its intended purpose of making consumers aware of the fact that an ingredient listing is only partial, the threat of such a negative label declaration could prove to be the incentive that industry needs to voluntarily list all of the ingredients.

To protect the numerous, unsuspecting consumers who are purchasing and eating food ingredients which they are consciously attempting to avoid, we challenge the Food and Drug Administration to issue the proposed regulation without delay.

STATEMENT OF MARSHA N. COHEN, ATTORNEY, WASHINGTON OFFICE, DECEMBER 12, 1973

Consumers Union called for full ingredient labeling of all food products 35 years ago, and has continued to seek such disclosure to the present day. The most elemental factor in consumer protection is the dissemination of information so consumers can make choices and protect themselves. In the area of food, the information as to the ingredients contained in a product is simple and cheap to provide, and of the greatest importance. By any calculation, there are multiple millions

of consumers in this country who must be careful about the contents of their diets. People with food allergies and those on low-sodium, low-cholesterol or ulcer diets are among those who must know the full contents of all foods. What is one person's meat is, in a real sense, another's poison. In addition, there are other millions of people who desire to avoid certain constituent elements of foods—either for religious reasons or because of their concern about certain food or chemical components. This necessity on the part of many millions of consumers and the desire on the part of untold numbers of others demands immediate action by FDA. There can be no legitimate argument made that consumers are not entitled to the basic consideration of being provided with a simple list of what's in their food. After all, if you are what you eat, you are certainly entitled to know the ingredients.

#### WASHINGTON REPORT

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my Washington Report of December 12, 1973.

#### WASHINGTON REPORT

#### CHOOSING VICE PRESIDENTS

The nation can take assurance from the first experience this week with the 25th Amendment, which deals with vacancies in the office of the Vice-President, such as that which existed for 13 months after Vice-President Johnson became President. This week the Congress approved Representative Gerald Ford as Vice-President, and my impression is that the selection process under the amendment worked well. The Congress judged the nomination with the care appropriate to a possible future President, and subjected Mr. Ford to a more systematic scrutiny than any Vice-Presidential nominee ever chosen in convention.

The same favorable assessment cannot be made of the usual selection procedure for Vice-Presidential candidates at the party conventions.

In 1906 Finley Peter Dunne, the political humorist who created Mr. Dooley, wrote: "It's strange about the Vice-President. The Presidency is the highest office in the gift of the people. The Vice-Presidency is the next highest and the next lowest. It isn't a crime exactly. You can't be sent to jail for it, but it's a bit of a disgrace."

It may have been that kind of thinking that got us into bad habits in the way we choose Vice-Presidents. At any rate, the American people have good reason to think that the way we pick our Vice-President could stand some improvement. Vice-President Agnew resigned in disgrace, convicted of a felony, and Senator Thomas Eagleton, the Vice-Presidential nominee for the Democrats in 1972, embarrassed the Democrats and had to be replaced.

The problem, of course, is that we pick the Vice-Presidential candidate at the political convention, overnight, in a frantic, disorganized and mostly closed series of meetings with an exhausted, exuberant and distracted Presidential nominee having the final word.

With two of the last five Presidents coming to office via the Vice-Presidency, with 16 different Vice-Presidential vacancies extending for a total of 37 years, and with the last two

choices going awry, the importance of the Vice-Presidential selection process and the necessity for improving it are apparent.

A number of proposals to improve the selection of Vice-Presidents are being discussed, including:

#### SEPARATE ELECTIONS

Vice Presidential candidates could be chosen in much the same way as Presidential nominees but in separate or simultaneous primaries. A variation of this proposal is to award the Vice-Presidential nomination to the runner-up in the Presidential race.

#### TEAM CANDIDATES

A Presidential candidate could announce his running mate at the beginning of his own candidacy on a team-ticket basis in state primaries and conventions.

#### REFORM CONVENTION SELECTION PROCEDURE

Vice-Presidential nominees could be chosen solely in an open convention or selected from a list drawn up by a Presidential hopeful either before the convention begins or after being nominated by the convention. Alternatively, Vice-Presidential choices could be limited to the Presidential nominees, or the Presidential candidate with the second highest number of votes could automatically become the party nominee, or he could be selected by a special committee chaired by the Presidential nominee. Convention schedules could also be rearranged to allow more time for Vice-Presidential selection.

#### POST-CONVENTION SELECTION

Vice-Presidential candidates could be chosen after a party convention in a national primary, by the party's national committee, or by the Presidential candidate who would submit his choice to party leaders for certification.

The selection of the Vice-Presidential candidate should meet several standards in my judgment: 1) The Presidential nominee should have a significant role in his selection. 2) Sufficient time should be provided to guard against hasty decisions. 3) A process of consultation should be provided, with maximum public input. 4) The party convention should maintain the power of ultimate approval.

I come down on the side of the fairly modest proposals to retain the convention system, but to slow the process down and make it more deliberative. The 12-hour interval between nomination of a Presidential candidate and selection of a running mate candidate is the principal mistake, and it should be extended to at least 36 hours, if not to the post-convention period.

#### EVASIVE TAX ANSWERS

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. CLAY. Mr. Speaker, much discussion is now going on regarding President Nixon's financial disclosures. A recent editorial carried by the St. Louis Post-Dispatch on December 7 raises some significant aspects of this problem.

The President has evaded many questions and is now appearing to cloak his innocence through overwhelming generosity. With regard to his having taken a \$500,000 tax deduction for his Vice-Presidential papers that he donated to the National Archives, he now offers to take them back because the papers are worth much more according to him. In spite

of his generosity, we must not overlook the fact as the Post-Dispatch points up that "there is now reason to doubt that the IRS ever checked out and approved the deduction for the gift."

In addition, Nixon is attempting to stifle criticism surrounding his San Clemente home by offering to donate it to the Government after he and his wife die. I concur with the view expressed by the Post-Dispatch "whether the Government would want a gift that might serve as a monument to a President whose tenure was marked by the greatest scandal in American history."

Many questions still remain to be answered. The President cannot continue to dodge them by appearing to be generous. Americans do not want Nixon's generosity now—what they want is some sound answers.

I want to share the editorial entitled "Evasive Tax Answers" with my colleagues. The editorial follows:

#### EVASIVE TAX ANSWERS

In answering accusations of tax evasion and improper use of Government funds, President Nixon's strategy in part seems to be to imply his innocence by showing how generous he is. When he was questioned at a Nov. 17 meeting with editors about his extraordinarily low income tax payments in 1970 and 1971, Mr. Nixon's response was that in 1969, on advice of President Johnson, he had benefited from a law then in force which allowed him to deduct \$500,000 for the value of his vice presidential papers that had been donated to the National Archives. But he added that, if this deduction should be questioned by the Internal Revenue Service, he would be glad to pay the tax and take the papers back, because they would be worth more than they were appraised at.

The implication was that, by generously giving the papers to the National Archives, he passed up an opportunity to realize a much greater gain. This belated claim of virtue does not, however, answer, much less disprove, the still standing charge that Mr. Nixon did not follow the requirements of law in making the gift.

What's more, there is now reason to doubt that the IRS ever checked out and approved the deduction for the gift, as two of Mr. Nixon's lawyers claimed it did. Two key figures who would have had to be consulted in such an audit—Arthur Sampson, director of the General Services Administration, parent agency of the National Archives, and Ralph Newman, the appraiser who evaluated the Nixon papers—both say they have not been approached by the IRS.

As a response to allegations of improper Government expenditures on the President's San Clemente estate and a failure to pay capital gains taxes on the sale of part of the estate, the White House is now letting it be known that Mr. and Mrs. Nixon are planning to donate San Clemente to the Government after their deaths. The implication is that the Government will benefit from this gesture of Nixon generosity and that this gift should erase any nagging questions as to improper expenditures and tax avoidance.

The point ignored by the White House, however, is that Mr. Nixon could realize substantial tax benefits by making a gift of San Clemente, especially since the value of the property has been enhanced by more than \$6,000,000 in federal outlays. Also overlooked is the question of whether the Government would want a gift that might serve as a monument to a President whose tenure was marked by the greatest scandals in American history.

#### LOCAL REPUBLICANS SUPPORT PARTISAN ELECTIONS FOR DISTRICT OF COLUMBIA

**HON. CHARLES C. DIGGS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. DIGGS. Mr. Speaker, there is overwhelming support for electing the new Mayor and City Council for Washington, D.C., in partisan elections.

Local Republicans, who are in a minority in terms of voter registration in the city, nevertheless prefer partisan to nonpartisan city elections.

I am attaching letters I have received from Edmund E. Pendleton, chairman, and Melvin M. Burton, Jr., vice chairman of the District of Columbia Republican Committee, and Richard R. Clark, cochairman of the Self-Determination Committee of the District of Columbia Republican Party. All three of these officials of the party testified at the hearings we held last spring on self-determination for the District of Columbia.

The conference report on S. 1435 provides for partisan elections, just as did the original H.R. 8692 which passed out of committee on a vote of 20 to 4 last July 31.

I trust the House will give its approval to the conference report including this feature.

The letters follow:

D.C. REPUBLICAN COMMITTEE,  
Washington, D.C., December 7, 1973.

DEAR MR. CONGRESSMAN: In testimony before the Subcommittee on Government Operations, U.S. House of Representatives, District of Columbia Committee, and before the Committee on the District of Columbia, U.S. Senate, the Self-Determination Committee for the D.C. Republican Party testified in favor of partisan elections with minority political representation for Mayor and City Council elections in the District of Columbia.

Therefore, the District of Columbia Republican Party is in accord with the Conference report and its provisions relating to partisan elections in the District of Columbia with minority political representation.

Respectfully,  
EDMUND E. PENDLETON,  
State Chairman.

D.C. REPUBLICAN COMMITTEE,  
Washington, D.C., December 10, 1973.  
CHARLES C. DIGGS, JR.,  
Chairman, Committee on the District of Columbia, Washington, D.C.

DEAR HONORABLE CONGRESSMAN DIGGS: In my testimony before the Subcommittee on Government Operations, United States House of Representatives, District of Columbia Committee and before the Committee on the District of Columbia of the United States Senate, I testified on behalf of the District of Columbia Republican Committee in favor of partisan elections with minority, political representation for Mayor and Councilmanic elections for The District of Columbia.

This testimony was also in accordance with my views and the views of numerous other Republican with whom I had the opportunity to discuss this matter. Therefore I favor the Conference report and its provisions relating



to partisan elections in the District of Columbia with minority political representation. Respectfully,

MELVIN M. BURTON, JR.,  
Attorney-at-Law,  
Vice Chairman.

D.C. REPUBLICAN PARTY,  
December 10, 1973.

HON. CHARLES DIGGS,  
Chairman, House District Committee, Washington, D.C.

DEAR CONGRESSMAN DIGGS: You are advised that most Washingtonians I have spoken with favor a partisan election for an elected Mayor and City Council in the District of Columbia Government.

As a native and member of many organizations, I, too, favor a partisan form of election guaranteeing minority representation.

Any assistance along this direction is appreciated.

Yours very truly,

RICHARD R. CLARK,  
Cochairman,  
Self-Determination Committee.

#### JOSEPH P. LORDI IS HONORED

#### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. RODINO. Mr. Speaker, on Wednesday, November 28, the New Jersey Committee of the National Jewish Hospital and Research Center at Denver, paid tribute to the Honorable Joseph P. Lordi at their annual award dinner. Approximately 300 New Jersey citizens participated in this most special occasion, emphasizing their strong support for the activities of the National Jewish Hospital, particularly in the fields of asthma and immunology research, while honoring Mr. Lordi for high standards of ethical conduct he has established as prosecutor for Essex County.

As I look back over the years, I see Joe Lordi in his dual roles—public servant and private citizen—seeking to improve the quality of our lives.

Whether in his effort to assure the basic elements of a decent environment—by helping to create a climate free from crime and the awful fear it fosters, or by joining in the battle against disease so that one day man may be free of its scourge; or by engaging in youth work to provide opportunities for our young people to make a life for themselves—keeping alive their hope for a piece of the American dream.

All of these things he has done with dedication—and for the well-being of his fellow man. And we are all a little better off for his having done so.

I can remember—back a number of years ago now—when Joe was part of a police effort in the east ward where cases against juveniles were handled on a local community committee basis, a plan that allowed a young person to receive direction so that he could start life without a police record.

And his development of programs for young drug users was a notable achieve-

ment in his work with the East Ward Boys' Club several years ago.

In his present position as county prosecutor, Joe Lordi instituted a reorganization that has assured efficiency and effectiveness in the administration of criminal justice. A decline in organized crime has vividly demonstrated vigorous vigilance and prosecution. An innovative complaint and indictment section screens complaints to provide for handling at the local level if possible—a procedure that has provided for greater efficiency, assuring that the right to a speedy trial is a real possibility.

His commitment to his fellow man's well-being has been amply evidenced by his role in the work of the National Jewish Hospital. His singular efforts in the creation of the Essex County Committee for the National Jewish Hospital have brought about meaningful results by attracting others in the community to lend their assistance.

Joe understands what people need. He understands what the community needs.

In his role as a public servant, Joe Lordi has been guided by a sense of justice and of fairness—a determination to assure strict compliance with our laws, tempered by the compassion of a sensitive man.

Integrity, too, is a quality that characterizes the actions of Joe Lordi.

And in his approach to justice, Joe has demonstrated his faithful adherence to one of the basic principles of democracy—that all men are equal under the law. In his kind of faith in that precept, we are assured that our society will be made of laws and not of men.

I think that with the qualities he brings to the tasks he undertakes, Joe Lordi will live up to the most sacred goals on which our Nation and its system of justice were founded.

The roots of that system go deep into the history of Western civilization to incorporate teaching of the great Roman lawmaker, Justinian:

To live honorably, to injure no other man, To render everyman his due.

And it can be said, I believe, that in his fairness, his compassion, and his integrity, Joe Lordi is a living embodiment of that code.

The code is a working tool urging us to be fair, without fear; to favor equality under the law: to render every man his due—not favored treatment for a favored few.

By living the code, Joe Lordi has made life a little better for each of us who has a stake in Newark. But his kind of influence goes far beyond the neighbors he has assisted, far beyond the county lines of Essex County. The personal qualities Joe Lordi brings to the jobs he does influence the character of Government and politics with a far wider impact.

For at this time in our history, the integrity of our highest Government officials is in doubt and we face a crisis of confidence in our political processes.

The American people demand Government officials who are honest and just.

Men of integrity can restore the peo-

ple's confidence in their democratic system of government.

Joe Lordi is that kind of man.

He is a man who has seen a challenge and accepted it.

He is a man whose work will not only improve the daily lives of individual citizens, but will assure for them the basic human right of equality. His work will contribute to the preservation and defense of the very constitutional foundations of our Nation.

I am grateful to be able to join tonight with the National Jewish Hospital to pay tribute to a friend—a friend of the people and a friend of justice—Joseph Lordi.

One of the primary purposes of the National Jewish Hospital's effort is to find new ways to treat asthma. This crippling disease strikes hardest at our children. The hospital is working hard to find better ways to control and cure asthma. The institution's scientists are investigating drug treatment and looking into how cells work to find the basic answers to the disease process. Its research is already having a profound influence on the kind of care all of us receive from our own doctors for asthma and allergies. The hospital's mission will also result in the stepped-up training of doctors who will return to New Jersey and other States to share their knowledge and skills. There is a critical shortage of specialists in respiratory diseases and NJH is seeing to it that more doctors are given training in this important field.

The Department of Health, Education, and Welfare has been a long time supporter and advocate of the research, treatment, and education programs in chronic respiratory diseases that are being carried out at National Jewish Hospital at Denver—NJH. The hospital has become a leader in the fight against respiratory ills through the backing of the National Institutes of Health and many distinguished and loyal citizens throughout the country.

Secretary Weinberger expressed his deep regard for the contributions made by the New Jersey community to this vital work in the following statement:

It is my pleasure to commend the New Jersey volunteers whose efforts in support of the National Jewish Hospital and Research Center have helped make it respected throughout the world as a center of biomedical research, an example of responsible and responsive medical care, and a source of professional education.

We in the Department of Health, Education, and Welfare are especially interested in research progress at this distinguished hospital. The National Institutes of Health currently supports more than 20 projects at the Hospital in areas such as immunology, bacteriology, mycology, allergy, and biochemistry.

One NIH component—the National Institute of Allergy and Infectious Diseases—is particularly involved in this support and, in 1971, established one of its first Asthma and Allergic Disease Centers at the Hospital. Now, there are fourteen such Centers, all located at institutions where recent advances in immunology and other basic sciences are being applied to the care of allergic patients.

The work of National Jewish Hospital and Research Center scientists is bringing hope to

many patients with chronic respiratory diseases.

At the same time, the concern of individuals such as Mr. Lordi—whom you are honoring tonight—and all volunteers of the Hospital, is proof that the world is not yet too rushed to accommodate selflessness and consideration for those less able to help themselves.

### ENERGY CRISIS

**HON. STEVEN D. SYMMS**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. SYMMS. Mr. Speaker, all we hear as proposed solutions to the energy crisis is more and more Government control. Apparently, very few people stop to think why and how we got in this mess in the first place. In my opinion the energy crisis is another example of big Government trying to solve a problem that Government itself created in the first place.

State Senator Jack Steinhilber of Wisconsin recently made a report to his constituents in which he states in a direct manner the real reasons we face cold homes with no Christmas lights this year. His remarks are as follows:

STATE SENATOR JACK STEINHILBER OF WISCONSIN REPORTS TO HIS CONSTITUENTS FOR THE RECORD

"No Man's Life, Liberty or Property are Safe while the Legislature is in Session . . ." 1 Tucker 248 (N.Y. Surr. 1866).

This quotation from an old New York judicial opinion contains a great deal of wisdom—and I have it framed and hanging in my Capitol office.

The truth of this quotation becomes evident to anyone who scans the list of over 2,000 bills and resolutions still pending in the Legislature. The Governor's personal "shopping list" included 46 separate measures, most of which are highly controversial, and would either drastically change the law or greatly regulate and control large segments of our society.

Fortunately, few of these bills have received final action yet.

Nevertheless, the Fall Session of the Legislature has been much maligned by the Governor and by some segments of the press. They said we didn't pass enough legislation—or the Governor's pet bills.

I am pleased by the fact that the Legislature did not inflict some of these laws on the people! Why? Because they would regulate, control and stifle the creative energies of the people of this state.

From "land use controls" to a mandatory seat belt law, from licensing service stations to state control of health care services, and many more,—these bills concentrate power in Madison.

How many of them will pass in the next floor period remains to be seen.

But it was not a "do-nothing" session—as the following statistics establish:

1. "During the October session, the Republican controlled state Senate passed 95 bills and joint resolutions; the Democrat controlled Assembly passed 56 proposals.

2. "Governor Lucey, as of this date, has yet to act on 41 measures which gained Legislative approval in October. These include 15 Senate and 26 Assembly bills."

AND NOW THE "ENERGY CRISIS"!

From the Watergate revelations to the Agnew resignation . . . from the Middle

East War to presidential firings . . . from the meat shortage to the energy crisis, the American people are absorbing a media bombardment of one "crisis" after another.

A crisis is usually defined as "a decisive moment" or "a crucial turning point."

The current "crisis" is one that may be with us for some time—as our politicians and bureaucrats seem to be bent on insuring a prolonged period of agony.

The "solutions" they have suggested for the fuel shortage, range from higher gas taxes to rationing! A gasoline tax of possibly 10¢ a gallon for the state (helpfully suggested by Governor Lucey), and 40¢ a gallon for a federal tax!

All of these "solutions" will merely aggravate the problem—and already we are hearing the suggestions of the "final solution": a government takeover of public utilities and the fuel industry.

Of course, this would insure a permanent shortage—and perpetual "allocation" (or rationing) by our "energy czars".

And by the way, isn't it remarkable how these men are transformed when dubbed by the executive with a title, and the perquisites of office? They immediately assume wisdom far beyond the capacity of normal men to acquire in a lifetime! Whether in Washington or Madison, these remarkable administrators are able to make an infinite number of critical decisions: who among the hundreds of thousands or the millions of us is to be assigned what quantities of energy.

Actually, they must rely on formulas—a percentage based upon usage for the prior year seems to be in vogue. But woe be unto the growing business—which is presumably growing because it is satisfying public demand! It won't be able to get any more fuel than a similar declining business (who isn't satisfying the customer in the marketplace.) Thus we retard excellence and success.

What utter nonsense!

We've seen politicians and professors and experts and businessmen and even bankers on T.V.—night after night—and they have lots of scapegoats—the Arabs, the oil companies, the American people. I listened to the President explain the energy crisis, and when he was finished, I could only reflect on what he might have said—about who and what really caused the energy crisis—and what we could do about it.

If only the President had taken the opportunity to explain how government itself created and maintains this energy shortage by the following acts:

1. As to Natural Gas:

A. Putting a ceiling price on natural gas. This discourages exploration and increases use.

B. Keeping prices down even in the face of inflation—This amplifies the effect and guarantees a shortage.

2. As to Coal:

A. Banning the use of coal with sulphur content; restricting strip mining; imposing drastic safety rules; and freezing prices. This sharply restricts supplies by reducing output—and discourages investment because higher costs can't be offset with higher prices.

3. As to Atomic Power:

A. Delaying construction for years by confusing and uncertain licensing requirements; delaying operation at full power—even after construction; and delaying construction of new plants by environmental lawsuits.

4. With Natural gas, coal and nuclear power severely restricted—that left petroleum for the most intensive treatment of all:

A. Increasing gasoline consumption by requiring gas-guzzling emission control devices on all new cars.

B. Banning the use of oil containing sulphur, thereby reducing refining capacity.

C. Increasing the cost of constructing refineries, confusing the legal requirements

to construct them—and eliminating nearly all new refinery sites by environmental legal tactics, thereby virtually stopping refinery construction or expansion.

D. Blocking the use of Alaskan oil with arguments about cosmetic effects in uninhabited regions, and constant legal tangles.

E. Stopping or slowing offshore oil drilling.

F. For good measure, holding the price of gasoline lower than the market demands to insure greater use, thereby insuring market dislocations.

If we merely blame the oil companies and utilities or the Arabs for causing the energy shortage, and clamp a system of permanent bureaucratic controls on the energy producers, we will assure a permanent energy shortage—and our country of formerly free enterprise will be guided into a different economic system.

That's what the Galbraiths, the Luceys and the Nelsons are advocating for you.

Already, the hue and cry is heard that Americans are using more than their "fair share" of energy. You are being conditioned to accept a different way of life. The social engineers say you must forget that motorboat, snowmobile or even that Sunday ride to the country. Even Christmas should be banned, according to one professor, who called it a "Roman orgy". Shades of Ebenezer Scrooge!

The planners won't help produce a gallon of oil or a kilowatt of energy—but they'll see to it that we all get our "fair share" of the shortage!

The fact is that there are plenty of fuel and energy resources to be developed—if only government would get out of the way!

Our system of plenty—our standard of living—exists only for one reason: Free men working in free enterprise! As government has intruded itself into the market place, dislocations have developed.

Price freezes, allocations, new taxes—all of these will further discourage new investors in the energy business.

The answer is emphatically not more government intrusion. The answer is to free our system from the restraints which have created the problems.

Get the bureaucrats out of the way, and the free market will allocate resources, determine real prices, and act as a natural conservator and developer of the most energy at the lowest prices possible.

Let's not misplace our confidence in the economic "witch-doctors" and ecological "mystics" who got us into this mess, and seemingly prefer caves and ox-carts to warm homes and personal automobiles.

In spite of all the problems of our times, we do have a lot for which to be thankful. We still have a great country with a proud heritage.

Let's do our best to keep it by remembering the spirit of our forefathers, and in the Spirit of Thanksgiving, count our many blessings.

### EASING EMISSION CONTROLS

**HON. CLARENCE E. MILLER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MILLER. Mr. Speaker, in this time of a great energy crisis and fuel emergency in our country, it is vital that we extend the deadline for the automobile industry to meet emission control standards. By taking this step our diminishing gasoline supplies can be conserved. Present emission controls already create a



17 percent greater gas consumption level per car than that on pre-1968 automobiles. Allowing the 1976 emission standards of the Clean Air Act of 1970 to go into effect will create a gasoline consumption rate over 40 percent higher per car than on pre-1968 models. Present standards are tough enough to establish 70 percent pollution-free emissions. Applying the 1976 standards we will achieve only a slight gain in pollution-free emissions while greatly increasing the amount of gas needed by each automobile. The cost of such an insignificant pollution reduction in terms of gasoline usage is far greater than our energy-short Nation can afford. This drain on our gasoline supplies can be alleviated by postponing the deadlines for automotive emission standards, by lowering the pollution-free emission percentage required by the Clean Air Act of 1970, and by suspending the Clean Air Act in areas where significant air pollution is not a problem.

#### LEGISLATION TO CORRECT REPORTING OF OIL SUPPLY INFORMATION

**HON. EDWARD R. MADIGAN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MADIGAN. Mr. Speaker, I have introduced a bill to require oil producers and refiners to report to the Federal Energy Administration information which may be required by that agency to understand the nature and scope of the oil shortage.

Currently, such information is available only as published by the American Petroleum Institute. When my staff contacted the institute to find out how much refinery capacity was inoperative due to environmental controls, they reported that such information was unavailable.

Recently, we have all observed, first, the industry, and now the Chairman of the Council of Economic Advisers, retract earlier estimates of the severity of the shortage because of new data indicating that more supplies are on hand than we previously had estimated.

Further, as everyone knows, Congress is being asked to make a number of changes in existing laws and to authorize a number of new efforts which, in aggregate, would substantially and immediately affect the life style of the average American. Under these circumstances, it seems reasonable to require verified, reliable reports of our energy supplies.

Finally, unless the people who must make decisions about how best to manage this shortage can know accurately where oil supplies are, it is going to be extremely difficult to avoid very serious local shortages.

For these reasons, I have introduced a simple piece of necessary legislation so that this extension of Government authority into the economy can be managed more effectively.

#### SOME ECONOMIC ASPECTS OF THE PETROLEUM PROBLEM

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MICHEL. Mr. Speaker, my good friend, Mr. William Blackie, chairman of the board of Caterpillar Tractor Co., has written to me expressing an idea which is being overlooked in the current thinking about how to progress through the transitional period of the petroleum problem.

Mr. Blackie's idea is embodied in an article he has entitled "Some Economic Aspects of the Petroleum Problem." They are very timely and particularly appropriate for this occasion when the House debates the so-called emergency energy legislation. I include, Mr. Speaker, these thoughts and ideas of Mr. Blackie to be reprinted in their entirety at this point in the RECORD:

#### ON SOME ECONOMIC ASPECTS OF THE PETROLEUM PROBLEM (By William Blackie)

Shakespeare said it: "Sweet are the uses of adversity"—and adversity is what we now have. In the past, it has served us well, but only because we made use of it. The process is not an automatic flow from cause to effect; it is, rather, intelligent and sometimes courageous response to the challenge presented by changing conditions. That is what we need now—and how sweet it could be.

Our most immediate source of economic adversity lies in the so-called energy crisis; and the term is reasonably acceptable not only in the sense of a short-term exigency but even more as the turning point in a sequence of events, as in a play or story, at which hostile elements are most tensely opposed to each other. The direction of the turn determines the course of future events—for better or worse.

The most basic change in current conditions is that which has been brought about by the Arab embargo of crude oil deliveries to the United States. To be sure, there are within these whole earthly bounds ample resources for the production of fossil fuel energy for many years to come, but their geographical distribution is such that there are only imbalances between supply and demand throughout almost all of the individual politically-bounded nation states. In the more ordinary course, these boundaries are being overcome through international trade and investment and a growing recognition of international interdependence. But, even in these times, war is still a departure from the ordinary course, and the oil-exporting Arab nations have declared economic war upon those it considers unfriendly to its "cause" against Israel. The weapon is oil, and the Arabs have become the "firstest with the mostest." They accordingly seek to press that advantage at a time when the U.S. consumption of energy has been growing faster than the development of its own internal resources.

Beyond the conventional sources of oil and natural gas, the petroleum industry has been—for its very survival as an energy producer—obliged to expedite its research into the conversion of coal, oil shale and tar sands into merchantable fuels. And major members of the industry have also chosen to interest themselves in the alternatives offered by solar, laser or nuclear power. The costs will be high—much higher than all past costs

ever incurred for exploration and development. Bonuses for new leases will reach record heights as the already intensified competition for scarce supplies is compounded under the higher price levels. Production processes will change from drilling and pumping to mining and "in situ" extraction; and existing refineries will have to be drastically modified or replaced in order to produce new synthetic fuels. The patterns of gathering and distribution will be altered as pipelines, ocean tankers and tank cars carry the crude or the refined products from where they are found to where they are made to where they are consumed.

The capital requirements for this transmigration of a huge industry at the peak of its historical growth will be increased far beyond the industry's capability to have them financed from internally-generated sources. Of necessity, there will have to be substantial resort to the conventional money markets for debt or equity capital. In order to attract the additional capital, there will, however, have to be a justification founded on something more than faith that the industry will be able to overcome the penalties and difficulties of conversion and transition into the new scheme of things. What is needed now is a demonstration that the industry is and is likely to remain a progressively viable one—able to produce earnings at a rate of return sufficient to attract more borrowed funds or more investment capital.

Superficially, the opportunity for a demonstration of some such earning power might appear—fortuitously—to be occurring now at this time when selling prices are rising earlier and faster than lagging production costs. Because of the rise in selling price levels, existing reserves of oil and gas are said to have suddenly become more "valuable," and, inasmuch as these reserves were discovered and built up under lower production cost levels, the difference between the two levels is claimed to give rise to a realized "windfall" of "unconscionable" or "excess profits" to which the industry is not entitled.

This concatenation of political and economic events brings into focus a timely need for a re-examination of postulates.

The objective and end product of our chosen economic system is more and better goods and services for the advancement of human welfare and the enhancement of living. In essence, the process is one of creation. True profit can surely be derived only from a bringing together of disparate elements in such a manner and combination as to create a good that would not otherwise have been brought into existence. It is a synergistic process in which more is created from less. The difference is an accretion to national wealth and capital—called profit.

The accountants attempt to measure this business income through the use of some generally accepted conventions which are dignified as "principles." And within the scope of generally accepted practice they produce figures which purport to be adequate for the purposes of both investment appraisal and business decision-making. In doing so, however, the accountants use a unit of currency as their standard of measurement—and they ignore the fact that unlike the physical standards for the meter, liter or kilogram, no unit of currency does or can provide a constant standard of measurement—for anything. Its purchasing power or worth in the marketplace is always changing.

Except for a grudging acceptance of a system of inventory accounting which would charge costs against revenues on the basis of last-in, first-out, the accountants have, on the whole, continued to revere not only original cost but also the use of it in a

chronological sequence. They are concerned with pieces of inventory and units of property—not with the real capital which must be preserved and enhanced if the business is to be continued as a “going concern”—the very basis upon which accounting principles are alleged to be founded. As a result, in time of “inflationary” increases in prices—which is nearly always—conventional accounting accepts and condones the illusion that when prices rise faster than costs, the lag in closing the gap gives rise to an accretion of profit.

This writing, however, is not so much concerned with financial accounting, as such, as it is with a current mode of thinking which begins with a faulty premise and proceeds logically from that to an erroneous conclusion. It is to be found in some economic aspects of the present energy crisis and the search for a least-evil course of traditional action. In several respects, the elements of the problem are common to many forms of business; but for the present purpose, oil and gas provide the most immediate and the most dramatic basis for a case study while it is still in progress.

Perhaps the most basic postulate of the economics of free private capital enterprise is or at least was one to the effect that, given the opportunity for reasonably natural interplay, the various elements of business activity constitute a self-energized system, first, to promote economic progress and then, as necessary, to produce among the governing elements—prices, wages, interest, rent, etc.—such adjustments as would tend to ameliorate recession and bring about recovery. Like an inertially-guided missile, the system was to have within its own mechanism the means not only to maintain the desired flight pattern, but also to modify the course should any deviation occur. It relied on a feed-back which would tend to automate the necessary corrections.

In the political economics of earlier times, the system had plausible theory to give it credence and reality did not destroy the theory, as such. But its heavy reliance on the operation of the free forces of the marketplace exposed it as a system which, while effective in the good times of an economic upswing, was too slow to produce correction in the harsh times of a downswing. People and their gainful employment appeared to be more the victims than the beneficiaries of the system, and the Great Depression therefore fostered the idea that economics should be made not just a measuring and interpretation of past events but also an instrument for the better control of future events.

The only organized institution available for such broad control over a total national economy is government and, as has been demonstrated, its efforts to exercise controls have generally met with a mixture of limited success and unlimited failure. But this need not necessarily condemn the whole idea that economics could not be made more constructively useful. It may be only a demonstration that there is still much to be learned about the practice of economics and particularly about how and when the seeming logic of its processes must be modified politically to meet the attitudes and aspirations of a society which has become affluent enough to merge economic man with social man.

In the meantime, and certainly until such time as greater wisdom is generated, it behooves us not to abandon those elements of the free enterprise system which, when allowed to operate, have proved to be effective in stimulating desired results. The greatest of these is the opportunity offered by the marketplace to earn a profit-reward for satisfying the wants of people for more or better goods and services. Illustrations of success would hardly seem to be necessary. They are all around us. And yet, at this time of

urgent need for speed in meeting the emergencies of the petroleum shortage, there is considerable indisposition and substantial opposition to the utilization of the economic forces of the open marketplace to induce, promote, incite and even excite the constructive enterprise of free private capital. In essence, we seem to be falling into a presumption that, while our economic system will work well enough in easier times when it is not really necessary, it should not be allowed to operate in similar manner when its creative advantages are most desperately required.

The point emerges most clearly in the topical debate about how the oil that is available, or the oil that is not available, i.e., the shortage, should be allocated among the would-be users. In classical economics, the price of oil would rise and the demand for it would accordingly fall toward levels whereby supply and demand were brought into rough equilibrium. As with all things in normal, everyday trade, and in full conformity with the generally accepted principles of democratic capitalist economics, those with the greatest financial ability to meet the price would be the most able to obtain their requirements. Others with possibly greater need for the oil, but no alternatives, would be obliged to meet the price; those having lesser need or available alternatives would be governed by whatever personal decisions dictate how they spend.

Then, under the umbrella of the higher prices, industry would aggressively seek to defend and expand its profit-earning opportunity by developing more or better products. In some instances, this might eventually operate to reduce prices or to limit their increase; but in the current case of petroleum, this is hardly likely. Instead, it is much more expectable that production costs will rise toward the level of higher selling prices. This will be attributable to a number of factors in addition to those which have been steadily operating to increase all costs under more ordinary conditions. Among these, the foremost is the greater responsibility imposed upon the oil industry to develop resources which, under lower price levels, were commercially uneconomical and, therefore, beyond business prudence.

Thus, existing wells in which primary production has been exhausted may now be profitably subjected to secondary or tertiary recovery. Exploration can be justified in geographical and geological areas which were heretofore inaccessible or unduly risky. Off-shore drilling can move out toward and eventually beyond one hundred fathoms and the added costs of working in all kinds of inhospitable environments can be warranted when they can be recovered through the higher prices.

Now, if financial accounting were only a matter of historical scorekeeping, its deficiencies might be of rather limited consequence. But when the erosion of capital as a result of inflation is completely ignored in the determination of reported profit, the consequence can be serious. Thus, while the alleged “profit” from inflation is an arithmetical paper abstraction—neither realized nor realizable by a going concern—the taxes on the reported income are paid in hard cash. So also are dividends which are sometimes increased under the heady influence of higher “profits.” And distributions under profit-sharing or management bonus plans are hardly likely to be exempt from the gratifying illusion of greater earnings. After these disbursements, the real capital left in the business has suffered all the depletion of the erosion.

And real capital is not a figure. It is what is there—a resource—usable. So also is real profit; and no accounting measure of it can change it.

Brazil, with its considerable experience with drastic inflation acted several years ago

to have much of the effects eliminated from taxable business income. The Philippines is now following suit. The major Dutch multinational corporations have long been aware of the need and danger in the situation. And the British Parliament has recently established a Royal Commission to examine and report upon the matter. But American accounting, hand-in-hand with American business, continues to fail to face up to the issue. In the 1940s and 1950s, it was argued that the rate of inflation was not sufficient to call for change. The cumulative effect was ignored. Thereafter the rate became serious enough to warrant on two occasions the institution of wage and price controls; and the introduction of so-called cost-of-living escalator provisions has become commonplace in labor union contracts. The U.S. dollar which had a 1939 value of 100 cents has now sunk to somewhere in the area of 30 cents, and there seems to be a fairly general expectation that, for the foreseeable future, the average annual rate of inflation will run at a rate not less than 3%. Certainly some such factor is already being recognized and accepted in long-term interest rates.

Now if there ever was an argument to support non-action because U.S. inflation was only of a creeping variety, this is surely removed insofar as the oil industry is presently concerned. The recent change in price levels has been drastically dramatic and it has not yet reached a terminal height. Accordingly, if the application of generally accepted accounting principles would make of this a windfall or excess profits, should there not be industry pressure for still higher price levels or more embargoes or more Arab intervention. On the face of it, the answer is obvious. There can be no pecuniary gain and only harm from what is occurring! The idea that bad can be good is a delusion and it is unfortunately operating to distort the thinking of some in position to influence the whole course of future events.

Thus, we are apparently being confronted today with, first, a fairly general assumption that some form of rationing of gasoline is necessary and, then, a question as to whether this should be accomplished by means of (a) quantitative allocation, as by gallonage coupons, or (b) higher prices which would operate to reduce demand, restrict usage and conserve supplies for those most willing to pay the higher price.

Quantitative allocation has the superficial appeal of a sort of equality which runs entirely contrary to our basic concept of a marketplace economy as free as possible from intervention by the “force majeure” of sovereign government. It is a purely political palliative which contravenes our free enterprise economics and lapses into Marxist dogma calling for “to each according to his needs.” If adopted and then administered through the expectable bureaucratic channels, its most saving grace will be that, sooner or later, it will come to self-cleansing failure through inability to process the claims for relief, the inevitable inequities of subjective determinations, black-market violations and the unwillingness of an exasperated citizenry to continue with it.

Allocation by price would conform to our traditional economic concepts and would serve the purpose of curtailing usage by those unable or unwilling to pay the higher price. But here there is being introduced a new idea to the effect that, instead of inuring to the risk-taking selling enterprise, all or a substantial part of the obtainable increase in price should be diverted to the federal tax collector. The rationale is obscure and tends to confirm opinion that our taxation system is little more than an unprincipled process of extraction based only on get-it-where-you-can. In the absence of definitive clarification, it must be presumed to rest on an acceptance of the notion that, as a result of rising



price levels, and for the period of the lag between these and rising cost levels, there really is a "windfall" giving "excess profits" to the oil industry.

In terms of economic capitalism, the presumption is absurd, but it is difficult to sustain this claim when businessmen and their accountants report earnings in such a way as to support it. In the oil industry, the reality of the situation is that there is no additional or extraordinary gain arising from the hardship created by the Arab embargo or by shortages which, in any event, were about to become a pressing matter of more serious longer-term concern.

This turns the discussion toward another of those conventions regarded as generally accepted accounting principles; viz, that, insofar as may be reasonably possible, costs should be matched against revenues—and vice-versa. Thus, costs incurred prior to the derivation of revenue from their incurrence are not infrequently treated as referred charge "assets" to be applied against the appropriate future revenues when these become realized. Per contra, would it not seem at least as reasonable—and possibly more prudent—to defer as earned income those revenues derived, in a sense, from costs yet to be incurred.

The accounting technique for doing so is available in a variety of ways, and it is of little consequence whether (a) the income to be deferred is carried forward as such as on the balance sheet or (b) charges are made against current operations to provide a reserve for the higher and additional costs to be incurred later as cost and price levels become drawn into closer equilibrium. The essential requirement is that reported profit not be overstated and then dissipated in income taxes, higher dividends or other dispositions which would impair the ability of the enterprise to progress beyond mere survival.

In the realm of U.S. income taxation, there already is well established precedent. When an individual's home is sold for a price higher than the original cost, the excess is not taxed as gain if the owner purchases another home at a cost no less than the price realized from the sale. Thus, it is recognized that there is no taxable profit from an increase in price levels when the asset is replaced in order to preserve homeownership as a "going concern." But this concept, accepted for nonbusiness, is denied for corporate business seeking to continue in operation through the replacement of its assets. A cynic might be tempted to observe that homeowners vote while corporations do not. But that, of course, would imply that legislators are not always guided by principle.

So—back to adversity and the sweetness of its uses. In a time like this, things taken for granted show up in a clarifying light and permit of this kind of re-examination which can induce both understanding and revitalization. Now is no time to abandon or distort the pragmatic virtues of our economic system. Instead, it is a time when they should be brought into full exploitation. Oil should be sold on the free market and price controls should be eased off toward extinction—for political reasons at a gradual rate which would help to make more palatable the adjustment which is, in any case, inevitable.

At best, controls can only retard movement toward that higher level which would be produced by the operation of free market forces. When those controls now in vogue were imposed, U.S. oil prices were already low in relation to world markets and probably too low to permit of adequate capital generation. An analogy is to be found in the consequences of policies pursued by the Office of Price Administration during World War II. By administrative decision or sheer delay (which may or may not have been either bureaucratic or tactical) prices were

not allowed to rise in small graduated steps toward expectable free market levels. Then, when the controls were removed, there was an immediate and rapid wage-price spiral which, for about four years, led to a rash of labor-management disputes and generated substantial consumer hostility toward business. The cause of the trouble—the deceased OPA—was forgotten.

The additional revenue temporarily derived from the increase in price levels should be reserved and then used by the oil industry for accelerated exploration and research and for the development of all economically available means, first, of meeting the present shortage and then of overcoming the longer-term problems arising from the depletion of conventional fossil fuel resources. And both businessmen and accountants should realize from the dramatic illustration being offered by the current case study in petroleum that there is and can be no profit from either "ordinary" inflation or from that extraordinary kind which could be produced by the action of any major vendor having a share of the market substantial enough to influence price by administrative decision—whether accompanied or not by a curtailment of supply. For that we hardly need Arabs; and after their boycott ends or is overcome, the higher price levels will almost certainly continue to prevail.

Given the opportunity, first, to earn in free accordance with its ability and then to retain a reasonable portion of its earnings for re-employment in the business, the oil industry should need no special incentives to pursue its chosen course of enterprise. The investment credit granted to all industry for capital additions might possibly be extended to exploration; and, in that event, depletion allowances might well be discontinued. Restrictive import quotas are already a thing of the past—washed out in the reversal of the relationship between foreign and domestic price levels.

Surely the test of an economic system lies not so much in its success during normal times as it does in its capacity to overcome troubles and difficulties when the ordinary course of events is disturbed or distorted by departures from the more general pattern. Not the least of our gains from the current exercise should be a strong reaffirmation of the efficacy of the system which has already served us well—provided it is given the chance. In the light of this new experience in living economics we are being offered fresh insight into some of the causes, effects and perils of inflation. Hopefully from this we will also derive an enhanced understanding of the nature and function of profit. If so, the lesson of the present adversity will not have been in vain and our sweet gains could be a happy combination of greater self-reliance, stronger national security, accelerated technological progress and greater intellectual maturity.

The surest way to overcome the present artificially created shortage in the shortest time is to encourage the production of additional supplies and alternatives. In the ordinary course, the pursuit of our economic policies would do this, and the need now is mainly to have the process greatly accelerated. This means that instead of being held back by any political considerations, the creative elements in our system should be given full rein. Only by doing so will the period of emergency and the dangers of a weakened national security be reduced to a minimum.

The primary objective of our national policy in the Middle East is not a restoration of oil shipments; it is peace or at least peaceful coexistence between the Arabs and the Israelis for as long as may be possible. Oil is a secondary, passing consideration and the desire for it should not be allowed to subvert our economic empiricism, retard our pursuit of more dramatic sources of energy or reduce

us into a submission which could only be the precedent-setting forerunner of more economic coercion.

## TRIBUTE TO SHERRILL CORWIN

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. REES. Mr. Speaker, as a tribute to the accomplishments he has achieved throughout his career in the entertainment industry, Sherrill Corwin recently was awarded the prestigious Walt Disney Humanitarian Award by the National Association of Theater Owners.

This honor was bestowed upon Sherrill as an acknowledgment of his work with numerous charity organizations and culminated his tenure as president of Variety International. In addition to this award, Sherrill Corwin also received a Certificate of Honor from the San Francisco County Board of Supervisors.

I would like to take this opportunity to insert into the RECORD an article which further details the honors Sherrill Corwin received and why he is so deserving of them:

#### SHERRILL CORWIN RECEIVES NATO DISNEY HUMANITARIAN AWARD

At a banquet studded with movie stars, directors, writers, studio heads, and more than 1,000 NATO exhibitors, Sherrill Corwin, immediate past president of Variety International, was honored by the nation's theatre owners with the Walt Disney Humanitarian Award for outstanding service during his years in the industry.

In making the award NATO's president, Roy B. White, extolled Corwin's many years of philanthropic leadership, and particularly his activities devoted during the past two years as Variety president and chief executive officer of its world-wide charity network for children. He cited numerous other charities in which Corwin has been involved, including serving as entertainment chairman for the Los Angeles United Jewish Appeal, and for several years as a member of the board of governors of Los Angeles Cedars-Sinai Medical Center. Corwin is also on the board of the New York based Motion Picture Pioneers, and of Will Rogers Research Center, entertainment industry maintained respiratory disease hospital at Saranac Lake, New York.

John Rowley, also a past president of Variety International, serving as Toastmaster for the formally attired audience, said, "It is no easy task to select a man whose life and achievements and human qualities merit this award. He must be a doer of great things, like Walt Disney. He must have lived his own great dreams and striven for his own achievement."

Such a man is your leader and friend, Sherrill Corwin: owner of his own successful theatre circuit; bank director; showman; advisor; statesman; star of NATO; director of the Motion Picture Pioneers; and the Sinai Center. One wonders where this man found time, among all these activities, to have traveled the world over 100,000 miles as the president of Variety International. Sherrill Corwin is, truly, a man of great human qualities."

Accepting the handsome cut crystal trophy, Corwin replied, "I know one thing—I'm delighted that sitting there on the dais, and out there, are the leaders of Variety Clubs

International that has raised over \$230 million since its inception. I want to say the last two years have been the most thrilling of my life and I pledge my complete support to my successor. I thank all the men who came here tonight from all over the world. To share this award with former recipients is an awesome experience for a kid from Sioux City, Iowa. I am overwhelmed to take this award away tonight with that magic name, Walt Disney, inscribed upon it. I thank you all."

In a separate earlier presentation, past president Corwin received another certificate of honor. San Francisco's County Board of Supervisors, represented by board member Robert Mendelsohn, presented the plaque.

Corwin remains on Variety International's executive board, and is chairman of the global charities committee, responsible for administering gift funds of Patron Life Members, which now number 373. A report on the latest disbursements for needy children appears on page two of this issue.

#### WORDS FROM THE FLAG

#### HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. LONG of Louisiana. Mr. Speaker, in this time of crisis and loss of confidence in our Government, it is gratifying to read sincere expressions of love of country.

Mr. Thom Heston of VFW Post 1736 in Alexandria, La., has captured the deepest feelings of many Americans in his moving poem "Words From the Flag." First printed in the Louisiana VFW's program for their 1973 midwinter conference, his words have since been read and applauded at many local civic gatherings.

I recommend Mr. Heston's thoughts to my colleagues, and insert his poem in the RECORD:

WORDS FROM THE FLAG  
(By Tom Heston, Post 1736)

We've been to some glorious places, lads,  
No need to tell you where.

I remember every one of your faces, lads,  
The men who carried me there.

I remember the ones who snatched me up,  
Wher the man with the staff was hit;  
From Gettysburg to Tansonnhut,  
I haven't forgotten a bit.

I couldn't begin to name the names.  
Of the millions who fought for my pride,  
Who battled the weather, the shells, and the flames,

Who fought 'till they won—or died.  
There've been so many, over the years,  
Who manfully answered the call.  
Oh, I've been watching, with pride and with tears;

I've seen so many fall.  
I saw them fall at New Orleans,  
When my heart was torn in two.  
And I saw them unite and fight again,  
When freedom was threatened anew.  
I saw them fall at San Juan Hill,  
At Ypres, Bastogne, and Verdun;  
And I watched them lying, very still,  
In the South Pacific sun.

I saw them fall at Normandy.  
Remember the sixth of June?  
Now I look down, at Liberty's light,  
From the mountains of the moon.

For many long years we've carried the fight,  
Veterans of Foreign Wars,  
Wherever man's freedom was threatened by might

On strange and far-off shores.

But the job is far from over, lads;  
Freedom's price is dear.

That's why I'm proud you answered my call;  
That's why I'm proud you are here.

I'm asking you one more favor, lads.

I ask you to keep me flying.

I know that means money, and men, and strength.

And for some—it even means dying.

When expert hands, with tender care,  
Lift me and fold me with love,

And place me in a widow's arms—

There isn't a star above

That shines so bright as my fifty do;

And no flag can feel so proud

As to rest on the casket of one of my sons,  
A grateful and loving shroud.

And remember the guys in the hospital beds,  
The fellows who gave almost all—

Who came home with their lives shattered to shreds—

How long since you paid them a call?

We've been to some glorious places, lads.

But I hope that you always will see

The most glorious place that I ever could fly  
Is over a land that is free.

#### OVERSIGHT SUBCOMMITTEES

#### HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MARTIN of Nebraska. Mr. Speaker, before the working draft of the Select Committee on Committees was released last week, I informed Members that the report contained an oversight portion, and urged them to review it. I believe that it essential for the House of Representatives to establish an effective oversight capability, and hope my colleagues will give this important responsibility adequate consideration before the select committee holds markup on its proposals. In addition, oversight activity must be made to include a "foresight" capability to allow committees to forecast issues and needs within their jurisdiction.

Over a 6-month period the Select Committee on Committees held more than 35 days of hearings. Testimony was heard from Members of Congress, the private sector, and panels of experts. One of the most consistently mentioned points was the inadequacy of legislative oversight being conducted by the House. Member after Member admitted that proper oversight was not being conducted by their respective committees, and the panels of experts were uniform in pointing out the deficiency in meaningful oversight activity.

To me, oversight is one of the appalling weaknesses of Congress at the present time. We are not following up on programs enacted into law, and do not know whether the programs are being implemented and administered within the intent of Congress. During these difficult days, it is critical that Congress fully discharges its responsibility to see that money is being spent as it should be, and that programs operate effectively and

efficiently. What good is it to establish a budget committee for setting spending levels if we do not conduct proper oversight. Inefficient programs should be discontinued, and funds allocated to those programs which have priority and meet the needs of the country.

One of the panelists at the hearing on oversight pinpointed part of the problem as I see it. We have not required committees to really get into the oversight business, as they should be. The panelist said:

Perhaps the most obvious step taken by a few standing committees to enhance their oversight efforts has been to create specific oversight subcommittees. To my knowledge, no one has systematically or intensively looked at whether having such subcommittees makes any appreciable difference in the conduct of oversight. Here is a structural solution which one could suspect has not had any great impact. But nobody knows for sure. The topic does deserve attention.

I believe it is essential that each authorizing committee of the House be required to establish and adequately staff a subcommittee to conduct oversight activities. Oversight subcommittees would provide a mechanism within the committee structure for a systematic review, by agencies, of individual programs. It would also allow committees to avoid crises by forecasting emergency needs.

This same recommendation was made in 1965 by Representative Melvin Laird. In a prepared statement before the Joint Committee on the Organization of the Congress of the United States, Representative Laird said, in part:

Many witnesses before this committee have urged the necessity of finding improved methods and systems for discharging the responsibility of the Congress for legislative oversight, for proper supervision of Federal activities.

It is my own conviction that although some committees attempt to exercise this function in a commendable manner, the basic problem which all substantive committees face in this area is the lack of any defined, specific, and continuing mechanism through which it can be carried out effectively.

I am confident that every member of a substantive committee of the Congress would cite example after example of Executive abuse of the intent of Congress in carrying out and administering the programs enacted by Congress.

To remedy this situation, by fixing a specific responsibility for its execution, it is strongly suggested that each standing substantive committee of the Congress establish, as a permanent part of its subcommittee structure, a Subcommittee on Legislative Oversight.

It is further suggested that the subcommittee on oversight have no other functions than those directly related to this responsibility. The subcommittee should be composed of an equal number of majority and minority members (possibly three on each side regardless of the party distribution in the Congress as a whole). We are talking, after all, of a congressional, not purely partisan, responsibility.

Authorizing committees have developed a recognized expertise concerning executive departments and specific program areas under their jurisdiction. Oversight by members with this kind of expertise, with a direct relationship to the authorization of programs, provides



for more meaningful legislative review. Moreover, committee members who participate in the authorization of programs at all levels, including conferences with the other body, are uniquely qualified to review the administration of the programs in light of the intent of Congress. They should have prime responsibility for this task. In addition, overlapping membership between the oversight and authorizing subcommittees of the various committees would promote coordination between the authorization and oversight functions for specific program areas. Creation of specific oversight committees will serve to strengthen oversight and promote more meaningful review work. Currently, committees often evade their responsibility under the Legislative Reorganization Act of 1970 by leaving legislative review to some other body. Fixing responsibility within designated subcommittees is consistent with the intent of Congress in mandating adequate oversight activities in 1970.

In addition to legislative oversight, I feel its necessary for our committees to develop a foresight, or forecasting can only be accomplished by individual subcommittees within the various authorizing committees.

I hope my colleagues will recognize the importance of the oversight and forecasting activities. Any reform of the committee structure of the House which does not provide adequately for these functions is not complete.

#### ONE CAUSE OF THE ENERGY CRISIS: THE GOVERNMENT

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ASHBROOK. Mr. Speaker, governmental regulations have helped lead to our present energy shortages. While discussing these various laws and regulations will not produce one drop of oil, such discussion may give us a better understanding of governmental involvement in various areas of our lives.

One device that has adversely affected gasoline consumption is the pollution control devices found on all American-made automobiles since the late 1960's. Automobile fuel economy has decreased from 5 to 15 percent as a result of these devices. The auto industry does not know whether anti-pollution technology will be far enough advanced to meet 1975 and 1976 standards of the Environmental Protection Agency. Cleaner air is a goal that few can disagree with, but we must recognize the costs in terms of greater energy consumption and more governmental control that are involved.

Domestic supplies of natural gas have diminished. The Government has long regulated the prices of natural gas at the wellhead. This discouraged exploration while encouraging consumption. A

further result was to increase industrial conversions from the use of coal to natural gas. In this area governmental action has distorted the actual market and, at the same time, discouraged attempts to increase supplies and to use other more plentiful fuels.

The use of coal also has been seriously reduced through arbitrary restrictions of the Clean Air Act of 1970. This act and other regulations based on it have decreased industrial use of the one resource that the United States has a 200-400 year supply—coal. Strip mining has been discouraged instead of encouraging the use of the already developed land reclamation technology.

Utilities, historically large users of coal, are hesitant to reconvert to coal until they have some assurances that they will be allowed to use that fuel for a number of years. Conversions are expensive and present Government regulations make utilities question their effectiveness.

The Federal Government and State governments have greatly restricted the building of refineries. Obviously, some types of restrictions on refinery construction are necessary but this should not go as far as to make their construction almost impossible.

While discussing refineries, it is useful to note that requirements for lead-free gasoline result in the use of more petroleum. This is because the refining of lead-free gasoline necessitates the use of more petroleum than the refining of regular gasoline does. Once again, governmental regulation has helped increase demand for petroleum products.

On a number of other occasions I have discussed the impact of wage and price controls on our present energy problems. Also, I have discussed the great delays that have been experienced in obtaining governmental consent in building the Alaskan pipeline. These two items also have helped make our situation worse.

We should not confuse governmental actions nor regulations with solutions to our problems. Sometimes governmental intervention does solve problems, but often it only makes them worse. Our long-term goal must be to make the United States self-sufficient in energy.

#### THE ENERGY CRISIS

**HON. ANDREW YOUNG**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. YOUNG of Georgia. Mr. Speaker, with reference to the energy crisis, I submit the following items for the Record:

First, a letter which is typical of the many I have received from constituents. Mr. Charles E. Balthis writes that an increase in gasoline taxes would be an unfair burden on average working people;

he also opposes any substantial increase in oil profits.

Second, a letter from Jacques-Yves Cousteau, the distinguished explorer-oceanographer, together with a copy of a telegram he has sent to the President. Mr. Cousteau calls for a massive effort "to harness radically new sources of energy," and he pleads for us not to abandon the gains made in environmental protection.

Third, a fact sheet entitled "Oil Monopoly and the Energy 'Crisis'," distributed by the organization New Populist Action.

The items follow:

ATLANTA, GA., December 5, 1973.

HON. ANDREW YOUNG,  
House of Representatives  
Washington, D.C.

DEAR MR. YOUNG: The purpose of this letter is to ask that you use your influence and vote to oppose any increased tax on gasoline, and to oppose any substantial increase in oil profits by the industry.

The rich can afford the tax so there will be no reduction in consumption of gasoline by them. The rest of us who have to drive a car to and from work will be paying a tax that we can ill afford. A reasonable profit by the oil industry might be justified if needed to locate and produce more oil.

Thank you for your interest in our concern.  
Sincerely,

CHARLES E. BALTHIS, Jr.

NOVEMBER 14, 1973.

DEAR CONGRESSMAN YOUNG: Mankind's energy problems concern all the citizens of this world; the shortages are not going to be solved whenever the Mid-East crisis is ended and the oil from Arabian countries flows again to the western world. Once again it will be the role of the United States of America to display the imaginative creativity and to implement the gigantic effort both necessary to harness radically new sources of energy and assure our independence. Solutions for the use of solar energy, and, more practically, of energy from the sea have already been outlined by U.S. agencies and only need immediate support to be developed. These breakthroughs are even more important for the future than the necessary improvements in the use of fossil or nuclear fuels.

In another area, the world has been looking with admiration and envy to the United States for its pioneering legislation in the field of environmental protection. Millions of people are now in fear that these victories of reason might be in danger.

Last Friday I sent a telegram to the President of the United States and I have the honor to enclose a copy with this letter.

May I quote D. H. Lawrence: "Unless we set the little life in the circle of the greater life, all is disaster."

Most sincerely yours,

JACQUES-YVES COUSTEAU.

TELEGRAM

Nov. 9, 1973.

THE PRESIDENT OF THE UNITED STATES,  
The White House, Washington, D.C.

The energy shortages that western nations and specifically the United States are facing now are not new problems and have been preoccupying scientists, economists and philosophers for years. The Mid-East crisis has merely brought to attention a developing situation that is moderately aggravated, maybe only momentarily.

The tactical measures proposed to reduce our energy requirements are obviously indispensable. Indispensable also is a strategy of intensive and imaginative research not only to make a better short-term use of fossil and nuclear fuels, but to mobilize all the western creative minds and tap the immense clean energies offered by the sun and by the sea. Such policies should in no instance jeopardize any of the hard-won, wise measures recently taken under public pressure to protect our environment.

Mister President, we have no right to compromise the health and the lifetime joys of our children just to safeguard the conveniences and the economics of the day.

JACQUES Y. COUSTEAU.

#### OIL MONOPOLY AND THE ENERGY "CRISIS"

Energy for consumers is harder to get, even at higher prices, than ever before. Although wars, boycotts, cold winters, and declining sources in certain areas contribute to the shortage, the chief cause for the energy problem is monopoly of energy sources. The result of monopoly is higher profits for a few giant corporations and higher prices and hardship for consumers.

1. Energy is controlled by a monopoly of the major petroleum corporations cooperating with each other.

Item. In 1970 four companies—Exxon, Mobil, Texaco, and Gulf—accounted for 55.4% of all U.S. petroleum sales (experts state that monopolistic market practices are likely to characterize any industry where 8 or fewer firms control 50% or more of sales).<sup>1</sup>

Item. In 1970 Exxon, formerly Standard Oil of New Jersey, formerly of the Standard Oil Trust, held 20% of sales itself.<sup>2</sup>

Item. Petroleum/natural gas fuels account for over 70% of all U.S. energy consumption.<sup>3</sup>

2. Dominance by the major oil companies of the petroleum industry has led to the absence of competition and excessive market control by those firms.

Item. A confidential Federal Trade Commission report in 1972 disclosed that monopolistic tendencies in the industry result in "overcharging" purchasers of petroleum products by 1.2 billion annually.<sup>4</sup>

Item. The spring 1973 gasoline "crisis" resulted in 1,200 independent gasoline stations being forced out of business by May 31, 1973 (The Dept. of Interior stopped counting the number of stations closing after that date).<sup>5</sup>

3. Actions of the major oil companies during recent fuel crises confirm that the industry acts like a traditional monopoly.

Item. In the first 20 weeks of 1973, U.S. refiners operated at less than 90% of capacity and produced an average 43.7 million barrels of gasoline per week. Only after wholesale prices went up in the spring of 1973 (25.1% between March and June) did refinery production increase to 94.3% of capacity.<sup>6</sup>

Item. In August 1972, the major oil companies informed the Texas Railroad Commission they wished to cut their "desired" stocks of fuel oil by 10.1 million barrels. This cut came at a time when fuel oil demand was expected to increase by 7%. There was a major fuel oil shortage during the winter of 1972-73, affecting thousands of homes, schools, farms, and factories, especially in the Midwest.<sup>7</sup>

Item. Each major oil company said they would have adequate fuel oil supplies for the 1972 winter when asked by the President's Office of Emergency Preparedness. There was, of course, a major shortage that winter. The OEP said that had the industry continued to produce fuel oil at the rate it was in January, there would have been a modest surplus of 4 million barrels instead of the disas-

trous deficit of 26 million barrels which did result.<sup>8</sup>

4. A few companies came to be giants in the industry in several ways. One major one was through merger.

Item. Since 1949, there have been at least 80 successful merger actions between oil companies.<sup>9</sup>

Item. Since 1960, 8 of the largest companies have disappeared through either merger with a larger company or through outright sale; there have been over 50 major acquisitions in the same period.<sup>10</sup>

5. Oil Companies are horizontally related indirectly through *interlocking directorates* with the banks which finance them.

Item. Continental National Bank has directors on boards of 8 oil companies; Morgan Guaranty Trust has members on boards of 7 oil firms; First National City Bank has directors with 6 firms.<sup>11</sup>

Item. Thirteen other banks each have directors on boards or more than one supposedly competing oil firm each.<sup>12</sup>

6. Oil companies cooperate directly with each other, also. They commonly share *drilling leases* and *exploration* ventures in oil production, rather than bidding competitively and independently.

Item. In Louisiana, for instance, a major oil/gas producer, 14 of the largest 18 producers share 5 or more joint ventures with the other top producers.<sup>13</sup>

Item. Continental Oil, for example, shares 27 ventures with Cities Service, 28 with Atlantic, 27 with Getty, 16 with Mobil, 13 with Exxon, and 11 each with Sun and Amoco.<sup>14</sup>

Item. In addition to connections with other major producers, Continental also shares 430 leases with 23 other smaller companies.<sup>15</sup>

Item. Of 38 medium-to-large producers besides the major ones in Louisiana, all share joint leases with the large majors.<sup>16</sup>

7. Joint leases for *offshore exploration* on Federal territory constitute another major area of oil cooperation.

Item. 12 of the 16 largest producers share offshore production leases with other producers.<sup>17</sup>

Item. 10 of the 16 major producers own 80% of their leases in common with other producers.<sup>18</sup>

Item. Thus, Mobil owns 6 leases independently, shares 19 with Continental, 8 each with Getty and Cities Service, 7 with Gulf, 5 with Chevron, and 4 each with Amoco and Exxon.<sup>19</sup>

8. Monopoly and cooperation among the major firms characterize the pipeline transportation of oil as well (¾ all crude, ¼ all refined petroleum products move through U.S. pipeline networks).<sup>20</sup>

Item. Combines including from 3 to 9 major firms either dominate or wholly own each of the 12 major pipeline networks in the country.<sup>21</sup>

Item. Colonial Pipeline Company, with assets greater than those of the other 11 pipelines combined, is wholly and jointly owned by 10 of the 20 largest oil companies.<sup>22</sup>

Item. Independent refiners are at the mercy of the pipeline companies who decide when and how oil shipments are made. Access by independents is controlled by requiring minimum size shipments, irregular shipping dates, limiting storage at petroleum terminals, and unreasonable product standards.<sup>23</sup>

9. The petroleum refining process is also dominated by the major firms.

Item. The major oil companies own 84% of U.S. refining capacity.<sup>24</sup>

10. The above stages, in which the major firms each share in the processing of the product at every level of the industry—exploration, production, transportation, refining, and marketing—are collectively called

*vertical integration*. Vertical integration restrains trade and forces out independent competition. By cooperation the major producers may freeze out independent traders who lack the resources to compete at every level and must depend on the majors for supply.

Item. The industry has influenced the federal government to favor and encourage vertical integration through the device of the *oil depletion allowance* that permits a company a 22% tax write-off on half of its gross income earned at the production stage. This provision makes profits at the exploration/production stage much higher than those at any other stage and thus encourages refiners and others to expand their operations vertically to include a production phase in order to take advantage of the rich profits.<sup>25</sup>

11. The top oil producers are also the top natural gas producers.

Item. In 1970 the top 14 natural gas producers were also among the top 15 oil producers and the top 17 oil refiners.<sup>26</sup>

Item. These 14 largest natural gas producers also were among the top 17 gas retailers and the top 17 natural gas marketers to interstate pipelines.<sup>27</sup>

12. As in the oil industry, a handful of major corporations dominate the *natural gas* field.

Item. In recent years the top 4 producers in the primary production areas have accounted for 50% or more of the natural gas sold to interstate pipelines.<sup>28</sup>

Item. The leading 8 producers have accounted for at least 60% and usually closer to 80% of the gas exchanged in these transactions.<sup>29</sup>

13. Concentration of control in natural gas is an increasing trend.

Item. No new, fully integrated major has entered the field in the past decade.<sup>30</sup>

Item. In the same period, over 50 mergers have occurred in the field; several were mergers between fully integrated majors.<sup>31</sup>

14. Concentration of power in the oil and natural gas industries promises to increase in the future through the distribution of leases for *oil/gas reserves* on Federal lands.

Item. 4 major producers hold leases for 51% of the available reserves.<sup>32</sup>

Item. 8 top producers control 73.9% of reserves (Federal Power Commission reports these 8 to be cooperative rather than competitive firms).<sup>33</sup>

15. The American oil cartel also largely comprises the *international oil cartel*, either directly or through controlled affiliates.

Item. 16 fully integrated American oil firms hold major shares in 18 major foreign companies for which figures were obtainable, producing a combined total of 4,913 million barrels of oil annually.<sup>34</sup>

Item. American oil companies or affiliates hold 70 to 100% control in 13 of these same firms, and 50 to 100% in all 15 for which figures are available.<sup>35</sup>

Item. Texaco, Exxon, Chevron, and Mobil share 100% control of the Arabian American Oil Company, the largest international oil combine (1.5 billion barrels yearly). The same combine also controls the Iraq Petroleum Company.<sup>36</sup>

16. The power of the oil cartel has long enabled it to dominate government oil policies.

#### Example 1: Oil Embargo:

Item. In 1959 the cartel persuaded President Eisenhower to drastically limit foreign oil imports by executive order at a time when foreign oil was about 40% cheaper than domestic. This allowed the cartel to maintain high prices for its domestic oil by excluding cheaper foreign oil and simultaneously reap *windfall profits* by importing its own and buying other stocks of cheap oil abroad to sell here at the high U.S. price.

Footnotes at end of article.



The ostensible reason for the quotas was to encourage domestic oil exploration in order to make the U.S. self-sufficient in times of crisis and emergency such as the present. However, in the decade after institution of embargo, from 1959 to 1969, the industry increased exploration expenses abroad by six times over domestic exploration expenses.<sup>27</sup>

The quota system remained in effect until last May, when the price of foreign oil has finally surpassed that of domestic after 14 years. A 1970 study indicated this policy alone in its first 11 years cost the public 7.2 billion, or 5 cents on every gallon of gasoline and 4 cents on every gallon of fuel oil.<sup>28</sup>

#### Example 2: Oil Depletion Allowance:

Item. The oil depletion allowance enables oil companies to deduct 22% of their gross income from production to determine their taxable income. The effect of the depletion allowance is that oil companies can deduct up to 16 times the original cost of an oil well. Other businesses can deduct costs of new assets only once.

Item. A study for the U.S. Treasury in 1968 found the depletion allowance provided the oil and gas industry with a 1.5 billion dollar subsidy via the tax system, yet the industry only invested \$150 million in new exploration annually.<sup>29</sup>

17. The oil oligopoly is extending its influence to the coal industry.

Item. 11 of the top 25 oil producers are now in coal.<sup>30</sup>

Item. Oil producers now own 20% of U.S. coal productions.<sup>31</sup>

Item. Continental Oil owns Consolidated Coal, No. 2 coal producer; Occidental Petroleum owns Island Creek Coal, No. 3; Standard Oil (Ohio) owns Old Ben Coal Corp., No. 10; Gulf Oil owns Pittsburgh and Midway Coal, No. 13.<sup>32</sup>

18. As in the oil industry, control of coal by the big oil firms will grow through ownership of reserves.

Item. Outside interests—oil, railroads, steel, metals—comprise 16 of the 17 top holders of coal reserves.<sup>33</sup>

Item. Atlantic Richfield Oil is No. 2 holder of coal reserves.<sup>34</sup>

Item. Oil companies own leases for 30% of all proven coal reserves on public lands (144,974 acres out of 479,534).<sup>35</sup>

19. In addition to oil, foreign and domestic; natural gas; and coal, the oil cartel seeks expansion into other potential energy sources.

Item. 18 of the largest 25 oil producers have shale oil holdings.<sup>36</sup>

Item. 18 of the top 25 are in uranium.<sup>37</sup>

Item. Oil firms own over 50% of uranium reserves; 25% of milling capacity.<sup>38</sup>

Item. 7 of the top 25 have holdings in tar sands.<sup>39</sup>

20. The above developments in the energy industry have resulted in horizontal integration of the industry. A horizontally integrated company may limit production and research in areas promising lower profits and raise prices and spur production when profits are higher. If development of new energy sources endanger profits from existing sources, horizontally integrated firms are likely to de-emphasize ongoing research in other fields.

21. Executives of a few American oil companies control all the energy for the U.S. and a large part of it for the rest of the world. The concentration has not been used to benefit the public with lower prices, but to benefit the corporations with higher profits.

Item. The first quarter, 1973, saw every oil company, without exception, improve its profit margin over 1972; the average increase was 25-30%.<sup>40</sup>

Item. For second quarter, 1973, the 10 Continental, 24%; Occidental, 56%. (The FTC has brought suit against the first 8 of the above firms for monopolistic practices and restraint of trade).<sup>41</sup>

#### FOOTNOTES

<sup>1</sup> Fortune, May 1970.

<sup>2</sup> Ibid.

<sup>3</sup> Prof. A. W. Reitze, Jr. "Fuels and Energy", manuscript, p. 1 to be published in Reitze, *Environment II*, North American Int. Publishers, Jan. 1974.

<sup>4</sup> Rep. Les Aspin, "Solution to the Energy Crisis: A Case for Increased Competition", manuscript, Nov. 1973, Part III, p. 2.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> John W. Wilson (Chief, Div. of Economic Studies, F.P.C.), Testimony, Senate Subcommittee on Antitrust and Monopoly, June 27, 1973, Table 6, pp. 23-26.

<sup>10</sup> Ibid., p. 20.

<sup>11</sup> Ibid., Table 10, pp. 39-42.

<sup>12</sup> Ibid.

largest oil firms registered the following profit increases over 2nd quarter, 1972: Exxon, 54%; Mobil, 41%; Texaco, 44% Gulf, 82%; Standard (Cal.), 42% Standard (Ind.), 37%; Shell, 54%; Atlantic Richfield, 50%; Wilson, Report of Proceedings, Senate Subcommittee on Antitrust and Monopoly, June 27, 1973, p. 385.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid., p. 383-4.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid., pp. 383

<sup>21</sup> Wilson, Testimony, Table II, pp. 44-46

<sup>22</sup> Ibid.

<sup>23</sup> Aspin, op. cit., Part III, p. 2

<sup>24</sup> Reitze, op. cit., p. 7

<sup>25</sup> Aspin, op. cit., Part I, p. 4

<sup>26</sup> Wilson, Proceedings, p. 371

<sup>27</sup> Ibid.

<sup>28</sup> Ibid., p. 372-3

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., p. 378

<sup>31</sup> Ibid.

<sup>32</sup> Wilson, Testimony, Table 4, pp. 17-18

<sup>33</sup> Ibid.

<sup>34</sup> Ibid., Table 15, pp. 70-74

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Dr. William Barrett, cited in Morton Mintz "Oil Study has Public as Victim", Washington Post, Jan. 9, 1972, p. A5

<sup>38</sup> Dr. John H. Blair, cited in Mintz, Ibid.

<sup>39</sup> "Economic Factors Affecting the Level of Domestic Petroleum Reserves", Part IV, *Tax Reform Study Proposals*, by the CONRAD Research Corp., Released by Dept. of Treasury, December 27, 1968

<sup>40</sup> Matt Witt, "The New Energy Barons", *United Mine Workers Journal*, July 15-31, 1973, pp. 4-6

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Reitze, op. cit., p. 7

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Wilson, Proceeding, p. 372

<sup>51</sup> *Business Week*, Aug. 11, 1973, p. 79

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#### ENERGY EMERGENCY ACT

#### HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. VANDER JAGT. Mr. Speaker, I have a great interest in the encouragement of recycling. For a number of years I sponsored legislation to intensify the recycling of abandoned automobiles, an objective which I continue to pursue. Further indicating my interest, I have filed an amicus brief in the U.S. District Court for the District of Columbia in Civil Action 971-72, asserting that the Interstate Commerce Commission has failed to fulfill the requirements of the National Environmental Policy Act by inadequately recognizing the environmental implications of its freight rate decisions.

Repeated approval of percentage increases in national rail transportation rates for recyclables has only magnified the discrimination in rates on scrap metals, waste paper, and other secondary materials in comparison to virgin materials.

I believe that it is important that in

enacting Energy Emergency Act, Congress instruct the transportation regulatory agencies and particularly the Interstate Commerce Commission to address these rate discriminations which contribute to wastes of energy. According to the Environmental Protection Agency, the use of scrap instead of iron ore in the making of 1,000 tons of steel results in an energy savings of 74 percent, together with a water savings of 51 percent, a reduction in air pollution of 86 percent, and a reduction in mining wastes of 97 percent. When we are about to relax safeguards which we have regarded as fundamental to the protection of the natural environment, we would be well advised to direct Government agencies to initiate those actions which will enhance environmental protection while conserving energy.

Last night the Senate adopted some very relevant provisions as part of the Northeast railroad legislation, prohibiting transportation regulatory commissions from approving, authorizing, or allowing to go into effect any rate or charge increase for the transportation of recyclable materials which is unreasonable or unjustly discriminatory. I urge the Committee on Interstate and Foreign Commerce and the House of Representatives to adopt the fundamental objectives of this provision.

Section 107 of the Energy Emergency Act seeks to have the Interstate Commerce Commission, Civil Aeronautics Board, and Federal Maritime Commission act within their respective authorities to achieve energy savings. The consideration of gross inequities in the freight rates for recyclables as compared to raw materials is a path that will lead the Nation to conservation of critically short natural resources, to the reuse of mountains of solid waste materials and to vitally significant savings in energy consumption.

Mr. Speaker, I am also pleased that the committee has included language in this legislation to require the Administrator of the Environmental Protection Agency to conduct a study of the feasibility of establishing a fuel economy improvement standard for automobile engines of 20 percent for the 1980 model year. However, the committee has been somewhat timid in its objective. I believe that 50-percent improvement in auto engine efficiency should not only be our goal, but that it is already realistically possible of achievement.

The fact of the matter is that the Department of the Army in cooperation with the Ford Motor Co., has already developed an engine for lightweight military vehicles, jeeps, and light trucks, that will provide 50 percent better gas mileage than can be achieved by current engines. The engine is frequently discussed in engineering circles, prototypes are already on the road, and the Army is ready to proceed with contracts for the limited production of the engine, at a pace which could be rapidly accelerated. The engine is called a fuel injected strat-

ified charge engine which in language I understand simply means that gasoline is injected uniformly into the cylinders of an engine, rather than passing through a carburetor before being drawn into the cylinders. This fuel injection system is simple enough for reliability for the Army, and relatively little retooling is required for assembly line conversion to production of the engine.

While I am enthusiastic about the fuel economy possible with this engine, my enthusiasm is compounded by the fact that the engine also will meet the 1976 air pollution control requirements for emissions. It does so because it burns fuel more completely than other engines.

Mr. Speaker, in his testimony before the Muskie subcommittee Ford President Iacocca stated that Ford Motor Co. could produce 500,000 new type engines in the 1977 model year which would meet air pollution control standards. While Mr. Iacocca, for obvious competitive reasons would not describe the engine in detail, there is good reason to believe he was talking about the stratified charge engine. It is my understanding that Chrysler has a stratified charge engine under consideration and a December 7, 1973, article in *Cil Daily* quoting Robert Stemple, special assistant to Edward Cole, president of General Motors, stated:

General Motors is developing its own in-house stratified charge engine.

Mr. Speaker, today is not a day for timidity. While Congress must adopt objectives that are realistic of achievement, I urge the House to establish goals in this study that accurately reflect the present-day capabilities of American technology.

#### SHORTAGE OF CHLORINE

#### HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ROGERS. Mr. Speaker, I have just recently introduced legislation which is designed to assure that all municipal governments have a proper supply of chlorine for treating their drinking water and sewage.

A shortage has been evident for several months now and experts and city governments across the Nation have forecast a national problem in the spring and summer months if something is not done.

While chlorine is still universally used here in the United States, other nations have developed alternative means of cleaning their drinking water. The main alternative has been the use of ozone.

My colleague from Maryland, GILBERT GUNDE, spoke at the International Ozone Institute's First International Symposium and Exposition and I have found his remarks to be very enlightening.

As he points out, this Nation should be looking to alternative types of proc-

essing, especially in this time of shortage of chlorine. He does not advocate that the ozone process should be immediately accepted, only that it be considered fairly. And I agree with this.

I hope that the Environmental Protection Agency and other agencies within the Government will give this some serious thought. For on its face, the ozone process appears to hold benefits absent in chlorine.

I would like to include in the RECORD the remarks of Congressman GUNDE and hope that my colleagues will give it consideration. We have provided for funds in our safe drinking water bill for development of new programs and I think the potential of ozone will mark it as a likely candidate for such investigation.

The remarks follow:

REMARKS BY HON. GILBERT GUNDE

"Internationally, probably 99 percent of disinfection involves the use of chlorine"—that is what an official of the EPA's water supply office told my office recently. It certainly seems indelicate to cite this statistic to this symposium of the International Ozone Institute. But that fact—that the use of ozone for purifying water is virtually nil—is the critical fact for this conference.

The technology of ozonation exists. It is proved, and currently used, mainly in Europe. But outside of this conference, you would be hard-put to find many water supply experts who, when asked about disinfection, would not immediately assume you were talking about chlorination.

This does not mean that ozonation cannot be improved. Doubtless there are many improvements possible—and this meeting will contribute to those improvements by bringing together many of the world's experts on ozone. Two of the subjects listed for discussion at Wednesday's summary session involve the desire to improve the technology. First, a review of the current state of knowledge and, second, an analysis of information and research and development needs.

But the third subject up for discussion on Wednesday—factors affecting the future development of ozone technology—points toward the critical issue: Is ozonation to remain a very minor alternative to chlorination, used only in rare instances, or is it a mature technology that justly should and will become a viable, practical alternative?

That two people associated with Congress have been invited to speak at this meeting is, I think, an interesting and instructive point. Personally, I am very honored to be here. I represent a district in which water supply problems are very pressing, and these are problems ozonation may help solve. My presence points up the fact that now the pivotal issue about ozonation is application. The future development of this technology has very little dependence on technical innovations but on a reconsideration of the whole thrust of how water disinfection is now accomplished.

Ozonation is an effective way of disinfecting water. Why isn't it more widely used? Two reasons are usually advanced: Ozone does not have the residual properties of chlorine and ozone is more expensive than chlorine. These are the textbook replies. *Water Supply and Sewage*, by Ernest W. Steel notes that ozonation "is much used for water treatment in Germany and France," but rarely used in the U.S. except for a couple of places where certain chemical contaminants are present. Steel concludes, ozonation "cannot compete in cost with chlorine."



The text *Water Supply and Pollution Control*, by Clark, Viessman, and Hammer says, however, that "improvements in taste and odor resulting from ozone purification reportedly offset the slight difference in cost." The text concludes that the lack of a residual when using ozone is "the major justification for use of chlorine rather than ozone for disinfection of water supplies in the U.S."

These two reasons are really red herrings. I submit that the fundamental reason ozone is so seldom used is that chlorination totally dominates disinfection technology. Ozone is not competing on economic and technical trade-offs with another largely undeveloped technology also seeking to prove its efficacy. Ozone is competing with a proved technology that is being very widely used with a high degree of satisfaction. Chlorination is institutionalized. Chlorination is in the saddle. Ozonation must not be just as good to replace chlorination; it must prove to be better.

Why is chlorination the technique of choice? The answer lies in the decisions of some 50 years ago. At that time, experts hit upon chlorination as a workable technique, developed it and applied it. The consideration they gave to alternatives and the rationality of their decisions are moot points now. The question for us is should ozonation be applied as the disinfectant of choice for the future?

Let me illustrate the situation by analogy to the automobile industry. In 1900 it was uncertain whether the nascent automobile would be powered by the electric battery, the steam engine, or the internal combustion engine. No one of these systems had an overriding technical advantage. The internal combustion engine won out by a series of accidents, what appeared to be marginal advantages, and entrepreneurial guesses and decisions. But today, when millions of these engines have been run to exhaustion, when millions of people are familiar with them, when supply and repair facilities are established, an alternative power system faces the problem of not being as good as the existing internal combustion engine, but of having to be better.

Ozone is in much the same situation. Ozonation today not only has to prove its efficacy, but it has to displace an existing technology. It would be much easier if ozonation and chlorination were both competing to fill an unmet need. In fact, that is the key to the future of ozonation—institutionalized chlorine will be difficult to displace from existing plans using the same raw water now available. But in the future, raw water supplies are going to change, and new treatment facilities must be made available. These new circumstances may so change the technical and economic trade-offs that institutional changes will have to occur.

What about the factors affecting the application of ozonation? How may they be affected by future developments? Let us consider three categories: technical, economic, and institutional.

As to the first factor, there are two major differences between chlorination and ozonation. First, chlorination provides a residual effect which most American public health officials believe necessary to combat any contamination which might occur in the distribution system. If a water sample has that fine chlorine bouquet, it is assured a good vintage label.

Ozonation does not have a comparable residual presence. But the issue is not clear-cut. P. L. Giradot, the well known French engineer, suggests that residual chlorine may be relatively ineffectual in killing bacteria.

He reminds us that the key question is the lack of pathogens in the water when it reaches the consumer, not the presence of the disinfectant per se. Obviously, public health officials where ozonation is used either have found methods of adding a residual or have decided it is not essential. The important point is that the lack of a residual is not an absolute bar to ozonation.

If indeed it can be established that to assure potability disinfection must continue in the water system after the water leaves the treatment plant, then chlorine can be added as a last disinfecting step. And ozone does have significant technical advantages. It acts more quickly and thoroughly than chlorine, especially in destroying viruses and certain organic chemicals such as phenols. It controls taste, odor, and clarity problems more effectively. You know the technical trade offs better than I. But I want to emphasize two points: One, there are trade offs; chlorine is not absolutely superior; and two, the superior action of ozone in disinfecting virus and chemical contaminated water will surely become increasingly important as recycling and tapping polluted supplies increases.

It has been generally assumed that using ozone to disinfect drinking water is more expensive than using chlorine. An EPA staff paper of October 1973 quotes estimates that capital and operating costs for ozone treatment were 10 to 15 times higher than costs for chlorine treatment in 1971, though the gap may be narrowing. Some other estimates give only "slight" differences.

First of all, let's be sure that we are not comparing apples and oranges. If ozone costs are based on data from laboratory tests while chlorine data is derived from municipal water plant operations then the conclusions could well be invalid. Also, the general assumption that chlorine is cheaper is often apparently based on data from processes using elemental chlorine while more expensive hypochlorite is not only used in some municipal plants but, because of regulations, in some cases it is the only viable alternative. The citizen is unaware of this technicality and assumes he is getting the best price when he pays his water bill.

Economic statements can also be misleading on another count. Ozone and chlorine, as we noted, are not equivalent disinfectants and so the cost differential is not valid, unless one also considers the differences in results.

For example, Clark, Viessman and Hammer said the differences in cost were compensated for by improvements in taste and odor. But if chlorine cannot deal with viruses in certain instances, while ozone or some other disinfection system can, then cost cannot be a factor at all. It cannot be too strongly emphasized that we cannot justify such economic trade-offs when public health is at stake. Another economic point should be mentioned. The EPA staff paper on alternatives to chlorine notes that ozone treatment is "electric energy intensive."

At a time of "energy crisis," this might seem a serious disadvantage. However, we should remember that chlorine is industrially produced by electrolysis of salt, to produce chlorine and caustic soda.

The two products, therefore, split on the electrical energy cost. Dependence on chlorine has certain disadvantages. Production of chlorine expands by the construction of large units. Total demand is sensitive to the nation's economic health. The water supply industry is a small buyer of chlorine, about three percent of national production, and this purchasing is divided among many

municipalities, often required by law to contract for short periods of time. These factors mean that the chlorine supply industry tends to be cyclic, with periods of overcapacity followed by periods of tight supply, and that water supply users are often unable to compete with bigger buyers. As a result, the water supply industry may at times find itself being squeezed off the market, as is now threatened. Ozonation would provide virtual independence from these pressures.

These technical and economic issues I have reviewed involve trade offs, particularly those involving residual effects, costs, and various degrees of benefits. Neither technical nor economic considerations, except where public health factors are involved, provide at this time an unqualified basis for choosing one technology over the other. Certainly we very much need more hard and precise data as to economics. But it is, I am sure, the institutionalization of chlorination that finally and decisively weights the balance toward chlorination.

When I began, I observed that chlorination is the disinfectant in virtually all water treatment facilities. I said that this put chlorination in the saddle. This means that there now exists a vast array of institutional predilections, and regulations that operate to tilt the balance and thus to maintain chlorination as the disinfectant of choice.

First, the virtually exclusive use of chlorine for over half a century in this country means that the teachers and schools educating and training engineers and technicians presume this approach. This is evident in the texts, some of which I quoted earlier.

This presumption also permeates governmental bodies dealing with supply. The federal *Manual for Evaluating Public Drinking Water Supplies* discusses the use of chlorine in some detail. It includes ozone as one of a list of alternatives. The manual does not preclude use of alternatives, but several state regulations do, either explicitly or implicitly. At least one state, Missouri, explicitly requires the use of chlorine as disinfectant. Many more states implicitly specify chlorine. West Virginia regulations state: "Disinfection shall be required of all public water supplies. Unless otherwise approved in writing by the Division of Sanitary Engineering, chlorine shall be the only type of disinfectant permitted for use in public supplies." Such a regulation certainly operates as a deterrent—chlorination is accepted—alternatives must be justified.

And so, in the U.S., water supply treatment technology is virtually 100 percent based on chlorination. The industry commands a sizable investment in equipment, maintenance resources, manpower, and supplies. Textbooks and colleges generally presume chlorination is the disinfectant system that will be used. Ordinances, laws, and regulations concerning public water supplies tend implicitly or explicitly to require the use of chlorine. And most important, it has the confidence of the consumer as well as public health officials who are familiar with the process and trust it.

Is there, then, any hope for the future of ozonation? I believe the answer is yes. If water supplies and demand were to remain constant, then there would be little reason to change; but supply and demand will not remain static. Increased consumption, waste treatment, and water mining, are changing the availability and quality of water supplies.

It is inevitable that the increased recycling and reuse of water will force the reconsideration of the technical and economic trade offs on which disinfection systems have historically been evaluated.

The D. C. water supply situation, for example, suggests the problems. In summer, the flow of water in the Potomac drops quite low—already the record daily flow is less than the largest daily consumption on record. There are several ways supplies can be guaranteed. One would be to tap the Potomac estuary, which is a huge reservoir of fresh water located where it is needed.

But the estuary is polluted and contains already used water. The established position is that you do not turn to used water if other sources are available—an attitude that means we should dig deeper wells, go to more remote sources, or build bigger dams. The institutional position on D. C. water supply is to build upstream dams—dams 200 miles away to store water, when the estuarine water is right here. The officials say they cannot guarantee the safety of estuarine water and that chlorination may not kill viruses. This avoids, for one thing, the fact that viruses are also present in the supply coming down stream.

The institutional bias for chlorine has delayed, until this year, any efforts to consider new technological approaches to this water supply problem. While it is not certain that ozonation would solve the problem, there has been considerable obvious reluctance to consider it as a viable alternative. Habits die hard. To break the chlorination habit will be a difficult task, but studies of the innovation process suggest certain steps that probably will have to be taken.

It is useful to think of innovation as a two-step process: Inventing a new technology, and then selling it. Ozonation has been invented. Now it must be sold in a market which is dominated by an existing, working technology.

Studies of innovation show that typically a new invention must be successfully tried out in some small segment of the market before it achieves acceptance. While ozonation is proved in Europe and Canada, it is not operationally accepted in the U.S. Therefore, the first step in unlocking the future of ozonation in the U.S. must be the selling of pilot water treatment plants to prove the technology.

Studies of technological transfer also show that new inventions do not usually develop within the industry to be penetrated. In the case of ozonation, this means that the seller and provider of the new technology will either be European, or possibly, the federal government. Safe drinking water legislation, being actively considered in Congress, includes a provision for demonstration grants. Such grants could be the basis for constructing and providing ozonation as well as other disinfecting techniques in the U.S. But once again we come up against institutional conservatism.

At the 1973 hearings on the safe drinking water act, held by the House Interstate and Foreign Commerce Committee, Robert Fri, Deputy Administrator, EPA, was asked by Congressman Rogers, "Don't you think we ought to have a program for demonstration . . . ?" And Mr. Fri replied: ". . . It seems to us the water treatment technology is basically sound at the present time for the kind of raw water we are using. The next real demonstration in treatment technology is likely to come when we begin to do closer to 100 percent recycling." Thus the Administration, while it is being given the statutory authority to regulate drinking water, is not only committed to the existing technology based on chlorination, but is evidently actively discouraging demonstration projects, at least at the present time. This is despite the fact, that the reuse of water is already occurring, and will increase in the future.

Therefore, in conclusion, reliance on the federal government for ozonation's entry into

the water treatment industry is dangerous indeed. The alternative is to consciously and actively sell ozonation in the marketplace. This will obviously be difficult. The cards are stacked in favor of chlorination. I have dwelt at length on the institutional biases. You must know your handicaps if you are to achieve success.

Once entry in the industry is achieved, once some pilot plants are on line so the benefits of the different technologies can be compared on the basis of actual experience, only then can we hope to shake up the rigidified institutions. Patience will be required. Studies of innovation prove that it is a slow process, and that even when one technology is clearly superior to another cultural conservatism may greatly retard progress. Several years is certainly the shortest time in which a significant impact can be made.

Change is coming. The changing characteristics of water supplies—the increased use of recycled water—is right now rebalancing the technical and economic trade offs on chlorination vis-a-vis ozonation for many cities. Technical systems, such as ozonation, which can improve our way of life must not be denied access because of institutional barriers of our culture. This means that you, as engineers and scientists, must go beyond your comfortable, familiar specialties and insure that the practice of our technology is not a hide bound feudal system but an enlightened open one which can make for a better America.

#### ROCKWELL INTERNATIONAL CONTRIBUTES TOOLS TO PAN AMERICAN DEVELOPMENT FOUNDATION

**HON. WILLIAM S. MOORHEAD**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, in the current debate on U.S. aid to foreign countries, it would be well to note that sources of nongovernmental, or private aid flow to some of these nations also.

Rockwell International, headquartered in Pittsburgh, recently made a contribution of air sanders and necessary spare parts to the Pan American Development Foundation.

This gift, valued at \$78,000, was distributed to vocational training schools in four South American countries for the use of youngsters.

I want to salute the officers of the Rockwell corporation for their good will and interest in good foreign relations.

I would like to include in the Record at this time a letter to me from T. Graydon Upton, president of the Pan American Development Foundation, informing me of the Rockwell tool gift:

PAN AMERICAN

DEVELOPMENT FOUNDATION,

Washington, D.C. November 30, 1973.

Representative WILLIAM S. MOORHEAD,  
U.S. House of Representatives, Rayburn  
Office Building, Washington, D.C.

DEAR REPRESENTATIVE MOORHEAD: We would like to bring to your attention a recent contribution to the Pan American Development Foundation from Rockwell International in

Pittsburgh, Pennsylvania of air sanders and related parts. This contribution, valued at \$78,000 was in turn sent to vocational training schools in Colombia, Peru, the Dominican Republic and Honduras. This equipment is being utilized in the training of many young students to assist them in preparing for future employment and a role as a contributing participant in their country's development.

Tools for Freedom through which this contribution was channeled is a non-profit program of the PADF, which encourages such contributions of tools and machinery for Latin American vocational schools.

We hope that you might assist us in extending to Rockwell International the special recognition it deserves.

Thank you.

Cordially,

T. GRAYDON UPTON, President.

#### THE PLANETARY CRISIS AND THE CHALLENGE TO SCIENTISTS

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. DINGELL. Mr. Speaker, I have been sent a recent address by Dr. Margaret Mead to the New York Academy of Sciences, and I think that it is important that others be given an opportunity to consider her remarks.

Dr. Mead makes a strong point that the recent "energy crisis" represents a challenge as much as it does a threat—that it is a powerful warning to all men that we cannot continue to grow as we have in the past. There are in fact limits to growth, and the shortages of energy that we see today are evidence of this fact.

President Nixon has publicly stated his belief that we can be independent of other countries for energy supplies by 1980 without severe adjustments within our own society. I am not aware that he has any support, even within his own administration—an institution not known for its independence—for this extraordinary statement. Our own society is going to have to make some extraordinary choices as to its priorities and its values, on the order of balancing the need for excessive fuel for Executive jets and limousines against the need for keeping schools and colleges open. We can and must start to make those choices today.

We are heavily committed to the energy industry, and it is clear that this industry is not about to let go its control except under protest. This in no way diminishes the importance of the task, or its urgency. The truckers who require fuel to keep going, the fuel operators and distributors, airline pilots, those who suffer physically from polluted air, those who live in areas of the country which can be devastated by a needless attack upon the mineral resources which are found there—all are hostages to our finding an acceptable solution to a highly complicated problem.



We can treat this problem as a temporary one, or we can treat it as a long-term problem. If we take the former course, we are doing no more than deluding ourselves, however much we may be assured to the contrary by Mr. Nixon. Dr. Mead makes the point that this crisis—and crisis it undeniably is—should rather be treated as an incentive to examine the needs of society in a new way, and of developing solutions to problems which have been vexing us for years but which a preoccupation with the status quo has prevented us from attacking frontally.

The situation represents potential disaster, and it represents what Dr. Mead calls a "priceless opportunity". I believe we must treat it as the latter to avoid its full potential as the former. I include her address at this point in the RECORD:

THE PLANETARY CRISIS AND THE CHALLENGE TO SCIENTISTS

(Address of Dr. Margaret Mead, Curator Emerita of Ethnology, of The American Museum of Natural History, to the Annual Meeting of the New York Academy of Science, December 6, 1973)

(NOTE—Dr. Margaret Mead, Curator Emerita of Ethnology, The American Museum of Natural History, is currently a Fogarty Scholar-in-Residence at the Fogarty International Center, National Institutes of Health. On November 13, 1973, she gave the Jawaharlal Nehru Memorial Fund Lecture in New Delhi, as a sequel to the Kalinga Award, received in 1972, for outstanding contribution to the popular understanding of science.)

This is a meeting of members of all the different disciplines included in the New York Academy of Sciences. The members of each discipline are laymen and laywomen to each other. So we meet as scientists, as concerned lay people, and as concerned citizen members of our national and our world communities. But we are gathered together tonight because of our membership in the scientific community. I speak to you as a long-time member of the Academy, and also as a representative of the scientists' information movement represented in The Scientists' Institute for Public Information (SIPI), which was fostered by the New York Academy of Sciences. I am assigning the award money from the Lehman Award which you have given me tonight, to SIPI, to symbolize my adherence to the belief which the scientists' information movement stands for—that it is the duty of the citizen to make major political decisions, but that it is the duty of the scientist to clarify for the public the complex issues which the development of science continually presents today. I speak to you also as an anthropologist who has been honored by the presence of many of my colleagues and by the site of this meeting, The American Museum of Natural History, where I have been a member of the Department of Anthropology since 1926.

The energy crunch, which is being felt around the world—in Japan, in Europe, in the United States—has dramatized for us a world-wide situation and a world-wide opportunity to take stock of how the reckless despoiling of the earth's resources—here in America and all over the world—has brought the whole world to the brink of disaster. It also provides the United States, its citizens, its government, its scientists, and its leaders of business and labor with a magnificent opportunity to initiate a trans-

formation in our present way of life. Our present way of life was conceived in a spirit of progress, in an attempt to improve the standard of living of all Americans through the increasing capability of technological development to bring previously undreamed of amenities within reach of the common man.

But this search for a better life has—especially since World War II—taken a form which is untenable, and which this planet cannot support. The over-development of motor transport, with its spiral of more cars, more cement highways, more pollution, more suburbs, more commuting, has contributed to the near-destruction of our great cities, the disintegration of the family, the isolation of the old, the young, and the poor, and the pollution not only of local air, but also of the earth's atmosphere. Our terribly wasteful use of electricity and of non-renewable resources are likewise endangering our rivers, our oceans, and the atmosphere which protects the planet.

The realization that a drastic transformation is needed has steadily increased. But the problem has been how to turn around? How to alter our dependence on motor transport? How to persuade the individual citizen enmeshed in a system in which he and his wife and children are imprisoned without one car, two cars, three cars, that change is possible? How to stop building enormous, uneconomical buildings which waste electricity night and day, all year round? How to break the deadlock between environmentalists, bent upon enacting immediate measures to protect an endangered environment, and industry, itself caught in the toils of a relentless compulsion to expand? How to alter our own course and not injure the young economies of the developing countries, desperate to obtain the bare necessities of food and water and light for their hungry millions, clamoring for one per cent of our gross national pollution! Even though the present rate of development of energy use and resource use is only some twenty-five years old, it has been so much taken for granted in the industrialized countries that it has seemed almost impossible to turn around short of some major catastrophe... some catastrophe which would destroy millions of lives.

The catastrophe has now arrived, not in the form of the death of millions in an inversion over a large city, but in the energy crunch. The causes may be debated, will be debated: how much blame to assign to government mismanagement, how much to the recent war in the Middle East, how much to the action of the oil-producing countries for whom oil represents their only bargaining resource, how much to manipulation by companies that control oil, natural gas, coal, and the processing steps between producer and consumer, how much to the intention of producers to defeat environmental measures, how much to the maneuvers of exporting countries to strengthen their currencies. But in a more basic sense, these triggering events do not matter and focusing on them can in fact divert our attention from a much more important issue—how we are to take advantage of the crisis to move toward a way of life which will not destroy the environment and use up irreplaceable resources, not destroy large sections of the country by ripping off the surface of land in strip mining and by killing rivers, lakes, and the smaller seas like the Baltic and the Barents Seas. We can easily be diverted into acrimonious accusations instead of concentrating on what measures must be taken.

The crisis is here and some kind of crisis activities will be undertaken. Some measures have been taken. More are underway. But we

have the opportunity to use the crisis to transform our own economy, to take the lead in a transformation which is needed right around the world, to aim not for a shallow independence but for a genuine responsibility. We must not be content with half-measures, with small, mean palliatives, following the Administration's assurance that all that is needed is fewer Sunday drives to visit mother-in-law and lowered lights on Christmas trees—to be followed very soon by a return to normal waste and pollution. We must not return to complacency over a situation in which our major nutritional disease is over-nutrition, while millions of Americans are on the verge of starvation and while we are only six per cent of the world's population, we are using thirty per cent of available energy resources. The crisis can and must be used constructively.

During the inevitable disorganization of everyday life, business, industry, and education, we will be taking stands, making decisions, learning new habits and new ways of looking at things, and initiating new research into alternative technologies in transportation, agriculture, architecture, and town planning. It is vital that these activities move us forward into a new era, in which the entire nation is involved in a search for a new standard of living, a new quality of life, based on conservation not waste, on protection not destruction, on human values rather than built-in obsolescence and waste.

As scientists who know the importance of accurate information, we can press immediately for the establishment of an enquiry with subpoena power to ascertain from the energy industries the exact state of supplies and reserves in this country. As scientists, concerned with direction of research and the application of scientific knowledge to a technology devoted to human ends, we press for a massive project on alternative and environmentally safe forms of energy—solar energy, fusion, other forms. Such a project should be as ambitious as the Manhattan Project or NASA, but there would be no need for secrecy. It would be aimed not at destroying or outdistancing other countries, but at ways of conserving our resources in new technologies which would themselves provide new activities for those industries whose present prosperity is based on oil and motor transport and energy-wasting, expensive synthetic materials.

Those of us who are social scientists have a special responsibility for the relationship between measures that are to be taken and the way in which the American people and American institutions will respond. For example, we have abundant information on the responses of Americans to rationing during World War II. If there is to be gasoline rationing, we have to consider the importance of built-in flexibility and choice. In the United States, a rationing system will only be experienced as fair and just if it discriminates among the needs of different users; recognizes that workers have to get to work, that many people work on Sundays, that different regions of the country will need different measures. Without rationing, we will set one set of users against another, one part of the country against another, encouraging such narrowly partisan measures as severance taxes through which oil-rich states will benefit at the expense of the residents of oil-less states. Rationing is a way of making the situation genuinely national, involving each American in the fate of all Americans.

But while some form of rationing or allotment—or the same procedure by some other name—will be necessary, it will be important to consider that the American people have experienced rationing only as a temporary measure in wartime or as an abhor-

rent practice of totalitarian countries. There will be danger that rationing may simply accentuate the desire to get back to normal again, with "normal" defined as where we were when the shortage hit us. What we need to do is to define all measures taken not as temporary but as transitional to a saner, safer, more human life style. How can we make the present period into a period of tooling up for smaller cars, rapid research, and preparation for entirely new forms of transportation, of utilities, of energy generators? Such mechanisms can be found. In the past, war, revolution, and depressions have provided the dire circumstances within which society's technologies and social institutions have been transformed.

Our present situation is unlike war, revolution, or depression. It is also unlike the great natural catastrophes of the past—famine, earthquake, and plague. Wars are won or lost, revolutions succeed or fail, depressions grind to an end, famine and plagues are over after millions have died. A country rebuilds, too often in the same spot, after an earthquake. The situation we are in is profoundly different. An interdependent, planetary, manmade system of resource exploitation and energy use has brought us to a state where long range planning is crucial. What we need is not a return to our present parlous state, which endangers the future of our country, our children and our earth, but a movement forward to a new norm—so that the developed and the developing countries will be able to help each other. The developing countries have less obsolescence, fewer entrenched 19th century industrial forms to overcome; the developed countries have the scientists and the technologists to work rapidly and effectively on planetary problems.

This country has been reeling under the continuing exposures of loss of moral integrity and the revelation that ubiquitous law-breaking, in which unenforceable laws involve every citizen, has now reached into the highest places in the land. There is a strong demand for moral reinvigoration and for some commitment that is vast enough and yet personal enough to enlist the loyalty of all. In the past it has been only in a war in defense of their own country and their own ideals that any people have been able to invoke total commitment—and then it has always been on behalf of one group against another.

This is the first time in history that the American people have been asked to defend themselves and everything that we hold dear in cooperation with all the other inhabitants of this planet, who share with us the same endangered air and the same endangered oceans. This time there is no enemy. There is only a common need to reassess our present course, to change that course and to devise new methods through which the whole world can survive. This is a priceless opportunity.

To grasp it, we need a widespread understanding of the nature of the crisis confronting us—and the world—a crisis that is no passing inconvenience, no byproduct of the ambitions of the oil-producing countries, no figment of environmentalists' fears, no byproduct of any present system of government—whether free enterprise, socialist or communist or any mixture thereof. What we face is the outcome of the inventions of the last four hundred years. What we need is a transformed life style which will be as different from our present wasteful, shortsighted, reckless use of the earth's treasures as the present 20th century world is from the agrarian world of the past. This new life can flow directly from the efforts of science and the capabilities of technology, but its acceptance depends on an overriding citizen com-

mitment to a higher quality of life for the world's children and future generations on our planet.

## RISING TRADE WITH EASTERN EUROPE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. HELSTOSKI. Mr. Speaker, the web of international commerce is becoming more tightly woven each day. Countries throughout the world have become increasingly dependent upon one another for imports and exports.

As the Arab oil boycott has illustrated, the marketplace of worldwide trade can become ensnared in a bitter maze of political blackmail. However, on the other hand, through our expanded trade with Eastern Europe, for example, we have seen how trade relations can help bridge ideological gaps.

Mr. Speaker, within this context I would like to call our attention to an editorial which appeared November 30 in the Baltimore Sun. Entitled "Rising Trade with Eastern Europe," the article describes how the United States and Poland have mutually benefitted from expanded trade relations. I would like to take this opportunity to share the editorial with my colleagues, because I believe it illustrates some of the benefits that can emerge from improved trade between two countries. The article follows:

### RISING TRADE WITH EASTERN EUROPE

A shipload of coal from Poland is due to arrive in New England next month to supply fuel for a power plant complex in Fall River, Mass. This is a "first" made possible by a combination of circumstances—rising coal prices that overcome trans-Atlantic shipping costs, an acute energy shortage threatening brownouts in New England and a "fantastic improvement" (as both U.S. and Polish officials describe it) in bi-lateral economic relations.

This year total trade between the United States and Poland is projected at \$445 million to \$495 million—close to a 100 per cent increase over the \$251 million figure for 1972. The rapid upward jump has largely been a one-way affair with American manufactured goods, chemicals, fertilizers and machinery pouring into Poland on the strength of Export-Import Bank credits that for the first time were made generally available a year ago.

Confronted with a 2 to 1 negative trade balance ratio, Polish authorities have naturally been scrambling to boost their exports to the United States. In the first ten months of this year they were able to ship more than they did in all of 1972, but obviously more will have to be done if a staggering debt is to be avoided. Coal will not be the only answer, but it is an important one in Polish calculations. From its rich lodes in Upper Silesia, Poland already is mining 170 million tons a year, of which more than 30 million tons are sold mainly to France, Sweden and West Germany to obtain needed hard currencies. Within three years, the Poles hope to reach a yearly output of 200 million tons. And eventually, once the area around Lublin is exploited, production could go to 500 million tons annually.

With such a growth outlook, growth markets must be sought, and the U.S. is one of them. Whether the Fall River shipment will be but the initial portion of coal exports that may reach 9 million tons a year (a figure mentioned in Warsaw) remains to be seen. But it is a beginning, and a promising one in a world suddenly aware that oil is a diminishing fossil fuel resource. With demand what it is, American coal producers probably have no need to fear Polish competition.

The spectacular rise in U.S.-Polish trade is one of the little noticed dividends in President Nixon's effort to improve relations with Soviet-bloc nations. During the first nine months of this year, U.S. trade not only with Poland but with Bulgaria, Czechoslovakia, Hungary and Romania was uniformly in excess of full-year commerce for all of 1972. Mr. Nixon deserves good marks for making the credit available to spur this growth in trade. Not only does it make the political atmosphere more friendly but it enables East European countries to diminish their dependence on nations that have not always wished them well.

## OREGON PACIFIC ASSESSES THE TIMBER SITUATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. ASHBROOK. Mr. Speaker, there has been talk that our Nation is heading toward a serious timber shortage. In a recent newsletter, however, Oregon Pacific Industries contends that we can have all the wood we need if industry, Government and environmentalists will work together. Without endorsing or criticizing the views expressed by Oregon Pacific, I want to bring these views to the attention of my colleagues. The text of the newsletter follows:

OREGON PACIFIC INDUSTRIES NEWSLETTER, DECEMBER 1973

TREES ARE THE WORLD'S ONLY REPLACEABLE BUILDING MATERIAL

We can't grow water, iron ore, oil, manganese, sulphur, bauxite. When we run out of them, and that day will probably come, we'll either have to (1) synthesize replacements, (2) use substitute materials, or (3) do without.

But not with wood. We grow trees. The "rotation cycle"—time it takes from seedling to harvestable tree—has dropped in the west alone from the 100-plus-years of 1900 to 60 years today, and now Georgia-Pacific thinks it has a 40-year cycle at hand.

Trees have to be cut, weeded, thinned, like plants. There's a misconception that "virgin" timber is good. Wrong. Recently G-P felled a 400-year-old tree and a 6-year-old tree. Both had grown 37" in diameter, and the centuries-old "virgin" was 90% rot.

If we were allowed enough "thinning harvests"—cutting away small trees to give the big ones a chance—foresters say we could increase production 30-40%. Better over-all management could give us 50% more timber annually.

We know good management works: 60 years ago southern forests were considered extinct. Today they're completely restored. Between 1953 and 1968 southern timber inventory increased 42%, and 20% in the north.



Today, nationally, we have 34,000 certified tree farms, in 48 states, comprising 75 million acres. We're growing more than 100 million nursery trees a year for reforestation, in just our Douglas Fir region. And nature grows several hundred million more.

BUT WE HAVE GOT TO TAKE BETTER CARE OF OUR "TREE CROP"

Let us fight the tree-eaters: environmentalists stopped us from using DDT against the tussock moth in eastern Oregon and Washington. So 200 million b.f. have been killed on just the North Umatilla National Forest. And the moth keeps on chewing. Insects and disease kill 6 billion b.f. of timber a year on our National Forests. If only half could be salvaged annually, it would be enough to build 300,000 homes! We've got to stop this waste.

Let us fight fire with fire: Northwest Indians were doing it in 1830, burning slash as it accumulated; burning when they needed to burn. But even our Forest Service today is hampered by when it can burn, what, and where, under federal environmental legislation. The most tragic recent result was the firestorm of last summer, which put 10,000 men on-line, fighting blazes which scoured about 250,000 acres—hundreds of millions of board feet—of timber in 7 western states . . . because a 5-year accumulation of tinder-dry slash was neatly piled like matchwood, waiting for lightning, or a cigarette butt, or a campfire ember to ignite it. If we could burn selectively we could beat fire at its own game.

Let all of America re-forest: Industry has been doing a better job than the government of reforestation; planting many more trees than we cut. Because of a miserly Congressional attitude, neither the Forest Service, nor Bureau of Land Management, nor Bureau of Indian Affairs has been able to get enough money to plant trees rapidly enough on federal timberland. Oregon's Rep. Wendell Wyatt has tried for 8 years to pass a bill which would put a sizeable chunk of federal timber sales proceeds into reforestation . . . but failed.

Even the small private land-owner (who, in the aggregate owns 300 million acres of forest; 60% of the U.S. timberland base) is beginning to reforest better. Pres. Nixon just signed the "Forestry Incentives Program", which will let government share the costs of re-stocking trees. We need the same concentration on reforesting all lands.

We know it works. Oregon's O&C lands (2.1 million acres) get back about \$23 million a year from federal timber sales and spend most of it to build access roads and plant more trees. The same should be done for all USFS, BLM, and BIA lands.

Let us follow the "Rx for harvesting"; Silviculturists (foresters) are like doctors. Different treatments are good for different patients. Take clear-cutting. You hear a lot of talk that it's an evil practice, but different species need different techniques. Clear-cutting is a must to grow Douglas Fir . . . the tree needs churned soil, light, water. But hemlock and white spruce are shelterwoods . . . they can use a tight canopy of adjoining trees to protect themselves. Let's let our industry follow the "prescription for harvesting", depending on species.

We have 25 million good fir-growing acres in the northwest, and 15 million of them have been harvested since 1872 . . . mostly by clear-cutting. But on many of these acres we now have 100-year-old second-growth trees, not virgin timber. And we've got millions of acres of third-growth trees; plots harvested only 40 years ago and now bristling with reforested timber. Clear-cutting is a sound silvicultural tool.

#### WE ARE UTILIZING TREES ALMOST DOWN TO THE LAST SPLINTER

As late as 1900, loggers left 16"-20"-diameter trees on the ground, as "culls". They burned tons of slab, edging, trim, dust, and bark.

Today, we're using 75-85% of each harvested tree:

1. Particleboard's the growing utilizer of chips and dust;
2. Pulpmills get 75% of their needed chips from lumber and plywood;
3. Bark is being made into glues, even shoe polish; left-overs;
4. What little waste then left is being burned, together with garbage (pyrolysis), to generate electricity to use in manufacturing more lumber.

Thinner saws are "in", and Forest Service consultants say we can increase our lumber yield from today's harvest levels by 10% (which would add 2.4 billion b.f. a year, from the same supply of logs). In just the south, thinner sawing will save enough wood yearly to build 28,000 new homes . . . equal to a 45-year growth on 13,000 acres.

#### WHERE IS THE NATION'S TIMBER?

Mostly on federal land; 60% of it on the National Forests. Hence small loggers and mills must rely almost completely on the wood our U.S. Forest Service and Bureau of Land Management will sell. Only the large, integrated companies—Weyerhaeuser, G-P, Louisiana-Pacific, etc. own and manage substantial private stands.

The U.S. has 500 million acres of land available and capable of growing trees; 107 million are owned by the federal government, 6% by the states, 13% by industrial owners, and the balance by small landowners—who have not been practicing reforestation adequately and not managing their small stands adequately.

#### THE PROBLEMS IN BUYING FEDERAL TIMBER

Q. How much will they sell?

A. Not even the full "allowable cut". "Allowable cut" is the amount of timber which can be felled annually to assure a sustained harvest yield for generations to come, as governed by present logging and management regulations. (Commercial forestry feels that a harvestable tree can grow to maturity in 60 years, but the federal government stays on a "rotation cycle" of 100-to-110 years!)

Today, the total allowable cut is 13.8 billion b.f., but the actual annual amount put up for sale last fiscal year was only 10 billion. For example, in western Washington's four National Forests there are 564 million b.f. of unoffered and unsold "allowable cut".

Q. Why can't they sell more?

A. Because the federal agencies haven't got manpower to prepare enough sales; Congress hasn't funded them adequately. In the current 1973-1974 fiscal year, when the Cost of Living Council ordered a 1.1 billion-b.f. increase in timber sales, the Forest Service had to drop 113 employees and cut its access-roadbuilding program by \$19 million!

Q. Why don't they sell more "salvage"—dead, dying, rotting timber?

A. Why not, indeed. They can. Take the 1962 "Columbus Day Storm". That miniature hurricane blew down 17 billion b.f. of trees out here, but within 4 years most of the 17 billion was salvaged and converted into wood products. Congress just won't press the federal agencies. And the agencies are hide-bound, used to selling only "green" (healthy standing timber). Salvage means more work, more funding. And we're getting neither.

Look at what we could harvest on the National Forests alone, without touching a living tree: 6 billion b.f. of trees dying each year, most of them lying rotting. The 1973

tussock moth kill, in a few months of infestation, created 150/250-million b.f. of salvageable timber, on just the north half of the Umatilla National Forest. Where are plans to sell all this wasted timber?

#### ARE ENVIRONMENTALISTS HELPING OR HURTING?

Hurting—

A true "environmentalist" or "conservationist" would accept the "multiple-use" concept of managing our forests—cut some timber, open areas to fishermen and hunters, to allow some mining, etc. That system's been in existence since the late 19th century.

But no. "Preservationists" are trying to lock-up the woods.

Specifically, they're . . .

1. Trying to push most U.S.-owned forest in the "wilderness" category—open only to hikers. They want 90% of Yellowstone as wilderness; 92% of the Olympic National Park, etc.

2. Fighting any attempt to increase allowable cut or sales. In August they sued the Administration to stop us from getting even that extra 1.1 billion feet the Cost of Living Council ordered sold from National Forests.

3. Stopping the use of needed insecticides and herbicides. The tussock moth has infested 800,000 acres of trees on just 2 n.e. Oregon National Forests. But preservationists stopped us from using DDT to kill the insect. And now they want to ban 2,4,5-T, a major weapon against the brush which is choking to death the very trees they want to preserve.

4. Not protesting loudly enough against log exports, not encouraging greater salvage selling.

#### JUST HOW MUCH DO LOG EXPORTS AFFECT DOMESTIC LUMBER SUPPLY?

Plenty—

Japan's the main reason. Half as many people as the U.S., but the same housing goals; Japan wants 2 million starts a year for the next half-decade, for her 100 million citizens.

In 1972, we shipped 3 billion feet of logs to Japan . . . enough to build 300,000 1-family homes. In first-half 1973 we exported 1,460 billion b.f. to Japan, 28% more than for comparable 1972!

Japan even takes our waste—pulpwood chips; 1½ million cords (imagine just 1 cord of firewood in your garage). One Japanese vessel, the "Thames Maru", loads enough U.S. logs to build 2200 homes.

Balance of payments . . . that's supposed to be the reason we sell so many logs to Japan. But then the dollar is devalued and the yen buys even more logs.

The whole rationale for allowing en masse timber exports has to be re-analyzed. By keeping that wood at home, there'd be no current materials shortage. Ours has been the only softwood-producing country in the world without export controls on forest raw materials.

There is some good news: In its 1973 appropriations bill, Congress adopted an amendment forbidding the Forest Service and the BLM from using any federal money in preparing timber sales destined for export. So we will have finally prohibited, totally, log exports from federal lands. But . . . our industry feels log exports to Japan won't drop one whit. They'll come from state lands (Washington state has no law prohibiting exports, though Oregon does), and from private lands.

And that's what Congress should look at now—because every foot exported is another foot we can't use at home. And if private timber owners are being paid fancy prices for their stumpage by Japan, you can

bet that'll affect U.S. lumber prices just as much as Japanese bids for federal timber have.

#### BUT WOOD WILL RETAIN ITS LEADERSHIP AS THE MOST-WANTED BUILDING MATERIAL

Wood's the best buy. And price will keep it attractive. Lumber's price rose 1.7% annually in the 100 years from 1872 to 1972. It probably will rise 1.5% a year, and plywood the same, between now and the year 2000.

Wood's less polluting. It takes 10 times less energy to produce lumber than aluminum or steel, and lumber manufacture produces about that much less air and water pollution.

Wood works better. Recently, ALCOA put up an aluminum frame house in Vancouver, Washington. Carpenters didn't like sawing aluminum. Wood homes also save 30% on cooling and heating, in this era of "energy conservation".

Wood will be there—when it's needed. As it always has. Since 1945, the U.S. has built 40 million homes . . . 80% of them of wood. We built more homes since 1945 than in the previous three centuries . . . and there's still more than enough wood to meet all our nation's needs.

#### CAN WE MEET FUTURE DEMANDS?

Yes—

Housing starts have levelled-out: our national goal under Pres. Johnson was to hit and hold at an annual starts rate of 2½ million. We did it, but probably can't stay at that plateau through the 70s—which was the goal of the 1968 National Housing Act. High interest and labor costs have depressed the 2½ million to 2 million, and it could level off between 1½-2 million between now and 1978 if deflationary economic policy keeps home-building "dampened".

Our population level is growing more static; the U.S. reached an all-time birthrate high in 1960 . . . 4,257,850 Americans born that year. Then the decline began . . . 3.760 in 1965, 3.5 in 1968, 3.5 in 1971, 3.25 in 1972, to probably 3.086 million for 1973.

Family formations are dropping: the marriage rate was down to 10.7% (per 1000 population) in 1970 from 1940's 12.1%. The divorce rate was up: 2% in 1940 to 3.5% in 1970.

Business-industrial construction is slow: good or bad, the rate of capital investment in plant and equipment hasn't kept pace with the growth of our Gross National Product which has held a running average of 4% annually since 1968. Mainly, ecological restraints on expansion have kept builders gun-shy, and there's no sign that environmentalist pressures will ease. Even the GNP has been sluggish; below the annual 7% growth rate John Kennedy envisioned as viable. Low profit incentives are behind that static trend, and a series of "freezes" plus the oft-voiced opinions from Washington that price controls are "here to stay" haven't spurred business too much.

But we can meet demand even if things get "bullish" overnight: the U.S. forest products industry could harvest 17 billion b.f. a year by 1975 if the federal machinery to sell more timber could be made operative. Today we're supposed to be able to cut 13½ billion b.f., but Congress only funded sales of 10.8 billion. Finally, the administration asked for an extra 1.1 billion when supply hit bottom last spring. But that's still only 11.9 billion if we get it all . . . vs. 13½ we're supposed to get.

The myth that our mills are "at capacity": There was talk in early 1973 that western mills couldn't meet demand, even working at full capacity. That's wrong. The Natl. Assn. of Homebuilders surveyed our mills in

March and found they could increase production 148 million b.f. a month . . . if they had the logs. NAHB talked to 102 sawmills and 30 plywood plants, who said they could boost lumber output annually by 40% (1.7 billion b.f.), and produce 15% more plywood, by adding shifts and working longer days.

#### AND IF WE'RE GIVEN ENOUGH TIMBER, HELP US GET IT TO MARKET

Transportation availability and cost are as vital as raw timber supply to nation-wide consumers of western lumber and plywood.

Stop government discrimination: there's been a continuous trend to charge western shippers too much. West-east freight rates have got to stay at par with east-west rates. Wood has to receive the same preferential treatment grain's been getting, for example. Yet the ICC wanted to let railroads charge us 5% more across-the-board in late 1973, while eastern shippers would pay only 3% more.

Give us the equipment: during spring, 1973 our mills got only 1/5th of the cars they needed at certain times; in January, 1973, our industry was short 8000 cars a day. During first-half 1973, grain shippers got 40% more cars than during comparable 1972, while our industry got 2.2% fewer cars.

#### WE CANNOT DO IT WITHOUT YOUR HELP

That's why we suggest that you save this Special Newsletter. Perhaps send photocopies to industry or environmentalist friends. Use data from it in letters to your state and federal legislators. Perhaps it would make a good basis for a civic club speech.

But how ever you use it, let's work together to—

Urge Congress to properly fund the Forest Service, so it can increase allowable cut, increase timber sales, and increase reforestation. The Forest Service almost pays its way as things are. In fiscal 1972 it took in \$350 million from timber sales and had a budget of \$527 million. The investment of a relatively few tax dollars would pay off handsomely.

Urge Congress to either dramatically reduce or eliminate log exports from all lands—public and private.

Urge Congress to allow the use of proper and needed weapons to destroy the insects and diseases which are, in turn, destroying our forests.

Urge Congress to re-forest federal lands as intensively as private forest owners.

Urge environmentalists to "live and let live," to abide by the multiple-use concept which our industry accepts. We have 11 million acres of wilderness today, but environmentalists want another 5.8 million. If they had their way, in Oregon and Washington alone, we would lose 720 million b.f. of harvestable timber . . . 16% of current Oregon-Washington annual allowable cut.

Together, we can be sure there will never be a timber "famine."

JOHN CAPPELLETTI

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. JOHNSON of Pennsylvania. Mr. Speaker, last week, two outstanding newspapers in my district carried the

story of Penn State's John Cappelletti winning the coveted Heisman Trophy for 1973. It is the first time that a Penn State football player has won the Heisman. I am especially proud of his accomplishment and the great coach, Joe Paterno, whom I know personally. For the record, and for the benefit of my colleagues in the House who are interested in great athletes, I would insert the following articles:

#### WINS HEISMAN—FROM BIG 33 OBSCURITY TO NO. 1 FOOTBALL STAR

(By Ron Bracken)

The shirtsleeve crowd which filed into Hershey Stadium that sultry August evening was buzzing with anticipation.

Within a few minutes several of the most storied scholastic football players in Pennsylvania's history would be squaring off in the 1970 Big 33 game. The prospect of seeing so much talent, some of it already legendary, congregated in the same 100-yard area, was mind boggling.

Everyone was anxious to see the tall kid from Haverford who had thrown 62 touchdown passes during his high school career. Steve Joachim didn't start the game that night, perhaps an omen of what was to come when he matriculated at Penn State.

And more than a few fans were eager to get a look at the diminutive speedburner from Carlisle. Jimmy Scott hauled in a bomb from Joachim early in the second half of the game for the final points scored by the victorious East squad. He would continue to burn defenders during his stay with the Nittany Lions.

Mount Carmel's contribution that night was a whippet-like halfback who had broken the state scoring record. Gary Diminick has had limited success during his career at Notre Dame.

And amid all the glitter and the press clippings, a tough kid from Monsignor Bonner High in Upper Darby earned a starting berth as an outside linebacker. He intercepted one pass that steamy summer night and left Hershey much the same way he arrived—unheralded.

Maybe it was because of his yellow helmet with the green and white stripes that he attracted a longtime Green Bay Packer fan. Or perhaps it was the smooth, agile manner in which he came up on the sweeps and went back on the passes which drew at least one pair of eyes toward him frequently during the course of the game. Clearly Penn State had landed an outstanding athlete in this player as far as one press box observer was concerned.

A month later he joined several Big 33 teammates—Tom Donchez, Randy Crowder, Mike Orsini, Ed O'Neill, and Tom Williams—for fall practice with the Nittany Lions.

One of several running backs on the frosh team that year, he experienced some success but not enough to threaten Lydell Mitchell's hold on the starting tailback spot when the Lions opened fall drills the following year.

Remembering how well the youngster had played as a linebacker in the Big 33 classic, Lion Coach Joe Paterno made another of his patented position switches. Came the Air Force game on a rainy October afternoon and the player was a defensive back. At 6-2, 205, he teamed up with the 6-3, 224-pound O'Neill and Gregg Ducatte, a 6-1, 204-pound safety, to give the Lions one of the biggest secondaries in the country. He also ran back punts for State that fall—when he held onto them. He made some typical sophomore mistakes in deciding whether to fair catch the ball or



run with it. And some of those miscues caused many a caustic comment.

Then it was another sultry night—this one in September of 1972—and now no longer a kid, the Bonner grad would get his first taste of running out of the tailback spot. The Tennessee Volunteers harshly introduced him to the occupational hazards he would face in games to come.

But as the 1972 season progressed, the maturing tailback progressed with it. Against West Virginia he carried the ball a record 34 times, giving the Lions the ball control game they needed to shut down an explosive Mountaineer team. By the time that season ended he would have turned in the second best single season rushing record in Penn State's history, 1,117 yards. Only Mitchell, the man he succeeded, had surpassed that figure.

The 1973 preseason dawned and, suddenly, the sophomore defensive back was now a senior regarded as one of the best running backs in college football.

And the postgame questions had changed. Now it was "How many icebags did you need after this one?" and "How much do you weigh?" instead of "What happened on that punt?" He finished the year with 1,522 yards and second behind Mitchell in the career rushing statistics. And he was at his best in the clutch.

As the season drew near its conclusion Paterno would say that this young man was the best football player he's ever been around.

Today John Cappelletti won the Heisman Trophy.

#### HEISMAN WON BY "CAPPY"

Penn State's John Cappelletti, one of the favorites in the race for the coveted Heisman Trophy, was named recipient of the 1973 award at ceremonies in New York early this afternoon.

He's the first Penn State football player to win the trophy and the first Eastern collegian to win it since Roger Staubach of Navy in 1963.

Cappelletti and Joe Paterno, his coach, will be honored in New York before a galaxy of football stars, both past and present, later this month.

Cappelletti, a 6-foot-1, 215-pound senior from Upper Darby, Pa., received 1,057 points, including 229 first-place votes, from the nationwide panel of 819 sports writers and broadcasters who participated in the balloting, conducted by the Downtown Athletic Club of New York.

Offensive tackle John Hicks of Ohio State was second with 524 points, including 114 first-place votes. Third was running back Roosevelt Leaks of Texas, with 482 points, followed by quarterback David Jaynes of Kansas, with 394, and running back Archie Griffin of Ohio State, with 326.

Joe Paterno of Penn State, who has coached such stars as Franco Harris, Lenny Moore, Lydell Mitchell, Jack Ham, Mike Reid, Ted Kwalick and John Hufnagel, calls Cappelletti "the greatest player I've ever been around."

Cappelletti, who played defensive back as a sophomore, carried 286 times for 1,522 yards this season and scored 17 touchdowns, leading sixth-ranked Penn State to an 11-0 record and a berth in the Orange Bowl against Louisiana State.

Cappy, who is in New York for the Bob Hope Show (The Associated Press announced its 1973 All-America team last night and the players are taping a show with the famous comedian), was named Player of the Year by Football News yesterday. Last week he was named Player of the Year by the ECAC (Division I) and Walter Camp. Cappy also gained Kodak, Walter Camp and Football

News All-America selections over the last few days.

#### CAPPY—IF YOU STICK WITH SOMETHING . . . (By Glenn Sheeley)

NEW YORK.—Ironically, the same day John Cappelletti was named 1973's Heisman Trophy winner, he revealed he once considered leaving the football field for good.

Cappelletti, the first Penn State player to win the Heisman, said by telephone Tuesday night he pondered quitting the team after the Iowa game last year.

"I did at the time, but I didn't let anyone know about it," said Cappy after an overwhelming victory in the Heisman Trophy race Tuesday. "I guess there's no harm talking about it now, but I considered telling coach Paterno I was quitting."

Cappelletti, who rushed for a career total of 2,639 yards, second only to Lydell Mitchell, was still learning the tailback position in early 1972 after the switch from defensive back following his sophomore season. He fumbled at times, and admittedly felt awkward at the position. Cappy had 96 yards in Penn State's 14-10 win over Iowa that day, but the 6-1, 215-pounder was nonetheless discouraged.

"I was really confused, and I felt I just didn't have it anymore," he said. "I felt maybe tailback wasn't my position. It was the low point of my college career. I just thought I should be playing better."

But it was a more confident John Cappelletti that spoke in the locker room after he and his mates downed Illinois 35-17 the following week. The entire Lion offense seemed rejuvenated as Cappy ground out 124 yards. He would top the 100-yard mark 13 more times during his splendid career.

"It was all downhill after that game," he said. "I learned there that if you stick with something longer than you think you can, things will work out for you."

Things worked out so well for John Cappelletti that en route to winning the Heisman Trophy he swept the East, South and Far West to nearly double those votes garnered by Ohio State lineman John Hicks, the runner-up in the balloting (by 819 sports writers and broadcasters) conducted by the Downtown Athletic Club of New York and announced Tuesday. Cappy's vote was 1,057.

"I'm pretty excited about it," Cappelletti said. "I was surprised at the margin I won by. I've been with the guys on the AP All-America team all week, and they're all really good athletes. Anyone of them could have won it."

"Last night when I saw John Hicks," he said. "I thought someone that size might be big enough to scare some people into voting for him."

Most guesses were that Cappy had the edge in the voting but that no one would win the award easily. Cappelletti, despite the numerous stories predicting victory, tried to keep his head.

"I got to the point where everybody was talking about it so much that I didn't think about it," Cappy said.

While taping the Bob Hope television special with other members of the AP All-America team Tuesday morning, Cappy admitted his nerves were getting to him a bit.

"I was a little nervous this morning as it got closer to 12 o'clock," he said. "But because we were taping I didn't have a whole lot of time to think about it."

"We were all sitting around there waiting and a guy called me out," Cappy recalled. "Everybody knew what it was. Then all the guys began congratulating me. I was a little nervous, though. There must have been 1,000 cameras in there."

It is no secret that college football's most

prestigious award makes a high professional draft almost inevitable for Cappelletti. But, a team man all throughout his years at Penn State, he hopes others reap rewards from his Heisman day.

"It's good for many people besides myself," Cappy said. "There are a lot of people who have done a lot for me—the team and all my family and friends at home and at school."

At school, Cappy's Phi Gamma Delta fraternity brothers wheeled a car draped with Heisman banners past students registering for winter term. And Cappy knows there is a happy family in his hometown of Upper Darby.

"I just called my mother a while ago," he said. "Everybody has been telephoning her all day. She's really overwhelmed by it. She said my brothers are going crazy making signs and buttons for the Orange Bowl. Right now, I think they realize more than I do what the Heisman Trophy means."

Finishing behind Hicks, who grabbed 524 votes to finish higher than any offensive lineman ever, was Texas fullback Roosevelt Leaks (482), Kansas quarterback David Jaynes (394) and sophomore running back Archie Griffin of Ohio State (326). Cappy got 229 first-place votes, way ahead of Hicks (114), Leaks (74), Jaynes (65), Ohio State linebacker Randy Gradishar (47) and Griffin (45). Pitt freshman Tony Dorsett apparently was hurt by his first-year status and lost most of the eastern votes to Cappelletti. The Panther tailback wound up a distant 11th with 15 first-place votes and 115 points.

Cappelletti had several fellow Penn Staters with him in New York. Co-captain Mark Markovich was attending the National Football Foundation banquet to accept a scholarship award. Former PSU coach Rip Engle and ex-All-American "Lighthorse" Harry Wilson were at the same affair Tuesday night for induction into the foundation's Hall of Fame. Cappy's coach, Joe Paterno, who helped the Heisman campaign by calling Cappy "the best player I've ever been around," was there to reiterate his feelings.

"He's a great athlete who worked hard all season," Paterno said. "He has great poise, an innate confidence and the ability to get people to do things with him. The Heisman Trophy is a just reward for a very worthy young man."

Penn State President John W. Oswald also was present, and expressed his feelings about Cappelletti and the other PSU athletic greats being honored.

"We are extremely proud of John Cappelletti and the great honor he has won as a fine representative of the Pennsylvania State University," Oswald said. "Being in New York to honor three Penn Staters at the National Football Foundation Hall of Fame banquet makes this a great day in the history of our athletic department and its outstanding football program. Cappelletti's performance and its recognition here today makes this a truly auspicious occasion."

Cappelletti will appear on the NBC-TV "Today" show this morning from 8 to 8:30. He will accept the Heisman Trophy at the Downtown Athletic Club's formal presentation dinner in New York Dec. 13.

#### HE'S NEVER PLAYED FOOTBALL JUST FOR THE GLORY

(By Glenn Sheeley)

The night before John Cappelletti won the Heisman Trophy Cappy's father, an Upper Darby carpenter who never played sports in his life, was a thankful parent.

"We're just glad that every week John got up after every play," said the soft-spoken father of a daughter and three sons, one of

which is college football's outstanding player of 1973.

The elder John Cappelletti, who watched his famous son at every Penn State game this year except Stanford and Air Force, recalled a few of the somber times while awaiting the good news Monday night. All of which made him say, "I'd be the happiest person in the world if he won the award."

As a sophomore Cappy found himself as a defensive back with Lydell Mitchell in the starting tailback spot. Mitchell graduated with All-American honors, also, then Cappelletti had his glory years becoming the first Penn State running back to rush for 1,000 yards in two straight seasons. And the first Nittany Lion Heisman Trophy winner ever.

Cappy, who surely inherited that quiet manner from his father, didn't bring his troubles home then or later when he was being tagged as a "fumbler" in his infant days as Joe Paterno's tailback.

"We were just talking about that the other day when John was home for term break, said his father. 'We were saying it wasn't too long ago that they were booing you up there at Penn State.

"He's quiet, all right," his father said. "He never complained about anything. And that means more to us than that he's a good football player. He handles himself so well and he's no 'hot dog' like the kids say. He's never played football just for the glory. He gets along with everybody."

No grumbling came from his son even when a 24-hour virus kept Cappy out of Penn State's Sugar Bowl game with Oklahoma last year which his mates lost 14-0 as their ground game floundered. Mr. Cappelletti attests to John's courage during that ordeal since he and his wife, Anne, were in New Orleans, too.

"We saw all the other players leave the hotel for the game," said the father of Cappy, who listened to the game on radio while bed-ridden with a 102-degree fever. "We knew how bad he felt. We were sorry he couldn't play because it seemed to affect the team's play."

One of Cappy's more well-known off-the-field endeavors is the neighborhood stand he has manned the past two summers for selling snow cones and pretzels to youngsters. Cappy has been called the "Upper Darby Ice Man" because of the unique summer job. And when possibilities of his winning college football's most coveted award were in the wind, someone suggested "The Italian Ice Man for Heisman" as an appropriate campaign phrase.

"This past summer was the second year he had the stand," Mr. Cappelletti said of his son, a law enforcement major. "Two years ago, he said, 'I'm not working for anybody next year. I want to have my own business.'"

Athletics have played a big role in the Cappelletti family. Marty, 23, played high school football; Mike, John's near look-alike, was a linebacker on the Lions' freshman team this past season; sister Jean, 16, is active in basketball and volleyball; and 11-year-old Joey plays Little League baseball. Joey, was named the Upper Darby Little League's Most Courageous Player last year.

It is a close family with a father that said the night before how thrilled all the Cappellettis would be if John won the Heisman. However, he couldn't help but say he'd be surprised, too.

"I'd be surprised because he goes to Penn State," Mr. Cappelletti said. "Penn State doesn't always get the credit it deserves."

Tuesday, though, he expressed the joy of the moment for the entire family.

"We're very, very proud of John," he said. "He puts a lot of effort into it."

## WOMEN, UNIONS, AND THE WOMEN'S MOVEMENT

### HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Ms. ABZUG. Mr. Speaker, today's New York Times op-ed page includes an article by Margie Albert about the growing identification of working women with the feminist movement in America.

Ms. Albert has been a secretary for the last 25 years and is now a steward for the Distributive Workers of America. I have known Ms. Albert through her fine work in the women's movement, her commitment to the goal of developing every human being to their fullest potential and the improvement, through unions, of the lives of working women and men.

I commend the following article to the attention of my colleagues:

SOMETHING NEWS IN THE WOMEN'S MOVEMENT

(By Margie Albert)

The women's liberation movement appears to be on the threshold of a second phase—when feminist consciousness reaches beyond white, middle-class women. Some examples of what's happening: union women are holding meetings across the country, black feminists have formed a national organization, Puerto Rican women and Chicanos are getting together—all assessing where we're at as women, where we want to go, and how to get there. These are strong indications that we are moving past the "affluent suburban housewife" image with which the women's movement has, rightly or wrongly, been labeled.

A clear sign of the new awareness felt by the so-called typical woman is the way office workers are asserting themselves. For there's nothing quite so typical as a woman who is a secretary, typist, clerk or key-punch operator. Clerical work is the single largest occupation of women with some eleven million of us doing it.

The beginning of the new spirit in the offices came a few years ago when employers imposed dress codes that decreed we couldn't wear pants to work. Women rebelled. They petitioned, sent delegations to management, or simply agreed that on a particular day they'd all wear pants. We relearned the old truism: "In unity there is strength." Office women should unite instead of competing with each other. It has resulted in women's caucuses in many large corporations, countless class action legal complaints of sex discrimination, and a rising interest in unions.

Employers who thought their "girls" were immune to the subversive ideas of "feminism" find those women suddenly making demands—to be treated with respect, to earn more money, to define their duties, to advance, and to get fringe benefits other workers enjoy.

Women office workers, on the average, earn only 64 per cent of what male office workers earn. We know men move up the office hierarchical ladder at a rapid pace compared to us. We know something has to be done to protect against dismissal as we show our uprightness. We sorely lack a grievance machinery to deal with sexism, racism, favoritism and all the other unfair practices that plague us at work.

We are finally asking, "Why"? Some believe the answer lies in the fact that women traditionally have been a source of both reserve

and cheap labor. To break out of this tradition, it will take more than token members of us climbing the corporate ladder to the top. There simply aren't enough of those jobs to go around. For everyone who makes it, there will be countless "who won't" unless we start doing what other workers have done—joining or forming unions and bargaining collectively for what we want and must have.

The labor movement has for years predicted that the next large group of workers to organize will be office workers. But the potential has barely been tapped, because of employee and employer resistance and because the unions haven't carried on a concerted, effective effort to communicate with office workers. Now, in various spots around the country, we see the beginning of a potentially powerful alliance between the labor movement and the women's movement. Those unions with the vision to understand what's happening among women have started to address themselves to women's issues, to upgrade women in staff positions, and to win union elections among office workers.

## INSTABILITY—A ONE-WORD PICTURE OF PANAMA

### HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 1973

Mr. SNYDER. Mr. Speaker, discussions continue regarding a new treaty between the United States and the Republic of Panama involving the Canal Zone and the Panama Canal. My consistent position has been that we must not give up our sovereignty over the zone and the Canal's operation because of their vital strategic importance to our country's economy and defense. We cannot afford to have the canal pass into potentially unfriendly hands.

The old saying that one picture is worth a thousand words is still true. Well, here is a word picture—just names and dates—that totally supports my position. The picture is titled, "Instability." As you look at this picture, keep in mind that the constitutional term of office of the president of Panama has always been 4 years. You can practically ignore the names; just see the turnover.

PRESIDENTS OF PANAMA, 1904 TO DATE

1904-07	Manuel Amador Guerrero
1907-07	José Domingo de Obaldía
1907-08	Manuel Amador Guerrero
1908-10	José Domingo de Obaldía
1910-10	Carlos Antonio Mendoza
1910-10	Federico Boyd
1910-12	Pablo Arosemena
1912-12	Rodolfo Chiari (interino)
1912-12	Pablo Arosemena
1912-16	Belisario Porras
1916-18	Ramón Maximiliano Valdés
1918-18	Ciro Luis Urriola
1918-18	Pedro Antonio Díaz
1918-20	Belisario Porras
1920-20	Ernesto Tisdell Lefevre
1920-23	Belisario Porras
1923-23	Rodolfo Chiari
1923-24	Belisario Porras
1924-28	Rodolfo Chiari
1928-28	Tomás Gabriel Duque (transitorio)
1928-28	Rodolfo Chiari



1928-31	Florencio Harmodio Arosemena
1931-31	Harmodio Arias Madrid
1931-32	Ricardo Joaquín Alfaro
1932-33	Harmodio Arias Madrid
1933-33	Domingo Díaz Arosemena
1933-36	Harmodio Arias Madrid
1936-39	Juan Demóstenes Arosemena
1939-39	Ezequiel Fernández Jaén
1939-40	Augusto Samuel Boyd
1940-41	Arnulfo Aria Madrid
1941-41	José Pezet
1941-41	Ernesto Jaén Guardia
1941-45	Ricardo Adolfo de la Guardia
1945-48	Enrique Adolfo Jiménez
1948-49	Domingo Díaz Arosemena

1949-49	Daniel Chanis Jr.
1949-49	Roberto Francisco Chiari
1949-49	Daniel Chanis Jr.
1949-51	Arnulfo Arias Madrid
1951-52	Alcibiades Arosemena
1952-53	José Antonio Remón Cantera
1953-53	José Ramón Guizado
1954-54	Ricardo Manuel Arias Espinosa
1954-55	José Antonio Remón Cantera
1955-55	Ricardo Manuel Arias Espinosa
1956-60	Ernesto de la Guardia Jr.
1960-61	Roberto Francisco Chiari
1961-61	Sergio Gonzalez Ruiz
1961-61	Roberto Francisco Chiari
1961-62	Sergio Gonzalez Ruiz

1962-63	José Dominador Bazán
1962-63	Roberto Francisco Chiari
1963-63	Bernardino González Ruiz
1963-64	Roberto Francisco Chiari
1964-68	Marcos Aurelio Robles
1968-68	Arnulfo Arias Madrid
1968-69	Col. José María Pinilla
1966-	Domestrio Basilio Lakas Bahamas

You really have been looking at a moving picture. Only four presidents of Panama have completed a full term in office. In 70 years come February, there have been 59 changes of government. I stand on my position.