

EXTENSIONS OF REMARKS

EVENTS OF THE YEAR

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. CONTE. Mr. Speaker, each year at this time, I make a point of reporting to my constituents on the events of the year drawing to a close. I highlight the major legislative action of the year and comment on topics of current interest to the residents of the First Congressional District.

At this time, I submit a copy of this newsletter for the RECORD:

WASHINGTON NEWSLINE BY CONGRESSMAN
SILVIO O. CONTE

DECEMBER 1973.

DEAR FRIEND: The holiday season has always been a time of joy and spiritual regeneration. It is a time when we pause to reflect on the events of the past year and chart our course for the new year which lies ahead.

The beginning of 1973 held great promise for Americans. It was ushered in by circumstances which promised to make the world a safer place in which to live. The door to China was opened, relations with the Soviet Union were improving, and the end of our involvement in Vietnam was at hand.

But now, nearing the end of the year, we find ourselves facing threats to the American political and economic systems that are almost unprecedented in scope. Watergate, an extravaganza of official malfeasance, is still an unresolved disgrace. The explosive situation in the Middle East remains unsettled. And the fuel shortage, which I long predicted, is now upon us. We are in for a winter which will try all of our resolve and ingenuity.

In government, education, industry and all of our activities and enterprises, our energies and spirits have been drained. The occasion of Christmas will be, for me, a chance to seek a spiritual renewal in the observance of this sacred time with my family and friends. Americans are a people of diverse faiths, but all faiths center on the profound experience of life's source and the universal love that springs from it.

The Christmas season is a time when our greatest resource, our children, delight us. With their imaginations they transform the harsh winter landscape into the wonderland of delight that we all remember from our childhoods. Watching them believe and love all of the images surrounding these holidays should cause us to lay our cares aside even in our own discouragement and rejoice at the power of the heritage we are passing on.

I hope that these holidays will serve to renew you personally and that you will not hesitate in the coming year to contact me whenever you wish to be heard. With these thoughts, and all of my warmest wishes, I am,

Cordially,

SILVIO O. CONTE,
Member of Congress.

MAJOR LEGISLATIVE ACTION TO DATE

Agriculture and Consumer Protection Act—reforms farm program by providing for the end of subsidies for not growing crops; price support subsidies are limited to \$20,000; order maximum production. Enacted.

District of Columbia Charter Act—provides limited home rule for the District of Columbia, including the right to an elected Mayor and City Council. Passed by both Houses.

War Powers—limits the power of the President to commit troops to combat abroad without Congressional approval. Enacted over Presidential veto.

Federal Aid Highway Act—opens up the Highway Trust Fund for use in urban mass transit systems. Enacted.

Emergency Medical Services Systems Act—expands and greatly increases federal support for emergency medical services. Original legislation vetoed, revised bill enacted.

Northeast Regional Rail Services Act—creates a Federal National Railway Association to consolidate and maintain the services of six major bankrupt northeast railroads. Passed by the House.

Anti-Impoundment Bill—requires congressional approval for the impoundment of appropriated funds. Passed by both Houses.

Social security benefits increase—provides 7 percent increase in March, additional 4 percent increase in June 1974. Passed by the House.

Economic Stabilization Act Amendments—extends the power of the President to control wages and prices. Enacted.

Drug Abuse Education Act—includes under its provisions alcohol abuse. Passed by the House.

Emergency Petroleum Allocation Act—directs the President to take energy conservation measures, including mandatory fuel allocations, to insure fair distribution of limited supplies. Enacted.

Year-round daylight savings time—authorizes year-round daylight savings time as an energy conservation measure. Passed by the House.

AN ABUNDANCE OF SHORTAGES

If the word "abundance" has symbolized the mid-1900's, the word "shortage" may characterize the last quarter of the century.

Like the man in the cartoon, news of the present and promised shortages has our heads spinning. We can all begin to cut down and conserve materials wherever possible. We must do more with less.

Congress has backed the recycling movement by extending the Resource Recovery Act and providing for continued federal funding for Solid Waste Management programs.

In addition, we must find ways to maximize use of more plentiful raw materials for production, and develop alternative sources of energy.

I have introduced legislation designed to stimulate the generation of electricity from geothermal sources, and develop the technology necessary to harness solar energy for the heating and cooling of buildings.

I have also sponsored the National Energy Policy Act of 1973. This bill is aimed at energy self-sufficiency within ten years, through a national program researching and developing alternate energy sources, including their discovery, production, and distribution. I am presently rounding up co-sponsors for this legislation.

I would like to emphasize that their development will not take place overnight, simply because it has been called for. Until these proposals are implemented, our only relief lies in mutual sacrifice, and cooperative action.

America has grown to where it can no longer conceive of the land as the cornucopia it was for our forefathers. We have matured, and our consumption must become judicious.

DR. RICHARD L. HOPPING

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, December 14, 1973

Mr. TUNNEY. Mr. President, a fine California school, Southern California College of Optometry, on December 7 inaugurated its sixth president, Dr. Richard L. Hopping. The SCCO campus itself was dedicated this past June. It continues its history of excellence since its founding in 1904 as Los Angeles College of Optometry.

This new \$3½ million campus demonstrates SCCO's commitment to the future. The school will continue its tradition of serving the community with its specialized clinics. In addition, SCCO will serve as an educational center for the bulk of southern California's optometrists, the majority residing in easy proximity to the campus.

Dr. Hopping has demonstrated his commitment to his profession and to his community. He has served as president of the Ohio Optometric Association and the American Optometric Association. He directed the public health department of AOA, the education department of both AOA and OOA, and chaired the AOA urban optometry study.

For these efforts the new SCCO president was honored as Ohio's optometrist of the year in 1962.

Responding to community needs, since 1957 Dr. Hopping has participated in the subnormal vision clinic run by Goodwill Industries of Dayton, Ohio. He served on the medical advisory committee of the Ohio State Department of Public Welfare. He has been a board member of the United Health Foundation of Dayton, Dayton Museum of Natural History, Montgomery County United Cerebral Palsy, Sinclair Community College Foundation. Dr. Hopping has participated on city committees and commissions. He has aided the United Appeal, the Boy Scouts, his church.

In 1960 he was named one of the 10 outstanding young men of Ohio.

This happy combination of leadership and service, coupled with the SCCO dedication to academic excellence and community service, augurs well for the continued growth and responsibilities of Southern California College of Optometry. As a Californian I am immensely proud of the contributions which the school has already made to the health care in my State. And I applaud all its efforts in aiding the overall health of the Nation. As we become more and more aware of the needs for comprehensive health care for all Americans, the vital importance of vision care becomes clear to us all.

DONALD BENN—GENTLEMAN AND
SCHOLAR—RETIRES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. EILBERG. Mr. Speaker—

How does the poet speak
To men, with power, but by
Being still more a man than they?

—THOMAS CARLYLE.

With deep regret I bid farewell to Donald Benn, associate counsel of the Subcommittee on Immigration, Citizenship, and International Law. As the subcommittee chairman, I have had the opportunity to work and travel with Don and his charming, lovely wife, Jo. Don epitomizes the meaning of a gentleman and scholar. His expertise will indeed be missed and unfortunately the immigration field is losing a man with long and solid experience. It is because of his background in the immigration area that Don has consistently offered creative, constructive, and equitable solutions to the numerous immigration and other matters dealt with by my subcommittee.

Donald Benn joined the staff of the Judiciary Committee of the House of Representatives in 1963 as an associate counsel. He brought to the staff a variety of professional experiences. He was a professor of political science and dean at St. Petersburg Junior College; lieutenant in the U.S. Navy; a contract officer and trial attorney for the Veterans' Administration; the director of Philippine Sequestration Claims, the director of Balkan Claims, assistant general counsel for Plans and Procedures and the assistant general counsel for Polish Claims. Don received his B.A. from Maryland College, Tenn.; an M.A. in economics from the University of Iowa; an LL.B. from Woodrow Wilson College of Law, Georgia, and he is a member of the Virginia, Georgia, Federal, and American Bar Associations. His civic activities include the American Society of International Law, the Rotary Club, and the Presbyterian Church.

The great law of culture is: Let each become all that he was created capable of being.—THOMAS CARLYLE.

Don Benn has obviously given his utmost to being the best possible attorney, public servant, and human being. With a sparkling sense of humor and a reassuring smile, he has discharged his duties within the framework of his philosophy and values and always with deep personal and political integrity. Regardless of political party affiliation, both Members and staff have through the years grown to respect and admire him.

In one decade of service, Don has played an instrumental role in helping to formulate many significant immigration laws. His staff work on the landmark 1965 amendment to the Immigration and Nationality Act greatly enhanced the successful outcome of that legislation. His keen insight into perfecting statutory language greatly assisted in producing clear and concise legislation. He has consistently approached all

immigration issues in a bipartisan manner and his willingness to assist Members of both parties concerning legislative issues has been remarkable.

Don Benn was also instrumental in assisting Members in their consideration of the 1970 amendment to the immigration law which established a new category of nonimmigrants for intracompany transferees and which liberalized the waiver of the 2-year foreign residence for exchange visitors. This legislation resulted in the enactment of Public Law 91-225.

Most recently his service was extremely valuable in the passage of H.R. 981, which applies the same preference system to the Western Hemisphere as exists for the Eastern Hemisphere, and H.R. 982, which deals with the illegal alien problem.

On behalf of the Members, staff, and friends, I wish you health and happiness in the years ahead.

SHIMER COLLEGE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. RAILSBACK. Mr. Speaker, recently I stated on the House floor that I was concerned about the increasing number of colleges facing financial difficulties. In particular, I pointed out the plight of Shimer College in my congressional district in Illinois which was to close its doors at the end of this month.

The December 13 Chicago Tribune carried a story which explained, "Shimer clings to life." The students and faculty have collected sufficient funds to keep the college open.

I can think of no more spectacular example of citizen concern and involvement that the efforts to keep Shimer College alive. As the article states, we need more Shimers, not fewer.

For the review of my colleagues, I insert the attached article in the CONGRESSIONAL RECORD immediately following my remarks:

[From the Chicago Tribune, Dec. 13, 1973]

SHIMER CLINGS TO LIFE

Shimer College, which has graced the little town of Mount Carroll, 125 miles west of Chicago, for 120 years, will not die at the end of this month after all. Enough money has been raised to keep its doors open at least thru the spring.

The unique and heart-warming thing about this reprieve is that it was not won by the usual high-powered fund-raising committee making stereotyped appeals to canned lists of potential donors. Indeed the management of the school, having struggled to keep it going during the last few years, had decided to give up. Six weeks ago they announced its forthcoming demise.

It was the faculty and students of the college who banded together, appealing largely to their families and to the townspeople of Mount Carroll, and raised the \$75,000 which will enable a new chairman and a new president to keep Shimer open.

Given Shimer's background, this dedication on the part of most of Shimer's 35 faculty members and 220 students isn't sur-

prising. Thanks partly to its small size, Shimer has been a pioneer in educational techniques. It has strived for small classes and an intimate relationship between faculty and students. It has experimented with flexibility of curriculum and early admission of qualified high school students, and it has rejected the "publish-or-perish" theory.

Shimer's innovations have not always proved successful, and they obviously haven't made it rich. But its willingness to experiment and to be different reflects one of the great advantages of our private college system. It has given Shimer a creditable academic standing and has forged a closeness between faculty and students which is all too rare on campuses today. These are achievements to be proud of, and it would be a shame for them to be recognized only on a tombstone. The country needs more Shimers, not fewer.

MIA IN VIETNAM

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. FREY. Mr. Speaker, the Vietnam war may be over in the minds of most Americans but it remains a daily nightmare of uncertainty, fear and anguish for friends and family members of those still classified as missing in action—MIA.

In researching the MIA problem I came to the conclusion that the U.S. Government is seemingly powerless in its efforts to erase the apprehension surrounding the fate of these 1,200 Americans.

Of even greater concern to me is the nagging doubt that our Government has the desire to continue the search.

When 53 MIA relatives went to Laos 2 months ago they talked with Viet Cong representatives and learned nothing.

The Viet Cong representative asked these relatives:

Why are you so upset? Even your own country is saying these men are dead. There is no issue. Your own country is closing it out.

I fear, Mr. Speaker, that the return of our living prisoners of war has diminished the significance of MIA accountability in the public consciousness and apparently in terms of national interest.

The issue has apparently become just an unwelcome reminder of a tragic war in Southeast Asia.

It is for those reasons, Mr. Speaker, that I today call upon Congress to declare it to be the sense of Congress that our Ambassador to the United Nations persuade the General Assembly to bring pressure on the Democratic Republic of Vietnam to provide information about those missing in action.

Basically, Mr. Speaker, this resolution would call upon the Democratic Republic of Vietnam to honor the humanitarian obligations of the January 27, 1973, Paris Peace Agreement.

There is clear evidence that the North Vietnamese have no intention of complying with the repatriation agreement signed on January 27 because there are more than 1,200 Americans still missing

in action almost 11 months after the signing of that agreement.

Again and again I hear the only leverage we have left is world opinion. This is but one way that we should attempt to spark world opinion.

The International Red Cross at its 22d annual conference in Iran on November 14 adopted a resolution calling for the cooperation of all involved parties in the accounting of the missing and dead persons involved in armed conflicts.

That action is comforting but that action is not enough.

It is time, Mr. Speaker, that we, in Congress, take the initiative to end this nightmare.

CONGRESSMAN ANDREW HINSHAW ANSWERS HIS CONSTITUENTS

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. TREEN. Mr. Speaker, my distinguished colleague from California (Mr. ANDREW HINSHAW) received several hundred letters and telegrams from his district—the 39th District—demanding impeachment of President Nixon. Congressman HINSHAW responded to those constituents by letter dated November 28. The gentleman from California has already distinguished himself by demonstrating on the floor of the House a keen sense of fairness and a unique perceptiveness. I thought the approach taken by Congressman HINSHAW in his November 28 letter to be masterful and praiseworthy. For that reason I wanted to share it with my colleagues and with all who receive the CONGRESSIONAL RECORD. The letter is as follows:

NOVEMBER 28, 1973.

DEAR FRIEND: Thank you for communicating your views with me about President Nixon. Several thousand other constituents have also been in touch with me. Some urge me to join in the clamor to impeach the President; others that I support the President.

Many, like you, have written me out of a sense of deep personal concern, and spontaneously. I have also been on the receiving end of the letter-writing campaigns sponsored by the American Civil Liberties Union and the AFL-CIO.

In reading all of these letters, postcards, telegrams, and petitions, I have come to feel the inexcusable Watergate affair has caused many fine Americans to forget our traditional concept of justice. I, for one, still believe any person must be presumed innocent until proven guilty. On the basis of the present unsubstantiated allegations, I will not, and could not, support those advocating the impeachment of President Nixon.

I think you will be interested in the analysis of 890 letters, telegrams, and postcards demanding impeachment of President Nixon immediately, which came in during a two-week period. All of those persons writing me claimed to have voted for me in 1972. The majority stated they had voted for me in the June primary as well as general election. They said if I didn't vote to impeach the President they'd vote for someone else in 1974.

We decided to go beyond the name signed to the communication. We checked these

890 names with the records of the Orange County Registrar of Voters. The tabulation was as follows:

442 were Democrats; 123 were Republicans; 60 were independents; 9 were miscellaneous minor parties; and 256 were not registered to vote!

The significant statistic, to me, was not the registration by party but the fact that almost 28 percent of those demanding President Nixon's scalp were not sufficiently interested in our political process to exercise their voting franchise—if, indeed, they were actual persons.

If removal of office were just a way of expressing disapproval of his handling of Watergate, and if President Nixon were the only sufferer, then Mr. Nixon's political enemies may feel they have a case for his removal.

The President's enemies—and he does have more than his fair share—have been extremely vocal, even at the height of his political success and standings in the polls. Now, because of Watergate, the political anger against him raises on many fronts.

If Mr. Nixon were a Prime Minister in a parliamentary form of government, he might have been long gone by now. Under that system, political anger alone is sufficient. No crimes or misdemeanors need to be alleged. It's sufficient that the people, or their representatives, no longer "like" the Prime Minister, or his policies, or the way he governs.

Fortunately, ours is not that kind of government. Ours was designed with admirable wisdom so that the President of the moment would not be at the mercy of momentary political anger. Unlike the Prime Minister our Presidents are elected directly by the people. Our method of removal was made deliberately cumbersome by our founders to restrain both public haste and the impetuosity of adversary legislators.

We have never had a President resign his office. Nor has one ever been superseded for disability in office. Only once have we tried impeachment. That was in the case of Andrew Johnson. There, too, at the last moment the Nation rejected removal. Even as it was, the Johnson impeachment trial added to the bitterness and division of the country for more than 25 years. The removal of a President is no trivial matter. It should not turn on the greed for power by his political enemies. Nor should it be sought out of anger over the acts of some of his subordinates. It is a step to be taken soberly and advisedly—if, indeed, it is taken at all.

We have been deluged in Washington with the daily fare of "news" and comment, of rumors and allegations, of a President cornered and desperate who must resign, now or later, to save the Nation the ordeal of his removal by impeachment.

Is this real? No, it is not. Many of us have learned—and know—the reality. That reality is known to Congressman Carl Albert, the Democratic leader and Speaker of the House. He stands in direct line for the Presidency. He spoke his views to his home-state newspaper just the other day.

Congressman Albert is no Nixon partisan. He said he has been getting a lot of "wild mail" but he refuses to give in to that kind of pressure. "I am not going to create another crisis, or show cowardice by doing anything except what I think is right." By that, the Speaker means on the basis of present evidence a vote in favor of impeachment is not justified.

The Speaker said, "The President has not been the wisest in selecting subordinates, but who in public office always knows how his subordinates will turn out? . . . I can't equate that with criminal conduct."

While we do not always agree, particularly on those subjects of partisan concern, the Speaker and I are in complete accord with his perception of the reality—there is

no reason for President Nixon's resignation or impeachment on the basis of present evidence. Bills of impeachment originate only in the House of Representatives. No amount of editorializing can, or will, change that.

That, then, is my position. I thank you for writing me. I'm sure you will understand that for me to individually answer each of the thousands of communications on this subject I have received, would overburden my limited staff and our available time for many weeks. Therefore, this form letter is being sent to you in the interest of making sure you receive a timely response to your communication.

Sincerely,

ANDREW J. HINSHAW,
Member of Congress.

VICE PRESIDENT FORD

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BAUMAN. Mr. Speaker, at a time when a great many Americans are questioning the political leadership of both parties, the confirmation and swearing-in of the Honorable GERALD R. FORD as Vice President is a welcome event.

I am sure that many citizens share the view expressed by the Baltimore News American in an editorial which I insert at this point in the RECORD:

VICE PRESIDENT FORD

The swearing in of Gerald R. Ford last Thursday evening as the nation's 40th vice president lit at least one major beacon in the fogswep, uncertain tides swirling from Watergate. Anyone who watched the historic event on television could sense that the warm accolade he received from virtually all of official Washington was more than a personal tribute.

It was much more, in fact. However unspoken, the atmosphere conveyed deep satisfaction and relief that a missing element of stability had been restored to our government. A trusted, exceptionally experienced, unflappable first mate was finally on deck to take over the Ship of State should it become necessary.

Stability is a hunger which has been tormenting America's millions as much as their elected officials ever since the Watergate dam burst.

Thus, on Thursday evening, it was a feast of sorts to watch a good, solid, sensible, reliable man stand in the presence of his beautiful family and swear to give his country the best of his abilities in his new and potentially tremendous responsibilities.

Mr. Ford, certainly as well as anybody, is aware of the seeming shortcomings for which he has been criticized. "I am a Ford, not a Lincoln," he said—and he may or may not be right. It is only under extreme pressure that a man's best qualities prove themselves. That was true of Lincoln himself, and of Harry Truman, for example.

The lack of intellectual brilliance and innovative leadership for which Mr. Ford has been criticized are not necessarily deciding factors in his destiny. It was character and devotion to duty, not mental sophistry, which made Lincoln and Truman great leaders.

Mr. Ford has spent 25 years of his life as a faithful servant of Michigan in the House of Representatives. Since 1965 he has been the Republican leader of that body, a post neither given nor held lightly. If, perchance, he should become President of the United States, the people will at least be assured of utter integrity.

No candidate for the vice presidency—or for the presidency either—has ever been subjected to the personal probes which Mr. Ford has undergone in the past two months. It is good to have his homespun solidity, convictions and ideals available for stand-by use in today's murky emergency situation.

THE NEED FOR A VOUCHER SYSTEM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. CRANE. Mr. Speaker, early in October the Illinois Supreme Court declared unconstitutional most of the State's \$30 million program for aid to private and parochial schools. The court struck down the State measure providing \$20.5 million for State purchase of secular textbooks and auxiliary services for non-public schoolchildren and also held invalid a companion proposal for \$4.5 million to aid low-income families who wish to send children to private or parochial schools.

This decision comes at a time when disenchantment with the public schools is greater than ever before. One indication of this disenchantment is the refusal of taxpayers to support bond issues for public education. In its issue of September 3, 1973, U.S. News & World Report points out that in 1965 almost 80 percent of school bond referendums for elementary and secondary public schools won approval. By 1972 the figure had dropped to only 47 percent.

Public education is not fulfilling the promise held for it. In its issue of March 12, 1973, the Washington Post featured an article entitled, "Functional Illiterates Forced To Grope in Society." This article includes interviews with men and women in their twenties, who went as far as junior high school, yet are unable to read well enough to fill out job applications.

In fact, in a recent court case Peter W. Doe—not his real name—a 10-year-old boy from a middle-class family in San Francisco, sued the San Francisco Unified School District and State officials for \$1 million in damages, because he was permitted to graduate from high school without having learned to read.

Throughout his school years he attended class regularly, caused no disciplinary problems and received his high school diploma on schedule. Nevertheless, he was unable to read at a level beyond the fifth grade. He could not understand applications and was afraid to take a salesman's job, because of the paperwork involved.

Statistics indicate that 19 million Americans over the age of 16 are, like Peter, unable to comprehend job applications, drivers license manuals, or bank loan questionnaires. Experts estimate that thousands of young men and women receive high school diplomas each year—even though it is clear that they have not mastered high school work.

The time has come to end the monopoly which Government has over education for all, but the small minority who can afford private schools. One way to do this is the

voucher plan, developed by Prof. Milton Friedman of the University of Chicago. This plan would institute freedom of choice and a spirit of competition in the field of education.

Discussing the voucher plan, radio station WGN in Chicago declared that—

It works this way: Each child is given a voucher at the start of the school year, a voucher for the amount spent on a per-pupil basis in his school district, community, or state. The parents select the school, public or private. At registration time, the voucher is turned over to the school, which cashes it, like a check, using the money to pay for that child's education.

Under the voucher plan, WGN states:

Each child has a free choice in education, as long as the school meets state certification standards. Each school is encouraged to offer the highest quality of education possible, to attract more students, and more vouchers.

The voucher system is one idea whose time seems to have arrived. In fact, a free market in education is favored by a wide spectrum of concerned experts in this field. Marxist school reformer, Johnathan Kozol, for example, argues that a system such as advocated by Professor Friedman is the only means available for improving the quality of education. He speaks of the failure of teachers, and particularly of those who lead the Nation's increasingly aggressive teachers' unions, to teach those in the innercity what he calls the "survival skills."

The voucher plan is opposed by those who have a vested interest in maintaining the governmental monopoly on education, such as bureaucrats and teachers' unions. In Washington, D.C., for example, the Teachers Union vigorously opposed the plan devised by black psychologist, Dr. Kenneth Clark, to make teachers accountable for their work. Instead, they prefer a system in which students move from one grade to another regardless of whether they have learned to read, write, or do arithmetic.

I wish to share the editorial, "Aid to Private Education," which was presented on WGN on October 6, 1973, and insert it into the RECORD at this time:

AID TO PRIVATE EDUCATION

The Illinois Supreme Court has once more found unconstitutional a plan for providing financial aid for private education at the elementary and secondary levels. In striking down one provision of the legislative package, the Court said the measure did not treat all of the children of the state equally.

There IS a way to treat all of the children of the state equally. It's called the Voucher plan. While it needs a great deal of scrutiny, and while its mechanics are too complex to provide immediate help, it IS a concept which could provide funds for private as well as public schools, both religious and secular, and at the same time motivate a general improvement in the quality of education.

An experiment in the voucher system of education went into operation in San Jose, California a year ago. It should provide some of the basic information needed to determine whether the system will work, what pitfalls to avoid, and so on.

In simple terms, it works this way: Each child is given a voucher at the start of the school year, a voucher for the amount spent on a per-pupil basis in his school district, community or state. The parents select the school, public or private. At registration time, the voucher is turned over to the

school, which cashes it, like a check, using the money to pay for that child's education.

Each child is treated equally. Each child has a free choice in education, as long as the school meets state certification standards. Each school is encouraged to offer the highest quality of education possible, to attract more students, and more vouchers.

There ARE arguments on the other side. Primarily, they concern the possible erosion of the public school system through the erosion of its economic base.

We don't propose the Voucher Plan as a cure-all for every educational woe that exists. We DO suggest it be given the most careful study as a method of addressing several major problems for the customers of our schools—children and their parents.

SOVIET-ISRAELI DIPLOMATIC TIES MUST BE REESTABLISHED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

* IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. ROSENTHAL. Mr. Speaker, if the Soviet Union expects to have any substantive role in achieving a Mideast peace at the negotiations scheduled to begin next Tuesday in Geneva, then the U.S.S.R. must reestablish diplomatic relations with Israel.

The Soviets already have let it be known they want their own troops included in any peace-keeping force in that area, and a few dozen of their "observers" plus some 800 Polish troops are already there as part of the present U.N. contingent.

Unless the Soviets reopen their ties to Israel, the United States will be the only superpower talking with both sides in the Middle East.

The reestablishment of diplomatic relations would give the Soviet Union a direct channel to Israel, which it does not now have. Israel, for her part, should be able to deal with both superpowers, especially in these days of big power diplomacy.

The Soviet Union broke diplomatic relations with Israel following the Six Day War in 1967. It was one of the first nations to recognize Israel when the Jewish state came into being in 1948.

Unlike the Soviet Union, the United States has maintained friendly relations with both sides in the Arab-Israeli dispute, although not with all Arab States at all times. Ties have been close between the United States and Lebanon, Jordan and Saudi Arabia. The relationship with Egypt is improving and the two countries are expected to reestablish diplomatic ties in the near future. The same is true regarding Algeria.

The Soviets, as a cohort of the Geneva conference, have a very real stake in the outcome of the negotiations and should attempt to balance their policy, as the United States is trying to do.

Secretary Kissinger has opened a dialog with the Arabs, which is more than the Soviets have even attempted with Israel. If the Soviet Union is to be a guarantor of any settlement, she cannot expect any trust or status if she continues to refuse to maintain normal diplomatic relations with Israel.

TRIBUTE TO ADMIRAL RICKOVER

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HANSEN of Idaho. Mr. Speaker, I was deeply gratified at the news of the recent promotion of Adm. Hyman Rickover to four-star rank. It is a recognition which is long overdue.

It has been my pleasure and privilege to work closely with the admiral in matters of atomic energy, and he has been most helpful in his numerous appearances to testify before the Joint Committee on Atomic Energy, on which I serve.

Admiral Rickover pioneered our nuclear submarine program. In earlier days his role was, indeed, a lonely one. Had it not been for his tenacity and persistence there is little doubt that the entire program would have faltered and mayhap even foundered for lack of attention and support.

The admiral is no stranger to my own State of Idaho. He has made several visits to our nuclear reactor testing site, which leads the Nation in its program for the peaceful uses of atomic energy. The admiral has been a leader in focusing attention and action on the need for development of nuclear powerplants to meet our increasingly critical energy needs.

Admiral Rickover is not a man to waste words. I always find his comments well worth heeding, and with that in mind I would like to share with you his remarks following his commission of appointment at the White House on December 3.

STATEMENT BY ADMIRAL RICKOVER

ADMIRAL RICKOVER. Thank you, Mr. President.

I have always felt that in honoring a person we must remember that all human achievement flows not only from individual effort, but from associative effort as well. We, the living, are heirs to all the ideas and accomplishments of every human being who has ever lived.

In promoting me, I know that Congress and the President have done so on behalf of the dedicated men and women at headquarters, in the laboratories, the factories, and the shipyards that build our ships, as well as the brave men who serve in the ships. All work long and hard to make it possible for the United States to have an effective and ready nuclear Navy.

Mr. President, I have served in the Navy for over half a century. I have seen this Nation pass through perilous times. We have survived these dangers and emerged from them stronger. We are stronger because all of us, as citizens, faced each crisis with a deep feeling of responsibility. This is an inherent and inescapable part of the legacy left to us by the Founding Fathers and the Constitution. This is the "sacred fire of liberty" of which Washington spoke.

Once again the times are perilous. Statesmen, the press, and the citizenry who advocate their own beliefs on specific issues cannot free themselves from all responsibility for the overall outcome of national affairs as did John C. Calhoun. He considered that his convictions on the slavery issue freed him from all responsibility for the national catastrophe he knew would follow. In his last speech to the Senate on March 4, 1850, a few days before his death, he said: "I have exerted

myself . . . with the intention of saving the Union if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section . . . I shall have the consolation, let what will come, that I am free from all responsibility."

Today we are faced with grave issues, foreign and domestic. We do not need excited change. All of virtue and justice are not embodied in one party and none in the other. We must all accept responsibility and work for the restoration to the country of quiet and harmony without which these issues cannot be resolved.

Thank you again, Mr. President.

A CANADIAN DEFENDS UNITED STATES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. MICHEL. Mr. Speaker, I do not have to remind Members of this body that it has long been a favorite international pastime for some to criticize and even ridicule the United States and its policies. Therefore, it was refreshing indeed to read an editorial in the Galesburg Register Mail, December 6, 1973, reporting the efforts of a Canadian radio and television reporter, Mr. Gordon Sinclair, who was considerate enough to remind his Toronto listeners of programs such as the Marshall plan which poured billions of dollars into war-torn Europe, without return. The editorial goes on to list other arguments that Mr. Sinclair made in defense of our country, and I am pleased to insert the editorial in the Record at this point.

"LET'S HEAR IT!"

A Canadian radio and television commentator had some stinging words not too long ago for foreign countries who are quick to criticize the American people. His words have been widely repeated and reprinted in this country ever since.

Gordon Sinclair refreshed the memory of his Toronto listeners with a bit of history about the Marshall Plan and the Truman policies which poured billions of dollars into war-torn Europe, without return.

He told them the American people have always been the first with economic and social aid when disaster strikes foreign lands, but that there is seldom a whisper of help when chaos hits the United States.

And in return for U.S. dollars without strings attached, the Americans are called imperialists and warmongers.

Mr. Sinclair reminded his audience of the benefits the entire world has reaped from the American economy and the American technology.

Foreign countries are gloating over the erosion of the U.S. dollar, he said, but they still aren't building their own airplanes. Japanese technocracy gives us radios, and German technocracy gives us automobiles, while the United States is sending men to the moon.

The United States rebuilt railways in France, Germany and India, but where were those countries when the Pennsylvania Railroad and the New York Central went broke? he asked. Nobody loaned us as much as an old caboose.

"I can name you 5,000 times when the Americans raced to the help of other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble?"

"I don't think there was outside help even during the San Francisco earthquake," he said.

"Our neighbors have faced it alone, and I'm one Canadian who is damned tired of hearing them kicked around."

"They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles."

"I hope Canada is not one of these."

Mr. Sinclair echoes the thoughts of the Americans who are beginning to believe U.S. attempts to assume the role of international leader have made us an international patsy. We have tried to be the world's police force; we have tried to be a paternalistic partner to our foreign friends, and we have tried to be a miracle-working philanthropist when others have faced crisis or disaster.

Now we are in trouble.

We have serious economic problems and we have serious political problems. Our homeland is disillusioned and depressed. If we cannot get foreign aid in the material sense, we would settle for a little moral support from our foreign friends.

"Come on," Mr. Sinclair prods, "let's hear it!"

SKIING AND NATIONAL FORESTS:
IN NEW HAMPSHIRE AND THE
NATION

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. CLEVELAND. Mr. Speaker, since many of my New England colleagues are joining me in efforts to prevent discrimination against the recreation industry in fuel allocation, I wish today to share with Members at large an assessment of the skiing industry nationwide.

This Nation must conserve energy, and in a way that shares the sacrifices in at least a rough measure of equality. Since many communities are dependent for their livelihood upon recreation as an industry—indeed with some of that dependence encouraged by Federal economic development programs—the situation argues for a proportionate reduction in energy consumption. Not only is recreation of the participant at stake, but thousands of jobs.

This has long been a concern to my district, where the White Mountain National Forest represents a great scenic, economic, and recreational asset. But the nationwide growth of just one sport—skiing—which makes use of the national forests should be of direct interest to Members whose constituents either participate in or provide supporting services.

DEMAND PRESSURES RISE

Aside from the energy question, the need for expansion of some of our forests, because of tremendous growth in recreational demand—often creating conflicting claims on the same areas—has prompted me to press for an addition to the White Mountain National Forest. The same pressures relate directly to proposals to set aside large areas within

the national forest system as wilderness, with use by the public severely restricted.

Thus many Members may be interested in an assessment prepared by Sno-engineering, a New Hampshire consulting firm specialized in planning of mountain recreation facilities.

ASSESSMENT OF THE SKIING INDUSTRY

There are now approximately 5 million skiers in the United States.

Average annual growth rate of the ski population has been holding at roughly 15 percent since first documented by Sno-engineering in 1961 for the Area Redevelopment Administration. This means a doubling in size every 5 years. This was corroborated by updated studies by many interested groups and organizations, including the U.S. Forest Service.

The ski industry—including equipment and clothing sales—generated about \$1.5 billion last year.

There are approximately 182 million acres in the national forests, of which only approximately 23,500 acres have been cleared for downhill ski trails—or only about one-eighth of 1 percent of all forest lands.

Based on U.S. Forest Service data from Washington and assembled by Sno-engineering in January 1972, the growth in demand on winter sports sites has been greater than the growth in demand on campgrounds or the growth in demand on the national forests as a whole.

The 12-house "visitor day" upon which the Forest Service bases its usage and demand figures understates the ski recreation industry since in New England, at least, most ski trips are less than 8 hours in duration. Sno-engineering suggests that a weighted value be assigned to day skier visits on a 7 to 12-hour ratio. This would put skiing ahead of camping in terms of total demand.

Winter sports, with a growth rate of more than seven times that of camping and picnicking, have had a smaller increase in acreage dedicated to its use.

Skiing, which is the fastest growing recreational activity in our national forests, has been afforded comparatively little assistance in terms of developments of facilities. Little in the way of public funds for development of recreational facilities on national forest lands has gone into ski facilities. Most of the development has been financed from private sources.

Sno-engineering has derived the following selected tables from U.S. Forest Service recreation information management data:

TABLE I.—PERCENT OF TOTAL USAGE OF NATIONAL FORESTS

Year	Winter sports sites	Skiing
1966.....	3.2	2.7
1967.....	3.4	2.7
1968.....	3.6	2.7
1969.....	3.5	2.9
1970.....	3.8	3.1

TABLE II.—GROWTH OF DEVELOPED SITES

	Percent growth in visitor days	Percent increase in acres	Percent increase in capacity (people at one time)
Winter sports.....	3.8	1.2	3.6
Camp and picnic grounds.....	.5	1.3	2.3

James R. Branch, president of Sno-engineering, contends that ski areas, if properly planned, designed and operated, provide a highly efficient method of meeting increasing demand for recreational man-days. Access routes and times are known and controllable. The automobile, although a nuisance, is controlled. Water consumption and effluent disposal can be planned for. Trash disposal is closely contained geographically and can be controlled. Crowds and pedestrians circulate in a controlled base area; skiers circulate up lifts and down controlled trails. In essence, the ski area produced recreational man-days under more highly manageable circumstances and with less environmental disruption than almost any other form of participant outdoor recreation activity.

SUITABLE SITES SCARCE

He also points out that only about 5 percent of the mountains in the no-snowbelt are truly developable for skiing at an economically viable level. And few of those have true resort potential with the proper combination of available base lands, adequate water, easy access, and so forth. Thus he argues that the very small percentage of mountains perhaps 1 percent—which can provide a truly enjoyable outdoor recreational experience, answer a burgeoning demand, and provide significant economic and employment benefits to a region, should not be locked up for use by but a very few.

Mr. Speaker, in concern over the environmental impact of many decisions in the economic sphere, I have often had occasion to argue for examination of the economic consequences of environmental actions. Certainly this is a valid concern regarding the use of our national forests. In this connection, Sno-engineering has recommended that qualified professionals conduct studies of forest-related proposals to establish:

First. The identifiable demands for uses of various kinds, the magnitude of these demands, and the growth rates of these demands.

Second. Identifiable sources of supply—public and private lands—magnitude or capacity of these sources, qualitative characteristics of these sources, growth, and expansion potentials.

Third. Environmental aspects of balancing demand and supply; establish comfortable capacities for all sources and uses; potential for reducing conflict of use while still guaranteeing multiple use and preservation of the natural resources.

Fourth. Economic, social, cultural, and psychological implications of nondevelopment or use versus controlled and intensely managed use by the public.

In conclusion I wish to point out that there have been several wilderness propo-

sals made involving the White Mountain National Forest and others in the national forest system which could well benefit from such scrutiny by professionals in the field, whether by private experts like Sno-engineering or the Forest Service with its wealth of talent.

And the data on skiing demand and the size of the industry it represents is equally relevant to our determination of wise policies for allocating energy in such ways as to minimize economic dislocation.

DR. RICHARD L. HOPPING

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. WIGGINS. Mr. Speaker, December 7 marked a significant day for education and for the Nation's health as the Southern California College of Optometry inaugurated Richard L. Hopping, O.D., as its sixth president. The campus itself is a new one, located in Fullerton, Calif. Dedicated this past June, SCCO continues its history as a fine learning institution, founded in 1904 as Los Angeles College of Optometry.

Dr. Hopping has amassed an impressive record as an optometrist and as a citizen. His involvement in optometry, in addition to his excellent and extensive practice in Dayton, Ohio, includes presidency of the national American Optometric Association in 1971-72. He also directed the public health department of AOA, the education department of AOA and GOA, and chaired the AOA urban optometry study.

A graduate of Southern College of Optometry, Dr. Hopping has, since 1957, participated in the subnormal vision clinic run by Goodwill Industries of Dayton. He has served on the Medical Advisory Committee of the Ohio State Department of Public Welfare. He is a fellow of the American Academy of Optometry and a fellow of the American Public Health Association.

In diverse ways, the new SCCO president has demonstrated his concern for his fellow man. He has been a board member of the United Health Foundation of Dayton, Dayton Museum of Natural History, Montgomery County United Cerebral Palsy, Sinclair Community College Foundation. He has chaired and served on city committees and commissions—city income tax, city redevelopment, juvenile issues. He has aided the United Appeal, the Boy Scouts, his own church, Westminster Presbyterian.

In recognition of his many services, the Ohio Optometric Association named him as 1962 Optometrist of the Year. In 1960 he was honored as one of the 10 outstanding young men in Ohio.

With its new \$3½ million facility, SCCO has embarked upon a progressive course for the future. The school's dedication to education concerned and well-trained optometrists is well-known. It continues its history of clinical service

to the community, including a specialized low-vision clinic. With 78 percent of southern California's practicing optometrists within a 50-mile radius of the campus, SCCO will also serve as a point of continuing education for them all.

I personally am honored to have been involved in the inauguration ceremonies in receiving an honorary degree from this esteemed school. Southern California College of Optometry has served California and the Nation well. As we all become more aware of the importance of vision as part of the total health picture, we appreciate even more the contributions of this school. I am pleased to salute the excellence of the facility. Under the leadership of its new president, SCCO can only build upon its tradition of excellence.

PROFITS OF PETROLEUM COMPANIES

HON. WILLIAM LEHMAN
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES
Thursday, December 13, 1973

Mr. LEHMAN. Mr. Speaker, recent corporate reports indicate that third-quarter profits of big oil have reached an all-time high. About 1,200 independent service station owners have been forced out of business due to a lack of supplies, during the same period there was a 500-percent profit increase by British Petroleum. American families face sharp reductions in home heating oil, yet Exxon's profit is more than \$1.5 billion so far this year.

The oil companies are well aware that gasoline consumption has increased a whopping 60 percent over the past 15 years, yet they have not, since 1950, constructed a single major refining installation in this country.

This country had long depended on the soundness and credibility of its oil companies, that have now become more multinational, global enterprises than truly American companies—are they really run from Wall Street and Houston, or from Zurich and Kuwait? American consumers can no longer assume that our big oil companies will take care of them. Big oil takes care of itself, and very well—so well that a proper investigation may find an oilgate horror to replace the Watergate horror.

With dismay we now learn that the President's latest energy Administrator, despite obvious conflicts of interests, is planning to recruit oil company executives to advise the Federal Government on policy matters. The administration is hiring the fox to guard the henhouse.

The Federal Government must not allow those who have controlled and managed big oil, either in the private sector or now in public office, to ignore the interests of America's consumers. The Government must begin to question the considerations such as special tax incentives given these companies. For example, is the oil depletion allowance actually encouraging the industry to drill for oil?

Because much higher oil prices abroad have produced a 500-percent increase in

our exports of fuel oil, it becomes imperative for our country to control these shipments of petroleum and petroleum products by American-based oil companies. The Federal Government must get a handle on oil company operations and subject them to the same level of Government regulation as airlines, security trading, and broadcasting.

The new Federal Energy Administration must be given the mission and the authority to develop independent expertise to conduct necessary regulatory and oversight functions for the protection and well-being of all our citizens.

We must now begin to look at the long-range problem of energy. Solar energy may provide the best answer.

I have introduced the first bill in Congress that increases dollar for dollar the mortgage insurance ceiling under the Federal Housing Act for the additional expense of installing solar energy cooling and heating systems in homes.

I have cosponsored legislation to establish an energy development and supply trust fund; and have joined in sponsoring legislation to provide for the early commercial demonstration of solar heating technology by the National Aeronautics and Space Administration.

We can no longer depend on conventional sources of energy. Solar energy, particularly for Florida, is an alternative source of energy that needs to be explored further.

REMARKS OF CHARLES E. WIGGINS UPON INTRODUCTION OF "VIETNAM VETERANS DAY" RESOLUTION

HON. CHARLES E. WIGGINS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Friday, December 14, 1973

Mr. WIGGINS. Mr. Speaker, no nation in history has worked harder or sacrificed more in the service of peace in the world than the United States. Yet, in spite of our devotion to peace, and frequently because of it, we have seen our young men and women in almost every generation called to bear the burdens of military conflict. Always in the past, America has united behind those she sent to war in her behalf, and always those who have served have done so firm in the knowledge that the American people were appreciative of the love and devotion which her young men and women have given so selflessly.

Yet, in the Vietnam conflict—America's longest and most difficult war—those who put their lives on the line for our people, did so knowing that there was disagreement and deep division over the value of their service. Many went to the dangers and hardships of Vietnam knowing that they did so with less than full support back home.

Today, no American soldier, sailor, or airman is engaged in hostile action anywhere in the world. With patience and wisdom and courage, President Nixon is building a structure of peace in the world. He is able to do so because the leadership in foreign capitals, whether friends or adversaries, have understood the les-

son of Vietnam, and the men who fought there: that the American Nation can still call upon young men and women who love her and liberty more than life.

The faith of our forebearers in the future of liberty has been carried forth in the gallant actions of those who now share the honor of being called veterans of Vietnam. But it is a silent honor. America has been relieved to be rid of war, and satisfied to shut out any reminders of the war. In doing so, we have shut out our young veterans. They came home to little or no welcome. They asked nothing of us, and indeed, they have received precious little. But if we hold their service in such small esteem, and if we see no value in their sacrifices, when shall America again be able to call upon such young men to defend her?

Before time dims the memory of the pressures which the veterans of Vietnam withstood in serving their country, let special recognition be given those who served America and peace in Southeast Asia.

I have today introduced a joint resolution on behalf of all Americans who share my gratitude and admiration for our Vietnam veterans, in substantially the following form:

RESOLUTION

Whereas, the American nation did call upon its young men and women to serve in the armed forces of the United States in Indochina; and,

Whereas, those who faithfully executed the policies of three Administrations frequently bore the brunt of public objections to those policies; and,

Whereas, the gratitude of the American people for the services and sacrifices of the men and women of our armed services cannot fairly be extended or withheld according to the shifting winds of public opinion; and,

Whereas, every generation of American veterans has rightfully been made cognizant of the public esteem in which they were held by their fellow citizen: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled that the President is authorized and requested to issue a proclamation designating as Vietnam Veterans Day the 29th day of March, 1974, the first anniversary of the day the last American troops were withdrawn from Vietnam, calling upon the people of the United States to commemorate the sacrifices and dedication of these veterans by appropriate ceremony.

MR. AND MRS. BERNARD MARTIN
HONORED

HON. LESTER L. WOLFF
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Friday, December 14, 1973

Mr. WOLFF. Mr. Speaker, the Great Neck Synagogue's board of trustees honored Mr. and Mrs. Bernard Martin at its annual journal dinner-dance on Sunday, December 9. I was given the honor of presenting the couple with an award at this important occasion.

Both Martins have been very active in civic and religious affairs in the Great Neck area. He is a trustee of the Denver Home for Asthmatic Children and of the synagogue. He is now on the board of the Children's Medical Center, and he

was instrumental in the formation of the North Shore Community Youth Center. In addition, he is a trustee of the Long Island Jewish-Hillside Medical Center.

Muriel Martin is a member of the New York board of the Denver Home for Asthmatic Children. She has worked for the March of Dimes, Cancer Care, the Anti-Defamation League and Hadassah. She was also a very active president of the North Towns chapter of the Children's Medical Center fund.

It is indeed appropriate that the Great Neck Synagogue should honor these two extraordinary people. They have contributed tirelessly and unselfishly to every good cause in the community, and this has earned them the love and admiration of hundreds of people in the community. The following words with which they were honored best sum up what the Martins stand for: "Bernie and Muriel represent living proof that given the opportunity—people with intelligence, ability, courage, and staying power can rise to the heights of leadership."

**PETE McCLOSKEY SUPPORTED
JERRY FORD**

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. RIEGLE. Mr. Speaker, our colleague from California, PETE McCLOSKEY recently testified in support of JERRY FORD before the Senate Rules Committee. I think his comments worthy of note and insert them at this point in the RECORD:

TESTIMONY OF CONGRESSMAN PAUL N. McCLOSKEY, JR., BEFORE THE SENATE RULES COMMITTEE

MR. CHAIRMAN: I testify before you today from perhaps a different standpoint than the other friends and colleagues of Jerry Ford who have appeared before the Committee.

First, in the nearly six years I have been privileged to serve in the Congress, I have found myself quite often in disagreement with the positions and views Congressman Ford has expressed. This has been true particularly during the past three years, when Jerry, as Minority Leader, in view of his own concept of the responsibilities of a Minority Leader, has been required to advance the President's cause in a substantial number of cases where the check-and-balance responsibilities of the Congress have been in direct conflict with White House positions.

We have had vigorous disagreement and debate on issues as fundamental as the Vietnam War, the ABM, the SST, the criteria for impeachment, both of Justice Douglas and the President, and of congressional responsibility to ascertain the truth from the executive branch.

It is precisely because of Jerry Ford's conduct in these disagreements, however, that I feel he is perhaps as qualified as any individual I know to be Vice President of the United States. Should fate or the constitutional process of impeachment so require, I believe Jerry Ford would be an able President of the United States, and perhaps the best kind of President we could have at this stage in our history.

In this connection, I would like to suggest that the key criteria of leadership essential to the nation today are integrity, calm judgment, humility and the ability to draw people together without rancor despite their

different views. This last quality is a unique aspect of Jerry Ford, one which I have never seen excelled by any of the able leaders I have observed, whether in business, in political life or in combat.

There is a basic trust which Jerry Ford inspires in those who work with him, a trust which is rare in an individual who is in constant confrontation with shifting political coalitions and with individuals of deeply-held views on serious issues.

I have puzzled over just exactly what it is in Congressman Ford which has occasioned my own faith and trust in his leadership. With some hesitancy, I would like to suggest the thought that it stems from an absolute and almost painful honesty on his part, an honesty which goes to the very best of our tradition and root in the history of the American midwest.

You as Senators, and I as a Member of the House, are trained to be skeptical of the fluent phrase and the well-articulated argument. We know how easy it is to be less than precise—to seek to be politic and satisfy all viewpoints with a comment which displeases no one yet says nothing of substance. Time and again, in difficult floor debates, or in personal conversations with colleagues, I have seen Jerry resist the soothing, less-than-exact words which might have won the battle of the hour, but left resentment in retrospect on the part of those he has asked to follow his leadership.

An example of Jerry's service in this regard occurred in the historic House debate on June 29 of this year when the House voted to end the Vietnam War by a vote of 204 to 204.

In the debate on the floor, appears the following question and answer:

Mr. McCLOSKEY. "Mr. Chairman, do I understand correctly that under this bill which would authorize bombing to be continued up to August 15 the White House is committed when this bill is enacted and signed into law that all bombing would cease on August 15, that all military activity in and over Laos, Cambodia, and North and South Vietnam would cease unless the President came back to the Congress and asked for and obtained authority to commence military activity?"

Mr. GERALD R. FORD. "That is my understanding."

A lawyer will immediately perceive the lack of clarity or commitment in the phrase "That is my understanding."

Later in the debate, just prior to the vote, Jerry spoke again:

"Mr. Chairman, I just finished talking with the President himself for approximately 10 minutes, and he assured me personally that everything I said on the floor of the House is a commitment by him."

I have seen him fight hard fights, with the ultimate decision resting on a handful of votes of those of us who, in Jerry's mind, were standing in the way of a crucial victory on a major issue. Never once have I seen him threaten, offer promise of reward, or in any way act in less than the manner all of us would hope a great statesman would act in the best of our national traditions.

This is real leadership in its own right, a leadership which could perhaps do more to restore the faith of our people in these difficult times than any brilliance, political skill or charisma which might be the attributes of other able leaders who might be nominated for the Office of Vice President.

A further quality I would like to mention is the inherent humility of Jerry Ford, his capacity to admit mistakes and to accept blame.

For too long, I think, have we sought to defy our national leaders. A President is a man, not a god. His task is to see that the laws are faithfully executed, not to rule as some sort of emperor with divine guidance. A little humility in the White House could be a refreshing thing.

I would like to comment on one other

matter of which I have had personal experience, the comments of Robert Winter-Berger in his book, *The Washington Pay-off*.

In April, 1971, I came back from a trip to Vietnam and Laos, dedicated to challenging the Administration's Vietnam policy in the Republican primaries in the event no better qualified Republican came forward to do so. I felt strongly about our Vietnam policy and was likewise concerned by what seemed to be an increasing pattern of untruthfulness and corruption on the part of the Nixon Administration.

At the San Francisco Airport, I happened to buy one of the first copies of Mr. Winter-Berger's book, detailing a series of experiences Mr. Winter-Berger had had while serving as a Washington lobbyist. I was particularly interested in the specific examples Mr. Winter-Berger described relating to Republican practices, practices in which Congressman Ford's office was prominently mentioned.

I called Mr. Winter-Berger and he met with me for more than an hour in my office in the Longworth Building. We went over, in some detail, his experiences with Jerry Ford, with my attention and questions seeking to probe for any conduct on Ford's part which would justify citation as examples of political corruption of the type I was claiming as typical of Richard Nixon's past political history, items such as the 1956 Hughes loan, the 1962 California gubernatorial campaign misrepresentation and the like.

At the conclusion of the interview, I had reached the opinion that even accepting the facts Mr. Winter-Berger related as being true, I could not conclude from those facts that there was a single instance of wrongdoing on Jerry Ford's part. I had no reason to disbelieve any of Mr. Winter-Berger's allegations and placed reliance on what he said; nevertheless, I did not feel his conclusions from those facts could be construed as supportive of any allegation of misconduct.

In conclusion, I have said before that I have puzzled sometimes over exactly what it is about Jerry Ford that causes me to like him so well and respect him so much. Whatever his qualities are, they have inspired my own complete trust, faith and respect.

I believe those qualities will possibly also go a long way in restoring the public's faith in our system of government, a faith which, in my judgment, is our most priceless asset as a nation. Thank you.

THE DEATH OF EVERT E. MORRISON

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mrs. HOLT. Mr. Speaker, it is with a feeling of sadness that I recognize today the untimely death of Evert E. Morrison, a member of the U.S. Capitol Police Force for the past 7 years.

Officer Morrison served with distinction in the U.S. Navy and the Coast Guard for over 20 years before he joined the police force here on Capitol Hill. He was known to his fellow workers as a man dedicated to his profession, and this dedication to his career was, in a sense, responsible for his tragic accident. He was killed en route to his post on Capitol Hill.

Officer Morrison was a splendid example of the loyalty and devotion to duty displayed by all the members of the Capitol Hill Police Force as they so ably carry out their assigned duties, and expend extra efforts which could go well beyond their perimeters of responsibility.

His death is a tragic loss to his family and colleagues. He was a considerate and capable man, and he will be sadly missed by all of us who knew him.

SERVICEMEN CALL FOR ABOLITION OF NONJUDICIAL PUNISHMENT

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. DELLUMS. Mr. Speaker, last month I accepted a petition addressed to Congress signed by over 1,000 servicemen. These men are asking Congress to abolish the military's use of nonjudicial punishment authorized by article 15 of the Uniform Code of Military Justice. I was very pleased to accept these petitions which express the deep commitment of enlisted men to fighting the injustices within the military system.

Many civilians are not aware of the extent of the penalties associated with article 15 punishment, or of the lack of respect for due process and the defendant's rights when it is administered. The penalties included up to 30 days confinement, reduction of pay grade, and direct forfeiture of pay. These are only immediate punishments, but the consequences of article 15 decisions follow a serviceman throughout his military career and even into civilian life, through the type of discharge he receives.

These penalties, then, are as severe as one man can give another outside a courtroom. Only recently has there been any attempt to introduce the slightest commitment to due process to all of this. At bottom, the aim of the system is not justice—equal punishment for equal offense—but the preservation of discipline, or, to put the matter in operational terms, saving face for officers. Therefore there is a basic arbitrariness in the way penalties are handed out.

This inherently unfair system is compounded by the way it is conducted. Due process is violated in letter and in spirit. I cannot do better than to quote the servicemen's petition on this point:

We firmly believe that punishment by Article 15 (non-judicial punishment) violates the Fourth, Fifth, Sixth, and Eighth Amendments to the United States Constitution. Article 15 permits the military to impose arbitrary punishments on servicemen and servicewomen without the right to a hearing, without the right to be free from self-incrimination (the C.O. makes you explain the story), without the right to prevent the use of illegally seized evidence, and without the real right to cross-examine witnesses or the real right to present witnesses on one's behalf. Article 15 is also used discriminatorily against minority groups, thus violating equal protection guarantees.

Another mistake made by civilians is the assumption that this kind of arbitrariness is necessary for a disciplined, effective Armed Forces. A look at military history shows this to be an error. It was only in the late 1800's that Congress for the first time granted military commanders certain powers of summary punishment—but within very strict limitations. By 1950, article 15 penalties

only stretched to 2 weeks. It was not until the 1950's and 1960's that really severe penalties were given to the discretion of officers under article 15. Thus the only major conflict fought with these supposedly necessary disciplinary powers was the Indochina war, a war not noted for the effectiveness of the military's discipline.

Another reality we have to deal with is that the minorities in the Armed Forces—the brown, yellow, and black soldiers—are predominantly enlisted men, and the officer corps is predominantly white. It does not need much sophistication to realize that if this situation can be handled at all, it can only be done with a maximum of fairness in the use of the extraordinary powers given to officers. But on the contrary, article 15 is used to harass and discriminate against minority servicemen, as the record plainly shows. I have become convinced that article 15 is one of the basic instruments of the repression and racism that pose such a challenge to the military today.

The real question boils down to whether we regard servicemen as mercenaries doing a dirty job or as U.S. citizens defending their country. I strongly believe that GI's do not abandon their constitutional rights at the gate of boot camp, along with their other civilian gear. Civil liberties are not just for civilians—a soldier is still a U.S. citizen with his full rights under the Constitution and under the law.

We need to come up with new ways of approaching the whole problem of military justice. England, Sweden, and West Germany, for example, have carried out basic reforms of the military justice systems, based on the clear realization that only emergencies and military necessity during hostilities can justify infringements on anybody's rights. I believe there is no reason why the United States should not civilianize its military justice system to the fullest extent possible.

On the specific question of article 15, the most pressing necessity is to take exclusive power away from the officers corps, and to create a jury system that will actually try a person by his peers, that is, by men and women of his own rank. This will remove the basic cause of arbitrariness and injustice.

I believe Congress should take this petition with the utmost seriousness. It calls attention to a basic fact of military life that civilians ignore at their peril—and I mean that literally. If we seriously address ourselves to this reform, it will be a long step toward an effective and united Armed Forces.

The petition follows:

We the people hereby petition the United States Congress to abolish Article 15 of the Uniform Code of Military Justice (Captain's Mast and Office Hours).

We firmly believe that punishment by Article 15 (non-judicial punishment) violates the Fourth, Fifth, Sixth and Eighth Amendments to the United States Constitution. Article 15 permits the military to impose arbitrary punishments on servicemen and servicewomen without the right to a hearing, without the right to be free from self-incrimination (the C.O. makes you explain the story), without the right to prevent the use of illegally seized evidence, and without the real right to cross-examine witnesses of the real rights to present witnesses

on one's behalf. Article 15 is also used discriminatorily against minority groups, thus violating equal protection guarantees.

We know that Article 15 is used by the military to intimidate, harass, and frighten servicemen and servicewomen. As an alternative, this power should be transferred to civilians, or power to impose Article 15 should be by a board of three enlisted persons of equal rank to the person subject to Article 15.

We all stand united in the common cause to abolish punishment by Article 15 (Captain's Mast and Office Hours).

THINKING THINGS OVER

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BEARD. Mr. Speaker, in recent days we have concerned ourselves with the serious problem of the shortage of fuel.

It was only 4 months ago that the lack of beef—not oil—was a major concern. Freezers rather than gas tanks were near empty.

There was a price freeze, Government controls, and there was no beef. As Vermont Royster said in the Wall Street Journal on December 12, 1973:

The bare shelves of summer were created not by the butchers but by some gentlemanly agronomists on the Cost of Living Council. As soon as these gentlemen in their wisdom lifted the price ceilings on beef, the shortages vanished.

Before we rush headlong into authorizing more unworkable controls, I think we should reflect on the beef shortage, such as it was, and see the obvious merits of the free enterprise system.

In this vein, I strongly recommend Mr. Royster's column to my colleagues, and ask that it be printed in the RECORD:

THINKING THINGS OVER

(By Vermont Royster)

BEEFING ABOUT SHORTAGES

Putting one little word after another, whatever happened to the beef shortage?

So many things have happened so fast this year that last summer is almost ancient history. The past gets obliterated in memory not by decades but by months. Sitting in the chill before the TV set it's hard to recall the heat of summer and the dramatic pictures on the evening news of those bare counters in the supermarket meat department.

But for a time back there the TV pictures were also of empty corrals down at the old stockyards, and at our house hamburger was as rare as pheasant under glass. Posses of housewives were ready to hang the butcher and Congressmen from urban districts were muttering dire things about greedy cattlemen, sounding for all the world like sheepherders in one of those range wars right out of "Gunsmoke."

Meanwhile sophisticated commentators were telling us that the beef shortage was permanent and we were just going to have to learn to get our protein from soybean concoctions. A few even viewed this as a good thing, since it would break our horrible habit of munching on burgers and frenchfries.

So a recent visit to the local supermarket in the interests of journalistic enterprise was something of a surprise. The meat counter was obviously beefed up—ground beef, rump roast, eye round, all-beef frankfurters, even

steaks from varying parts of the beast, all spread out in tempting array.

To be sure, the prices were beefed up too. Plain old ground beef was 99 cents a pound, the rump roast was \$1.38, the eye round roast was \$1.88, while the price of sirloin was reserved for J. Paul Getty.

Higher prices, yes. Shortages, no. The bare shelves of summer were created not by the butchers but by some gentlemanly agronomists on the Cost of Living Council. As soon as these gentlemen in their wisdom lifted the price ceilings on beef, the shortages vanished.

For there is a relentless correlation between the two, between the price of a commodity and its availability in the market place. Which is something worth pondering now that we begin to shiver through the winter, industries begin to cut back production and the unemployment lines lengthen.

The choice is between higher prices for energy or a cold, cold winter for everybody. Worse, between higher prices for energy or a cold, cold decade. It's an unhappy choice, true enough, and it would be marvelous if some bureaucrat could issue an order and save us from it. But no rationing program, no matter how elaborate, will produce another barrel of oil, another cubic foot of gas, another BTU of energy from any source. Rationing and price controls can only assure that the shortage will last as long as the programs do.

The problem here—as in the beef shortage or any other shortage—is three-fold. To reduce demand, to allocate the present supply in the most efficient manner and to increase the supply.

Artificially depressed prices and rationing don't decrease demand they merely shift the pressure from the open market to the black market or the political arena where it's decided who gets what at the artificially cheap price. They don't allocate the supply on an economic but on a political basis. They encourage no new production.

A freely operating market price will do all three. Right now the price of energy would rise, all right, just as did the price of beef. But with the price rise every user, industrial or home consumer, would take a hard look at his energy use.

There's nothing like a pocketbook pinch, whether on the household budget or a company profit-and-loss sheet, to cut out waste and promote the economic use of any resource. As between users, particularly heavy industrial users, price allocates usage on some rational economic basis rather than by the whim of some government bureaucrat.

Meanwhile, of course, the rising price would encourage all sorts of people to dig more oil wells, tap more gas pools, research new energy sources in areas not economic at the present price levels.

To all this there are objections. One is that rising prices fall heaviest upon those who can least afford them. This is true of all prices, whether of beef or gasoline, but the choice is always between a price to put goods on the market or no goods. And in this case with the shortage resulting in unemployment and other assorted ills the real choice for many will be between letting prices rise or no jobs—and no money to buy at any price.

Another objection is that rising prices will benefit producers, all those oil and gas companies. Let us hope so. Looking at the stock market right now, who is going to put up capital to dig new wells or lay new pipelines? Is the objective to restrict the "profits" of cattlemen or wildcatters, or to get more beef and more oil? To refuse to reward those who will get more of what we need is, in the old adage, to cut off one's nose to spite one's face.

No consumer, and I am one, likes high prices. But when nature is unkind or politicians foolish we are sure to get them. With energy, nature is unkind in that the sources remaining are expensive to get at. The politicians have foolishly compounded the problem by, first of all, plaguing us with an inflation that forces up the prices of everything necessary to produce energy, from the steel to make drills, to the labor to do the drilling.

Then the politicians penalized capital formations, refused to let pipelines get laid, discouraged the opening of new gas heads, restricted the uses of coal, delayed the construction of nuclear plants—and now act stunned that a shortage is aggravated into a crisis.

There's no use pretending there's an easy way out. We're in for a cruel time, no matter what. But whatever else is done, in the real world we're going to have to pay the real cost of energy or do without—that is, have a permanent crisis. The real price of energy will surely be higher, though not as high as a black-market price. On the other hand, the price of not paying it is a shortage not only of energy but of chemicals, paper, medicines, electricity, food and everything else that requires energy.

So maybe the oil controllers in Washington ought to wander over and have a chat with the beef controllers.

TWENTY-FIFTH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HELSTOSKI. Mr. Speaker, one of the principal objectives in the formulation of the United Nations was indicated in the recognition and protection of human rights and fundamental freedoms.

The Assembly of Captive European Nations has taken note of this objective of the United Nations and has issued a statement on the 25th anniversary of this declaration, pointing out some of the violations of these rights and freedoms in the captive countries of East Central Europe.

Mr. Speaker, in order that my colleagues in this honorable body may be acquainted with the position of the Assembly of Captive European Nations regarding these violations, I include, as part of my remarks, the statement of ACEN concerning the denial of human rights which cause tension and endanger international peace and security.

The statement follows:

STATEMENT OF THE ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, INC.

The nations of the world, stunned by the atrocities committed by totalitarian governments in the course of the Second World War and its aftermath, realized that the protection of individual freedoms could no longer be left to the sole discretion of States.

A new concept emerged within the international conscience, that the inalienable rights of the individual are derived not only from his status as a citizen of a certain state but also from his membership in the human family. War became a crusade against tyranny, a crusade for Human Rights.

When Dumbarton Oak's proposals for the establishment of the United Nations were formulated in 1944, they indicated in Chapter 9 among the purposes of the Organization to "promote respect for Human Rights and Fundamental Freedoms."

Finally the idea of recognition and protec-

tion of Human Rights found its expression in the United Nations Charter as one of the principal objectives of the Organization.

Specific provisions are to be found in the Preamble and in five articles of the Charter. The Preamble states:

"We the peoples of the United Nations, determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small . . . have resolved to combine our efforts to accomplish these aims."

Then, among the purposes of the United Nations set out in Article 1, is "to co-operate . . . in promoting respect for human rights and fundamental freedoms for all." Article 55 provides that the United Nations shall promote, inter alia, "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion"; while in Article 56 "all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55." Article 68, requires the Council to set up Commissions in the economic and social fields and for the promotion of human rights, and Article 76, lists the promotion of human rights and fundamental freedoms among the basic objectives of the trusteeship system.

At the San Francisco Conference, which drafted the Charter, President Truman in his closing speech to the conference stated that:

"The Charter is dedicated to the achievement and observance of Human Rights and Fundamental Freedoms. Unless we can attain those objectives for all men and women everywhere without regard to race, language or religion—we cannot have permanent peace and security."

The Human Rights Commission, created in 1946 by the Economic and Social Council in compliance with Art. 68 of the Charter, prepared, under the chairmanship of Mrs. Eleanor Roosevelt, the text of the Universal Declaration of Human Rights, adopted by the General Assembly in Paris, on December 10, 1948. The vote was 48 to 0 with the Soviet Bloc, Saudi Arabia and South Africa abstaining.

The Universal Declaration was adopted by Resolution 217 (III) of the General Assembly. The operative part of the resolution read as follows:

"Now, therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction."

With all its admitted limitation in legal force, the Declaration has beamed into the world a new message of hope and belief in human dignity. The European countries emerging from the sweat and tears of a World War were inspired by that document hoping that it will guarantee the effective protection of fundamental freedoms. It reflected and defined the inalienable and basic rights of man, the foundation of which rests on the dual principle of individual freedom and of inviolability of the human person.

At 1968 conferences convened in celebration of the International Year of Human Rights, the Declaration was hailed on the occasion of its Twentieth Anniversary. The final statement of the Assembly for Human Rights which met in Montreal, Canada, in March 1968, declared that "the Universal Declaration of Human Rights constitutes an interpretation of the Charter of the highest

order and has over the years become a part of customary international law."

One month later, the United Nations Conference on Human Rights at Teheran closed with the adoption of the Proclamation of Teheran which stated in part:

"2. The Universal Declaration Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community."

However, from among the entire membership of the United Nations only the seventeen member countries of the Council of Europe had taken the declarations of principle proclaiming the fifteen separate rights from the Universal Declaration and transformed them into legal obligations binding on member states. In 1959 they established a new international organ, the Court of Human Rights—after 8 states had recognized its jurisdiction as compulsory—with responsibility for ensuring that these obligations are effectively observed.

On the other hand, the United Nations hardly ever moved beyond those noble declarations, lofty statements and unfulfilled projects, like the 1966 Covenant on Civil and Political Rights. Their activities during the past 25 years were marked by neglect of their obligations arising from the provisions of the Universal Declaration and of the Charter which directed the United Nations to promote respect for Human Rights and Fundamental Freedoms. This neglect was specially harmful in respect of the captive nations of East-Central Europe. We have witnessed its most glaring example during the Hungarian Revolution of October 1956, and the Soviet invasion of Czechoslovakia in August 1968.

The peoples of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania, subjected to great sufferings caused by the continued denial of Human Rights and Fundamental Freedoms by the totalitarian governments which usurped power against the will of the peoples concerned, looked in vain to the United Nations for help and justice. They are deprived of freedom of speech, press, assembly and association, while freedom of opinion, expression and information is severely restricted. Censorship is all permeating, freedom of movement is curtailed and in many cases completely denied. Freedom of conscience and religion is denied, and the Uniate Church in Rumania, with two million believers, was brutally suppressed. In the Baltic States of Estonia, Latvia and Lithuania, forcibly incorporated into the Soviet Union, practicing of religion leads to a dismissal from job and often to a mock court trial and a prison sentence and a similar situation exists under the present Soviet-imposed regime in Czechoslovakia. The elections are held with a single government list and no opposition to the government is tolerated. The trade unions are state-controlled and there is no right to strike under heavy penalties. The police is omnipotent and the citizen has no regress against government high-handedness. Obviously the Communist governments in East-Central Europe are unwilling to fulfill their obligations in respect of Human Rights and Fundamental Freedoms.

The Assembly of Captive European Nations has always considered the implementation and further realization of Human Rights and Fundamental Freedoms as one of the principal objectives of the United Nations. We see in the denial by the ruling Communist regimes of Human Rights to the nations of East-Central Europe one of the causes of tension which endangers international peace and security.

On this, the Twenty-fifth Anniversary of the Universal Declaration of Human Rights, the Assembly of Captive European Nations:

Stating that the primary and most serious denial of Human Rights in the captive nations stems from the suppression of their independence and sovereignty,

Appeals to the United Nations:

(a) to set up a thorough and impartial specific investigation of the application of civil and political rights in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania;

(b) to create machinery capable of implementation of the principles and rights contained in the Universal Declaration and in the United Nations Covenant on Civil and Political Rights, including the creation of the position of a High Commissioner for Human Rights with full powers for the performance of his duties:

Appeals to the Governments of the free nations participating in the European Conference on Security and Cooperation:

(a) to raise before the Conference, currently in session in Geneva, the problem of the violation of Human Rights and Fundamental Freedoms in Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Rumania;

(b) to press for the removal of the Communist-raised barriers separating these nations from common cultural European heritage of individual freedom, political liberty and rule of law.

"OLD IRONSIDES" AND THE BOSTON NAVAL SHIPYARD

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. O'NEILL. Mr. Speaker, today I would like to bring to the attention of the American people the skill and dedication of the employees of the Boston Naval Shipyard. As we all know, the U.S.S. *Constitution*, "Old Ironsides," is permanently homeported in Boston by Public Law 83-523. "Old Ironsides" is currently in drydock at the Boston Naval Shipyard undergoing an extensive overhaul.

As it is noted in the caption under a picture in the News of the last remaining shipyard customer, indications are that she will come out of drydock No. 1 next April despite devastating losses of skilled workers. This is due to the spirit at the Boston Naval Shipyard. It stems from the pride of each shipyarder, the feeling of teamwork, the deep awareness of how for over 150 years shipyarders at Boston have dedicated themselves to giving the U.S. fleet distinguished service, an inner sense of fulfillment, the personal demands that the next job be done better than the last. Truthfully speaking the "Boston Spirit" eludes definition, it is intangible, it expresses itself in jobs traditionally "well done." The Boston spirit is anybody's guarantee that a job done at the Boston Naval Shipyard simply cannot be surpassed.

The following article from the Boston Naval Shipyard News illustrates the continuing skill and dedication of the Workers at the Boston Naval Shipyard.

CONSTITUTION DRYDOCK NOW HUB OF SHIPYARD ACTIVITY AS "OLD IRONSIDES" BECOMES BOSTON'S LAST CUSTOMER

With the imminent departure of USS *Talbot* (DEG-4)—probably a week from today—

the Shipyard's piers will soon be bare of customers, with the exception of an occasional visitor or a Reserve training ship between cruises. Only one section of the waterfront teams with activity now, and that is Drydock One, also known, and very appropriately, as Constitution Drydock.

For nine months now, USS *Constitution* (better known as "Old Ironsides") has been the famous tenant in the Drydock named in her honor. She is undergoing an overhaul of vast proportions which features the renewal of her wooden hull. This period in Drydock, scheduled to end next April, is just the first phase of the old ship's restoration. The work will end in time for her to take some role—not yet specifically defined—in her country's 200th birthday celebration.

Since April 17, 1973 (a day notorious as the one on which the Shipyard's closing was announced, even as "Old Ironsides" was nosing into Drydock One), expert Shipyarders from the Woodworking and Rigging Shops have swarmed all over Constitution, poking and prying and searching for trouble spots. All over the hull, they have taken core borings to determine what sections of planking must be replaced.

Their first discovery was that the underwater body is "sound as a nut" and showed no signs of decay. This excellent condition is credited to the beneficial effects of the salt water in which "Old Ironsides" lives. Indeed it is at the waterline, which is sometimes wet and sometimes dry and more exposed to the sun, that signs of decay have been found and are being remedied.

SALT WATER VITAL

So important is salt water to Constitution's health that even now, while she sits high and dry on her keel blocks, she is regularly wet down, sprayed with salt water by Shipyarders or members of her crew. At her usual home at Pier One, Constitution draws up water like a wick and it permeates her hull; the wetting-down in the dock attempts to substitute for that.

Prefabrication has been a major feature of this overhaul. Behind the waterfront—in Building 114 or in special facilities built for the purpose near Drydock One—the raw lumber is milled rough, the pieces of the proper length are selected and the planking is fashioned out, dipped in preservative and if necessary stamped and bent to shape.

One Shop 64 crew does that part of the job; others from that Shop install the planking to the hull, fasten it into place, caulk the seams and eventually cover the underwater body portion with a layer of felt and then a layer of copper.

SAME PRINCIPLE

In principle the work being done today does not differ much from the way it was done during the late 1920s as it was described by Rear Admiral L. M. Nulton, USN, Commandant, in a Research Memorandum dated November 27, 1961:

"Great care was taken in the selection of the outside planking as it required excessive bending, especially aft in the tuck of the ship and under the counters which were full-lined to prevent squatting of ship when running full before or on the wind.

"To meet the unusual bending requirements of planking in these locations, the outside planking was saturated with boiled linseed oil prior to its being put in the steam box where it was steamed for 1 1/4 to 1 1/2 hours. By this use of steam and linseed oil the planking became quite flexible and the counter and tuck successfully planked up without injury to the planking."

STEAMED AND BENT

Today, most of that steaming is done in a newly erected facility on Pier One, built to accommodate 40-foot timbers if necessary. After steaming for the appropriate time, generally all day or all night, the softened wood is placed in the bending press, generally

overnight. Hard bends, those that will take several days, are still being done in Building 114.

With the restoration of "Old Ironsides" coinciding with the closing of the Shipyard, Building 114 is being phased out. Machinery and equipment used specifically for Constitution work—including the four-sided planer, saws of various types, shapers, the laminating press and the drill press—will soon be moved to Building 24, the present "home office" of the Service Group.

FOUNDATION PITS

In Building 24, preparations to receive this equipment are well underway. Three foundation pits are being dug for the largest pieces of machinery, and excavation of the second of these is near completion. Additional power will be required, so Public Works is installing entrance cables and panel and Shop 06 is installing feeder cables and circuit breakers.

An exhaust system to get rid of the dust which all this woodworking equipment is bound to create is also being installed. And high overhead there will be a monorail, a bridge crane system which will make it easier to lift and move heavy timbers from one machine or operation to another.

LAY-DOWN AREA

This section will be pretty crowded with machinery, so the "annex" to Building 24—the section nearest to Drydock Two—is being converted to a lay-down area for Constitution work. There, planking, beams and knees will be fashioned out to support other phases of this prefab work. Upstairs in Building 24 is the Rigging Loft and a saw-filing support facility will be added to that.

Back on board, the side planking and the waterline planking are complete. The next scheduled milestones are the completion of the berth deck beam repairs by December 24 and the completion of the orlop deck repairs by January 25th; indications are that both these dates will be met.

Replacement of felt and copper over the underwater body planks is more than one-third complete; replacement of the copper behind the bilge blocks has been completed on the starboard side. Satisfactory progress has also been reported on other controlling jobs, both external and internal.

EARLY RESTORATION

In the late 1920s, the restoration of the Constitution extended over a period of 38 months including 23 months in drydock. According to Admiral Nulton's memo, the work took longer than was anticipated for several reasons, including "complete lack of drawings and data . . . delays in the receipt of materials" and because "when the funds were running low, before Congress made an appropriation, the force was reduced in order to avoid having to stop work completely."

That appropriation amounted to \$300,000, but that covered less than a third of the total cost to restore and equip the ship. Total cost of the restoration was \$921,108.49. That included labor (\$459,857.96), indirect costs (\$241,990.63) and material (\$219,259.90).

"The remark has been made," the Admiral noted, "that a new ship of the type could have been built as cheaply, which might be true. Tremendous expense was incurred in shoring and hold the ship together while its members were being taken out and replaced one by one. That great care was exercised is obvious when it is noted that not a single fatal accident occurred during these dangerous operations, nor in fact during the whole restoration."

NOT EXCESSIVE

"Considering the relative pay and hours of labor, and the cost of material, the difference between the original cost of the vessel and the renewal of 85 percent of it is not excessive."

What, one wonders, would the Admiral

think of today's prices for labor and materials? Still, considering the enormous historical importance of "Old Ironsides" and the affection in which she is held by millions, even these costs are not excessive.

Much more remains to be said about the current restoration. Stay tuned to this station.

AMERICANS

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HILLIS. Mr. Speaker, just what is right with America? Anything? In recent years we have heard both here and abroad comments which would lead us to believe that everything is wrong with America. I have been distressed on many occasions and felt that these dissenters needed to be set on the right path.

I have heard many attempts to do so, but none as effective and meaningful as an editorial by Gordon Sinclair, a Canadian radio and television commentator. And more impressive—here is someone who is not even an American, but sees fit to defend her. Mr. Sinclair's commentary comes at a most appropriate time and I believe it to be excellent reading for everyone.

While Mr. Sinclair's thoughts have previously been inserted into the CONGRESSIONAL RECORD by another colleague, I want today to again share this commentary. It is indeed heartening to know that there are individuals like Gordon Sinclair. I salute him.

The editorial follows:

AMERICANS

The United States dollar took another pounding on German, French and British exchanges this morning, hitting the lowest point ever known in West Germany. It has declined there by 41% since 1971 and this Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least-appreciated people in all the earth.

As long as sixty years ago, when I first started to read newspapers, I read of floods on the Yellow River and the Yangtze. Who rushed in with men and money to help? The Americans did.

They have helped control floods on the Nile, the Amazon, the Ganges and the Niger. Today, the rich bottomland of the Mississippi is under water and no foreign land has sent a dollar to help. Germany, Japan and, to a lesser extent, Britain and Italy, were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of those countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up and their reward was to be insulted and swindled on the streets of Paris. I was there. I saw it.

When distant cities are hit by earthquake, it is the United States that hurries in to help . . . Managua Nicaragua is one of the most recent examples. So far this spring, 59 American communities have been flattened by tornadoes. Nobody has helped.

The Marshall Plan . . . the Truman Policy . . . all pumped billions upon billions of dollars into discouraged countries. Now newspapers in those countries are writing about the decadent war-mongering Americans.

I'd like to see just one of those countries

that is gloating over the erosion of the United States dollar build its own airplanes.

Come on . . . let's hear it! Does any other country in the world have a plane to equal the Boeing Jumbo Jet, the Lockheed Tristar or the Douglas 10? If so, why don't they fly them? Why do all international lines except Russia fly American planes? Why does not other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy and you get radios. You talk about German technocracy and you get automobiles. You talk about American technocracy and you find men on the moon, not once, but several times . . . and safely home again. You talk about scandals and the Americans put theirs right in the store window for everybody to look at. Even the draft dodgers are not pursued and hounded. They are here on our streets, most of them . . . unless they are breaking Canadian laws . . . are getting American dollars from Ma and Pa at home to spend here.

When the Americans get out of this bind . . . as they will . . . who could blame them if they said "the Hell with the rest of the world." Let someone else buy the Israel bonds. Let someone else build or repair foreign dams or design foreign buildings that won't shake apart in earthquakes.

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. Both are still broke. I can name to you 5,000 times when the Americans raced to the help of other people in trouble.

Can you name me even one time when someone else raced to the Americans in trouble? I don't think there was outside help even during the San Francisco earthquake.

Our neighbours have faced it alone and I'm one Canadian who is damned tired of hearing them kicked around. They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.

I hope Canada is not one of these. But there are many smug, self-righteous Canadians. And finally, the American Red Cross was told at its 48th Annual Meeting in New Orleans this morning that it was broke.

This year's disasters . . . with the year less than half over . . . has taken it all and nobody . . . but nobody . . . has helped.

EULOGY TO DAVID DESSAU

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BELL. Mr. Speaker, an extraordinary man, a close friend, and a leading Los Angeles citizen died early Wednesday morning and his funeral will be held today in Hermosa Beach.

At the time of his death David Dessau was publisher of the Hermosa Beach Review, the El Segundo Herald, the Florence Messenger, the South End Bee and the Compton "Westside" Bee.

Dave climbed the ladder to publishing after a long career in journalism which included service as a reporter on the Washington Post and a period as a war correspondent during World War II when he was based in Hawaii.

He was born in Washington, D.C., in 1913 but grew up in southern California and graduated from Hollywood High School.

He and his newspapers, organized as the South Bay Publishing Co., exerted a major influence in the south bay and throughout California.

He was respected and admired and his friendship was enjoyed by an amazing range of people from all walks of life and at every level of prominence.

He was wise, generous, kind, thoughtful and always constructive. And he will be greatly missed by all of us who had the great good fortune to know him.

REFLECTIONS ON THE DISORDER OF OUR TIMES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. KEMP. Mr. Speaker, it takes no sage or oracle to bring to our attention what ought to be the obvious—that our Nation is substantially overburdening its institutions, reducing their capacities for resolving the myriad of crisis now upon us. It does, however, take a man of wisdom and insight to ascertain clearly the root causes of this critical stress on our institutions.

The eminent professor at New York University, Dr. Sidney Hook, recently addressed the fifth annual meeting of the Open Court Editorial Advisory Board on the disorder of our times. This excellent and insightful address has been reprinted in the current issue of the *Alternative*. Excerpts therefrom follow:

EXCERPTS FROM REFLECTIONS ON THE DISORDER OF OUR TIMES

(By Dr. Sidney Hook)

The times, as I have known them, have always been in a state of disorder. Disorder and disorganization are perennially popular themes. A few years ago, the basic course in "Social Organization" at a prestigious university drew a mere handful of students. But just as soon as the title of the course was changed to "Social Disorganization," without any change in content, students flocked to it in such numbers that it had to be given in several sections. In part, the attractiveness of the theme flows from the same reasons that explain why we never gossip about our neighbor's virtues, but only about their vices.

The very meaning of disorder presupposes a value or set of values from whose standpoint we assess the state of affairs we regard as disorderly.

Until recently, there seemed to be a rough consensus on these values and ideals in American life even when we differed on the program, parties, and means of achieving them. That consensus was expressed as a commitment to the democratic process, and to the mechanisms of registering freely-given consent, a consent freely given because it included the right to dissent. It was a commitment to the rights of individuals, and where rights conflict, as they always do in moral situations, to their resolution in the light of the common good. It was a commitment to the pursuit of desirable freedoms by the arts of intelligence.

The disorder that we should all deplore in our time is largely the consequence of the erosion of these values and ideals, and the resulting abandonment of rational processes of debate, the resort to means that subvert

the moral and legal ends of a free society, and the emergence not only of cults of violence but of attitudes that encourage resort to violence and to threats of violence.

It is not so much public events that concern me here, as certain trends in the cultural and educational atmosphere that seem to contribute to the intellectual, social, and ultimately moral disorder of our times. These trends are more dangerous because of their seeming respectability and legitimacy.

I mention first the growth of anti-intellectualism and irrationalism, which takes many bizarre forms and centers around cults, doctrines, and charismatic figures from the intellectual underworld.

Anti-intellectualism and irrationalism are not restricted to popular thinking about scientific and natural affairs. They are even more in evidence in popular thought about the world of human affairs. Here they express themselves in the forms of absolutism and fanaticism which are almost invariably the consequence of an absence of *historical* perspective.

At any given time, there is always a disparity between worthy moral and social ideals and the status quo, between our goals and our achievements—particularly if we have raised our sights in the course of our struggle towards them. If we take an unhistorical approach to the present, and focus only on the ideal, we become fixated on how far we have fallen short, and disregard the progress made and the distance we have come.

Those without historical perspective think in terms of either-or rather than in terms of more-or-less. The all-important direction of the process of change is ignored. Impatience with the gap between ideal and reality leads to an abandonment of the process that has hitherto narrowed it, to a tendency to resort to shortcuts and sometimes to violence that far from diminishing the distance between fact and ideal, provokes the backlash and reaction that increase it.

With respect to every major area and institution in American life—be it civil rights, standards of living and welfare, race relations access to education—an historical approach will show that incremental reforms have carried us closer to the ideals to which this nation was originally dedicated than has been the case in the vaunted revolutionary Communist regimes anywhere in the world, whose fanatical partisans have held them up to us as models. We have no justification, of course, for complacency. Grave problems and difficulties still abound. But it is this failure to take an intelligent historical approach that seduces persons of good will from being critics within a democratic culture into adversaries dedicated to its overthrow, and converts them, by virtue of the means they use, into hardened immoralists without compassion. The purity of spirit of the unhistorical Utopian absolutist, frustrated by a reality it does not comprehend, becomes transmuted into nihilistic rage. The best results are corrupted into the worst.

This unhistorical perspective and its absolutist pronouncements on the shortcomings of American culture are accentuated by a double standard of morality in the making of comparative political judgments. The achievements of Communist dictatorships in Russia and China are lauded in the light of their past—history is relevant here!—but the far more impressive achievements of the democratic regimes in Europe and Asia, like West Germany and Japan, in which dissent has not been crushed, are ignored. There is something disheartening about the recent reports of travellers to mainland China who broadcast glowing re-

ports of alleged material gains without any reference to the total suppression of freedom within its borders. It is reminiscent of those who brought back glowing reports of material gains made by Italians under Mussolini and by German workers under Hitler as if the costs in human freedom and degradation counted for nothing.

Not all who invoke the historical approach in politics do so in a rational or scientific spirit. Only too often history is rewritten for purposes of special pleading or to further a partisan cause or interest. Today in some academic quarters, and in all of the writings of the so-called counterculture, there is an impassioned attack on the whole concept of objectivity and objective truth—especially in history—as if in the last analysis there is no difference between historical fiction and fact. Logically the position is self-defeating and incoherent, but that hasn't prevented the uncritical-minded from being infected, first with a wholesale skepticism about the possibility of historical truth, and finally with an irresponsible and inconsistent dogmatism.

The attack on objectivity proceeds from the truism that no one can legitimately claim to possess the *whole* truth or the *absolute* truth about anything, to the absurdity that there are no degrees of truth or that all views about history are equally probable. The incoherence of the position should be apparent. These historians not only impugn the concept of objectivity and historical truth, they accuse other historians of errors, distortions, and sometimes outright lies. But if there was no such thing as truth or objectivity, the very words "error," "distortion" "lie" would be meaningless, for their meaning or use depends upon the implicit claim of the person who utters them that he knows the truth. Furthermore, if there were no concept of objectivity, we would not distinguish between "guilt" or "innocence" upon which so much of civilized society depends.

Sometimes the disregard for objectivity is explained in terms of a definition of the intellectual as one who seeks power by means of the dissemination of his views. According to this approach, ideas function as weapons in the clash of opinions that grow out of conflicting interests of nations, parties, and personalities. The difficulties of this explanation are many. First of all, the term power is being used in such a broad sense that it has no intelligible opposite. Everyone would be seeking "power" in some way or other. But in ordinary discourse we make a sharp distinction between inducing the consent of others by force, propaganda, and other nonrational pressures, and inducing their consent by the force of evidence and persuasion. The difference in the two situations is reflected in the attitude of the subjects compelled by the force of the fist (or fraud) as distinct from the compulsion of argument to which one yields. In the first case we resent the exercise of power as invading our autonomy; in the second, we are conscious of no invasion of autonomy. In the case of an inquiry in which several conflicting claims are being negotiated by experiment and analysis, when one reaches a common conclusion with others in consequence of the outcome of the process of inquiry, one feels not a submission to another person's will but to an objective state of affairs which all who are sincerely in quest of the truth must acknowledge.

For these reasons it seems to me altogether implausible to interpret all attempts at communication as attempts to dominate others, and completely unjustifiable to present the scientific method of resolving doubt and fixing belief as comparable in any significant way with the familiar modes of exercising power over others by the gun, by money, by status, or by brass

bands and other forms of blandishment. If thought and its expression were primarily an effort to exercise power over others the very concept of "objectivity" would become unintelligible. Thought would then be judged in terms of its success rather than its accuracy, and prevailing lies would be thought more legitimate than suppressed truths.

I am not so naive as to think that the disorder of our times can be cured merely by building dikes against irrationalism. We need creative intelligence to devise specific policies to modify our institutional practices. But until better thinking prevails in the order and connection of our ideas about social order, as well as about social disorder, the less likely is it that we shall devise the policies required to realize the great promise of American life.

In an address to this House on November 1, I had stressed the critical nature of the effects—the results—of the overburdening of our institutions, the causes of which Dr. Hook has so well brought to our attention:

Our institutions serve as the backbone of the "body politick." They are the mechanisms through which a culture transmits its values and establishes the norms of human interaction and conduct. They are the lengthened shadows of man, bringing cohesion of process and purpose to the extensions of time, serving as the threads which weave together the fabric of society. Upon their collective continuity rests the continuity of society and government and of the foundation stones upon which common consent rests. Institutions may be practices, or relationships, or processes, or organizations, or structures, but the common denominator of all is that they serve as the dispassionate devices through which people and groups, in agreement or in disagreement, act and react with one another.

Institutions do not arise simply and solely from the genius of man. They are, through the ceaseless learning processes of a people and a nation, hammered out upon the anvil of human experience. They are tried. They are tested. They are proved. And through all of this, adjustments are made, carefully here, prudently there. But in the long run, they provide the procedural mechanisms through which human conduct can be self-regulating by common agreement and perception, and, when necessary, by force of law.

It takes no specialist in institutional dynamics to conclude with a reasonable degree of certainty that we, as a nation, are placing ever greater burdens upon our institutions. It is not demagoguery to question the ability of our institutions to meet adequate the demands now being placed upon them.

We are, in my opinion, overloading our institutions with demands that exceed our human capacity to perform, and this gap between expectation and performance widens daily. Unless this trend is reversed, our institutions may be destroyed, our leaders overwhelmed, and our free society radically altered.

In the sophisticated world of modern technology, our scientists and engineers have developed early warning devices—little red lights flashing or buzzers sounding—to warn of overloads and pending malfunctions, allowing immediate action to save the whole of the system and to avert a larger crisis.

If we were able to devise a system of giving us early warning on pending overloads of our political, economic, and social systems, we would have lights flashing and buzzers sounding all about us today. Fuel shortages. Food shortages. Inflation. Watergate. Con-

fiscatory taxation. Huge deficits. Welfare abuses. Work quality. Corruption. Crime. Promises exceeding deliveries. Centralization of power. Special interests. Uncontrolled spending.

But, these are the results of our crisis, not its causes.

Each in its own way is a warning to us, as a result of the overloading of our institutions with demands which exceed their capabilities for performance.

Mr. Speaker, Dr. Hook has captured an essential part of the debate over the role of man in relationship to his government and to his fellow man—he has captured a large share of that most important ingredient in debate—he has captured truth, and he has harnessed and expressed it for our benefit as we strive daily in this Chamber to help resolve those crucial issues affecting the health and well-being of our Nation and its people when those issues are appropriate for government action.

I commend this article to all those who share a mutual concern for tomorrow.

ARTS COUNCIL ENCOURAGES MAKING CULTURAL ACTIVITIES ACCESSIBLE TO THE HANDICAPPED

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BRADEMAS. Mr. Speaker, I want to bring to the attention of my colleagues a most significant development to all those concerned for the well-being of the handicapped in our land and the vitality of the arts in America.

I refer, Mr. Speaker, to a resolution, unanimously adopted by the National Council on the Arts, expressing its desire that the National Endowment for the Arts devote increased attention to encouraging institutions to make cultural activities accessible to the physically handicapped.

The resolution was passed unanimously by the National Council on the Arts upon consideration of a motion made by Council member James Wyeth and seconded by Council member, Maurice Abravanel, on September 15, 1973.

Says the resolution:

The arts are a right, not a privilege. They are central to what our society is and what it can be.

And, continues the resolution:

The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

Mr. Speaker, I commend the National Council on the Arts, and the very capable chairman of the arts endowment, Nancy Hanks, for this responsible contribution toward bettering the lives of our handicapped fellow citizens, and I insert the arts council's resolution at this point in the Record:

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the State and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

TRAGEDY STRIKES AGAIN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HELSTOSKI. Mr. Speaker, two veteran Cliffside Park, N.J., firemen died November 4 working a hose in the flooded basement of a burning bar and restaurant, Philip Ferraro, 36, and Michael Chormanski, 26, both were pronounced dead at Englewood Hospital of smoke inhalation and carbon monoxide poisoning. The two men died when their air tanks ran out causing them to be trapped in the basement.

Fireman Ferraro lived at 439 Gorge Road, Cliffside Park, with his wife Helene; and three children, Michael, age 7; Philip, 6; and Diane, 10 months. Fireman Ferraro had been a member of the paid Cliffside Park Fire Department for 7 years.

Fireman Chormanski also lived at 439 Gorge Road, with his mother, a widow of 3 years, and four younger brothers. He was a member of the Cliffside Park Volunteer Fire Department for about 3 years.

This is a tragedy not only for the families of these two dedicated men, but for the people of Cliffside Park as well. The citizens of that community have lost two good friends who were dedicated to protecting their lives and their welfare. Unfortunately, the daily heroics of our fire-

fighters are often overlooked; not until the flames of tragedy strike do we find ourselves stopping to express our appreciation. To his credit, Robert L. Boyle, president and publisher of the Dispatch, a leading Hudson County newspaper, immediately launched an appreciation fund drive to help the families of the dead firemen.

However, Mr. Speaker, today I must stress that we, in Congress, also have a way of showing our appreciation to the firefighters in the communities of our respective districts. That way of course is through legislation. We can dedicate ourselves to working conscientiously to see that our firemen are provided with the best equipment and training possible. In addition, we can resolve to do everything in our power, to insure that the families of our firefighters are able to lead secure, meaningful lives if tragedy should strike.

Presently, I am sponsoring a series of bills designed to provide expanded training and benefits for our firemen and their families. Firemen throughout the country have sent me letters in support of this legislation.

These bills include H.R. 194 to 199 and H.R. 1529, 1530, 1533, and 1536. H.R. 194 is designed to help in the purchase of fire suits; 195 would establish a National Fire Data and Information Clearinghouse; 196 would create a National Fire Academy; 197 would provide grants to local communities for fire training costs; 198 would provide aid for equipment purchase, and 199 would provide aid for fire science programs. Presently, these proposals are pending before the Science, Research, and Development Subcommittee of the Committee on Science and Astronautics.

In addition, H.R. 1529 and H.R. 1530 would help provide benefits for survivors; H.R. 1533 would extend Federal firefighter benefits to local firefighters; and 1536 would provide Federal benefits for volunteer firefighters. These bills are presently pending before a subcommittee of the Committee on the Judiciary.

These statistics reveal that oil company profits have doubled from last year's levels. I firmly believe it is our responsibility in these distressing times to protect the consumer from being gouged as he sacrifices more and more simply providing for the necessities of life.

Accordingly my proposed legislation imposes a tax on the excess profits of oil companies. By establishing a base period of 1970-72, the average profits during that period can readily be computed. Excess profits over that amount would be directed into a special fund solely for the purpose of furthering the research, development, and exploration of new energy sources under the direction of the Federal Energy Administrator.

Another provision would allow the oil companies to offset against the computed excess profits any funds invested in research for new energy sources and for the development of domestic resources.

Mr. Speaker, I firmly believe there is a need for additional legislation to help our firefighters and their families. I urge my colleagues to support such proposals to help say thanks to these gallant public servants. In addition, I would like to share an editorial with my colleagues which appeared in the November 6 edition of the Dispatch. Entitled "Tragedy Strikes Again," I believe the editorial further underscores the importance of our obligation:

TRAGEDY STRIKES AGAIN

Once again, tragedy, with all of its grimness, has struck firefighters in Cliffside Park. Six years ago five Ridgefield volunteers were killed battling a blaze in the borough. On Sunday, two Cliffside firemen died in the basement of a blazing tavern.

In the case of the Ridgefield men, they were killed as a wall fell. In Sunday's tragedy, the two firemen died as they were working a hose line in the Palisade av. structure, succumbing to smoke inhalation and carbon monoxide poisoning.

The Dispatch, as it has done for 56 years, has set up a Public Appreciation Fund for the wife and three children of Fireman Philip Ferraro, a member of the paid Cliffside department, and the widowed mother of Volunteer Fireman Michael Chormanski.

As with the last fund, which closed only last month, for the two Jersey City police officers, the money realized from The Dispatch's readers and friends will be equally divided. The sacrifice was the same, the heartbreak the same in both cases.

It is ironic that this fund, the 29th established by this newspaper, involves East Bergen. A little more than a week ago we had told members of the area's Policemen's Benevolent Assn. that The Dispatch would always be behind the "men in blue" in these tragedies and aid their loved ones.

People forget the dangers that face both policemen and firemen in their jobs. There is always the character with the warped mind ready to take a shot "at a cop" and there is always the unexpected death at a blaze.

But these men, the paid policemen and firemen and the volunteer firefighters, feel that it is their duty to protect the public and so they do—and die. The public, in return,

should show appreciation for their heroism, for the way they sacrifice for all of us.

Won't you aid in the Cliffside Park Firemen's Public Appreciation Fund? Our readers have always done so in the past, and we're confident they will do it once again. It is one of the few ways in which we can say "thank you" to the "men in blue."

GILMAN PROPOSES LIMITING OIL COMPANY WINDFALL PROFITS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. GILMAN. Mr. Speaker, I am today introducing legislation imposing an excess profits tax on the incomes of corporations producing oil and oil products. Revenue from this tax will go into a fund to promote research, development, and domestic exploration for new energy sources.

Unquestionably, today's petroleum shortages have created a seller's market for the oil companies. We are confronted with an international scramble for every available drop of oil and gasoline. Based on the present rate of consumption, the experts have forecast an oil shortage of between 2.6 million and 3.4 million barrels per day. It is shocking to me and to many of my constituents that as the shortage of crude oil grows even more critical, oil prices and profits are skyrocketing.

In this time of crisis, it is reprehensible to permit any windfall profits to be derived from the hardships of the shortage confronting our Nation. The rapid rise in third quarter profits as reported by the major oil companies is alarming. The following comparison of profits of the third quarter of 1973 with the third quarter of 1972 emphasizes the need for this type of regulation:

(Profits in millions of dollars)

	1972	1973		1972	1973
Atlantic Richfield.....	51.6	59.8	Phillips Petroleum.....	37.6	53.9
British Petroleum.....	35.0	135.0	Royal Dutch Shell.....	110.5	413.7
Exxon.....	357.0	638.0	Standard Oil of California.....	150.0	226.0
Gulf.....	110.0	210.0	Standard Oil of Indiana.....	107.3	147.3
Mobil.....	140.9	231.2	Texaco.....	207.4	307.4

CHAPTER 7

SECTION 1571. Imposition of tax.

(a) GENERAL RULE. In addition to the other taxes imposed in this subtitle, there is hereby imposed on the income of every corporation engaged in the production of oil and oil products, for each taxable year which ends or begins during the emergency period, a tax equal to 37 percent of the excess profits taxable income for such taxable year. Revenues from the tax imposed by this section shall be segregated and shall be appropriated only for programs to advance the research, development and exploration of new energy sources as promulgated and directed by the Director of the Federal Energy Office.

(b) TAXABLE YEARS PARTLY IN THE EMERGENCY PERIOD.—In the case of a taxable year which begins before the emergency period or ends after the emergency period, the tax imposed by subsection (a) shall be an amount equal to 37 percent of the excess profits taxable income for the taxable year multiplied by a fraction the numerator of which is the number of days within the emergency period

In this manner, oil companies will be encouraged to expand their search for new energy sources. At the same time, we will be discouraging excessive price increases and profits.

Mr. Speaker, legislation of this type is long overdue and I invite my colleagues to join with me in supporting this proposal. I request that the full text of my bill be printed in the RECORD.

H.R. 11983

A bill to impose an excess profits tax on the income of corporations engaged in the production of oil and oil products for a limited period in order to establish a fund for the research, development, and exploration of new energy resources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

and the denominator of which is the total number of days in the taxable year.

SECTION 1572. Definitions.

(a) **EMERGENCY PERIOD.**—For the purposes of this chapter, the term "emergency period" means the two years following the enactment of this chapter. The "emergency period" may be extended at any time before its expiration for a two year term.

(b) **BASE PERIOD.**—For the purposes of this chapter, the term "base period" means the period beginning January 1, 1970 and ending on December 31, 1972.

(c) **OIL AND OIL PRODUCTS.**—For the purposes of this chapter, the term "oil and oil products" means any crude oil, gasoline, kerosene, fuel oil or home heating oil extracted or produced by any corporation doing business in any of the fifty states.

SECTION 1573. Adjustments to income for years in the emergency period.

(a) **GENERAL RULE.**—For the purposes of this chapter, in determining the taxable income of a corporation for a taxable year ending or beginning in the emergency period, the following adjustments shall be made:

(1) **DIVIDENDS RECEIVED.**—The deduction for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no deduction for dividends received shall be allowed with respect to dividends on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

(2) **GAINS AND LOSSES FROM SALES OR EXCHANGES OF CAPITAL ASSETS.**—There shall be excluded gains and losses from sales or exchanges of capital assets.

(3) **INCOME FROM RETIREMENT OR DISCHARGE OF BONDS, ETC.**—There shall be excluded income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including in the case the issuance was at a premium, the amount includable in gross income for such year solely because of such retirement or discharge.

(4) **DEDUCTIONS ON ACCOUNT OF RETIREMENT OR DISCHARGE OF BONDS, ETC.**—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

(a) The deduction allowable under section 162 for expenses paid or incurred in connection with such retirement or discharge;

(b) The deduction for losses allowable by reason of such discharge or retirement; or

(c) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge.

(5) **RECOVERY OF BAD DEBTS.**—There shall be excluded income attributable to the recovery of a bad debt if the deduction of such debt was allowable from gross income for any taxable year ending before the effective date of this Act or if such debt was properly charged to a reserve for bad debts during any such taxable year.

SEC. 1574. Excess profits deduction.

(a) **COMPUTATION.**—The excess profits deduction for a taxable year shall be the greater of the following:

(1) 100 percent of the average base period taxable income, or

(2) an amount equal to the total of the following amounts:

10 percent of the first \$10 million of invested capital,

9 percent of the next \$9 million of invested capital, and

8 percent of invested capital exceeding \$20 million.

(b) The average base period taxable income shall be determined as follows:

(1) By computing the base period taxable

income for each month in the base period, the highest and lowest aggregate of 6 months taxable income shall be dropped and the remaining sum of twenty-four months shall be divided by two to obtain a base year figure for the purposes of this chapter.

(c) Notwithstanding any other provision of this chapter, there shall be a deduction from the gross excess profits taxable income for any capital expenditures made for research and development of new domestic energy sources and for expansion of domestic exploration.

(d) The provisions of this chapter shall apply to all corporations as defined in section 1571 of this chapter that were in existence during the entire or any part of the base period or the emergency period as defined in this chapter.

THE CASE FOR CONGRESSIONAL GOVERNMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. KEMP. Mr. Speaker, there is much debate today—in the halls and antechambers of this Capital City, in the press and on the air, in the academy—on the respective and balancing roles between the legislative and executive branches in the formulation of national policies and priorities. That debate has been manifested through recent congressional reassertion in the area of budget reform and fiscal control.

This debate appears to have stratified on two levels: First, the debate on the institutional powers granted by the Constitution and the exercise of the powers during the past two centuries—principally an accretion of power to the Executive; and, second, and perhaps the reason for its current intensity, a debate arising from the incumbent President being of one party and philosophy of government and the majority within the Congress being of another party and distinct set of long-term priorities.

Mr. Speaker, I support a reassertion of the institutional powers granted to the Congress by our Constitution. This body, over many decades, has surrendered too much power over the lives of the people we represent to the institution of the Presidency and the varied bureaucracy which carries out the execution of the laws under his ultimate direction.

A valuable contribution to understanding the reasons why some public figures are opposing a reassertion of congressional prerogatives appeared recently. Excerpts of this article follow:

THE CASE FOR CONGRESSIONAL GOVERNMENT
(By L. Francis Bouche)

It (1969-73) was a curious and new situation, reversal of traditional roles, with liberals attacking and conservatives defending a strong, aggressive presidency. The reversal was easily explicable in terms of the advantage gained by President Nixon and his partisans in his landslide election victory, and it may even have seemed somewhat amusing to historically-minded political observers. Actually, the new alignment was fraught with danger for it at least intimated a major conservative concession to liberals of a goal long sought by them. From the time Profes-

sor Woodrow Wilson published *Congressional Government*, a work indicting Congressional power and advocating Executive supremacy, on through Franklin Roosevelt and Lyndon Johnson, liberals always found the call to greatness, to America's *historic imperative*, emanating from the Executive Branch. With rare exceptions, such as the landslide Congresses elected in 1936 and 1964, it was, in their view, the narrow-visioned, backward-looking Legislative Branch which roadblocked and stymied progress toward attainment of that elusive promise (as expressed in the Declaration of Independence) that all men are equal.

On the other hand, the liberals' new-found enthusiasm for Congress... was straightforward and practical. Congress had become the only governmental means for advancing their political ends and for thwarting conservative advances by the White House. Like all ideologues, liberals have a quite specific program and know what is to be done. For them politics is not a question of what, but rather of how. Given clear, absolutist, ideological commitment to ends—egalitarianism, secularism, peace (at any cost), freedom of expression (ending in license), etc.—and calculated indifference to means, the liberals' conception of politics reduces to selecting technically appropriate (i.e. effective) means for accomplishing those ends, regardless of "unenlightened" opposition, or even widespread, popular, majority opposition.

President Nixon, grand strategist and strict constructionist, may have expected from Hill conservatives, indeed, may even have counted on, a serious, more far-reaching opposition to his domestic budgetary assertiveness than was forthcoming. But regardless of presidential calculations, once the gauntlet was cast down, a student of recent Congressional history would not have expected a moderate Democrat like Representative Al Ullman of Oregon to emerge as the principal champion of a tight overall budget ceiling and stricter accountability on Congressional expenditure.

Where were the conservatives on this kind of issue? Thrilled at seeing their liberal adversaries smitten, they offered the President nearly unqualified support, standing behind him right or wrong. In the process they conceded to liberals the fundamental principle around which the American conception of self-government was organized.

An alert member of Congress, unwilling to concede the totally republican and thoroughly Whiggish character of the American system and mindful of the Framers' intention that the President be but an administrator doing the bidding of Congress, ought to have delivered himself of something like the following:

"I surely appreciate my distinguished liberal colleagues' new-found enthusiasm for this Congress' prerogatives and authority within our constitutional system. I am equally pleased by their new eagerness to assert Congress' authority to determine expenditure priorities among competing federal programs. The wariness these liberals display towards the President's request for discretionary authority to withhold spending appropriated funds in order to keep total federal spending within reason is also commendable. But in candor, I must say that in light of their previous passion for conceding sweeping discretionary power to the Executive and its faceless bureaucracy I find this sudden reversal somewhat incredible."

"If we grant the President's request, establishing an expenditure ceiling for the current fiscal year and empowering them to determine what appropriated funds should not be spent in order to not exceed the mandated ceiling, the President (and by implication the GOP) will bear clear responsibility

for whatever spending cuts are in fact made. On principle, however, I oppose granting Mr. Nixon or any president such broad, selective authority to impound funds or to alter authorized spending. My own inclination is to oppose presidential impoundment of monies we here in Congress have appropriated."

"Taxation and determination of federal spending are the foremost, indispensable powers the Constitution grants to Congress. To grant even a share of that authority to a president is a stark admission of the Legislative Branch's incapacity to legislate prudently. However, rampant inflation, a chronic imbalance of international trade and the position of the dollar abroad evidence how imprudent we legislators have been; and unless a majority of this Congress begins at once to pursue a course of fiscal responsibility I shall be left no alternative but to support the President's request. In sum, I find my liberal colleagues' concern for Congress' budgetary authority disingenuous. What concerns them is not granting a president discretionary impoundment power, but granting that power to this president. They fear for their favorite programs. If they are indeed serious, if they are truly interested in restoring and reasserting the Congress' constitutionally intended position of dominance over the Republic's affairs, revision of our appropriations procedure is the first item of business before both chambers."

"Conservative support is assured for appropriation reform that will establish an over-all expenditure ceiling at the beginning of each fiscal year on the basis of anticipated revenue and realistic economic policies—perhaps Milton Friedman's notion of full-employment budgeting. Most importantly, the reform must include a budget-busting provision requiring that legislation which calls for expenditure above the ceiling must include the name of the sponsor, and new taxation to cover the proposed ceiling overrun."

Despite argument to the contrary from spokesmen for both the left and right, the American framers understood themselves to be establishing a majority-rule republic, albeit a unique majority-rule system suited, perhaps exclusively, to the particular people and particular situation found in the proposed American republic.

What they did not intend, as critics so different as MacGregor Burns and the late David Lawrence are quick to remind us, is plebiscitary, majority-mandate democracy along the lines that later developed in Western European parliamentary democracies. They did not intend majority mandate democracy because (a) no one had ever then heard of such a political species; and (b) if they had they would have dismissed it as unsuited to good governance of the proposed republic given its diverseness and extension.

In majority-mandate democracy periodic elections are viewed as plebiscites or national referendums on the current platform of legislative proposals announced by contending political parties, and, of course, on a party's past performance record. Under that system ideological issues are sharply drawn; votes are not cast for individual law makers but for party pawns committed in advance to a specific program which will be enacted if his party secures a majority and their leader becomes prime minister.

The Federalist majority does not envision an advance decision on government policy issuing out of an election. The election of representatives to either federal chamber is by that standard, an essentially local affair intended to produce a heterogeneous Congress of fair-minded men (not back bench pawns) who can "arrive at policy decisions through a process of deliberation (with other) virtuous men representing potentially conflicting and in any case different values and interests."

As Madison makes abundantly clear, the authors of the Constitution were not preoccupied

with elections as policy decision forums, but as a means for selecting out from the community individuals who in wisdom and virtue are personally or corporately representative of the community. For them self-government means more than simply mobilizing 50.1% of a population behind a set of proposals; it is grounded in something called the "deliberate sense of the community" which is formed as problems arise and get deliberated about in the Congress and out over America. As a self-governing people, our deliberation is not limited to the span of an election campaign. It is a dynamic, continuing relationship between wise, fair minded and virtuous representatives and their constituents.

What really bothers people in search of ideological mandates, particularly people who try to milk a mandate from each and every Presidential election, is that the American system is not designed to reflect what is going on in their heads but rather what is going on in the heads of We the People. Indeed because locally elected representatives express this real-majority, Congress, especially the House of Representatives which pays folks back home the closest attention, is usually found coming down on the conservative side of most issues.

Mr. Speaker, I commend this article, and the insight it reflects, to the attention of all who are engaged in the current debate. I think it argues well for a reestablishment of the proper role of the Congress in the making of laws.

YOU THINK AMERICA HAS TROUBLES?

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. CARTER. Mr. Speaker, we have much to be thankful for in America today, and I hope that we never lose sight of this fact. The following article provides an interesting commentary on this matter:

YOU THINK AMERICA HAS TROUBLES?—WHAT IS NIGHTMARE TO US WOULD BE UTOPIA TO THE WORLD

In much-envied Japan, the best beef costs \$35 a pound; pollution is so bad in Tokyo that traffic policemen take an "oxygen break" every hour—3 minutes of breathing bottled oxygen; their factories produce ten times the industrial waste per square mile that our factories do and 70% fail to process their waste; school children pass out after playing in the smog.

Britain, France, Spain, Italy, Denmark and Finland have worse inflation rates than we do, and controls have failed. (Gasoline in one country costs \$1.03 a gallon).

In Brazil less than half the cities have high schools.

In Rio de Janeiro as many as 6 companies have to share one telephone.

In Cuba per capita income is down to \$357 per year.

In the Congo prices have risen 90% since the late 60's and wages have risen only 40%.

In mainland China workers live in huge apartments where 6 to 12 families share one kitchen.

Calcutta has a population explosion (9 million; it was 2 million just ten years ago) because people crowd in to get factory jobs at 34 cents a day—twice the Indian national scale.

We have only 6% of the world's population but we produce and consume 30% of the world's goods and services, making us better fed, better housed, better educated, with bet-

ter medical care than virtually any other people on earth.

Complacent? We'd better not be! We'd better learn how to get back to being the *productive* people we once were, when we were *safe*, and genuinely prosperous—and reasonably happy.

THE EDUCATIONAL NEEDS OF OUR VETERANS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BINGHAM. Mr. Speaker, the Veterans' Administration's failure to treat veterans seeking educational benefits as high-priority clients is a matter of great concern to me. All too often the Veterans' Administration is satisfied to follow the rules of the past instead of embarking on constructive and innovative reforms. The severity of this problem was recently underlined by correspondence from both the president of Bronx Community College, Dr. James A. Colston, and the Office of Veterans' Affairs of the City College of New York. The problems cited by Dr. Colston and the Veterans' Affairs Office would be solved by the passage of legislation reported to the House Veterans' Affairs Committee by the Subcommittee on Education and Training. This proposal would increase educational benefits by 13.6 percent, extend the period in which a veteran could take advantage of educational benefits from 8 to 10 years after separation from the service, and improve communication between the Veterans' Administration and those it seeks to serve.

These proposals, which I join with many educators and veterans from New York in endorsing, deserve speedy and favorable consideration by the Veterans' Affairs Committee and the Congress. I have urged the chairman of that committee to take up the subcommittee's draft bill as soon as possible, and I include the text of my letter and attachments at this point:

HOUSE OF REPRESENTATIVES,

Washington, D.C., December 4, 1973.

HON. WM. JENNINGS BRYAN DORN,
Chairman, Committee on Veterans' Affairs,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The enclosed copies of communications from the Office of Veterans' Affairs of the City College of New York to the Veterans Administration Regional Office in New York City dramatize the need for increased and direct lines of communication between the Veterans Administration and those it seeks to help. This need can be amply filled by the passage of the draft bill now pending before your Committee submitted by the Subcommittee on Education and Training. Specifically, I commend to you Congresswoman Heckler's proposal for the establishment of a Vietnam Era Veterans Communication Center in each regional office of the Veterans Administration. At no cost to the Veterans Administration these centers will increase communication, help make VA programs more relevant to the needs of Vietnam veterans, and provide a crucial link to aid Vietnam veterans in getting fair and equitable educational benefits.

The complaints recorded by the Office of Veterans' Affairs of C.C.N.Y. are not isolated.

Both my Washington and District offices receive numerous complaints from veterans concerning the inadequate handling and processing of claims for benefits to which they are rightfully entitled. While the Veterans Administration employs a great number of capable and devoted individuals, its bureaucratic stagnation is to blame for the depressed state of veterans' affairs. More open lines of communication are necessary to revive it.

I wholeheartedly support the legislation reported by the Subcommittee on Education and Training, and I am hopeful that it will receive early and favorable action before the full Veterans' Affairs Committee. It contains several provisions similar to legislation I have introduced, H.R. 11008 and H.R. 11009, which would extend the time that veterans would be able to use the educational allotment of the GI bill to 10 years, provide an immediate increase in the GI bill education assistance allowance to a base of \$250 a month, and provide additional direct tuition payments of up to \$1,000 for each veteran. Although the latter provision was not accepted by the subcommittee, I look forward to early hearings on this proposal. The enclosed copy of a letter I received from the President and Veterans' Affairs Officers of Bronx Community College, the major college in my District, attests to the support for such legislation. Enactment of these reforms would be a tribute to all veterans from a grateful nation.

With best wishes,

Sincerely,

JONATHAN B. BINGHAM.

NOVEMBER, 26, 1973.

HON. JONATHAN B. BINGHAM,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: Bronx Community College, the Veterans Association, the Office of Veteran Affairs, faculty, and students support pending legislation HR 10870 to extend the eligibility period for veterans' educational benefits beyond the eight years presently provided by law. We also support legislation H.R. 10818-9 for 13.6% across-the-board increase in benefits.

We believe veterans should remain eligible beyond the eight years presently provided. We base our opinion on extensive experience with veterans: our present enrollment includes over 1200 veterans, many of whom have serious educational handicaps and deficiencies which must be corrected. Many are required to take non-credit remedial courses or are forced to take reduced credit loads, thus lengthening their stay at the College. In addition, many veterans require a period of time in which to become adjusted to civilian life and consequently delay application for educational benefits to which they are entitled. Many must search for employment in order to support their families. Many are unable to pursue a college education and to support their families on the educational allowance provided.

Statistics from our college illuminate this problem. Of the 1200 veterans enrolled almost 600 are unable to carry a full-time course load, carrying, on the average, only six credits per semester. Proceeding at this pace, approximately ten years would be required for the completion of a bachelor's degree. An additional period of time would be required should a veteran require a period of adjustment following his release from service.

I hope you will be able to use this information concerning our experience with the educational needs of veterans in your support of HR 10870 and HR 10818-9.

Sincerely yours,

JAMES A. COLSTON,
President, Bronx Community College.
WILLIAM WEBB,
Coordinator of Veterans Affairs.
JOE VIVERETTA,
President of Veterans Association.

THE CITY COLLEGE
OF THE CITY UNIVERSITY
OF NEW YORK,
New York, N.Y., November 8, 1973.

VETERANS' ADMINISTRATION,
Regional Office,
New York, N.Y.

DEAR MR. NUGENT: I would like to begin this letter by briefly explaining the purpose and goals of this office. This college has recently expanded its services to veterans by establishing, through this office, a number of programs geared to help veterans on and off campus. We have recently established programs related to: housing, job placement, outreach, recruitment, discharge review, and of course, counseling. This office also certifies our student veterans to receive educational benefits as well as counseling pertaining to V.A. benefits.

Recently we have had quite a hard time running these above projects. The reason for this difficulty is due to the many students who have not received their educational assistance checks. Most of our time is spent trying to solve the errors made by the V.A. I understand that the V.A. services hundreds of thousands of veterans and due to such volume there will always exist "bureaucratic mishaps". It should be noted that the following is not reflectible of the occasional mistake which is made on behalf of almost any large organization but rather a discussion concerning criminal neglect regarding errors made by your office, relating to the basic welfare of the clients you serve. Rather than enter upon a discussion concerning general criticisms I would like to bring to your attention some specific situations which I feel you should look into personally. The following cases below represent, with no exaggeration, criminal neglect on behalf of the Regional Office. It should be noted that in each case at least three inquiries were made by this office to the V.A., both in writing and by phone. No inquiries were answered.

Clifford Moy [REDACTED] XXXX

On 8/10/73, a 1999 form was sent requesting advanced payment. At the time of registration no check arrived. During the first two weeks of September the V.A. was called approximately 6 times (620-6091). We were told after every call that the "matter is being looked into". On 10/25/73, a letter was sent to you from Jon Saul. We then received a call from Mr. Schmidt whereby it was stated that personal attention will be given to Mr. Moy regarding his claim. On 10/31/73, Mr. Moy received a letter from your office (Form 21-8332a-2) 21/24 stating that "education assistance allowance has been discontinued effective September 9, 1973". This letter further states that the action was taken because no confirmation of attendance was sent by this school. At present Mr. Moy has received no payment. At the beginning of this school year Mr. Moy signed a deferred tuition form from the registrar's office explaining that the payment of his college fees may be postponed until 11/15/73. The school felt that this would give ample time for the V.A. to mail Mr. Moy's check. Put simply, Mr. Moy must pay his fees by 11/15/73 or he will be disbarred from class. If Mr. Moy does not receive payment by 11/15/73 and is disbarred, I will hold you personally responsible.

Andrew Zigouras [REDACTED] XXXX

Mr. Zigouras was certified for advanced payment on 8/8/73. At the time of registration his check had not arrived. After many inquiries were made by phone the check finally arrived approximately 6 weeks late. The amount of the check however was \$40.00 instead of \$370.00. Further inquiries were made by phone and letter; letter sent 11/2/73 to Mr. Leo.

On 10/1/73, Mr. Zigouras received a letter from your office explaining that his award

will be \$40.00 a month. Upon calling the V.A. once again I was told that Mr. Zigouras had been inadvertently switched to a correspondence training course. I was told that the situation would be cleared up by the 11/73 check. I was recently informed by Mr. Zigouras that he received his 11/73 check—it was in the amount of \$40.00. In other words, unlike other problems, the cause of the problem is known, the solution is known, yet to this date the error has not been corrected. Mr. Zigouras has received a total of \$80.00 for attending this school full time since 9/10/73. I am afraid to ask him how much longer he plans to attend this school under the current situation. If Mr. Zigouras does not receive prompt retroactive payment and is forced to drop out of school I will hold you personally responsible.

James Moraglanis O 26 467 398:

Mr. Moraglanis has not received any V.A. payment since last February. On April 26, 1973 the student took a leave of absence for the remaining spring semester. The student notified the V.A. by phone.

On 9/11/73 a 1999 form was sent verifying that Mr. Moraglanis is attending full time. He later came into our office explaining that he received a letter explaining that he must verify that he attended the Spring '73 semester.

After several telephone inquiries we wrote to Mr. Moraglanis 10/24/73, no response. On 10/29/73, we wrote again to Mr. Schmidt, no response.

Part of the problem may be the fact that the student did not sign the card verifying attendance. I would like to mention however that verification from the school, as well as from the student, concerning his attendance dates was given approximately 10 times to your office. On 9/10/73 he received a notice explaining he will no longer receive payment. If Mr. Moraglanis does not receive payment promptly I will hold you personally responsible for forcing him to drop out of school.

The following list represents students who applied for advanced payment and have not to this date received any payment whatsoever.

Linda Ann Trippiedi [REDACTED] XXXX
Michael Jay Miller [REDACTED] XXXX
Peter Plagianos [REDACTED] XXXX
Judith Paula Herz [REDACTED] XXXXXXXXXX
Kenneth John Holmstrom [REDACTED] XXXX
Stephine Gray Perine [REDACTED] XXXX
Richard H. MyCue [REDACTED] XXXX
Albert Menefee [REDACTED] XXXX
Christopher L. Lascoutx [REDACTED] XXXX
William A. Hill Jr. U88 26170—received check 11/28/73.
Alan P. Granville [REDACTED] XXXX
Philip J. Tue [REDACTED] XXXX
Harvyn E. Smith [REDACTED] XXXX
Stanley J. Sugrue [REDACTED] XXXX
Emil J. Schau [REDACTED] XXXX
Terrance J. Sughrue [REDACTED] XXXX
Roy Tabita [REDACTED] XXXX
Wendy S. Garf, XO [REDACTED] XXXX

At least three inquiries were sent previously for each student on this list. On 10/25/73 we sent a letter to you, Mr. Burke, and Mr. Schmidt concerning these students. During the week of 10/31-11/2 Mr. Schmidt called us and said he would look into the matter personally. To this date no student on the list has received any payment. If payment is not made soon I will hold you responsible.

As mentioned earlier, this office, after long debate with the administration, finally received approval to set up a policy for veterans allowing them to waive their responsibility for payment of tuition until 11/15/73. This was done to enable our veterans to receive their V.A. checks before paying college costs. This office recently received a list from the bursars office giving the names and amounts due by all the veterans which have not as yet paid. The total amount due is \$25,554.00.

We have been notified by the bursars office that disbursement notices will be mailed out to any veteran who does not pay by 11/15/73; six days from now. This office has not as yet determined if the list we have represents veterans who have not received their checks, yet I am sure there are many names on the list that have not. Not only am I afraid of many veterans being suspended but I am fearful that the school will "dump" this program because of the delay in payment.

If there are any students who are suspended from class because of nonpayment due to V.A. inaction, I will hold you personally responsible. I would like to request that you furnish our office with a letter addressed to the bursar explaining that in many cases veterans have not received prompt payment of V.A. education money. Hopefully this letter sent by you will be taken under consideration for our veteran population and save the deferred payment system we all worked very hard for.

In conclusion, I would like to add that we see approximately twenty to twenty-five students daily who have received no payments. This letter only includes the most unusual cases.

I understand that this letter is quite strong; it represents, in part, my frustration and inability to help the many veterans I see who want to know why they have not been paid. What can I tell a veteran who has received an eviction notice? What advice can I give a student who comes by with his "drop card" for me to sign because he must quit school to find a job in a jobless market? With regard to our "recruitment" program, how can I honestly tell a veteran that he can be paid for going to school; especially if he has a family. How do you think I feel when the V.A. owes a veteran \$700.00 in back payment and I say "I'll send an EAI" when they are never answered?

I hope, due to this dire situation I will hear from you soon. I hope I will not be forced to publicize this letter or send copies of it to other individuals who may have the power to investigate the matter. I am sure you understand, as I do, that we must both do whatever possible to make sure the veteran receives what is required by law and by common decency.

With respect,

RALPH STAVITZ,
Veteran Advisor.

BAN THE HANDGUN—XI

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BINGHAM. Mr. Speaker, as an article from the December 17 edition of Newsweek indicates, the incidence of felonious homicides have reached truly staggering proportions in Detroit. Detroiters have armed themselves with an astonishing total of some 500,000 handguns, one for every third man, woman and child in the city.

The time for strict Federal controls on the possession of handguns is long overdue. Must every man, woman and child own a handgun before we act?

The article follows:

A BLOODY RECORD FOR "KILL CITY"

Over the years, Detroiters have dubbed their own "Kill City" and "The Murder Capital of the Nation," and for the most part, they seemed to accept the city's staggering homicide rate as tragic but inevitable. This year, however, even the most nonchalant De-

troiters have been shocked by an unprecedented tidal wave of murder. Last week the Motor City topped its 1972 total of 693 killings, and experts predicted that this year's toll would eventually hit at least 750. That would mean one murder for every 1,800 city residents—compared to ratios of one to 3,864 for Chicago, one to 4,779 for Houston and one to 4,820 for New York. And Detroit's prospects for next year are even worse. Police officials estimate that Detroiters have armed themselves with an astonishing total of some 500,000 handguns—one for every third man, woman and child in the murderous city.

Annual murder rates per 100,000 population as of June 1973

Detroit	49.4
Cleveland	36.8
Washington	36.5
St. Louis	36.3
New Orleans	33.7
Baltimore	28.0
Memphis	26.8
Chicago	25.9
Dallas	24.9
Philadelphia	21.3
Houston	20.9
New York City	20.7

¹ Annual rate as of Dec. 1, 1973.

IMPERILED BIOMEDICAL RESEARCH

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Ms. HOLTZMAN. Mr. Speaker, I would like to call to the attention of my colleagues a letter to the New York Times written by Dr. Ernst R. Jaffe, acting dean of the Albert Einstein College of Medicine.

Dr. Jaffe points out the potentially chaotic situation that may result from the Department of Health, Education, and Welfare administrative procedures dealing with biomedical research and education in the United States. As Dean Jaffe suggests, these procedures, undertaken in the name of saving money may result in the inestimable damage to American health care systems.

I commend Dr. Jaffe's letter to the attention of my colleagues:

[From the New York Times, Oct. 18, 1973]

IMPERILED BIOMEDICAL RESEARCH

TO THE EDITOR: With the nation's attention diverted by the Watergate affair and the Agnew agony, little has been heard about the serious potential health hazards that still exist.

The leadership in Washington is using two very effective administrative techniques for saving money. One rule is, "Thou giveth with one hand and taketh away with the other." Secretary Caspar Weinberger "gave" \$30-million for a new biomedical research fellowship training program, but the funds will come from the research-grant kitty. How, then, can new discoveries be made to improve the well-being of mankind?

The second principle is to obfuscate the public so that it cannot respond in time. For example, these training-grant funds would permit assistance for about 6,500 postdoctoral trainees for three years, with only 2,100 appointments possible on July 1, 1974.

Secretary Weinberger has stated that the policy governing the program, its central management and the determination of total research manpower needs will come from the Office of the Director of the National Insti-

tutes of Health. The guidelines and forms for application will not be available before Nov. 15.

The completed applications must be examined in detail by appropriate review groups, which will make recommendations on their scientific merit during meetings next January. Advisory councils will consider these recommendations in March to make the final selections on the basis of the predetermined priority of needs and the quality of the applications. Information about who will be awarded a fellowship will not be available before April or May of 1974 and conceivably not before June. Who can make plans for a career and for next year's investigative effort with such short notice?

Chaos will develop, and Mr. Weinberger can then say that he gave \$30-million that the National Institutes of Health and its advisory groups could not handle expeditiously. Biomedical research fellows will not receive their training, the future of American science and health-care improvement will be irreparably damaged, and he will have attained his objective—saving a little money.

Unless Congress and the courts are successful in altering this course, biomedical education and research will have been struck a serious, perhaps mortal, blow. The same techniques are being used on programs for direct health-care delivery and other facets of societal need. Although the Administration has not been quite as successful in these latter areas, significant victories have been won. The score on overriding Presidential vetoes now is six to nothing.

ERNST R. JAFFE, M.D.,

Acting Dean, Albert Einstein College
of Medicine.

BRONX, October 8, 1973.

JOSEPH E. HELFERT, 1894-1973

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. KASTENMEIER. Mr. Speaker, I was saddened to learn of the death of an old friend, Joseph E. Helfert, former editor of my hometown newspaper, the Beaver Dam, Wis., Daily Citizen.

Mr. Helfert was an exceptionally active member of the Beaver Dam community, and he participated in many civic causes. He was particularly interested in the welfare of young people, and, in 1929, he founded the Open Eye Club, a safety program that became the forerunner of numerous youth safety organizations. In recognition of his contributions over the years to youth safety programs, and to youth groups in general, Joe Helfert was honored by many local, State, and national organizations.

Mr. Speaker, I wish to extend my condolences to his widow and family. I also would like to insert the following obituary from the Beaver Dam Daily Citizen eulogizing the late Joe Helfert:

JOSEPH E. HELFERT

Joseph E. Helfert, newspaper editor and civic leader in Beaver Dam for nearly a half a century, passed away at Beaver Dam Community Hospitals, Hillside Unit, late Wednesday afternoon, after being stricken with cancer several months ago.

Funeral services will be held on Saturday, December 1, 1:30 p.m. at the Murray Funeral Home, and 2 p.m. at St. Peter's Catholic Church. Rev. Joseph Stier will officiate at the services and burial will be in the parish cemetery.

The late Mr. Helfert was born on July 19, 1894, at Olmitz, Kansas, the son of Mr. and Mrs. Alois Helfert. On September 26, 1921, he was married to Loretta Gavigan who preceded in death in January, 1937. He was married to Beryl L. Carlson on June 25, 1938.

Surviving are his widow, Beryl; three daughters, Mrs. Arthur (Jeanne) Sommers of Kohler, Mrs. D. R. (Carol) Macdonald of Rhinelander, and Mrs. Frank (Mary Jo) O'Hara of Madison; two sons, Charles J. Helfert of Dallas, Texas, and Thomas L. Helfert of Horicon; 20 grandchildren; and one brother, Edward Helfert of Hoisington, Kansas.

Also preceding in death were his parents; and two sisters, Mrs. Otto Trechter and Mrs. Roy Cornelius, both of Hoisington, Kansas.

Friends may call at the Murray Funeral Home after 3:00 p.m. on Friday and until the hour of services on Saturday afternoon. There will be a Knights of Columbus vigil on Friday evening at 7:30, and a parish vigil at eight o'clock.

Memorials will be accepted for the Joseph E. Helfert Memorial Fund.

The Beaver Dam Safety Committee, both present and former members, will serve as honorary pallbearers. Committee members are advised to contact 885-4292 for further information.

IT WAS A BUSY LIFE!

Joe Helfert's busy life spanned a wide range of professional, business, community, youth, church, safety, country and family service. Highlights of his career include:

FORMAL EDUCATION

Elementary education and high school, 1913 graduate, Hoisington, Kansas; received teacher's certificate from Great Bend Normal School and taught school one year in a Russian community in Barton County, Kansas; attended Pittsburg (Kan.) Normal Training School, and taught two years at Kingston School.

In September, 1916, enrolled at Marquette University School of Journalism, and returned to school after World War I. He served on the Marquette University Athletic Board from 1952-55.

PROFESSIONAL CAREER

Before coming to Beaver Dam to become editor of the Daily Citizen in August 1926, he worked for short times on the Sheboygan Press, Racine Journal and Milwaukee Journal. However, it was as a cub reporter for the Milwaukee Sentinel before World War I that he got his first start as a newspaperman. He later went with United Press and in 1920 was named bureau manager at Milwaukee.

While associated with Marquette University he was editor of the Marquette Tribune and associate editor of the Marquette Hilltop. He was a member of Phi Rho Epsilon journalism fraternity and was one of the founders of the Sigma Delta Chi journalism fraternity.

Professional awards include the Alpha Sigma Tau honorary key and the Marquette University By-Line Award in June, 1946, being included with the first group to receive this honor.

He went into semi-retirement in 1970, but continued to write his Open Eye Column daily.

BUSINESS CAREER

He was a partner in the Citizen Publishing Co. until his retirement, and then served on the company's board of directors.

He was a member of the Beaver Dam Chamber of Commerce's board of directors for 10 years, and served as chamber president for two years, 1944-45.

SAFETY ACTIVITIES

One of the first and early promoters of safety campaigns, he organized a Radio Club shortly after coming to Beaver Dam, and in 1929 he founded the Open Eye Club, a safety program directed at children, but which included highway safety for adults too. On the

25th anniversary of the club he was honored with a special citation from Governor Kohler, and Beaver Dam city officials. He received many youth safety awards from the VFW, American Legion, Eagles, Rotary Club, Kiwanis Club, Knights of Columbus, the Wisconsin Council of Safety and many others, on local, state and national levels.

He served as a member of the Wisconsin Safety Committee, appointed to the post in 1954 by Governor Kohler, and was named to the Beaver Dam Safety Committee in 1952 by Mayor Alvin Beers. He served as chairman of this committee up until the time of his death.

His Open Eye Club membership cards have been distributed throughout the nation, and have been forerunners to many other local youth safety organizations.

RELIGIOUS AND CHURCH ACTIVITIES

He was a member of St. Peter's Catholic Church and the Holy Name Society. Throughout the years he was active in the Knights of Columbus, having held offices in the Beaver Dam council, including grand knight. He was named by the council as "The Outstanding Catholic Layman" of 1965, a state-wide award, when the council observed its Golden Jubilee. He served as a member of the state K.C. Bowling Committee for 11 years.

He was state deputy of the Wisconsin Knights of Columbus from 1946-48. He helped organize the Columbian Squires of Beaver Dam in 1933, and was Square Committee chairman for the state council for 11 years.

He helped organize the St. Peter's Credit Association and served as its president for two years.

SERVICE TO COUNTRY

While a student at Marquette University he enlisted in the U.S. Army in July 1918. After training in the United States he served in Italy during the war at Vicenza and Castle Franca, and returned home in May, 1919.

He was a member of the Beaver Dam American Legion Post, and served as its athletic officer for many years. He was also a member of the Beaver Dam Barracks, an organization of World War I veterans.

During World War II he corresponded with many Beaver Dam servicemen and wrote an open letter to all servicemen entitled "Dear Tony".

YOUTH ACTIVITIES

He was one of the early organizers of Boys Baseball and served as manager of the Yankees for many years. He was honored by the boys, managers and parents at a "Joe Helfert" day.

His activity also included work with Boy Scouts on all levels of adult participation. For his over 30-years of scouting he has received the Boy Scout Statuette and the St. George Medal, the highest Catholic adult honor.

He was one of the organizers of the Dads of Beaver Dam, which built the Juliette Low Girl Scout House.

Many farm organizations have honored him with awards. He became the first honorary state farmer in 1954, an award from the Future Farmers of America and was "Mr. FFA." He has also been honored by the Beaver Dam FFA and in 1962 received a "meritorious Service" award from the 4-H clubs.

Mr. Helfert was a director of the Wisconsin Youth Symphony, and a member of the Citizens Advisory Committee of the University of Wisconsin, Oshkosh, 1961-71. He was an honorary member of the Beaver Dam Senior High Band.

Throughout the years he also worked with other juvenile programs in the city and county.

COMMUNITY ACTIVITIES

Served as a member of the Beaver Dam Plan Commission, 1951-58; was one of the organizers of the Beaver Dam United Fund and served on its board of directors for three years; served on the Dodge County Com-

munity Concert's board of directors; and for many years was involved in Red Cross programs, for which he received special recognition.

For his years of community service he received the "Distinguished Leadership Award" from Marquette University in 1968-69, and the Independent Insurance Agents of Wisconsin presented him with their "Man of Action" award in 1968.

EDUCATIONAL OPPORTUNITY FOR ALL

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. LEHMAN. Mr. Speaker, on December 1, at the conclusion of its deliberations, the Assembly of the American Association of Community and Junior Colleges issued an important statement on the development of staff resources in the 1,200 institutions which that organization represents.

The statement is titled "Educational Opportunity for All: New Staff for New Students." It addresses the fact that the 150,000 persons who serve in faculty and administrative positions in community and junior colleges, as well as the many other persons who serve as part-time instructors and as support staff, represent the institutions' greatest resource. It calls on the colleges, professional associations, governmental bodies, and on the staff members themselves to work for development of staff skills so that the communities where community and junior colleges exist may be better served.

Included in the 100 assembly participants were students, faculty, administrators, trustees, university professors, government officials, and representatives of the general public. It is significant that they called for cooperative endeavors among the groups they represented.

But, most significant is the fact that the assembly called on each community and junior college to clearly assess the needs of its community and to define its mission in terms of filling those real needs. And it calls on each staff member to work with the college to design a personal developmental plan appropriate for that staff member and for the institution in light of its declared mission. It also calls on the college to order its priorities in such a way that such staff development plans are given clear institutional commitment.

Mr. Speaker, Congress has assisted in such efforts in the past through the Education Professions Development Act and other such legislation. In fact, the assembly based its deliberations on a study commissioned earlier by the National Advisory Council on Education Professions Development, titled "People for the People's Colleges." I am sure we will be continuing to give attention to the ways in which Congress should assist community and junior colleges to achieve their purposes in the future. Therefore, I insert the assembly statement in the RECORD:

EDUCATIONAL OPPORTUNITY FOR ALL: NEW STAFF FOR NEW STUDENTS

(Participants in the 1973 AACJC Assembly met November 29–December 1 at Airlie House, Warrenton, Virginia. At the final session of the Assembly they reviewed and adopted this statement.)

Our concept of staff development reflects more than the obvious need to enhance the professional skills of our teachers and administrators and to provide for the necessary orientation and knowing cooperation of those who help to keep the daily business of our institutions running smoothly—the custodians and secretaries, the paraprofessionals and food managers, the security guards and the telephone operators.

"Staff," in our view, is all those who in their varied capacities help to create and maintain an environment in which our students—whoever they are and whatever their needs may be—can learn what they need to know to increase their skills and to manage their own lives more effectively.

The development of this staff reflects the central commitments of our colleges:

That we affirm equal educational opportunity for all who come to us;

That a "people's college" demonstrates its commitment to growth in competence and personal satisfactions for its students;

That what we affirm as democratic values—respect for the person and his needs; equal treatment for those from diverse backgrounds and cultural expectations; sensitive response to the communities which support us in the expectation that we will truly serve them—are at the heart of our recommendations for the preparation and continuing renewal of those who are responsible for our student's growth.

The staff of a college is its single greatest resource. In economic terms, the staff is the college's most significant and largest capital investment. In these terms alone, we affirm that it is only good sense that the investment should be helped to appreciate in value and not be allowed to wear itself out or slide into obsolescence by inattention or neglect.

But in a more crucial sense, a college's staff is the expression of its purposes, the collective manager of its missions. As the college's purposes change and adapt to the social needs of its community, its staff deserves—*must have*—opportunities to adapt and change, too.

The Assembly recognizes the accelerated and even headlong rush of change in our society. We recognize that community and junior colleges, perhaps more than any other segment of the educational community, are obliged to respond to the iron imperatives of a period in which our whole society must learn to manage change and increasing scarcity with imagination, ingenuity, and—we hope—with some modicum of grace. Such management of change in our colleges must begin with our staffs who, by their skill and their example, may help our students learn what is needful for them as they, in turn, use their own lives what we have helped them to learn.

These are noble generalities—indeed, almost unarguable hopes. *How* they are to be made realistic; how they can be translated into appropriate and workable staff development programs; *how* they can be made a normal and *expected* part of the operations of our colleges, is the trust of the statements and recommendations of this Assembly.

We emphasize, too, that staff development, in every sense that our recommendations may deflect, is not something that can be postponed to an easier "someday." These developments needs are urgent, they are *now*, they are what we *must* be doing to respond to what our constituents tell us loud and clear is our current obligation. No other response would be realistic, no other action

would be appropriate to the challenges that have been given to us.

We owe more than response. We need to rise to leadership. We need even more than ever to know what our committees want and need, as well as what we are doing in and for and with the communities which support us and which we serve. We need to communicate with unmistakable clarity with these communities what we are doing and should be doing and why. And we need to work with others—staff, students, and the wider society—so that what we are doing is indeed responsive to their needs here and now, and that it is anticipatory of their needs in the future. Such response and such anticipation is in fact what leadership is.

The theme of this Assembly, "New Staff for New Students," is not merely a slogan. It is a recognition that the students in our colleges—indeed in higher education in general—have grown up in a society which in the past decade has endured wrenching changes and moral and social dislocations that have been severe and long-lasting. It is recognition that our schools, which in many respects are the custodians of our society's hopes for itself, *must*, like our society, rethink their priorities, husband and allocate increasingly scarce resources, and provide for thoughtful self-renewal.

Our student clientele no longer fits the "collegiate" stereotype, if indeed it ever has. Increasingly, the new students reflect the diverse cultural, ethnic, economic, and social diversity of the total community. "New" staff for these students means among other things special opportunities for skilled and hard-working incumbent staff to develop special sensitivity to the changed needs of students and new skills to assist their learning. It means recruitment of new staff for all levels in the college from those segments of the population increasingly represented in our student groups; Blacks, Native Americans, Chicanos, women and those who in one fashion or another have been historically disadvantaged in our culture. Such new staff is especially needed in leadership positions.

This Assembly affirms that community and junior colleges need to consider as part of staff development the deliberate cultivation of a wide range of partnerships: with universities, to increase the professional help that the senior institutions can give us, and equally, the help that we can give to them; with the community, so as to make fullest use of the enormous and often untapped resources available there to develop and enrich our programs and our staff; with business and industry which provides the major source of qualified teachers for many skill-centered, nonbaccalaureate programs; with professional organizations whose collaboration can be especially valuable in staff development. We emphasize that these and many other collaborations are two-way. We consider that part of staff development is learning what we have to give to, as well as what we need to take from, these educational partnerships.

This Assembly urges in the most vigorous terms that community and junior colleges accept staff development as a first-rank priority and give to it the same total institutional commitment that is accorded to its other programs and curriculums. We affirm as basic premises that staff development programs should be ongoing and functionally related to the missions and the social mix of each institution; that such programs should not be imposed, but rather should develop from the collaborative efforts of all staff elements; that such development activity should be considered a major vehicle for institutional renewal. We further urge that staff of community and junior colleges reaffirm their commitment to continued self-development as a part of their professional responsibility, and the professional organiza-

tions be encouraged to state this responsibility.

Staff development is, of course, not a new concern. But the Assembly wishes to emphasize that the need for action is now.

We consider that there are two major aspects to staff development: pre-service and in-service. Pre-service is the formal education and the work experience of a prospective staff member. In-service is the opportunity for incumbent staff for professional and personal renewal on their own campuses or through the agency of the college which employs them.

PRE-SERVICE

Recommendation: Community and junior colleges should take the initiative in helping four-year colleges and universities with specific directions concerning the training of potential staff.

Recommendation: Recognizing that some minorities and women are grossly under-represented in positions of leadership in community and junior colleges, the Assembly encourages universities to make special efforts to recruit members of these groups to their programs. It is particularly important that those who teach community college programs in the senior institutions should themselves have had extensive and recent experience in community colleges.

To the extent possible, community and junior colleges must help to design appropriate pre-service educational experiences for potential staff, and work out strategies for encouraging senior institutions to provide such experiences.

Recommendation: Pre-service education or work experience should be based on, and evaluated by, competency standards, rather than on those academic credentials that are traditional. It is the responsibility of community and junior colleges to spell out in full detail the nature and application of such competency standards.

Recommendation: When competency standards have been thoroughly worked out, accrediting agencies and certification agencies should be persuaded to accept these on an equal basis with their present academic criteria.

Recommendation: We urge that community and junior colleges take the initiative in offering internships, practicums, staff supervision, research opportunities, facilities and staff resources for university courses as part of their commitment to pre-service education.

Recommendation: Qualified community colleges should design and test programs to prepare paraprofessional staff to work in the community college. Universities should be encouraged to develop appropriate capstone programs to allow for transfer of those who wish to earn professional degrees.

IN-SERVICE

With rapidly changing developments in curriculum, instructional technology, organizational patterns, facilities and equipment, teaching-learning styles of both teachers and students, it is imperative that all staff have continued opportunities to learn about and adopt these innovations to their colleges.

Recommendation: We ask the American Association of Community and Junior Colleges to assist in the following:

1. Identify, compile, and widely disseminate a list of those persons who are knowledgeable about staff development and who have had experience in setting up or helping to set up staff development programs.

2. Endorse the expansion of Native American programs in community and junior colleges; and make a commitment to seek additional funds to expand the staff of the office of American Programs in AACJC. A similar commitment should be made to all minority groups, recognizing that there are differing needs for each group.

3. Identify, compile and provide descriptive write-ups of state and institutional models of staff development (such as the one in Florida, for example), including where possible guidelines for the implementation of such models; and see that these descriptions are nationally distributed.

4. Through a staff committee in cooperation with the Association of Community College Trustees, design strategies to involve trustees actively in the commitment to staff development.

5. In all appropriate ways, take a leadership role in informing federal, state, and regional agencies of the commitment of community and junior colleges to staff development; to the needs of the colleges for support funding for such programs. The AACJC is also the appropriate agency to assist foundations in identifying strong, workable, innovative staff development programs at individual institutions; or to identify consortiums of community colleges which may be attempting to develop coordinated staff development programs.

6. The Association should marshal all possible resources to increase the development of culturally and linguistically diverse staff by:

a. Working to increase the funding level for fellowship programs of the Education Professions Development Act;

b. Urging universities that prepare community junior college administrators to recruit minorities into their programs;

c. Urging the universities through the AACJC Council of Universities and Colleges to develop programs to prepare culturally and linguistically diverse staff;

d. Encouraging its membership to use minority students to help other minority students as peer counselors, peer tutors and teachers; and give assistance to colleges in designing programs to help both students and faculty in this effort;

e. Work to increase the funding level for the institutes and short-term training programs of the Education Professions Development Act;

f. And especially support legislation to support bilingual/bi-cultural education through at least the community junior college level. This includes programs for development of bilingual/bi-cultural staff.

7. With the cooperation of a representative committee from member colleges, the Association should attempt to devise a system (and guidelines) for collecting and reporting data concerning recurring and nationwide common needs in the staff development area. Such data would be of great value to local, regional, and national agencies both for long-range planning and for decisions about funding for staff development.

8. Accreditation agencies should be encouraged to give increased emphasis to staff development programs as one indicator of institutional vitality.

Most of the recommendations from the Assembly are directed to the community and junior colleges themselves. Again and again in its discussions, the Assembly recognized that before significant funding support can be sought from any agencies—federal, state, and local—each college must identify its own staff development needs in the light of its own missions, its own clientele, and its obligations to the immediate community which it serves. A further repeated theme in Assembly discussions was that the college must give active support, rather than passive attention to, staff development, and that it must demonstrate its commitment to this activity by re-ordering its priorities and allocating from its own resources the necessary means for staff renewal. Such a commitment would be in itself persuasive to funding agencies that the college considers staff development integral to its operation and functionally necessary in its ongoing response to the needs of its students.

Recommendation: Staff development programs should involve and be designed for all staff elements in the college: faculty, administrators, support personnel, trustees, students, personnel in state agencies responsible for community college administration, and where appropriate, members of the community. Said in another way: all of those who in any fashion touch the lives of the students are, in fact, educators who teach by their example, by their contacts with students, by their awareness of the goals of their college as they understand how their work contributes to these goals.

Therefore, staff development programs should be created from within, as varied staff identify their professional or career needs and work out the particular ways and means of responding to those needs in in-service programs. These should include intergroup programs which emphasize the collaborative nature of the college enterprise.

State agencies, which, in America, are frequently the legal foundation for public education, should encourage, fund, and to the extent practical, provide state leadership for in-service development programs.

Recommendation: Colleges should devise specific programs to train minority administrators, counselors, teachers, librarians, and paraprofessionals. They should provide opportunities for cultural awareness training for all staff, including members of governing boards. Such awareness training should be designed to reduce (or hopefully eliminate) racism and prejudice as far as possible in the whole college environment.

Recommendation: The commitment of the president of the college is crucial to the success of any staff development program, and supportive encouragement for all aspects of the program is needed. In addition, where it is possible and functional, colleges might identify a staff development officer responsible for overall planning and coordination of in-service efforts.

Recommendation: Each college should make an analysis and ongoing evaluation of its present staff development activities (use of consultants, conduct of workshops, conferences, professional travel, sabbaticals, and the like) to determine which are most productive and which might be changed or eliminated so that staff development dollars will be most effectively committed.

Recommendation: Each college should have an ongoing assessment of its recognition and reward practices (added pay, released time, incentive awards, promotion policies, and the like) to determine how these can be adapted to include recognition and encouragement for participation of in-service programs. Each college should have an ongoing assessment of its personnel policies to determine how these can be adapted to include incentives for participation.

Recommendation: Where collective negotiation exists, every effort should be made by all sides, including students, to agree on the nature and scope of the college's commitment to staff development.

Recommendation: As a central part of each college's long-range planning, systematic efforts should be made to project changes in enrollment patterns, and changing student and community needs so that incumbent staff may be given opportunities for retraining to respond effectively to such needs.

Recommendation: Every college should consider establishing a community advisory board to help design staff development programs.

Recommendation: In any staff development program, each college is especially urged to include part-time staff. Such persons tend to be neglected in institution-wide programs; yet their actual and potential value to the college is often great and could be increased by including them in renewal activities.

The Assembly recognizes that a primary need is to develop strategies, techniques, approaches, and methods for implementing the commitment to staff development. How to do it? That is a question with multiple answers—answers as varied as the institutions which ask the question. The need is to develop ways and means, to experiment with them and test them and refine them—and above all to share workable models, processes, schemes, and programs as widely as can be done.

We affirm that such experimenting, such risk-taking, such sharing, is long overdue. Now it is an imperative.

Much has been asked of our burgeoning, almost explosively growing community and junior colleges in the last ten years. Far more will be asked of us in the decade to come.

It is our proud claim that we are "people's colleges." If in fact we are, then our values will be demonstrated by the way we nurture not only those whom we educate, but also those who do the educating. If we see people as autonomous, capable of self-renewal, worthy of respect not only for what they are but for what they can become, then we will—increasingly—provide opportunities for their becoming.

In some ways, America is a deeply shaken country, distracted and frustrated by a cascade of events over which we seem to have little control. By all signs, we are faced with a radical change in our national direction. It is clear that now, and for an indefinite future, we will have to learn to cope with scarcity, with constrictions in our lives in many ways still unknown and unguessed at. We have turned an historical corner, and ahead of us is the road not taken.

But this Assembly affirms that for us in education, and particularly for our colleges, this historical turn is a matchless opportunity. This nation was founded on the premise that the basic measure of value in our society is the individual human person. In the last analysis, that person is the touchstone, the measure, against which we scale all other social values. In our colleges, the person is our business. His competence is our business. His chance to learn to manage his own life with dignity is our business. If we are imaginative and ingenious and tough-minded in trying once again to shape our institutions so that they measure up to the basic value which we espouse, this may well be our contribution to the map of the unknown road ahead of us.

A TRAGIC LOSS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. WINN. Mr. Speaker, on November 30, 1973, Kansas City, Kans., lost an outstanding servant. The sudden and untimely death of Kansas City's Postmaster, Bob Roberts came as a blow to all who knew him, and I wish to join his many friends in extending my heartfelt sympathy and respect to his family.

With his passing, Kansas City has lost a truly great and dedicated public servant. Bob's contributions to many civic activities covered a wide range of interests and will long be remembered.

Bob Roberts served Kansas City, Kans., as postmaster for 14 years, but he was more than a postmaster and distinguished civic leader. He was a personal friend and his death must be viewed as a great personal loss.

As a tribute to the outstanding record he compiled, I feel a memorial for this man is in order. Members of the American Postal Workers Union of Kansas City, Kans., have suggested that a fitting tribute would be to name the soon-to-be constructed northwest station branch of the Kansas City Post Office in his memory. I would like to add my endorsement to this suggestion, and I have written to Postmaster General Klassen in this regard.

I insert in the RECORD at this point an editorial from the Kansas City Times which I feel sums up the feelings of the many people who knew Bob Roberts.

The editorial follows:

TRAGIC LOSS OF ROBERT L. ROBERTS

The murder of Robert L. Roberts, the U.S. postmaster in Kansas City, Kansas, is, as Sen. Bob Dole has summed it up: "One of those senseless tragedies that takes a good man from the scene." Bob Roberts was indeed a good man who served his country outstandingly both in and out of uniform and whose selfless work in many positions of responsibility had made him one of the most valuable leaders in his community.

Long-time associates of Mr. Roberts were impressed by the quiet, unobtrusive way he went about getting a job done. He was not particularly interested in the exercise of authority other than for the results to be accomplished. This quality was evident in his performance as Wyandotte County chairman of the 1972 United Way campaign, in his various high-level assignments as an officer of the National Guard and the Army Reserve, and in dozens of civic jobs he took on over the years. Bob Roberts always had time for one more worth-while undertaking.

Born in Fort Worth, Tex., he had been a resident of Kansas City, Kansas, since he was 3 years old. He loved his city and state and once said that he was "just a 100 per cent Kansan" and planned to remain so. His only lengthy absences from the state were for World War II service and for National Guard callup in 1968-69 that eventually took him to Vietnam.

In a 1965 interview Mr. Roberts recalled that he had worked since he began as a 9-year-old delivery boy for a drugstore. He continued to handle part-time jobs but never felt deprived of boyhood joys. His habit of industriousness became well rooted. After World War II he completed college while working days at the city hall in Kansas City, Kansas.

As postmaster since 1959, Bob Roberts had long been one of the best known and most respected citizens of Kansas City, Kansas. At the age of 51 he should have had many more constructive years of living ahead of him. That prospect has been destroyed but the lifetime record remains for Mr. Roberts of having done his best and doing it extremely well.

THE U.S. OIL REFINERY GAP

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. PICKLE. Mr. Speaker, one of the problems involved in the energy crisis is the insufficient refining capacity to process crude oil into the gasoline and the home heating fuels that we so desperately need.

An article in the New York Times by Robert A. Wright on December 9, 1973,

illustrates how far short our refining capacity is compared to demand and the problems faced in building refineries.

I insert that article in the RECORD at this time:

THE U.S. OIL REFINERY GAP

(By Robert A. Wright)

LOS ANGELES.—Insufficient refining capacity is a bottleneck that will leave the nation short of gasoline, home heating fuel and other petroleum products, even if the Arab oil embargo is lifted.

That is the consensus of oil company executives and observers of the industry. And there is no quick way to remedy the shortage.

Even before the Yom Kippur war in the Middle East and the Arabs' embargo of crude oil shipments to the United States, an energy crisis was in the making for this nation because of insufficient refining capacity. It began to show up with those spot shortages of heating oil last winter and empty service station pumps in some areas last summer.

Refinery construction in the United States has lagged far behind demand. In the five years ended last Dec. 31, there were 1.9 million barrels a day added to domestic refining capacity, according to the American Petroleum Institute, the industry's trade association. In the same period, demand for petroleum products climbed 3 million barrels a day.

The A.P.I. estimates that the nation will need the equivalent of 60 new refineries with a total capacity of 9 million barrels a day by 1985 to meet projected demand. That timetable is unlikely to be met.

Not one new refinery is being built in the United States today. And some companies that had decided to increase refining capacity are now reconsidering their plans.

The dearth of refinery construction has been attributed by the oil companies to import restrictions on crude oil in the face of declining domestic production and growing American dependence on foreign petroleum supplies. Low prices for petroleum products and environmental restrictions also inhibited construction, industry spokesmen have said.

Last May President Nixon relaxed import quotas, and a spate of companies announced plans to increase refining capacity. And prices began to rise. Just as suddenly, many of these companies began having second thoughts when the Arabs cut off crude oil from the Middle East.

A refinery is a costly undertaking. More than \$200-million may be needed to build one capable of handling 150,000 barrels of crude oil a day. Without assured long-term supplies of crude oil, no company is likely to build one.

Texaco, Inc., announced plans in July to add 200,000 barrels a day at its Convent, La., plant, with construction to start early next year. Preliminary site preparation, engineering and environmental impact studies were continuing last week, but no construction contracts had been let.

Asked if the company might be considering cutting back in view of the Arab embargo, a Texaco spokesman would say only that the expansion depended "at least in part" on foreign crude oil.

The Exxon Corporation says it is continuing to move ahead with a \$400-million expansion, intended to add 350,000 barrels a day, "while evaluating this project in light of current uncertainties."

At least one major company is building new refining capacity despite the questionable supply situation. C. W. Kitto, vice president in charge of refining at the Standard Oil Company of California (which has most of its reserves in the Middle East) says his company is continuing with its \$450-million expansion, announced before the import relaxation. But the project has encountered an obstacle in the form of zoning restrictions in Perth Amboy, N.J., where part of the expansion is planned.

What about supplies of crude? Mr. Kitto says the company "has to make the assumption" that crude will be available by late 1975, when construction is scheduled to be completed.

Plans to add a total of some 4.5 million barrels a day have been announced by domestic oil companies since the change in import regulations was made. Even if all these new facilities are eventually built, however, they will not help heat homes this winter—or even next winter. It takes about three years from drawing board to completion of a major refinery.

Present United States refining capacity stands at 13.6 million barrels a day, compared with consumption of 17 million barrels a day, with imported refined products making up the difference. In the first 10 months of this year, American refining plants ran virtually at capacity.

Since late October, however, refinery runs have dropped steadily each week, from 99 per cent of capacity to about 95 per cent in the week ended Nov. 23, because of tightening crude supplies.

The Arab embargo is just beginning to have its impact, oil men say. Suddenly, there is excess refining capacity.

The Mobil Oil Corporation's 150,000-barrel-a-day plant at Joliet, Ill., is the newest refinery in the United States, having started operations early this year.

Mobil announced a week ago that it would put an older plant at East Chicago, Ind., in mothballs. This refinery has a capacity of 47,000 barrels a day. It had been processing crude for other companies but, with the Arab cut-off, lost most of its customers.

"Even under the best of circumstances," says John H. Lichtblau, executive director of the Petroleum Industry Research Foundation, "it will be 1978 before the refining gap starts to narrow. There will be almost no new refining capacity ready before 1976."

In addition to the refining shortfall, supplies of crude oil are likely to be tight worldwide for years unless new reserves are discovered. Saudi Arabia, with the world's largest reserves, has indicated that it will not supply as much crude as it had been expected to, even after a lifting of the embargo.

The kingdom, which wants to get an industrialization program under way before it exhausts its sole resource, has said it will not continue to increase production and may even slow it.

Saudi Arabia increased output 30 percent in the first nine months of this year from the 1972 level. Before the embargo, Saudi Arabia was being counted on to raise output another 15 per cent next year.

With an eye to winter shortages of home heating oil, critics of the industry have charged that the oil companies are to blame because they have geared refining production to the more profitable gasoline at the expense of heating fuel. The companies assert that they merely designed their plants in line with demand for various products, with gasoline topping the list in the United States.

Refineries are highly technical complexes, covering scores of acres and employing thousands of people. Refineries are capable of turning out a wide variety of products from gasoline through paint and detergents of plastics and asphalt, among others. But there is a limit to a refinery's flexibility.

Mr. Kitto of California Standard says: "You may build a refinery to process 100,000 barrels of California heavy crude, then have only Alaskan crude. That could cut capacity as much as 75 per cent."

He points out that "some Texas crudes yield 5 per cent fuel oil, but some San Joaquin Valley [Calif.] crudes give you 100 per cent fuel oil." The basic mineralization of a crude oil can be modified to change product yields, but only with costly additional equipment.

Cost aside, however, there is considerable

flexibility, according to Mr. Lichtblau of the Petroleum Industry Research Foundation.

"If you ignore cost," he says, "you could go as high as 28 per cent heating oil yield—maybe 30 per cent. But then the price would have to go up too. In principle, it can be done. European refineries produce 33 to 35 per cent heating oils and only 12 to 15 per cent gasoline."

Still, Mr. Lichtblau says: "The situation is not desperate. One can live with it." He pins the nation's intermediate energy hopes on conservation.

There is a structural change in demand for petroleum products, he says.

"When people buy small cars, they are cutting consumption on a long-term basis," he observes. "The assumption that domestic consumption will continue to increase at 5 to 6 per cent a year is now being revised. It could well be half of that."

Much fuel could be conserved by reducing the nation's massive waste without hurting the economy, Mr. Lichtblau insists. "We may all be surprised."

THE PLIGHT OF THE SOVIET JEWS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. FORSYTHE. Mr. Speaker, I rise in support of the Vanik amendment. I note that the Committee on Ways and Means has accepted the first part of the original Vanik amendment, which I was proud to cosponsor, denying most-favored-nation trade status to those nations which denied free emigration rights to their citizens. However, I deeply regret the fact that the committee did not accept the second part of the original amendment which denied loans, credits, and guarantees to these nations.

After years of allowing only a few hundred of its Jewish citizens to emigrate each year, the Soviet Union, in late 1971, liberalized its emigration policies. Americans welcomed this change in policy which has allowed over 50,000 Soviet Jews to leave for Israel.

This progress, however, makes no less objectionable and reprehensible several elements of the Soviet Government's policies toward its Jewish minority of 2.64 million citizens.

Notwithstanding any changes in Soviet policy, there are many Jews in jail whose only crime has been the desire to leave the Soviet Union and its oppressive regime.

Despite Soviet claims that in 1972, 95 percent of the Jews who applied to leave were allowed to do so, there are still perhaps 100,000 Jews waiting and praying daily for exit visas that only seem to be forthcoming on a slow, erratic timetable, subject to the whims of particular, and often petty, Soviet authorities throughout the state bureaucracy.

Further, Soviet policies toward the emigration of its citizens have, in the recent past, involved outrageous fees that some Jews must pay in order to secure the necessary emigration papers. In late 1972 the Soviets discovered yet another tax, the so-called education tax which could amount to \$13,200.

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Mr. Speaker, it is against this history that we must judge our actions today. It is axiomatic that we rarely truly appreciate something of value until we are without it. As a corollary, it can be said that we tend too easily to take our material wealth, and our liberty for granted.

However, if our concern about human rights and the type of nations we trade with is real, then we must adopt the amendment before us. This amendment will show our new and potential trading partners that we will require some basic consideration of human rights—that some system of regular and equitable emigration policy is expected—a nondiscriminatory, humane system free from terror and impossible conditions—a system that reflects respect for the United Nations Declaration of Human Rights.

This amendment is not an interference in the internal affairs of other nations. Since when does a condition on granting credits and most-favored-nation status supported by the taxpayers of the United States constitute an interference in another nation's affairs. We have no duty or obligation to extend lower tariff rates or billion of dollars in loans—these are not the rights of foreign nations. They are gifts that can be offered by the American people under conditions set by the American people. The granting of these privileges is an internal affair of our Nation.

It is also argued that we have human rights problems of our own. I support this amendment in the full humility that we are not perfect—and with the conviction that if we abandon this cause, we would be less worthy. This amendment is in the American tradition. It is similar to the 1911 abrogation of our commercial treaty with czarist Russia over that regime's massacres of its Jewish citizens.

It is said that quiet diplomacy will make passage of this amendment unnecessary. Yet, I hasten to point out that is the same thing that was said in the 1930's about the plight of the German minorities.

In spite of all the dangers involved for them, the people relying on this amendment have begged us not to give up this issue. This week, our newspapers reported a letter from 188 persons from 10 Soviet cities to the United Nations protesting restrictions against Jews in the Soviet Union. Our newspapers also tell us that courageous Andrei Sakharov and his wife were both admitted to a hospital. In traditional Soviet fashion, the reasons were never explained.

Mr. Speaker, the United States must now honor its commitment to the freedom of all peoples. I strongly urge my colleagues to pass this amendment.

LEGISLATION TO IMPROVE MANAGEMENT OF THE GREAT LAKES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. VANIK. Mr. Speaker, in an attempt to help improve the international

management of the Great Lakes I introduced H.R. 9858 on August 2. I am happy to be able to say that companion legislation, slightly different than my bill, has just been introduced in the other Chamber by Senators NELSON, HART, and HATHAWAY. I hope that this recent action will mean the quick consideration and passage of this measure by the Congress.

Very simply, H.R. 9858 provides for the Senate confirmation of Presidentially appointed nominees to the American section of the International Joint Commission—IJC. The Senate version, S. 2797, requires Senate confirmation and also provides for staggered terms for the three Commissioners and for bipartisan membership.

Mr. Speaker, through these bills, we could help to achieve a new vitality and purpose in the role of the International Joint Commission. The IJC has large responsibilities which continue to gain importance as the value of the Great Lakes Basin is realized.

Established in 1909 in the boundary waters agreement with great Britain, the IJC is charged with the responsibility of preventing "disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other"

Obviously, the six decades since the treaty was formed have seen a great evolution in the importance of the Canadian-American boundary areas, particularly the Great Lakes. Management of the problems of the Great Lakes is an important issue now. If done poorly, it can affect the lives of millions of people in many ways.

I am particularly concerned with the troubles Great Lakes shoreline residents have encountered with the enormous fluctuations of the lakes' water levels. The high waters of the last 2 years have caused tens of millions of dollars of damage to public and private property and untold amounts of anguish to people who have found that storm-driven high water knows no restraints.

But despite this long-term experience of high water levels, the IJC has accomplished little in prevention or solution of these problems.

Mr. Speaker, Senate confirmation of the three American members of the IJC could aid the Commission in several ways. It can make the Congress, the American public, and the administration aware of the purpose of the IJC. It can impress on the IJC itself the importance of its job and the international constituency it must serve. And, it can help the IJC work better by assuring its members are fully qualified for the complex and technical tasks that it must take on.

I hope that all my colleagues will be able to support this legislation to require Senate confirmation of IJC Commissioners.

GOVERNOR SHAPP SPEAKS ON FOOD POLICY FOR THE WORLD

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. EILBERG. Mr. Speaker, in about 1 year's time, the world population will grow to 4 billion and by 1985 the world demand for food will rise to 80 percent over that of 1962.

In order to forestall a future food crisis by 1985, we must look ahead realistically at our supply and demand and develop innovative programs to guarantee adequate supplies of food for the peoples of this world. If we repeatedly ignore such statistics, we may be faced with another catastrophe such as today's energy crisis but instead of not having enough gasoline to drive, we will not have enough food for survival. These are the alarming facts Gov. Milton Shapp of Pennsylvania prognosticated to the National Conference on Food Policy.

At this time I enter into the RECORD the speech given by Governor Shapp at the conference.

ADDRESS BY GOV. MILTON J. SHAPP AT THE NATIONAL CONFERENCE ON FOOD POLICY, HERSHEY HOTEL, DECEMBER 6, 1973

I want to extend a warm welcome to everyone here at the Conference on Food Policy. I especially welcome the distinguished representatives of other countries, the distinguished members of the United States Congress and visitors from our sister states.

Why are we here?

I believe each of us has come to this Conference because we recognize the need for a food policy—a food policy for this country, for other countries. Yes, in fact, a worldwide policy.

Some people would argue that none is needed. There may be some occasional shortages of certain items on the shelves of the neighborhood grocery store, but there is plenty of food.

Regrettably, that is not true in many countries of the world where need is real and hunger is real. And it may not be true in many other countries in the short years ahead unless there is adequate planning.

And, realistically, it might not long be true in the United States. In point of fact, although we pride ourselves in this nation for the economic achievements we have made, a good number of our people live below the poverty level and exist on substandard levels of nutrition.

Last year at this time we didn't have an energy crisis. But two years ago—three years ago—and even before some of us were predicting shortages, but there was no "crisis" since no one in this country was then running out of heating oil for his home or gasoline for his car. Hence, the federal government did nothing.

This year the predictable crunch came. And it affects all of us. Yes, suddenly, we have an energy crisis.

Four years ago, there was no rail crisis in this nation. The Pennsylvania Railroad and the New York Central had merged into one of the world's largest corporations. The trains were not visibly improved. They still ran late. But there was no "crisis." The trains ran. Then in the Spring of 1970 the crunch came. The Penn Central stunned the world by declaring bankruptcy and filing for reorganization in the courts. I had the dubious honor of predicting that one. I fought the merger all the way to the Supreme Court of the United States as a private citizen in the sixties.

EXTENSIONS OF REMARKS

The fall crisis launched in 1970 is still with us and will be with us for years to come.

I'm not going to predict a food crisis here today. I hope we're here to try to prevent one. But I think it's clear to all of us that only immediate and innovative planning can avert very serious food shortages in this nation and the world in the next 10 to 20 years.

The energy crisis and the rail crisis have one thing in common—bad judgment and poor planning by officials in our national government.

Hopefully, no one will try to make it three in a row.

I ran a successful business of reasonably major proportions for many years. Among the things a successful businessman must do are anticipate trends and predict needs. Without that talent in its executive branch, any business will go under. This applies to government and nations as well.

So, let's look at the facts. The commodity and service shortages we are experiencing (and have faced in the past) are inter-related.

The population of the world has grown rapidly. More people are able to spend more income on food than at anytime in history. As a result, the dramatically increased demand has driven food prices up worldwide and adequate supplies of food are no longer taken for granted.

Suddenly, we are faced with the reality that our ability to produce food is limited, that minerals and land are indeed finite and that the depletion "mark" is now visible.

We must now as public officials, governments and nations examine the inter-relationships of our problems of supply and demand. A process we should have started years ago, but can no longer be delayed.

We are, indeed, Spaceship Earth. And we must learn to live with ourselves and our limited environment.

The food problem is directly intertwined with the energy crisis and the transportation crisis. To grow food we must have energy. To ship food we need modern, efficient transportation systems.

Farm machinery needs fuel. Our crops use nitrogen fertilizer, which, in turn, needs natural gas in its creation. Fresh water is in short supply in many areas and power is needed for irrigation systems. But water must be free of pollution.

During the previous administration in Pennsylvania, an event occurred which had an air of foreboding about it. Acid mine drainage from a Western County polluted the West Branch of the Susquehanna River and a huge fish kill resulted. The Susquehanna is certainly not a prime source of food for Pennsylvania. It used to be, and it still might be. Food from our rivers and lakes and oceans is becoming increasingly important.

But polluted water reduces or destroys this source of food production.

I mention this to emphasize the importance of protecting our environment as we consider the question of a food policy. Yes, environment, transportation and energy are inter-related with food production.

But I know you are going to discuss all of this at this Conference, so I won't belabor the point.

The Green Revolution on the farms of this country now enables each farm worker today to indirectly feed 48 other persons. In 1930, each farm worker could feed just ten others.

But we are racing on a treadmill.

Just think. In a little over a year, the world population will be four billion.

By 1985, the world demand for food will be up 80 percent over that of 1962. We have a problem. And if we don't act now, it may well become "The Food Crisis" in 1985 or before.

My hope is that this conference will result

December 14, 1973

in concrete action for increased food production not only for the Commonwealth, but for the nation and for other countries as well. The titles of your workshops indicate the wide range of problem areas. The workshops are the nuts and bolts of this Conference.

We can't expect answers to all our problems. But, hopefully, direction indicators will be raised pointing the way to the best methods of handling our problems.

This Conference is intended to work on practical solutions for what appears to be a major problem of the future. If we apply our talents to the problem now, we can avert a crisis in the future.

In conclusion, let me tell this simple story. An elderly couple last spring visited Longwood Gardens which is the estate of the DuPont's near Wilmington, Delaware. In May, these gardens are simply magnificent—beautiful flowers, trees, plants, shrubs cover several acres.

At the gate they were met by a guide who showed them all of the exquisite grounds.

The couple spent several hours just "ooing and aching" their way through these gardens.

Finally, the couple got back to the gate. The man turned to the guide and thanked him very much for showing him and his wife the exquisite sights. He also asked the guide to thank Mr. DuPont for opening up these gardens to the public.

Then, he turned to his wife and said, "Mary, just think what God could do throughout the world if he only had the capital."

Well, we do have the capital, and man also has the talent and ability to solve his problems and create a better world for all mankind—a world devoid of hunger and poverty.

All we have to do is make up our minds to do so, and the job can be done.

I hope this Conference takes a major stride in this direction.

SPACE TECHNOLOGY AND CONTEMPORARY CIVILIZATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it is important at times to stand back and look at a distance at what our Nation has done and is doing. Mr. Ram Sinha in the November 1, 1973 edition of *Indian & Foreign Review* does just this with respect to the U.S. space program. He provides a most interesting insight into the significant accomplishments and importance of our national space program and discusses the opportunities that lie ahead for the utilization of space for the benefit of our Nation and the world.

SPACE TECHNOLOGY AND CONTEMPORARY CIVILIZATION

(By Ram Sinha)

No doubt, space technology has led us to land men on moon, photograph the martian surface in detail, and survey the planet, venus, from a close range. Instrumented probes have landed on moon, mars, and venus and sent us valuable data about their surface characteristics and atmospheres. Explorer satellites have gone in orbits high above the earth's surface and relayed us important information about various elements in the universe such as quasars, galaxies, supernovae, neutron stars and "black holes in space."

Certainly we have enhanced our knowl-

edge and understanding of the universe manifold within the last 25 years than ever in the past because of the advances made in space technology. But we also have paid a huge price for all this. We have spent large sums of money in building powerful rockets, developing high energy fuels, designing sophisticated instruments, calculating trajectories in space using computers, producing highly accurate guidance and control systems and doing concentrated research to continuously improve the state-of-the-art.

EMPLOYMENT AND UTILITY

The total money spent around the world on space effort so far must be over U.S. \$100 billion. Therefore, it is only reasonable to ask if the money was well spent, if our society really benefited from it, and if it will help us enjoy our life better in future.

One would certainly ask if we really gained anything in our daily life by spending so much money in developing space technology and if we have any hopes from it for our civilization of tomorrow.

At first look, it does seem that huge sums of money have been wasted just for the glory of putting men on moon, landing unmanned crafts on mars and venus, throwing instrumented satellites in orbits around the sun and the earth. There are many who question the judgment of various governments around the world who have committed billions of dollars for space research when the same money could well be used to improve the lots of ordinary people everywhere right here on earth. No one can justify fully the expenditures on space effort when there are hundreds of millions of people sleeping hungry every night today.

But if one takes a searching look it becomes immediately obvious that the money has not all been wasted and the space programme has been fruitful to us in many ways. Today, over ten million people around the world are working on jobs directly or indirectly related to the space effort.

This simply means that the space programme opened up over 10 million jobs supporting the livelihood of over 40 million people (assuming an average of four persons in a wage earner's family). New roads and rail lines have been built to transport men, materials, and equipments from one point to another in space effort but these are also being used by the general public.

Besides, the sophisticated technology developed by the scientists and engineers within the space programme is being put to use increasingly in every phase of our daily life. Today, communication satellites relay the world news and messages from one corner to another within seconds. Weather satellites provide us accurate weather data from any part of the world within hours. Many lives have been saved because of advance warning of cyclones, tornadoes, tidal waves, snow storms and heavy rainfalls, by these satellites.

The satellites are also being used to photograph islands, countries, continents, uncharted mountains, lakes, rivers and seas for a better, more accurate map of the world. This may help in defining international boundaries correctly and precisely.

Apart from this, it will make the tasks of navigation easy around the world. Satellites are being used to detect forest fires and erupting volcanoes. Within a few years, educational satellites will be used to educate the illiterate and backward population in developing nations. It will especially be used to provide information to villagers about family planning, birth control programmes, child care, sickness and diseases, cleanliness, ways to control epidemics, economical living, modern farming techniques and agricultural progress in other parts of the world.

ROCKETS AND ROBOTS

Many aircraft are now able to take-off from and land on small runways with the aid of rockets. Rocket assisted take-off and landing have especially been recommended for big

and heavy aircraft when longer runways are not available as at airports in old, crowded cities. Various high energy fuels developed for rocket propulsion are already in commercial use by many industries for a wide range of purposes. There are even toys for little children which work on the principle of rocket propulsion.

The multi-legged highly stable robots, which performed manual work so successfully on the moon, have found their use on uneven, mountainous terrain on the earth. The lunar rovers have led to the manufacture of transportation vehicles that run smoothly on desert roads. The efficient solar battery developed to convert the sun's energy into electrical energy in space is also being used for many purposes right here. The guidance system perfected to keep spacecraft right on course during their flights to moon, mars, and venus is now guiding the aircraft and supersonic jets and keeps them on their flight paths with pinpoint accuracy.

The seismograph that records the minutest rumble on moon created by even a small falling rock has led us to employ similar instruments on the earth to get advance and accurate warning of earthquakes and volcano eruptions.

MEDICAL TECHNOLOGY

Space programme has also made a big impact on medical technology. Astronaut monitoring has led to a system for "radioing" a patient's electrocardiogram to doctors while he is being rushed to hospital in an ambulance. In this way, doctors can keep a close tab on hospital-bound heart-attack victims and advise ambulance crew on emergency treatment. In many hospitals, especially in the USA and the USSR, patients' conditions, such as heart beat, blood pressure, pulse rate, temperature, etc., are monitored continuously in a central room, and doctors can keep a watch on all their patients from one central location, instead of visiting them separately. In many cases, patients are even being examined and treated by doctors via remote control circuits. In this case, patients never see their doctors.

Many instruments and helping devices developed for astronauts are also being used for the general public today as, for example, the electrode helmet that picks up brain waves and the sight switch that enables a wheelchair patient to steer just by shifting his eyes. Moreover, the highly nutritious compact foods developed for the spacemen are being suggested these days to people with weak digestive systems and can be bought in the open market.

An important contribution of the space programme has been in the area of management. New techniques able to control both engineering and finance to a degree never before achieved in complex, large-scale programmes have emerged; and new procedures to obtain high degrees of reliability and quality control have surfaced. This knowledge is now being applied in the management and operation of various industries and government agencies.

The space programme has also resulted in a new, potentially more beneficial relationship between government and industry. This has helped many industries to expand and many new ones to get started with all the help from the government. No doubt, the general public has gained tremendously from it all. A better management means less operational cost for industry, resulting in lower prices for products to the buyer. More industries mean more jobs for the people and more industrial products in the open market, perhaps at even lower prices because of competition. Thus, while we are much better off today than ever before because of technological advances made in the course of our space effort so far, it has a still better promise for tomorrow.

MOON FACTORIES

Very soon telecommunication satellites will be beaming down entertainment and educational programmes in every corner of the world. High energy fuels being developed to further improve rocket propulsion will also become available to industries in the long run, which will reduce their operational cost and result in lower prices of their products to the buyer. In a few decades, rocket planes will be carrying businessmen from New York to New Delhi within hours.

In the distant future, nutritious compact foods, such as those developed for astronauts, may become a way of life solving our food problem here on earth; patients with heart ailments may be sent to the moon to recuperate because their hearts will not have to exert much in the lower gravitational attraction there; and solar energy may be used directly to operate power plants for factories in space.

Factories on moon will require less power because of smaller gravitational field there. Moreover, the sun's heat can be used on the bright side of the moon to generate steam for power plants, while the dark side of moon can be used for refrigeration. This is possible because the surface temperature on the sunlit side of moon is about 250°F and that on the dark side about -250°F. Industries needing vacuum to manufacture their products will also flourish in space, where there is already a perfect vacuum, because power required to produce vacuum will not be needed there, resulting in much lower operational costs for them.

Finally, if the space effort is continued, our future generation might some day come across super-civilised, super-intelligent, and technically super-advanced beings from other worlds in the universe, from whom they could gain tremendous medical and technical knowledge which could advance their standards by thousands of years in a short time. In the meantime, space observatories set up in orbits around the earth, on the moon, and at many other locations in the extraterrestrial space will continue to send us accurate and valuable data about quasars, galaxies, stars, planets and their satellites to increase our astronomical and astrophysical knowledge of the universe as a whole.

CONGRESSIONAL HELP FOR OUR MIA'S AND POW'S IN INDOCHINA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. EILBERG. Mr. Speaker, with public and congressional interest riveted on domestic issues such as 1972 political campaign activities and our present energy crisis, the situation concerning Americans still missing in action in Indochina seems to have receded into the background. Along with many of my colleagues in the House and the Senate, I feel strong that the plight of our MIA's must not be allowed to fade into oblivion. With the termination of American combat activities in Southeast Asia, we joyously welcomed home more than 500 returning prisoners of war. But the exhilaration of that event will become tainted if we do not remember those who served but who remain today unaccounted for.

As of December 1, 1,163 American servicemen were listed as missing in action in Indochina. During the past weeks and months, a number of death determina-

tions have been made by the various military services. However, very few bodies of MIA's have been located and positively identified. The American-operated Joint Casualty Resolution Center is continuing to seek information on the MIA's; yet their efforts have been severely obstructed by the North Vietnamese Government. Although the JCRC possesses detailed descriptions of the circumstances surrounding many of the missing men, it has been denied access to Communist-controlled sections of South Vietnam, Laos, and North Vietnam. Hanoi has even implied that a full accounting of American MIA's would be contingent upon the release of political prisoners held in South Vietnam. Recently, a group of Americans representing the National League of Families of POW's/MIA's returned from Laos after attempting to obtain details on some of the missing men. Although politely treated by government officials, they were not given specific information which might serve to ease their uncertainty.

With these facts in mind, I have cosponsored two resolutions concerning our MIA's in Indochina. House Concurrent Resolution 291 would declare that it shall be the policy of the U.S. Government to cease all consideration of aid, trade, diplomatic recognition, or any other form of communication, travel, or accommodation with the North Vietnamese or the Vietcong until such time that these two parties comply fully with article 8, paragraph B of the Vietnam Peace Agreement of January 27, 1973. In addition, House Joint Resolution 830 would declare that Congress fully supports the President in his demands for full cooperation from the North Vietnamese and the Vietcong in searching for the MIA's.

Further, this resolution would declare that the United States shall request the aid and cooperation of all other governments in demanding that the North Vietnamese and the Vietcong comply fully with the aforementioned article and paragraph of the agreement. It is my shared belief that the people of the United States will not, in any form, support any effort toward providing aid or other amenities to those parties who have not abided by their earlier commitment to cooperate in searching for MIA personnel. As such, I enthusiastically endorse and support all provisions of these resolutions and it is my desire that this subcommittee will give its full consideration to the merits of each.

The responsible Federal agencies and Congress should jointly assume the responsibility of finding out more about our missing men. We in the Congress must take the lead, if necessary. Previously, a House resolution was introduced that called for a thorough and complete investigation by the House Foreign Affairs Committee and the Senate Foreign Relations Committee of ways in which to obtain more information on the MIA's. However, if such an investigation cannot be undertaken, Congress may wish to appoint a factfinding mission to travel to Southeast Asia in a new attempt to learn of the whereabouts and status of each missing man.

The position and prestige of selected

Members of the House and Senate might aid in securing cooperation from the Communist officials in this regard. Earlier this year, the members of the National League of Families of POW's/MIA's required their board of directors to ask all Representatives and Senators to take a public position on the MIA issue by the use of mailings, newsletters, and local newspaper columns and to use all other means at every opportunity to speak out emphatically on the subject. These are positive steps that each Member of Congress may wish to consider.

The issue of the MIA's must be resolved even if it takes longer than we may like. The families of those men missing in action surely deserve and expect a complete accounting by their Government of the status of each missing man. However, today, many families and friends of the MIA's are in doubt about the Government's response to their plight. Some families have become adjusted to the unpleasant fact that their loved ones may not be alive, but their real mental anguish lies in not knowing for certain. Each day can be just 1 more day of doubt and despair. Individual families, national organizations, and State and local governments have petitioned the U.S. Government to do more in determining the fate of the MIA's. Some families and groups have openly expressed deep disappointment at the Government's response to date. Individually and collectively they want forceful and concrete action. Should they ask for less?

Clearly, the time has come for Congress as well as the administration to act constructively in this matter by displaying unity and determination. The Nation owes a special debt to those 1,163 Americans still missing in action in the mountains and jungles of Southeast Asia. It is a debt that can be repaid only by pursuing vigorously the whereabouts and fate of each one.

NASA KNOW-HOW FOR ERDA

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. REGULA. Mr. Speaker, legislation to establish an Energy Research and Development Administration will be reaching the floor of the House of Representatives next week. I am a strong supporter of the Energy Reorganization Act and believe that this bill provides the legislative direction necessary for long-term research and development. Moreover, a congressional anchor—the authorization-appropriation process—will insure that Congress will direct the future course of energy development for this country.

While I do not intend to offer an amendment to this bill, it seems to me that one reservoir of talent and energy has been overlooked. As you know, over the last 2 or 3 years the NASA budget has been cut resulting the release of numerous well-trained staff and the phaseout of facilities. These facilities

and this staff can be well used by the Energy Research and Development Administration. Accordingly, I have written to the Director of the Office of Management and Budget, Mr. Roy Ash, asking whether it will be possible and desirable to transfer some of the NASA personnel and laboratories to the new Energy Research and Development Administration. Mr. Ash's response is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., December 12, 1973.
HON. RALPH S. REGULA,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. REGULA: This is in response to your letter of December 10, 1973, in which you noted that some of NASA's facilities were being closed and that well-trained and very capable staff were being released. You asked whether, in establishing the proposed Energy Research and Development Administration it would be possible or desirable to transfer some of these NASA personnel and facilities to ERDA in order to avoid losing these skills and resources.

I wish to thank you for this excellent suggestion, particularly because I have been concerned for some time about the possible loss from government service of these valuable skills and resources, a loss that seemed unavoidable because of NASA's post-Apollo scaling down.

Let us assure you that immediately upon the establishment of ERDA, OMB will urge the ERDA Administrator to undertake on a priority basis and in consultation with the NASA Administrator a thorough review of all NASA personnel and facilities that might otherwise be released or closed down. At the same time, I do not wish to raise false hopes for the talented people involved. As you can appreciate, such a review should be made in the context of meeting ERDA's scientific and technical requirements and decisions relating to any transfers must be made by ERDA and worked out with NASA. My personal view, however, is that the review will prove fruitful and worthwhile.

Again, thank you for this suggestion and let me express my earnest hope that the House will act favorably and without delay on H.R. 11510 so that we may get on with the urgent business of advancing the state of energy R&D technology to meet the Nation's energy needs.

Sincerely,

ROY L. ASH,
Director.

THE LONG FIGHT TO SAVE A BIG LAKE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. VANDER JAGT. Mr. Speaker, I am pleased to bring to my colleagues' attention the following report from Limnos magazine on the daily disposal of 67,000 tons of taconite tailings in the waters of Lake Superior by the Reserve Mining Co. The results of the case now being considered in the U.S. district court in Duluth will determine the nature of water quality in the largest of the Great Lakes for decades to come. This article provides valuable background information which will be helpful to anyone who shares my interest in the current litigation:

BLUE WATER, GREEN WATER

THE LONG FIGHT TO SAVE A BIG LAKE

Part I

April 22, 1970 marked the twenty-second anniversary of a Federal permit granting Reserve Mining Company permission to dump iron ore processing wastes into Lake Superior. April 22, 1970 was also the first Earth Day.

Since 1948, the original U.S. Army Corps of Engineers permit has been extended twice and, in 1960, extended indefinitely. Under this permit Reserve Mining dumps 67,000 tons of taconite tailings into the largest—and cleanest—of the Great Lakes every day.

This is not a case of an industry's being founded 60 or 70 or more years ago during an age of ecological ignorance. Taconite beneficiation is a relatively new process which is performed elsewhere at minimal environmental expense.

Reserve Mining Company's E. W. Davis Works at Silver Bay, Minnesota went into production less than 20 years ago despite many unanswered questions and local concern over the company's exclusive use of Lake Superior as its private dumping area.

Taconite processing came as a boon to northeastern Minnesota as it did to other economically depressed areas in the Upper Midwest. As high grade ores became depleted, beneficiation, a process of concentration and enrichment of low grade ore, was perfected during the 1940's. Taconite in its natural state contains 25 to 30 percent iron. Through a process of grinding, magnetizing and heating the principal components of taconite, iron and silica, are separated to produce pellets containing 65 percent iron.

Water is an indispensable element in taconite beneficiation. Up to 10,000 gallons of water are required to produce one ton of taconite. For that same ton of concentrated pellets, two tons of low grade ore must be processed. The resultant waste—taconite tailings—is then discarded in a slurry with the water.

In most taconite plants the slurry is pumped into large settling basins and the water recycled within a closed system. Reserve Mining Company, however, by its location on the shore of the world's largest freshwater lake, enjoys the dual advantage of an inexhaustible supply of water and an unlimited disposal basin for its waste tailings.

It would seem logical, to even the least environmentally educated, that 67,000 tons of anything dumped into Lake Superior every day could not be good for the lake. But some people are satisfied with Reserve Mining's position that the tailings do no harm. Reserve has always maintained that its tailings are "harmless sand" and that they sink rapidly into the deepest part of Lake Superior, remaining inert within a 9 square mile area.

Fortunately, a growing number of people, from commercial fishermen who originally opposed construction of the Silver Bay plant, to environmental groups who have consistently fought for on land disposal of the tailings, to the Federal Environmental Protection Agency who last year brought suit against Reserve, are becoming aware that Lake Superior is being grossly and inexcusably polluted.

Were taconite tailings "harmless sand" that remained within a limited area on the lake bottom, the question of their disposal might be merely academic. But, as impartial tests have shown, the tailings contain quantities of 7 metals as well as significant amounts of phosphorus. Taconite tailings are biologically active and are, in all probability, accelerating eutrophication of the lake.

That the tailings settle to the lake's bottom and remain within the permitted 9 square mile dumping area has also been dis-

proved. Tailings have been found in the municipal water supplies of Beaver Bay (near the plant) Two Harbors and Duluth, some 60 miles southwest of the Reserve plant.

The nature of the beneficiation process requires that the taconite be ground to a dust finer than flour to facilitate magnetic separation. It is these "fines" that remain in suspension, perhaps indefinitely, and circulate with the lake currents. Taconite tailings have been traced in the Lake Superior waters of both Wisconsin and Michigan.

The real tragedy of the Reserve story is that environmental damage could have been avoided. Even before the plant was constructed there was evidence that tailings disposal in the lake would prove detrimental to aquatic life. Reserve's contention that the tailings would settle to the lake bottom could not be substantiated at the time as very little was then known about currents in western Lake Superior.

Prior to issuance of the original Corps of Engineers permit, Reserve was required to obtain two permits from the State of Minnesota. During 1947 the Department of Conservation and the Water Pollution Control Commission held nine joint public hearings on Reserve's application to appropriate water from Lake Superior for use in the beneficiation process and to return water containing tailings to the lake (It is interesting to note here that the Dept. of Conservation issued a separate permit to Reserve for construction of docks and placement of fill at the proposed plant site—before all the water appropriation hearings had been completed.)

Much testimony was given at these hearings by consultants hired by Reserve concerning the settling of the tailings on the lake bottom and the physical content of the tailings. Little testimony was offered concerning lake currents and the effects of taconite tailings on aquatic organisms.

Reserve's initial proposal was for one plant with an annual production of 2.5 million tons. However, the plant was to be enlarged to a 10 million ton capacity as demand for ore increased. This fact was made clear at the permit hearings but most of the testimony offered applied only to the smaller plant.

Based on the initial plant's production, Dr. John Moyle, aquatic biologist with the Minnesota Dept. of Conservation, testified that "... as far as permanent effect of the real fine silt in this operation on Lake Superior as a whole would have no more effect than the St. Louis River has had, and that is not very much." The plant presently in operation deposits more sediment in Lake Superior in one day than all Minnesota streams contribute in one year.

Another State employee, Dr. E. W. Davis of the Mines Experiment Station gave considerable testimony at the 1947 permit hearings. This is quite understandable since he is credited with having developed the taconite beneficiation process. The Reserve project was, in fact, one of his prime interests. Dr. Davis took a leave of absence from the University from 1950 until 1955 to work on the project. (After 1955 he was employed as a full-time consultant to Reserve Mining Co. The Silver Bay plant is named in his honor.)

Dr. Davis testified that disposal of taconite tailings in the lake would "not affect the chemical analysis of the water." Recent studies have shown this to be false.

However, Dr. Davis also said, in another context, "There is no necessity for putting tailings in the lake. It is simply a matter of economics." Nothing could be truer.

Economics has been the prime governing force throughout the Reserve Mining story. It must be noted that northeastern Minnesota, and in particular the state's North Shore region, were economically depressed areas before the advent of taconite processing. The prospect of a multimillion dollar plant being opened; an industry that might keep the region's sons and daughters from

moving away, tended to overshadow any anxiety for the environment.

Reserve Mining was very much aware of this situation and used it to full advantage during the 1947 permit hearings even as it does today. In an effort to expedite the hearings, Reserve's attorney, W. L. Montague stated during the fifth hearing, "Now we feel that there has been ample opportunity for everyone to be heard on this question ... I certainly feel that adjournment as requested for further hearings is just another way of killing the project, because a decision has to be made quite soon or the project cannot go ahead."

Apparently this type of economic pressure tactic was effective because Commissioner of Conservation Wilson, at the eighth public hearing, stated, "Now I say that if those tests (on the effects of tailings on fish life) would prove anything we would certainly carry them out, but we members of this Commission and the Conservation Commission are not experts on fish life and I have consulted the best experts available to us in Minnesota and Wisconsin and they both advise me that these tests would be of no value."

Reserve had also consulted an expert on this question. The company retained Dr. Samuel Eddy, who is now Professor Emeritus in Zoology at the University of Minnesota, to study possible effects of the tailings on aquatic life. It was understood that he would then testify at the hearings. Dr. Eddy submitted a written report but was never called upon by Reserve to testify.

This is perhaps understandable since Dr. Eddy found that depositing taconite tailings into Lake Superior would greatly reduce spawning beds and upset the balance of fish populations with a 10 to 15 mile area in the vicinity of the plant. He further estimated that this would, in turn, cost commercial fishermen some \$20,000 annually.

Reserve was successful in expediting the hearings and the two state agencies granted the required permits in December of 1947. However, permission to dump tailings into Lake Superior was granted subject to certain conditions. The tailings were not to: include matter soluble in water; cloud or discolor water outside the 9 square mile zone; have adverse effects on fish; contain any oil; have adverse effects on public water supplies; result in any nuisance outside the dumping zone; cause any material unlawful pollution of Lake Superior.

In 1955, Reserve Mining Company, E. W. Davis Works, Silver Bay, Minnesota went into production and began the dumping of taconite tailings into Lake Superior and what environmentalists feel is violation of all of the above conditions.

In 1956, the Commissioner of Conservation granted an amended permit to increase the appropriation of water from 130,000 gpm to 260,000 gpm to facilitate Reserve's increase in production. This was done without a hearing. The Water Pollution Control Commission required a hearing before granting an increase in allowable discharge. At this hearing Dr. Davis testified that the tailings contained, "No organic matter, no oils, tars or chemicals of any kind; absolutely nothing ... except the ground up taconite from which the good iron has been removed." Later studies have shown this to be incorrect.

In 1960 Reserve was again granted amended state permits, this time to increase water volume to 502,000 gpm. (It is interesting to note that between 1947 and 1960, no new evidence was presented by Reserve nor was any required by the Conservation Commission or the Water Pollution Control Commission concerning the matter of disposal of the tailings.) It was also at this time that the U.S. Army Corps of Engineers granted Reserve Mining an indefinite extension of the Federal permit.

The Rivers and Harbors Act of 1899 (sec. 10) requires that the Corps of Engineers authorize any construction, excavation or fill

in navigable waters. Thus, it can be seen that the Federal permit is concerned only with obstruction to navigation which has, historically, been the Corps' sole consideration.

Section 13 of the Rivers and Harbors Act, usually called the Refuse Act, clearly states: "It shall not be lawful to throw, discharge or deposit . . . from the shore . . . manufacturing establishment or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water . . ."

However, Corps regulations, until 1968, stated that " . . . action under sec. 13 has . . . been directed by the Department principally against the discharge of those materials that are obstructive or injurious to navigation."

Executive Order No. 11288, issued in 1966 by President Johnson, had a profound impact on historic attitudes of many Federal agencies; not the least of which to be effected was the Corps of Engineers. The Order was issued to further the purpose and policy of the Federal Water Pollution Act which is " . . . to enhance the quality and value of our water resources and to establish a national policy for the prevention, control and abatement of water pollution." This Order was also to have a profound impact on Reserve Mining Company.

Under provisions of this Order, a Memorandum of Understanding between Interior Secretary Udall and Secretary of the Army Resor was drawn up. The Memorandum recognized the interrelationship of responsibilities between the two agencies to " . . . improve water quality through the prevention, control and abatement of water pollution from Federal and federally licensed (sic) activities."

The Memorandum called for "full coordination and cooperation . . . at all organizational levels" including "resolution of differing views . . . at the earliest practicable time. . . ." Specifically, coordination was ordered between the Corps' District Engineers and the Regional Directors of the Interior Department concerning: "pollution problems associated with dredging, filling and excavation operations to be conducted under permits issued under the 1899 Act."

The Memorandum further charged Regional Directors of Interior to make " . . . such studies and investigations as they deem necessary or desirable . . . and advise the District Engineers whether the work proposed by the permit applicant, including the deposit of any material in or near the navigable waters of the United States, will reduce the quality of such waters in violation of applicable water quality standards or unreasonably impair the natural resources or the related environment."

This was the turning point in the taconite affair. Up until this time, the few environmental voices that had been crying out for the magnificent wilderness of northeastern Minnesota were muffled by the sound of economic progress.

Under the leadership of Regional Coordinator, Charles Stoddard, a task force from five Interior agencies took the whole question of the Reserve Mining permit under study. The task force called itself the Taconite Study Group and during 1968 is consolidated previous studies by the various agencies, coordinated studies in the field and gathered and analyzed data concerning the content and effects of taconite tailings in Lake Superior.

When the findings of the Taconite Study Group's Summary Report (generally referred to as the Stoddard Report) became known, the results—and effects—were astounding.

Following are the conclusions of the Stoddard Report:

1. Total discharge of solids by Reserve Mining Company plant in 12 days equals the

sediment contribution to the lake by all United States tributaries for one year.

2. Slightly less than half of the tailings deposited on the delta above the deep trough waste discharged between 1956 and 1967 was in Lake Superior; evidence indicates that some of the remainder moves downshore with lake currents.

3. Turbidity is commonly 3 to 5 times greater in the area near and southwest of the plant than northeast of the plant and directly offshore from the discharge where offshore water moves toward the delta due to the density current. Turbidity values in bottom water over the tailings deposit are then 60 times greater than at the surface.

4. Tailings suspended in the water cause "green water" for distances at least 18 miles southwest from the point of discharge.

5. Tailings are dispersed on the lake bottom at least 10 miles offshore and 18 miles southwest of the plant.

6. Net lake current velocities are sufficient to keep micron-size particles in suspension for long periods and carry them long distances and to carry such particles across state boundaries.

7. Federal-State water quality standards for iron, lead and copper are violated as a result of tailings discharge. (Note: One day's discharge has been shown to contain 3 tons of lead, 2 tons of copper, 3 tons of chromium, 1 ton of zinc, 1 ton of nickel, 310 tons of manganese plus silica, arsenic and iron.)

8. One requirement of the Minnesota Pollution Control Agency (formerly Water Pollution Control Commission) permit . . . is violated in that there is "material clouding or discoloration of water at the surface" outside the prescribed permit area.

9. The water quality criteria recommended by the National Technical Committee for zinc and cadmium for aquatic life production are exceeded.

10. The widely accepted criteria of 0.01 mg/l of phosphorus to limit algal growth is exceeded. (Note: One day's discharge also contains 25 tons of phosphorus.)

11. Bottom fauna, especially one species important as a fish food, show progressive reduction in numbers southwest of the plant. Beyond the limits of bottom fauna collection (15.5 miles southwest of the plant), there are no data to establish how much farther effects continue before recovery begins.

12. In laboratory tests, tailings less than 0.45 microns stimulated additional algal growth in Lake Superior waters.

13. Taconite tailings discharged from effluent launders diluted to one-fourth and one-tenth of the original concentration were found to be lethal to rainbow trout sac fry in a few days.

14. Even moderate changes in commercial fish catch due to tailings discharge would be masked by much larger changes due to lamprey and overfishing.

15. Alternate disposal methods are available.

As submitted to the District Engineer initially, the Stoddard Report carried the following summary:

"The Department of the Interior concludes from the evidence contained in this report that:

1. Pollution is occurring as a result of taconite tailings being deposited in Lake Superior by Reserve Mining Company.

2. The kind, extent, quantity, degree and nature of pollution from this source have been set forth in the main body of the report and in the conclusions.

3. The environmental effect of such pollution is to increase the turbidity of this once clear lake, accelerate eutrophication by enrichment of its water, raise certain chemical constituents to levels beyond established limits, and to decrease available fish food and habitat through deposition of sediment.

4. Improvement of the lake environment

cannot be expected until the taconite tailings waste can be disposed of elsewhere.

Therefore, the Department of the Interior recommends that the permit of the U.S. Army Corps of Engineers to the Reserve Mining Company be extended conditionally for a period of three (3) years, sufficient to investigate and construct alternate on-land disposal facilities, including recycling of used water, in order to comply with Federal State water quality standards and to restore Lake Superior waters to their original high quality."

But what is perhaps even more astounding than the conclusions of the Stoddard Report (which have since been substantiated in three subsequent studies) is the fact that the report was suppressed, was disowned by Interior, was called "unofficial", "full of error" and was otherwise discredited and attacked from all sides.

The hasty, almost panicky, attempts to discredit the Stoddard Report became almost an indictment of the relationship between bureaucracy and business. As *The New York Times* said of the affair on May 11, 1969, "One of the harsh realities of the struggle against air and water pollution is that companies which are big polluters also meet big payrolls and have political punch."

WHAT HAPPENS TO LAKE SUPERIOR?

Each day Reserve Mining dumps 67,000 tons of finely ground iron ore wastes, known as taconite tailings, into Lake Superior. In terms of volume, that is roughly equivalent to dumping 50,000 junk cars each day into the world's largest fresh water lake!

In 1971, responding to repeated complaints by Governors and Members of Congress representing Great Lakes states, the Environmental Protection Agency served a 180-day notice upon the Reserve Mining Company. This notice was a necessary procedural step before Court action could be initiated.

Since then, the Department of Justice has filed a law suit in Federal District Court—a case which is now being heard.

As part of the pleadings in the case, the Justice Department prepared and recently filed a document entitled "specification of scientific charges" against Reserve Mining Company. Some of the facts alleged are particularly shocking. For example:

The Justice Department says that the taconite tailings being dumped by Reserve Mining into Lake Superior contain 35 chemical materials, including arsenic, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, nickel, selenium, and thallium—all toxic materials;

In addition to the taconite tailings, Reserve also dumps approximately 750 million gallons of fluid each day, which adds an average of more than 60,000 pounds of dissolved solids to the lake. This discharge of dissolved solids contains 39 chemical elements, many of them also toxic.

Because of its taconite waste discharges, Reserve Mining has reduced the clarity of the Lake Superior water by 25 percent or more over an area greater than 600 square miles, according to the Justice Department. In addition, its pollutants are spread over several thousand square miles of Lake Superior, at all depths, and have even spread into lakes other than Superior.

WHAT'S WRONG WITH TACONITE TAILINGS?

The United States of America, State of Michigan, State of Minnesota, State of Wisconsin and private environmental groups charge that the discharge of taconite tailings by Reserve Mining Company has the following physical, chemical and biological characteristics and effect upon Lake Superior.

Reserve Mining discharges taconite tailings into Lake Superior at an approximate rate of 67,000 tons daily on a continuous basis. The constituents of this material are

primarily quartz and iron-magnesium silicates and more specifically are:

Aluminum, arsenic, barium, beryllium, boron, cadmium, calcium, carbon, chromium, cobalt, copper, cummingtonite, hydrogen, iron, lead, magnetite, magnesium, manganese, mercury, molybdenum, nickel, oxygen, phosphorous, potassium, selenium, silica, sodium, sulfur, suspended solids, thallium, tin, titanium, turbidity, vanadium and zinc.

In addition to the discharge of taconite tailings into Lake Superior, Reserve discharges approximately 750 million gallons of water each day which adds an average of more than 60,000 pounds of dissolved solids to the lake at point of discharge daily. The nature of these substances are:

Alkalinity, ammonia, arsenic, bacteria, fecal streptococci, bacteria, fecal coliform, barium, beryllium, boron, BOD, cadmium, calcium, chloride, chromium, cobalt, copper, COD, dissolved solids, iron, kjeldahl nitrogen, lead, magnesium, manganese, mercury, molybdenum, nickel, nitrate-N, nitrite-N, pH increase, phosphorous, potassium, selenium, silica, sodium, sulfate, thallium, tin, titanium, zinc and hydrocarbons.

Total dissolved solids exceeding 100,000 pounds daily are released from the tailings after discharge into Lake Superior. These substances include, but are not limited to, the following:

Silica, calcium, copper, magnesium, manganese, mercury, potassium and sodium.

AND THEN THERE'S THE ASBESTOS QUESTION

As this issue of LIMNOS goes to press, Reserve Mining Company is very much in the news. Reserve's tailings disposal is alleged to be the source of asbestos-related fibers recently found in the Lake Superior water supplies of Duluth and three other Minnesota communities. This material, a variety of asbestos known as amosite, has been proven to cause a high incidence of cancer when inhaled. Its effect on the body when ingested, however, is not known.

On June 15, the Environmental Protection Agency advised residents of Duluth and other North Shore towns to find "an alternative source of drinking water . . . for very young children" due to the discovery of high concentrations of asbestos fibers in the lake.

The EPA warning came on the heels of a document filed in federal court by the Justice Dept. which showed at least 12 other toxic elements are present in Reserve's tailings discharge.

While the EPA said there "is no conclusive evidence" that the fibers make the water "unfit for human consumption", it does believe that "prudence dictates that an alternative source of drinking water be found for very young children."

Dr. Irving J. Selikoff, a cancer research specialist with the Environmental Sciences Laboratory at Mount Sinai School of Medicine in New York City, conducted the initial research on Duluth's water. Dr. Selikoff said that the levels of amosite fibers in the municipal water supply "were 1,000 times higher than found in any other sample so far studied" by the laboratory.

Following the June 15 warning, the EPA contracted with Dr. Selikoff to determine within 60 days the accumulation of fibers in the tissues of area residents. Four types of tissue samples have been sent to the New York laboratory.

(LIMNOS has just learned of controlled laboratory experiments currently being conducted by two Canadian researchers on the effects of asbestos fibers on rats. Large doses of fibers were injected into the rats' stomachs and after two to four days the fibers were found in the blood, heart, spleen and brain of the animals.)

EPA research in Duluth includes field sampling of water supplies, water supply treatment technology, alternative water sup-

ply evaluation and field sampling of air in the area.

An *erdator*, a water purification device, has been flown to Duluth and installed at the EPA's National Water Quality Laboratory there. The device, used by military forces in Viet Nam, is on loan from the U.S. Army Corps of Engineers. It uses flocculants and diatomic filters to remove suspended solids from the water. The filters, less than five microns long, are difficult to filter out.

Reserve has been named as the source of these fibers because of the presence of cummingtonite in the tailings discharge. Cummingtonite contains many of the elements that make up varieties of asbestos. The crushing of this mineral during taconite production is thought to produce the fibers found in the lake. Cummingtonite is present only at Reserve's mine near Babbitt, Minnesota. It is found in no other mines on the Iron Range.

The presence of this asbestiform material in Reserve's ore body and, theoretically, the obvious potential for introduction into Lake Superior through tailings disposal, were known as early as 1956. (Dumping began in 1955) At that time a doctoral thesis was published that substantiated the fact that cummingtonite is unique to Reserve's mine.

National Water Quality Lab Director, Dr. Donald I. Mount reported that his lab knew of the presence of the amosite in the lake water since 1969 but that the significance of the material was not then realized. Recently researchers at the Water Quality Lab noticed a similarity between the fibers in the lake water and those fibers which can cause cancer when inhaled.

On another front, the Minnesota Pollution Control Agency (PCA) has recently completed its own study of the asbestos problem. Essential results of the study are:

(1) The ore . . . of Reserve Mining Co. contains asbestiform amphiboles in large percentage, 20 percent or more.

(2) These minerals persist in the milling process and are discharged into both the water and air at Silver Bay.

(3) They are . . . identical to the amphibole minerals amosite and actinolite which are mined elsewhere for the production of asbestos.

Bottled water is now on sale at most food stores in the effected area and public sentiment ranges from disgust to anger on both sides. Reserve employees have charged that the release of the EPA warning was timed as a "political ploy to scuttle the trial," referring to the EPA suit against Reserve. On the other side, petitions to halt Reserve's discharge are being circulated by concerned citizens. At least two congressmen, Robert Griffin, R-Mich. and David Obey, D-Wisc. have asked the U.S. Justice Dept. to seek immediate injunctions to stop Reserve's discharge.

As LIMNOS goes to press, however, Reserve Mining Co. continues to go to Lake Superior, with 67,000 tons of waste, day after day.

WHY NOT A BILL OF RIGHTS FOR DEVELOPERS?

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BLACKBURN. Mr. Speaker, today, I am inserting in the RECORD for the benefit of my colleagues a statement developed by Mr. H. McKinley Conway, Jr., president of Conway Research, Inc., Atlanta, Ga., regarding the basic rights for persons engaged in development activities.

At a time when our economy faces serious challenge because of the energy crisis, we should not allow the mechanism of government to contribute to the decline of the normal expansion of economic activity. Developers are responsible for the orderly growth of our communities by providing new housing, shopping centers, and industrial parks.

While I do not intend this insertion to be a complete endorsement of this article, I think that many valid points are made which are worthy of consideration by all Members of Congress.

The article follows:

WHY NOT A BILL OF RIGHTS FOR DEVELOPERS?

(Never before in history have those who serve the public interest by building homes and places of business found themselves so harassed and impeded by government policies and regulations. On all sides and at every level new bureaucracy is mushrooming. Rules set ostensibly to protect the public interest are becoming so onerous that good projects are delayed, costs are inflated, and many units are never built—thus frustrating the public purpose.)

To most Americans, a developer is a fellow like the one who planned and built the subdivision in which they live. They think of him vaguely as an entrepreneur who bought a pasture, put in some streets and utilities and sold lots or homes to the retail housing market.

Many business executives are aware of another type of developer—the company which plans and builds office parks, industrial parks and other such "subdivisions" for business firms. The process is more-or-less the same—the developer bought raw land, improved it and sold it.

Today, many developers fit both images. The trend is toward larger, more complicated ventures, with mixed land uses. A great many developers are building new communities and even new cities. In these cases the process may be similar to that of the simple subdivision, but it is much more involved. And it takes a whopping amount of money and several years of lead time.

To a considerable degree, the quality of life for future Americans lies in the hands of these developers. They are the men with the creative ability, financial resources, technical knowledge and risk-taking courage necessary to build new cities and rebuild old ones. If they cannot or will not create the new places to live and the new facilities for commerce for the future, who will?

We submit that the developers, big and small, are absolutely essential to our future and that conditions *must* be favorable to their performance of a vital task. Having said that, we must quickly add that many people, including some high public officials, apparently do not agree.

Within the past five years, more regulations have been imposed on developers than in all previous history. With environmental improvement and consumer protection as justification, developers have been saddled with an outrageous burden of rules and procedures, many of which do the consumer more harm than good. Instead of rewarding the developer who does a good job, many of the new programs penalize all, regardless of their performance. Thousands of new jobs have been created for regulatory officials and lawyers. Ultimately, the consumer will get less brick-and-mortar and more paperwork for his money.

Today, the attempt to cope with the bureaucracy is a life-and-death struggle for many developers. In many localities, developers are being treated like second-class citizens, their rights are being abused, and their economic existence is threatened by petty bureaucrats acting under vaguely-defined authority. Only a few of the persecuted de-

velopers are willing to speak out, because of their knowledge that regulators can strike back swiftly in a variety of ways. For example, an unscheduled delay of 30 to 60 days, which most bureaucrats regard as the flicker of an eyelash, can be fatal to some projects financed under current interest rates.

To present a summary of the laws applicable to development around the nation, we have published several hundred pages during the past year. Unhappily, this does not by any means give a complete picture. We have accepted the challenge, however, and will continue the effort.

Meanwhile, we have a serious proposal to make to the U.S. Congress, to state legislatures and to local law-making bodies. We invite and urge that at every level, law-makers proclaim equal rights for developers in their dealings with the growing bureaucracy. Here are some points to cover:

REQUIRE PUBLISHED PROCEDURES

A typical problem is that a legislative body passes a piece of legislation which provides in general terms for a regulatory process. The act appears relatively easy for the developer to understand and comply with. Then a team of bureaucrats writes a set of regulations "pursuant to the act" which no one can understand and which pose a huge compliance problem for the developer. Frequently, the legislators who voted for the measure are astonished by the stringency of the procedures set. The solution is to have the rules written *before* the act is passed, so that bureaucrats are not given a blank check.

A related problem in this area is encountered when agencies begin a regulatory function *before* the procedures are set! This is somewhat like telling the public that a speed limit has been set on a certain street but that the exact figure is not yet available. The next thing the unsuspecting motorist knows, he has been arrested and told that his speed has been found to be in violation of the not-yet announced limit.

2. REQUIRE COORDINATION

The developer is required by regulators to coordinate his activities. For example, if the developer is planning a new town, he must compile voluminous data from an army of specialists—architects, engineers, economists, surveyors, etc.—and present a cohesive project. Why not require the controlling government to do a similar job of coordination? Instead of sending the developer chasing from office to office and agency to agency, why not require by law that all regulations pertaining to a particular type of project be handled *through a single point of contact*? This would make for better control, more efficient development and reduced costs to the consumer.

3. REQUIRE PROMPT ACTION

In many ways, the regulations set deadlines for developers. Why is it not reasonable to require by law that bureaucrats do their work within a prescribed time (even if they have to work overtime!). For example, action might be required within 30 days on a simple zoning matter. Approval of a nuclear generating station obviously would require longer (but not years as is now the case). The law might also say that if the regulatory body does not act within the allotted time, approval is automatic.

4. FORBID MID-PROJECT RULE CHANGES

Developers are generally required to file plans in advance of building a project, and woe to the developer who does not stick to his plans. On the other hand, agencies frequently enact new procedures affecting a project already underway and cause developers much grief and expense. If it is fair and reasonable for the bureaucrats to require the developer to stick to his plans, is it not equally fair and reasonable to require

regulators to adhere to their decisions? In the case of large projects, developers should be able to proceed for several years without basic changes once they have received initial approval. Mid-project changes should be required only when mutually agreeable.

5. MINIMIZE DISCRETIONARY POWERS

One of the greatest hazards for the developer and the public in new regulatory programs is the growing tendency to authorize regulation by review. Instead of setting specific, measurable standards understandable by all, regulation is being handed over to boards or committees which make decisions on the basis of opinion. In effect, a new set of standards is set every time the board meets. To the developer, the design criteria are thus whatever the board will approve. Not only does this make it difficult to adhere to high professional standards, it also opens the door for decisions that are emotional, political or dishonest.

It is the last possibility which is truly frightening. Probably no new government programs of recent times have opened up such a ripe field for corruption in government as have the new controls on development. Great amounts of money are involved in new projects, and, in many cases, obscure political appointees have been handed the authority to make life-or-death economic decisions. A far safer approach would appear to be minimizing discretionary powers by setting specific standards in the law. This will be difficult in some areas, requiring new research, but it can be done.

6. PROVIDE CHANGE OF VENUE

Under the American system of government, almost every legal and quasi-legal procedure sets up mechanisms for guaranteeing that a citizen subject to trial or regulation be given a fair hearing by a disinterested jury or other hearing body. Yet, the poor developer may find that the biggest and most important business decision of his life is going to be made by a zoning board whose membership includes a competitor who doesn't want any more such projects in town, a personal enemy or, perhaps, the owner of an adjacent site. His chances for a fair and impartial hearing by such people are nil. Under such circumstances, it would seem reasonable to give the developer the right to be heard before another body where his basic rights would be protected. What we do for accused felons we ought to do for tax-paying developers who are trying to build our new homes and offices.

We could go on. There are many other things which need to be done to smooth the way for law-abiding builders of our future communities. It all adds up to creating a good climate for development—one which protects the public interest by regulating *intelligently*.

Because there is such a crying need for action in this area, we predict that this will become a matter of lively competition between the states and among cities eager to develop soundly. Those areas which can spell out their regulations clearly, process applications promptly and fairly and enforce the regulations honestly will attract the investors and developers who are more astute, and they will do a better job. Chief beneficiary will be the consumers in that area.

RETROACTIVE GUILT NOT NEEDED

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. MICHEL. Mr. Speaker, while there is no doubt that the current en-

ergy situation will cause some temporary dislocation and adjustments in our life style, I have been concerned by a tendency on the part of some spokesmen to point the finger and try to lay all of the blame for this situation on particular individuals or groups in our society. In that connection I noted an editorial in the Galesburg Register-Mail under date of December 7, 1973, entitled "Retroactive Guilt Not Needed" and especially call attention to one sentence in the editorial, "little will be accomplished by attempting to promote a sense of guilt among Americans, especially retroactively."

In addition another editorial appearing in the Peoria Journal Star, Friday, December 7, 1973, issue with the rather provocative title "Quit Bitching and Help," discusses the energy problem in a candid and straightforward fashion, and I include both editorials in the RECORD at this point:

RETROACTIVE GUILT NOT NEEDED

The sins of our fathers are now being visited upon us—specifically, their penchant for inventing automobiles, electric lights and such without giving a thought to the possibility that we might some day run short of fossil fuels.

A University of Chicago psychiatrist, Dr. Jarl Dyrud, relates the current energy crisis to "one of our strongest myths, the myth of progress, the myth of an ever-expanding economy."

Supreme Court Justice William O. Douglas charges that the crisis has been caused by powerful corporate lobbies and a tax system "designed to protect those out to destroy our natural resources."

We have a fuel monopoly, but no monopoly on solar energy and hydrogen fusion he said. "That is why they are not being promoted."

Maurice F. Strong, a former Canadian oil developer and now executive director of the United Nations Environmental Program, declares that the energy shortage requires the adoption of a new "low-energy life-style."

"Two-hundred million Americans," he says, "use more energy for air-conditioning alone than China's population of 700 million uses for all purposes."

It is also probably true that 200 million Americans use more energy to power their electric toothbrushes than several million Chinese use for all purposes.

This is not to minimize the very real urgency of the energy crisis, nor the need for Americans to take a hard look at the way they use, and misuse, the world's resources, of which they command a disproportionate share.

But little will be accomplished by attempting to promote a sense of guilt among Americans, especially retroactively.

Suppose a less myth-minded Rockefeller had decided not to dig so many oil wells, or a more far-seeing Ford had had second thoughts about flooding the country with flivvers, or an omniscient government had held down industrial expansion?

We would not have an oil shortage today or so much concrete and asphalt covering the landscape. But neither would Americans have a standard of living remotely resembling the one they have become accustomed to.

Most importantly, we would not possess the technology, the industrial base nor the wealth to pursue the exotic energy sources Douglas speaks of.

An underdeveloped, preindustrial America might feel less guilty, but it would hardly be in a position to lead the world toward a brighter tomorrow.

SAVING ENERGY: QUIT BITCHING AND HELP

We are a funny people.

We can handle big problems. It's the little ones that knock us for a loop.

The only war we really pooped out in was a left-handed, part-time tussle with a fourth-rate power in Southeast Asia.

We have a president who has cooled off a generation of world crises and bitter animosity with Soviet Russia and "Red China," closed out the bankrupt war in which we could never really get going, brought the first ray of even a possibility of a peace formula to the Middle East, made the first real breakthrough in 30 years on our welfare systems (the national rolls turned down instead of up for the first time)—and yet he has got himself into a helluva mess over four or five guys sneaking into Democratic headquarters to bug a telephone and sneak a look at the files!

So how do we cope with an energy shortage in small ways?

A lot of us look for a scapegoat and an excuse to pretend it doesn't exist, while seeming determined to "use it all up and then blame the results" on Nixon, or the "oil companies," or whatever.

The fact is that we have to change our way of living.

The environmentalists told us that years ago. The President tried to tell us two years ago, and again seven months ago.

Some of the people screaming at him today as acting "too little and too late" amaze us, because we don't hear them sounding that trumpet of desperate urgency and doom until after the President acted.

If they knew the situation was desperate, why didn't they say so and call upon him earlier to act? Why didn't they push emergency legislation through Congress earlier—instead of later, themselves?

We'd just rather point the finger and complain than cope with the situation in too many cases—and hence we may fail to cope with it.

What bugs us is the individual who looks around to find instances of people who don't play the game or instances of what he can from his special prejudiced position insist is "unfair" to give himself a reason, conscience free, to waste "energy."

That cop-out won't wash.

What each of us has, in fact, is a simple choice, of whether we join the cheaters in our conduct in this crisis, or whether we join the responsible.

It doesn't much matter what excuses we give for the action, the choice we make is what counts.

That's what we are, once we make it.

As for blaming the "oil companies," that is an emotional game that hasn't much real foundation. A very few years ago, we didn't need any Arab oil at all, and industry management was planning and investing ahead for the needed expansion.

Those plans were interrupted, artificially, by government action, public pressure, and class action suits. Offshore drilling was sharply curtailed, and the Alaskan pipeline delayed for years, as major examples. This was done to the oil companies, not by them. In precisely the years of interrupted expansion, we had to buy Arab oil as a result.

Having played the game of cussing "big business" and put them behind schedule, the folks who are hung-up on "big business" simply turn around and attack them again for the problem that was thus caused.

We aren't going to solve our problems with this kind of stupid prejudice and persistent ignoring of reality.

The only real end of that game is a form of socialism—and yet we all know very well at bottom that if the oil industry was entirely run by government bureaucracy, the price would be higher, the delivery system more fouled up, and the shortage greater than it is now. And no hope in sight.

And don't blame the environmentalists. The plain fact is that whatever we do, the 30-year-era of cheerful waste and the more stuff you burn up the merrier, is coming to an end regardless. We do not have unlimited supplies, and we have long acted as if we did.

We do have to learn the "old fashioned middle class values" of an intense prejudice against waste—and its twin, an end to pollution.

If some environmentalists got over-enthusiastic, in the American tradition, and contributed to disjoining the rate of progress of the oil industry and the power industry, that was just a slip in timing.

The fundamental premise is absolutely on the money. We have to learn to use things without waste and without pollution.

And the sooner we start learning instead of bickering, complaining, and passing the buck, the better off we will be.

C. L. DANCEY.

PAUL SAMUELSON SPEAKS OUT ON THE ENERGY CRISIS**HON. MICHAEL HARRINGTON**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HARRINGTON. Mr. Speaker, the energy crisis is upon us. The problems we face are vast and the solutions are few and far between. Noted economist Paul Samuelson states:

I think we should realize that the bell has tolled for us. We should listen to it. I hear the tolling for the rest of the century.

Mr. Samuelson speaks with wisdom and from experience. For the information of my colleagues, I am inserting Mr. Samuelson's article as it appeared in the Boston Herald-American of December 2, 1973:

SAMUELSON ON THE ENERGY CRISIS

(By Jim Morse)

There is likely to be a recession in 1974, but not entirely because of the energy crisis.

The economic slowdown, or recession, had as it might be, is not expected to degenerate into an all-out depression.

Food prices will not increase in the months ahead.

While our way of life may not be undergoing permanent change, it may be altered until the end of the century.

The energy crisis is serious, much more serious than many people believe. Perhaps the U.S. should begin to act on the assumption that this nation will never again depend on oil from the Arab nations.

Unemployment will undoubtedly increase in '74.

These are among the beliefs of Paul Samuelson, the Massachusetts Institute of Technology's Nobel Prize-winning economist, expressed in an exclusive, far-ranging interview with the Sunday Herald Advertiser.

Samuelson, an adviser to Presidents John F. Kennedy and Lyndon B. Johnson, is critical of the confusion in the White House, indecision on the part of the Nixon Administration, and the view that the U.S. should retaliate by refusing to sell wheat to the Arab bloc.

The world-renowned economist also believes it will be necessary to ration gasoline and fuel oil.

This newspaper's questions about the energy crisis and the economic outlook and Samuelson's comments follow:

Q—Talk of the energy crisis appears to be

terrifying many businessmen, and perhaps causing them to over-react and to start exaggerated emergency plans. What will this do to our economy?

A—Well, first of all, I don't know whether people are over-reacting. The stock market has gone down more than 100 points, but sometimes the market is scared of its own shadow. This may be a rational, not a paranoid concern, because we don't know how long the Arab oil boycott is going to last. We don't know what the magnitude is going to be.

Are we talking about something that is going to last three months and then be terminated, or, as Secretary of the Treasury George Shultz has suggested, should we begin to act on the assumption that we're never going to get any oil from the Arab nations, the Persian Gulf nations?

Q—In your judgment, is there a serious energy shortage?

A—I would think it is serious. It is particularly heavy in its impact on certain parts of the country. Alas, New England is hit very hard. The New York area, the Midwest and the Northwest are also hard hit. Other sections of the country are sitting prettier.

I was amused that Louisiana and Texas would like to chop off the other states and hold on to their plenty. After the war between the states, I doubt that they'll be permitted to do that.

Q—Has the government been neglectful in preparing for the present situation? Did President Nixon wait too long, and has he done enough?

A—I think President Nixon has been pre-occupied—understandably—with some other matters. Watergate has taken its toll.

He also has a division of opinion among his advisors. On one hand, his Secretary of the Interior Rogers Morton wants to ration, while on the other hand Treasury Secretary Shultz wants to rely on pricing.

The distance between them is as big as the 850 miles between Washington and Chicago. Some of us hope they meet half way, maybe in Cincinnati, and get something going.

Q—How much are the Arab nations to blame for our energy crisis?

A—In the aftermath of the October Middle East war, we've attempted to pursue an oil diplomacy. In the old days we used to have a gunboat diplomacy, where we'd send a destroyer off the coast of some banana republic. Well, today we have an oil diplomacy, make no mistake about it.

The impact of the Arab boycott is much more severe on Europe and Japan than it is the United States. Japan is really at the mercy of Persian Gulf Oil.

Part of our trouble stems from the lack of oil refineries. This would have given us a situation of distress last year if we had not had a mild winter.

There's also a background factor that other countries are becoming industrialized and using up more energy.

And, of course, there's the factor that we've been underpricing energy. It's ridiculous that we should coax New England home owners to use natural gas piped up all this distance. Those who have it are sitting pretty at the moment, but we're burning up our most valuable fuel—fuel that could be used to run New York's taxicabs at some future date or to heat the atmosphere.

This is only true because natural gas has been underpriced by regulations. This goes back before the Nixon Administration, but the sins and crimes of regulations have been continued in this administration.

So all of these things are there in the background. They would have created a problem even without the Arab boycott. I would say it will be several years—until the end of this decade—before adequate sources become available.

But let's make no mistake about it, some-

body has us over a barrel—and it's over a barrel of oil.

Q—Should the U.S. retaliate against the Arab countries holding back oil shipments?

A—My personal view is that you can't fight fire with fire if by that question you mean if they refuse us oil, okay, we'll refuse them wheat.

First, there's the problem of the morality of such an act. You don't have to linger on it. Second, we don't have a monopoly on world wheat. They (the Arabs) have got so much money they can buy gold. Who is to say they can't buy wheat?

Besides, what about the Russians? Not only did Russia have a good wheat crop this year, but we gave the Russians a lot of our wheat.

I believe there are other things which can be done. To fight a monopoly, there should be an organization of consuming nations. That's why I think it's sad that we've let Japan and Holland, which are in worse shape than we are, be picked off one by one.

We have a community of interests, and I think we should be developing in that direction.

I fault our multinational oil companies and I fault our State Department for being so timid while the oil monopoly was forming. It was apparent that oil was going to become scarcer to us.

No, I'm not in favor of cutting off wheat to the Arab nations. Idle threats are worse than counter-productive. There are other things we can do.

We should be making fuel more expensive. Let's act the way Secretary Shultz suggested and that's on the basis that we're never going to get oil from the Middle East.

We must figure out how to fairly raise the price of gas by 20 or 30 cents so that impact isn't on the poor fellow who needs his car for commuting.

I think we've either got to have a tax, or I suggest rationing. But rationing tickets should be saleable in the white market so that you and I realize it costs us 90 cents a gallon to jump in our car and drive down to the corner drug store for a pack of cigarettes, because that's what we could get for a rationing ticket in the white market.

Otherwise, there should be a stiff tax, which is probably what the Shultz wing of the administration wants.

If there is such a tax, we should use some of the proceeds for a crash research program to find alternative sources of supply.

That's what will make sense to our European and Japanese allies, and what will be respected by the Persian Gulf monopoly countries.

Q. What do you see for the economy in the months ahead—that is, after the holidays and the start of 1974? Will we experience a recession? Or worse, a depression?

A. Before the October war and its aftermath, I had to go along with the popular theory that we were not headed for an old-fashioned depression, nor an old-fashioned recession. But because of the changed energy situation, that forecast is no longer worth the paper it's written on.

However, I don't go along with those who say this might create a great depression. Sen. Henry Jackson has shown an early concern, which I respect, that such a thing might happen. Perhaps he feels he must over-sell in order to sell. But that goes over the line of rational evaluation.

Nor do I agree with former Secretary of the Interior Stewart Udall who has said that for a decade or two decades we'll have to undergo a real tightening of our belts. The situation doesn't seem to me to be that bad.

But it does seem to me that, at the least, I have to go along with a new forecast that we probably will show no economic growth, or negative growth, in the four quarters of 1974.

So maybe it's going to be a bleak winter, not only back on the ranch but also on the production line. Some industries have already started laying off employees.

But it will be a recession more than a depression. And so far, it would still look to be a bare recession.

But this forecast is based on the assumption that Washington handles the situation well, and there is little reason to believe it will be handled all that well. Right now everything is being handled grudgingly. If it comes to rationing, it will probably be long after the case for rationing has been made.

Q. Is the stock market the barometer of our economic future?

A. It is hard to explain the stock market in advance, and only too easy to explain it afterward. But I guess I'd have to say the recent drop of more than 100 points isn't necessarily a sign of paranoia. Apprehension is something quite different.

We've learned about something seriously (the energy crisis) we didn't know about before, and the market has reacted.

Q—Are we headed for an increase in unemployment if industry begins to cut back?

A—Yes, I would think so. If the more dire of these projections are correct, we should expect a zero percent growth as against two percent.

We should take a fast fond look at the 4.5 unemployment figure because it is probably the last we will see it for a long time. We may come to 6 percent or 6.5 percent. We'll get there by way of 5 and 5.5 percent, and I'd rather see that happen before making more alarmist predictions.

New England has been hit hard before the national unemployment figures went down. We're on the firing line of oil diplomacy.

Q—Should clean air standards be relaxed to help the economy?

A—They have been, and they have to be. But what we can't do is lose in one afternoon all the environmental gains we've made over 10 years. We've got to really study the problem.

Q—You've suggested rationing, but is that really the answer?

A—Ah, I shall be surprised if we can avoid rationing.

Q—Is President Nixon's credibility such that we have no chance of recovering economically in the next three years?

A—No, I wouldn't say that. However, it's sad, because a lot of people won't believe there is a fuel shortage. They say it's just something trumped up to get the critics off his back. I wish it were only that.

As I said earlier, Watergate has taken its toll. But that's not a well informed reaction to the fuel shortage. I think that reaction is beginning to ebb away.

Q—Will food prices increase in 1974?

A—The best guess is no. By the way, we're getting a worldwide recession. One of the reasons that caused food prices to zoom was a worldwide boom. That's point number one.

Point number two is that we had a good harvest. Unlike last year, the sun has been shining on the crops. We've been getting a bit of good luck. Some meat and poultry prices may go down.

The good news on food prices has gone out the window with the bad news on energy.

Q—What about consumer income and spending in 1974?

A—I would think that if we have an energy-induced slowdown, it will spread. If take-home pays are less, people will spend less and be optimistic.

You know, you can't give away big cars right now. The market for them is flat. This will result in shutdowns and unemployment.

Q—Does this whole question of forecasting the economic future depend heavily on the unknown intentions of the Arab leaders?

A—This is something that will be fed into every computer. It's something every bank, university and government forecasting agency will attempt to decide.

Q—Would there have been a recession or slowdown even without the oil embargo?

A—There would have been a growth recession, which wouldn't have been such a

bad thing. In retrospect, it would have been rather rosy. We've been overdoing it. Everything was done to keep the economy overheated for 1972's presidential election.

Q—The fuel shortage is expected to have an especially tough impact on New England. Will this result in a tough impact on New England's economy?

A—I think it will have an effect on both. How is the fuel going to get to New England? President Nixon has given no hint. Will he offer a carrot or a stick to the oil companies?

We'll depend upon what the tanker situation is, and upon what the pipeline situation is. We should give hard looks to Washington for the answers.

If Washington doesn't act, what looks like a manageable 17 percent national shortage could work out to a 40 percent regional shortage, and you know where you and I are sitting.

Q—Should there be a profit ceiling imposed on the energy companies, such as gasoline, oil and natural gas?

A—Well, I would let the price go up some. We do want to give them an incentive. But I think it would be wrong to let the price of gas rise to \$1.20 a gallon, creating short-term profits which would be windfalls while not adding anything to the short-run problem.

I wouldn't want to do it the way the 1845-49 potato famine in Ireland was handled. That was handled the capitalistic way. Potatoes were gone, so let the price of wheat rise. That worked. But the way it worked created tremendous profits for a few while several million people literally died.

We're going to have to use price resistance, taxes and rationing if the situation lasts.

Q—Finally, Mr. Samuelson, is our way of life going to be permanently changed, or is this a temporary crisis?

A—I think we should recognize that a bell has tolled to us. We should listen to it. I hear the tolling of that bell for the rest of the century.

We've squandered energy. We've got to stop building skyscrapers with glass and go back to the Cape Code-style, or veritable igloos, to conserve fuel.

It may become cheaper when alternate sources of energy are discovered here at MIT or elsewhere, but that period is ahead.

Meanwhile, we're over the barrel—an oil barrel.

THE INTERNATIONAL EXECUTIVE BOARD OF THE NEWSPAPER GUILD CALLS FOR THE IMPEACHMENT OF PRESIDENT NIXON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. RANGEL. Mr. Speaker, over 1 month ago, Elliot Richardson and William French Smith resigned because of their refusal to fire Watergate Special Prosecutor Cox. Archibald Cox is now long gone and Leon Jaworski has taken his place. After all that has happened, after the national outrage at his actions, President Nixon still continues to cover up his involvement in the Watergate crimes.

It is very hard to believe that President Nixon's personal secretary, Rose Mary Woods, accidentally pushed a wrong button and stepped on a foot pedal to allow 18½ minutes of a key taped conversation to be erased—18½ minutes is a very long accident especially for such an important tape.

President Nixon fought bitterly the

court order asking for the nine tapes. He almost disobeyed Judge Sirica's order for them, complying only at the last minute. Now only six tapes and a portion of a seventh exist of the original nine tapes.

In light of these unbelievable tales spun by the White House, I submit the following resolution passed on November 15, 1973, by the Newspaper Guild calling for the impeachment of President Nixon:

RESOLUTION ON THE IMPEACHMENT OF PRESIDENT NIXON ADOPTED BY THE INTERNATIONAL EXECUTIVE BOARD OF THE NEWSPAPER GUILD

The United States' single most important and most powerful executive position, the Presidency, must have its effectiveness, vitality, and credibility restored.

It has become increasingly clear that this will not happen so long as the Presidency is held by the incumbent, Richard M. Nixon, whose term of office will not expire for another three years. The nation and the world cannot wait that long.

Three weeks ago at the Tenth Constitutional Convention of the AFL-CIO, The Newspaper Guild's delegates joined their colleagues in unanimously calling upon President Nixon to resign, in the interest of preserving the mutual trust essential to our democratic system, restoring the effectiveness of our federal government and safeguarding our national security, and in calling upon the House of Representatives to initiate impeachment proceedings against the President should he not resign.

"We believe the American people have had enough," the AFL-CIO resolution said. "More than enough."

The International Executive Board of The Newspaper Guild herewith concurs in the judgment and vote rendered by the Guild's delegates to the AFL-CIO Convention.

Last week President Nixon, in response to this and widespread other demands that he step down in the public interest, gave the American people his answer: He had, he said in a nationwide television address, no intention of resigning.

The President leaves us no alternative. The documented record of what John Mitchell himself called the "White House Horrors" and of related disclosures of improper, unconstitutional and illegal conduct involving both the President and his closest associates—and the President's continued failure to explain these actions to the satisfaction of the American public—compel us to join the AFL-CIO and other organizations, publishers and Members of Congress in now calling for the immediate initiation of impeachment proceedings.

We recognize that our action today may be seized upon by President Nixon's apologists, and perhaps by the President himself, as supporting the accusations of biased and distorted reporting he has chosen as his last line of defense against a frank and open public accounting of his actions. But we have obligations to our country as well as our craft, and, in any event, we are confident the public will not be deceived.

For, in fact, it is not the press that has "distorted" the facts but the White House and the President himself. It was not the press, but the White House, that had to withdraw its versions of what happened as "inoperative." And Mr. Nixon's problem is not, as the White House would have the public believe, that the press has failed to put matters in "perspective", but that it in fact has put them in all too clear and accurate perspective, for all to read and hear.

In short, had it not been for the working press, the full dimensions of the Watergate scandals as we know them today might never have been revealed. The public will be forever in its debt, and nothing the President can say or do now can obscure that fact.

As elected officers of the largest organization of working newspaper men and women in the United States, we are, of course, concerned about President Nixon's continued intrusions upon the constitutional freedoms of the First Amendment and the Bill of Rights, but we act today not as partisans of the press but as citizens concerned about the general welfare of our nation.

Faced with increasing demands for his resignation or impeachment, President Nixon once again has promised to demonstrate to the American people that he has not violated their trust.

But promises are no longer enough.

The Constitution provides the appropriate procedure and forum for judging President Nixon, and the House of Representatives of the Congress should initiate impeachment proceedings without further delay.

We urge Guild locals to join us in calling for immediate initiation of impeachment proceedings and urge Guild members to express their support for such action in letters to their congressional representatives and to Chairman Peter Rodino of the House Judiciary Committee.

As Mr. Nixon himself said when he was so confidently seeking the office he now fights so desperately to retain:

"America is in trouble today not because the people have failed, but because her leaders have failed. What America needs are leaders to match the greatness of her people."

UNITED STATES ACTING TO GIVE OIL SHALE LANDS TO STATE OF UTAH

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. VANIK. Mr. Speaker, the prototype oil shale leasing program announced by Secretary of the Interior Morton 2 weeks ago has proven to be very controversial. The program will lease, beginning in January, six tracts of land of approximately 5,000 acres apiece, two each in Colorado, Utah, and Wyoming.

The implied intent of the program is to develop and test commercial techniques to recover shale oil, locked in the shale rock in a solid. Despite the 20-year duration of the land leases, Secretary Morton called the program "a prototype operation, a small scale operation," in his lease announcement speech.

The private oil shale leasing program, first initiated in 1971, has been the target of a great amount of criticism. The final environmental impact statement is an essentially unchanged version of the draft EIS which received a flood of critical reviews. The land lease contract, according to citizen interest groups, private individuals, and knowledgeable scientists, is laced with inadequacies.

Mr. Speaker, another angle in the Western Slope oil shale lands controversy has just now come to light. An article by George C. Wilson in the Washington Post of December 13 reveals that, because of longstanding Federal land debts to the State of Utah, over 150,000 acres of publicly owned oil shale lands may be turned over to Utah. This, Mr. Speaker, could allow a State oil shale leasing program to proceed completely independent

of the supposed "prototype" Federal plan.

Mr. Speaker, the Department of the Interior has apparently been aware of this situation for 10 years and has made plans for the transfer of the oil shale lands for some time. If that is the case, why was not the public better informed of it—157,000 acres of good quality oil shale land, worth up to \$50 billion, is hard to overlook.

The grant of this enormous Federal treasure to a single State raises the most serious questions. What will the reclamation laws of the State of Utah be in regard to the heretofore unexperienced problems of revegetating the sterile processed shale? Is this a way for the oil companies to "end run" the environmental requirements imposed in the Federal oil shale leasing program? What will the tax requirements be for a State-run oil shale program? Will the companies that lease lands from the State for commercial development be able to credit the Utah corporate income tax against their Federal income tax obligations? The results could be a windfall for the giant oil companies.

Research into this new situation has revealed these facts: The Utah Statehood Act of 1890 designated 4 sections of each township—of 36 sections—as State land. Because most sections remained unsurveyed until relatively recently, the exact status of public lands in Utah was unknown. In 1958, Federal legislation (43 U.S.C. 851) authorized in-lieu transfer of public lands to Utah in block transfers.

A large failing of the Federal-State transfer authority is its lack of consideration for the relative values of the transferred lands. Apparently the only provision for land transfer equivalency is in section (a) (1) of 43 U.S.C. 852:

No lands mineral in character may be selected by a State except to the extent that the selection is being made as indemnity for mineral lands lost to the State because of appropriation before title could pass on to the State;

This section apparently means that for each acre bearing any type and any value of minerals, a Federal acre with any type and any value of minerals is transferable to the State upon their selection.

Mr. Speaker, this provision obviously creates the potential for an enormously inequitable land exchange. The officials of the Interior Department's Office of Oil Shale, and the Bureau of Land Management, both hastened to assure a member of my staff that this potential transfer, amounting to a total of 225,000 acres of land due to the State of Utah, has been conducted openly and publicly—with no attempts at secrecy.

I believe their claims of openness, Mr. Speaker, but what I cannot understand or explain is why the Department of the Interior, given the knowledge that a transfer of Federal land was necessary and imminent, did not act long ago to create fair and reasonable equivalency requirements.

Mr. Speaker, I am afraid that this land transfer by the Department of the Interior could be the first in what we will

find to be a long series of abuses and misuses of our publicly owned Western Slope oil shale lands. We must give consideration to a revocation of the lease program and alternative methods of oil shale development, such as a TVA-style Government corporation.

The article by Mr. Wilson follows:

UNITED STATES ACTING TO GIVE OIL SHALE
TO UTAH

(By George C. Wilson)

In a transaction far beyond the scope of the government's announced program of developing oil shale, the Interior Department is quietly preparing the way for Utah to take over a big tract of public land so the state can get at \$50 billion worth of shale.

If the deal goes through, Utah would take title to 157,000 acres of land now owned by the federal government and lease it to oil companies for the shale.

That amount of oil shale land is 15 times larger than the two 5,000-acre tracts that Interior Secretary Rogers C. B. Morton said would be mined in the state on an experimental basis until the environmental damage was assessed.

The Colorado Open Space Council, an environmental group, charged that announcing a comparatively small prototype oil shale program at the same time the Interior Department is clearing the way for a much bigger mining project amounts to "duplicitous."

Carolyn R. Johnson, speaking for the Colorado council, said: "Utah intends to proceed rapidly with full-scale development of the oil shale lands when the transfer is completed late next spring. Clearly, this puts an entirely new light on the prototype program."

Morton at a press conference on Nov. 28 said he had decided to give oil shale a try on the tracts in Utah, two others about the same size in Wyoming and a 5,000-acre parcel in Colorado—all owned by the federal government.

"The department is committed to withhold further leasing of public oil shale lands until the environmental effects of these prototype leases are better known," he said at the time.

Documents obtained by The Washington Post show that Interior's Bureau of Land Management was working in October on an environmental statement that would help clear the way for Utah to take title to the 157,000 acres rich in oil shale—including the 10,000 acres Morton said would be leased as part of the federal experiment.

The same documents indicate that Interior Department officials wanted to hold back public announcement of the oil shale aspects of the Utah land transfer until the paperwork was in order.

A factor in the timing of the federal shale land transfer to Utah, the papers added, was next year's elections.

Curt Berkland, director of the Land Management Bureau, told The Post yesterday that an environmental impact statement was indeed being prepared by the bureau's Salt Lake City office as part of the effort to deed the 157,000 acres to Utah. He said the bureau's proposed transfer has not been submitted to Morton yet.

"I didn't think there was any deep dark secret about it," he said. Berkland added that Utah, under existing legislation covering statehood arrangements, has the right to select the oil shale land as part of the territory the federal government owes the state.

"I feel personally guilty that we have not acted earlier on this state selection," Berkland said. He added that in his own view, Utah is entitled to select federal land more valuable than the state land it gave up.

Berkland said if all goes well, the land could be deeded over to Utah "by mid-year (1974) at the earliest."

The 157,000 acres Utah wants are in the northeast corner of the state, taking in the Bookcliffs Mountain area of Uintah County. This is what the Bureau of Land Management said in 1969 about 120,000 acres of the tract:

"There is an average thickness of 65 feet of shale with an average oil content of 25 gallons per ton. The total indicated reserves are nearly 14 billion barrels of crude oil, having a gross value of nearly \$50 billion."

The same analysis said opposition could develop over transferring such valuable federal land to Utah in exchange for state territory given up which was worth far less.

STOCKHOLDER NOT PLEASED WITH COMPANY'S CONTRIBUTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HUNGATE. Mr. Speaker, a stockholder in the Ashland Oil Co., recently sent me a copy of a letter he wrote to the chairman of Ashland, and I would like to share it with my colleagues:

DES MOINES, IOWA,
November 16, 1973.

Mr. ORIN E. ATKINS,
Chairman, Ashland Oil, Inc.,
Ashland, Ky.

DEAR Mr. ATKINS: In yesterday's mail I received a news release in which you told of Ashland's 1973 earnings being up 28 per cent over 1972. As a stockholder I was very pleased with this, as I am sure you are, too.

By coincidence, in my newspaper of the same day I read of your having surreptitiously contributed \$100,000 of Ashland money to President Nixon's 1972 re-election campaign. (Clipping enclosed.)

With this I definitely am not pleased, as I doubt if you are either, now.

I should think that a man skilled, strong, and trusted enough to head up a billion-dollar corporation would have the fortitude and integrity to resist the shakedown efforts of a few cheap political racketeers.

Do you feel, Mr. Atkins, that you still merit the confidence of the Ashland directors and stockholders?

Respectfully,

EDGAR M. YOUNG.

[From the Des Moines Register, Nov. 15, 1973]

A \$100,000 NIXON GIFT QUOTA TOLD

WASHINGTON, D.C.—A senior Gulf Oil Corp. executive told the Senate Watergate committee Wednesday that President Nixon's re-election campaign set a \$100,000 minimum quota for donations from the nation's largest corporations.

Claude C. Wild, Jr., Gulf's chief Washington lobbyist, and Orin E. Atkins, chairman and chief executive officer of the Ashland Oil Co., testified that their corporations each illegally donated \$100,000 in cash, which was raised discreetly from corporate sources overseas.

The two men said they felt under considerable pressure to make the contributions to the Nixon campaign but claimed they did not do so in return for any specific government favors.

In both cases, the executive said, great efforts were made by Nixon fund-raisers to assure the money was received before the Apr. 6, 1972, expiration date of a campaign-financing law which allowed contributions to be made anonymously.

Both companies were fined \$5,000 and both executives received \$1,000 fines in separate federal court actions Tuesday.

Wild, who is Gulf's vice-president for public relations, said the negotiations which led to Gulf's contribution involved both Commerce Secretary Maurice H. Stans, later to become chairman of Mr. Nixon's campaign finance committee, and Atty. Gen. John N. Mitchell, who later became the re-election committee's first director.

"I certainly considered it pressure when two cabinet officers asked me for funds," Wild said. "It's different than someone collecting for the Boy Scouts . . . I thought I got a message."

Wild said a \$10,000 donation from Gulf was first mentioned in early 1971 by Lee Nunn a fund-raiser for the Nixon reelection committee. Wild said he checked out Nunn's credentials in a face-to-face meeting with Mitchell.

"After thinking the matter over—and hindsight tells me it was a mistake—I gave them \$50,000," Wild said.

He said he got the money from the controller of Bahamas Exploration Ltd., one of Gulf's 400 subsidiary companies.

He said that Nunn returned the next year and asked for another \$50,000 which he said he raised from the same overseas source.

"The implication was that this was the kind of a quota they were expecting from a large corporation," Wild said. He said he made the donation after a personal meeting with Stans.

"Mr. Stans indicated he was hopeful of obtaining \$100,000 from the large American corporations—ours being one of the top 10—and he said he hoped we would participate," Wild said.

Wild said he also used corporate funds illegally to make a \$15,000 contribution to the presidential campaign of Representative Wilbur B. Mills (Dem., Ark.), and gave \$10,000 to the presidential effort of Senator Henry M. Jackson (Dem., Wash.).

Both Wild and Atkins said that last July Stans and Kenneth Wells Parkinson, a lawyer for the re-election committee, suggested the contribution be listed as a personal gift coming from the executives and their wives or from corporation employees.

Both men said they rejected that course, asked for and got the refund of their money and made voluntary disclosures to the special Watergate prosecutor.

The Watergate hearings are in their final phase of an investigation of campaign financing, and Chairman Sam J. Ervin (Dem., N.C.) said he hopes to finish by Dec. 7.

No hearings are scheduled for next week, but are slated to resume from Nov. 27 through Nov. 30 and from Dec. 3 through Dec. 7.

I would suggest that other stockholders wishing to halt this practice follow Mr. Young's example and let the board members know their views.

STUDENT TESTING STIRS DEBATE

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HANRAHAN. Mr. Speaker, in view of the continual debate in the House of Representatives concerning the busing issue, I would like to submit, for my colleagues, perusal, the following article from the Thursday, December 13, Washington Post:

[From the Washington Post, Dec. 13, 1973]

STUDENT TESTING STIRS DEBATE

(By Bart Barnes)

CAMBRIDGE, MASS.—What accounts for learning in children?

Meeting at the Harvard Graduate School of Education last week, educators and scholars from around the world probed data from a massive battery of tests in an effort to answer that question. The tests, in six subject areas, were given to 258,000 children in 22 countries.

What the educators found was that there is still a great deal they don't know on the subject and deep divisions over the validity of the clues to learning that were offered by the tests.

While some researchers argued it is possible from the tests to determine an exact percentage of the effect of, say, family background on learning, others contended the tests don't measure anything but the ability to take tests.

The tests, the result of more than nine years of planning and research by more than 300 scholars, were given in 9,700 schools in 1971 and 1972 by the International Association for the Evaluation of Education (IEA), an outgrowth of a United Nations agency now funded by governments and foundations. At a cost of more than \$6 million, children were tested in science, reading comprehension, French or English as a foreign language, literature and civic education.

Participation in the testing was open to any nation that wanted in, IEA spokesmen said. Participating were Australia, French and Flemish-speaking Belgium, Chile, England, Germany, Finland, France, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Poland, Rumania, Scotland, Sweden, Thailand, and the United States.

In every country and in every subject area, according to Chicago University Professor James S. Coleman, family background including socio-economic status, parents' education and the number of books in the home, was more closely related to educational achievement than what happens in school.

That finding closely parallels a major report on race and education in the United States done by Coleman himself for the U.S. Office of Education in 1966. The central thrust of the Coleman Report was that home is more important than school in affecting children's ability to read. Children from middle-class and upper-class backgrounds read better than children from lower-class backgrounds, and this fact was not changed by racial integration or increased spending.

The Coleman findings have since been reaffirmed in a re-analysis by two Harvard Graduate School professors, Frederick Mosteller and Daniel P. Moynihan, now U.S. Ambassador to India.

And a year ago, Harvard professor Christopher S. Jencks published a study arguing that even if education could be reformed so that all schools were equal, inequality between children would remain. The most important element in determining children's capabilities when they leave school, Jencks said, is the capabilities they bring to school from home.

From these studies has developed a general pessimism about schooling and the growth of a "schools don't matter" philosophy.

Coleman and others argue that the IEA data tends to refute the "schools don't matter" movement.

Noting that the previous studies measured only reading comprehension, Coleman told the conference that the data indicates the influence of home background is reduced when scores in literature and science are examined.

Data in the IEA study, Coleman told the researchers and educators, was considerably broader than that included in his own 1966 study in that it did examine reading. In those areas, like other subject areas besides literature, science and foreign language, indications are that the influence of what happens in school is greater than it is in the

area of reading comprehension: hence the conclusion that school does, in fact, matter.

For example, in science, 14-year-olds in Japan tested at a more advanced level than 17- and 18-year-olds in the United States. This was explained by the fact that Japanese schools stress science more heavily than schools in the United States and students there are pushed harder.

Benjamin S. Bloom of the University of Chicago said in observing Japanese students in their classrooms that "90 to 95 per cent of the time, they were actively engaged in a learning activity."

In the United States, Bloom said, students in classrooms are engaged in learning activities about 50 per cent of the time.

The science tests also demonstrated that in almost every nation and at every level boys tested better than girls and that the gap between boys and girls widened as they grew older. Worst performance of the girls came on questions designed to test the understanding of scientific principles and concepts.

In discussing reasons for this, a group of physicists suggested that one possibility might be that scientific principles are often explained in terms that relate more to boys' activities than to girls'. For example, they said, principles of physics are often explained in terms of throwing objects, more frequently a boys' activity.

But it was also in the area of science testing, that the tests were denounced as inadequate measures of achievement.

M.I.T. physicist and educator Jerrold Zacharias, for example, argued that as far as testing and achievement are concerned "it is almost impossible to do anything on an international basis . . . all the nuances of the language get in the way."

In advancing this argument, Zacharias noted that there was a tremendous variance between nations as to which questions on the science test were the most difficult.

Zacharias was among those who argued that testing in general was an inadequate measure of achievement. "I regard examinations and tests as the Gestapo of the educational system," he said. "It forces students to do what is improper."

While others tended to disagree and accept the tests as valid measuring instruments, it was held generally that they failed to identify much of what it is that is responsible for children's learning. There was no real way, for example, to measure teacher effectiveness. And, despite curriculum guidelines, there is little data on whether the guidelines are really applied in a classroom. "Curriculum," said one conference participant, "is what happens in the classroom after the teacher closes the door."

Much of the debate reflected national controversy over the validity of standardized testing. Harvard's Marshall Smith said the tests failed to say anything about the effect of schools on learning. There is no way they ever could, he said, unless a control group of children who are not in school is tested and the two results compared.

Only students in school were tested in the IEA study with the tests limited to 10-year-olds, 14-year-olds and 17 and 18-year-olds.

In the area of reading comprehension, the testers found little teaching devoted to reading skills by the time students had reached the age of 10 and almost none after the age of 14.

Not surprisingly, the tests found reading levels in less developed nations, such as Iran and India, to be substantially below those in developed industrialized nations like the countries of Western Europe and the United States.

In the area of reading comprehension, as measured by tests given 14-year-olds, New Zealand scored the highest among the nations tested, followed by Italy, and with the United States, Scotland, Finland, and

French-speaking Belgium all tied for third place.

However, the researchers said, the scores can be misleading as far as New Zealand and Italy are concerned since both have a lower percentage of 14-year-olds in schools than does the United States.

In the various subject areas, 14-year-olds in the United States did worst in the foreign language area. Of the six nations where French was tested as a foreign language—not all nations participated in all tests—the United States finished last behind Rumania, the Netherlands, Scotland, New Zealand and England.

In literature, the United States was tied for first place with Finland, in science it was behind Japan, Hungary, Australia, Germany, New Zealand and Sweden, and in civic education finished behind the Netherlands, Israel and Germany.

The studies also indicated that the United States, with 75 per cent of its 17 and 18-year-olds still in school has the highest school retention in the world.

Contrary to one widely held principle of education, the researchers found no relation between pupil-teacher ratio and academic achievement although it was suggested that such a relationship might develop if class sizes got down as low as 5 or 10. In most nations, student-teacher ratios ranged between 20 and 30, with a high of 74 to one for 10-year-olds in Iran to a low of 14 to one for 17 and 18-year-olds in Belgium and Israel.

In one other area, that of civics, the researchers found a negative relationship between the degree of patriotic ritual in the classroom and knowledge of affairs of government. The more patriotic ritual, the researchers found, the less the students knew.

RULE OR RUIN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. LANDGREBE, Mr. Speaker, since the consideration of the home rule conference report has been delayed at least until Monday, December 17, I take this opportunity to bring to the attention of my colleagues an excellent editorial from the Indianapolis News of December 11. I, of course, agree that the home rule bill can best be described as an unconstitutional power grab that would impose a poorly structured local government on our Nation's Capital at great expense to the American taxpayer. I ask my colleagues to consider the argument raised in this editorial as they prepare for the upcoming floor consideration on the conference report.

The editorial is printed in its entirety herein below.

[From the Indianapolis News, Dec. 11, 1973]

RULE OR RUIN

Rep. Earl Landgrebe of Indiana's 2nd District is fighting a valiant battle in Washington against another misguided move by Congress.

Landgrebe opposes the current effort to establish so-called "home rule" for the District of Columbia, which is being promoted, as is usual in such cases, as a piece of humanitarian and enlightened legislation. The Hoosier solon points out that the results of this move could well turn out to be the opposite of enlightened—and that American taxpayers and the U.S. government could be the losers.

The "home rule" drive receives its support from the normal and proper impulse of most Americans in favor of self-government. But close examination of what is being suggested for our nation's capital shows that authentic self-government is not at stake here. What appears to be developing instead is a situation in which U.S. taxpayers across the land will be pumping out millions and ultimately billions of dollars over which they have no control.

As Landgrebe observes, true self-government implies financial independence, but the city government of Washington, D.C. is dependent on the Federal treasury to the tune of \$200 million and more a year. Under the so-called "home rule" bill, this ante will go up to \$300 million, and we may be certain the costs will continue to rise in months to come. This is money forked over by Congress, but under "home rule" it would be largely exempt from congressional control.

If in fact Washington is to govern itself as "home rule" advocates suggest, then it should also pay for itself. This means its municipal expenses and normal costs of government operation should be paid by the people who live there, and not by taxpayers in Indianapolis or Omaha or Los Angeles. If on the other hand that government is to be sustained by \$300 million of U.S. money, then Congress had better exercise surveillance over how it is spent.

The issue is complicated, of course, by the fact that Washington is a national city, created under the Constitution, and as such is the city of all Americans. It is the seat of government and of numerous Federal installations, and many of its inhabitants are themselves paid by Federal tax dollars. As such, Washington is in a very real sense a responsibility of the national legislature, and should remain so.

Landgrebe notes that a legitimate change in Washington's status would require a constitutional amendment, and further notes that the bill presently under consideration would amend the Hatch Act to permit office-holding in Washington's city government by Federal payrollers. These added points make it clear that the so-called "home rule" bill is an ill-conceived piece of legislation and should be defeated.

THE ENERGY CRISIS

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mrs. CHISHOLM. Mr. Speaker, the American people are looking for leadership that not only can take them through the current hardships of the energy crisis, but can also conduct long-range planning for future energy needs and coordinate them with available and potential resources.

Congress and the administration do not seem able to provide that leadership. We are locked into governance by crisis, without the motivation or capability to design for the future. The result is massive confusion and a proliferation of ad hoc remedies. We do not really know how severe the energy shortage is, nor what the long-range effects of the Middle East oil boycott will be.

Various factors are blamed for the problems that face us: the refusal of oil companies to increase or even to maintain production levels in order to help meet annually increasing energy

demands; Government indecision over oil import policies; the oil boycott by the Arab nations; resistance by the environmental movement to offshore drilling and other ecologically unsound moves. But even the experts do not agree on all the factors.

We hear talk of side effects of the energy crisis—of not being able to get to ski resorts for the weekend, airline scheduling cutbacks, complaints about large-car consumption of gasoline, standup train rides, Nixon's less frequent trips to San Clemente and Key Biscayne, and extinguished Christmas decorations.

But who speaks for the small children who will be sick in cold rooms or the elderly who are at home all day in unheated apartments? Who will provide day care services for the children of working mothers who are forced to stay out of closed-up schools for extended vacations?

More suffering will be experienced by workers in industries most drastically affected by the energy shortage. The airlines' flight reductions alone will result in a layoff of 25,000 persons. Manpower experts are predicting unemployment rates as high as 15 percent nationally by the middle of next year. Of course, there are areas where 15-percent unemployment is the norm. In these areas one can expect a rise as high as 40 percent.

And yet, in the House-passed manpower bill now in conference, funds authorized for the public service employment program are only 20 percent of current levels. What kind of leadership is this?

The Congress has at the last minute created emergency energy legislation that makes large giveaways to the oil companies, potentially eliminates the gains made in environmental protection over the past 5 years, and hands over to the President the major authority and responsibility for imposing regulations and controls on energy consumption that come very close to regulating the daily lives of all Americans.

Not only that, but the legislation was drafted and reported so quickly that when the floor debate began in the House, even the chairman of the committee that was responsible for it was not sure what the bill provided. Because of governance by crisis, Congress has forced itself to hold marathon meetings at the end of a session, when congressional minds are on returning home, in order to get a rough, inadequate, environmentally regressive piece of legislation passed.

The extent of the oil companies' contribution to the oil shortage can never be positively calculated, for there are virtually no independent statistics on the industry's activities. State and Federal agencies rely on data furnished by the oil companies themselves. But we do know that the major oil companies report dramatic profit rises.

According to an article in the New York Times of December 9, that I will insert following these remarks, Exxon, the No. 1 oil company in the United States, has shown a profit increase of more than 80 percent in the third quarter of this year over the same period in 1972.

Third-quarter profit increases for the five leading companies—Exxon, Texaco, Gulf, Mobil, and Standard of California—have been 50 percent or more over last year.

It is said that the major cause of the energy crisis is the monopolization of energy sources. The results of monopoly are higher profits for a few large corporations and higher prices and hardships for consumers. Could this be true?

The above-mentioned article follows:

[From the New York Times, Dec. 9, 1973]

THE CASE AGAINST BIG OIL

(By Brit Hume)

In September, 1972, supplies of home heating oil in the United States were dangerously low and stocks of crude oil, from which heating oil is refined, had fallen to their lowest level since World War II. A serious fuel shortage seemed inevitable as winter approached. President Nixon authorized the petroleum industry to import more foreign crude oil. It was the second time in five months he had increased the allowable imports of foreign oil, which had been under tight Government restriction since 1959. A few weeks later, in a speech to the National Petroleum Council, Gen. George Lincoln, head of the White House Office of Emergency Preparedness, which had charge of oil imports, strongly urged industry leaders to crank up their refineries to full capacity to head off a heating-fuel crisis. Simultaneously, the Interior Department sent telegrams to the major oil refineries urging them to do the same.

The response of the major oil companies, which control most of the nation's fuel production from the wellhead to the retail dealer, was to import only one-third of the additional crude oil the President had authorized and to run most of their refineries below capacity for the rest of the year. "This," concluded a staff study made for the Senate Permanent Investigations Subcommittee, "was the beginning of the first peacetime petroleum shortage in the United States."

In light of the present national fuel emergency, it might seem inconceivable that a major American industry would willfully contribute to the shortages which left this country vulnerable to the Arab oil embargo. Indeed, industry spokesmen cite steadily rising production figures as proof that the companies were actually doing their best. "Any implication that the industry was not concerned and aware of the problem is greatly unfair," says Frank Ikard, president of the American Petroleum Institute. Other oil men say Government indecision over oil import policy coupled with price controls and anti-pollution regulations were principal causes of fuel scarcity. But regardless of the Government's role, the major companies' own reports show that their conduct prior to the spot shortages of last winter is consistent with their behavior over the past three years.

The present decade began on a note of uncertainty for the larger American oil companies, despite burgeoning energy needs which made demand for their products greater than ever. The environmental movement was gathering momentum and promised to become an important political force in the country for years to come. Already, offshore oil drilling, such as that which had caused the disastrous spill in the Santa Barbara channel, the burning of high-sulphur oil and the construction of the trans-Alaska oil pipeline were facing stiff environmental resistance. In the aftermath of the 1967 Middle East war, the Arab states were taking a much more nationalistic attitude toward their massive oil reserves. In the past, the sheiks had been content simply to collect huge royalties on the oil and let the multi-

national petroleum companies control its production and export. Now, though, they were threatening to use oil as a political weapon. For the first time it seemed possible that the five giant American oil companies that for so long had dominated the world petroleum market might lose their grip on the richest oil fields on earth.

At home, Congress reduced from 27½ per cent to 22 per cent the oil depletion allowance, which allows the industry to write off for tax purposes a sizable chunk of its receipts from crude-oil production. Moreover, the major oil firms found themselves losing an ever-larger share of the domestic market to smaller, so-called "independent" firms—particularly in the gasoline line—which were attracting business by doing something the majors rarely did; competing over price. Costs were rising rapidly, but competition from the independents was helping to hold prices down. The balance sheets of the major oil firms showed record sales, but declining profits.

In addition, there were strong indications that domestic oil production, which had always been more than enough to cover the nation's needs, was at last peaking and would soon be outstripped by consumption. The Cabinet Task Force on Oil Import Controls sent the President a report recommending abolition of the existing quota program and substitution of a more liberal tariff plan. The industry was bitterly opposed. It had always contended vehemently that the tight import restrictions were vital to national security. Unrestricted imports, it was argued, would discourage domestic exploration and allow the country to become dependent on foreign oil that, however cheap and plentiful could be instantly shut off.

Oilmen also invoked national security in support of the numerous tax breaks and production restrictions which they have wrangled from the Government over the years. The fact that these measures have also kept the domestic crude-oil price well above the world price, increased profits and cut the companies' tax bills to the bone has been given less emphasis in the industry's arguments. The task force's advice was ultimately rejected by President Nixon, but the Administration did announce it would allow a small increase in the allowable imports of foreign crude oil in 1970.

The petroleum industry in the United States is dominated by 18 large firms which are, in the language of economists, "vertically integrated." This means that they operate in all phases of the oil business—exploration and production, transportation, refining, distribution and marketing. These 18 generally are known as the "majors," although the term is used more and more often to refer to the top 10 oil companies. The majors produce about 70 per cent of the domestic crude oil, control some 80 per cent of the refinery capacity and market about 72 per cent of the gasoline sold in this country.

The largest of the majors also dominate the production of natural gas in the United States and have made heavy investments in the coal industry in recent years. Despite this heavy concentration of a relatively small number of companies in all phases of domestic fossil-fuel production, the major oil companies vigorously resist any suggestions that they are not fully competitive. Nevertheless, they cooperate rather than compete in a wide variety of ways. It is common for several oil companies, for example, to submit joint bids on multimillion-dollar leases of Government-owned oil reserves and to pool resources for joint exploration ventures seeking crude deposits. Most of the huge pipelines, which are the principal form of transportation in the oil business, are jointly owned by several companies. Major firms often engage in exchange agreements where one will supply the other's markets—for gasoline, for example—in one area where it

lacks facilities in exchange for a similar favor in a different region. Reciprocal processing agreements among major firms are also frequent (one company will refine another's crude oil in one place in exchange for having its own crude processed in another).

Perhaps the most obvious clue to the state of competition in the oil industry is its national advertising. The majors spend heavily to gain recognition for their brand names, promote product ingredients and advertise giveaways. Instead of bargains on gas and oil, the consumer hears about Tony the Tiger, Platformate, free drinking glasses and National Football League trading cards, Sunoco station owners who "can be very friendly" and Texaco stations where "you can trust your car to the man who wears the star." In contrast, the independents advertise little. Their stations are typically low-overhead, self-service operations which offer almost none of the mechanical services and auto supplies, such as tires and batteries, available at the majors' outlets. They stick to high-volume sales of gas and oil at prices below those at major stations. And although their share of the market was growing rapidly in the early part of this decade, the independents were still at a disadvantage.

A principal reason: They are not vertically integrated. Independent refineries have had to rely on the majors for a large part of their crude oil. And independent marketers must turn to other independents or to the majors to obtain refined products. What's more, the oil depletion allowance has encouraged the majors to push all their profits into crude-oil production where a large portion could be deducted.

To do this, the majors kept crude prices as high as they could and cut profit margins on their refining and marketing operations to the minimum. For them, this generally involved only bookkeeping transactions since they were selling their crude to their own refineries and their refined products to their own marketers, or engaging in reciprocal arrangements with other majors to achieve the same results. But for the independent refiner, high crude-oil prices usually represented a real additional cost. And since it was necessary for independent refineries to show a profit on refining, prices for their finished products tended to be pushed upward still more. This left the independent marketer in an even more difficult position. Nevertheless, the independents were resourceful and innovative and they found ways to cut costs and prices and gain ground on the majors steadily through 1970. After that, though, things began to change rapidly.

Although there could be no doubt that demand for oil products would continue to boom in the early nineteen-seventies, the majors decided not to increase their refinery capacity significantly. An efficient refinery costs about \$250-million to build and this has generally meant that only the majors have been able to afford new ones in the past 20 years. The majors' spokesmen have insisted that uncertainty about Government policy on oil imports and environmentalist objections to new plant construction were the main reasons behind the failure to expand refinery capacity. Whatever the reason, there was no uncertainty about the result it would have. By early 1971, *Oil and Gas Journal*, the most authoritative of the industry's trade publications, reported that the nation might be on the way toward a shortage of refinery capacity. The American Petroleum Institute, the industry's voice in Washington, predicted that the shortage would come before 1975. The Interior Department's Office of Oil and Gas published a study containing a similar forecast and declaring that existing refineries would have to be run full tilt to keep up with demand.

In August, 1971, President Nixon imposed wage and price controls. Gasoline prices were frozen at seasonal highs and heating-oil

prices at off-season lows. Gasoline was always more profitable to produce, but the freeze made it more so and created a strong disincentive to the production of heating oil. The freeze was lifted in November, but oil prices were not decontrolled. In February, 1972, the Cost of Living Council refused to grant the industry a price increase for either crude oil or gasoline and heating oil. For the first six months of 1972, profits fell almost 5 per cent, although sales were up by an even greater amount.

In early 1972, industry journals were reporting that crude-oil production in both Texas and Louisiana, the two biggest oil states, was declining. While this was apparently true, it is difficult to know whether it was caused by an actual decline in reserves or by the industry's failure to produce as much as it could. There are at least some indications the larger companies might have been deliberately slowing production. The Texas Railroad Commission requires the oil companies that do business in the state, which includes nearly all the larger firms, to report "desired" levels of crude-oil stocks nationwide.

The commission's records show that the 10 largest of the oil companies reporting (all of them majors) "desired" smaller stocks of crude oil to feed most of their refineries in 1972 than they had had in 1971, even though demand for petroleum products had risen about 7 per cent. Their actual crude-oil stocks were also less than they had been the year before. The commission's records show that the drop in "desired" levels was reported only by those top 10 oil companies, with the next 15 reporting increases in their desired levels. But since the top 10 account for about three-quarters of the oil production among the top 25 that report to the Texas commission, it averaged out to an over-all drop in the "desired" stocks of crude.

Moreover, an investigation by the Federal Trade Commission has turned up evidence that the natural-gas reserves reported by the nation's oil and gas companies are smaller than the actual reserves. "From the documents received," James Halverson, chief of the F.T.C.'s Competition Bureau, told a Senate subcommittee, "it appears that there has been serious under-reporting of proved natural-gas reserves." The natural-gas situation is important for two reasons. One is that the major oil companies are also the major gas producing companies. The other is that a shortage—or a seeming shortage—of one kind of fuel places added pressure on the others.

Besides indicating a desire for smaller crude oil stocks last year, the major petroleum firms also kept the bulk of their refinery capacity below maximum output for most of the year. In the first four months of 1972, according to their reports to the Texas Railroad Commission, the top 10 firms actually kept their refineries running below the level of the same period of 1971. As a result, supplies of gasoline and heating oil dropped below their levels of a year before. Refinery runs were sharply increased in the next five months, largely to head off a summer gasoline shortage. But this meant that heating fuel was scarce by fall. And, as was mentioned earlier, when the Government appealed for full use of increased import allowances and maximum refinery output to avoid a winter heating oil crisis, the major companies did not comply.

When the crunch came, they accelerated refinery operations to take up the heating oil slack, but this, naturally, got them behind in gasoline production, so that shortages of gasoline in the summer of 1973 became inevitable. Industry spokesmen point out that, despite less than maximum refinery operations for much of last year, over-all fuel production increased over the previous two years. But, as both industry and Govern-

ment projections had indicated, demand was increasing too fast for anything but maximum output to fill the need.

Meanwhile, a number of the majors were continuing the process, begun some years before, of shutting down marketing units in certain areas, apparently to withdraw from their least profitable operation. Industry spokesmen insist they were merely liquidating "uneconomic" operations. But to some students of the oil business, it looked suspiciously as if the big oil companies were carving up the domestic market to share among themselves. A Federal Trade Commission report on the industry completed last summer explained it this way: "All the majors can increase their regional market concentration simultaneously by pulling out of markets where their share is lower than their national average and selling their operations to those majors who remain. This strategy will work, however, only if the majors can retain or expand their regional market shares. To do so, they must prevent the further entry and expansion of independent marketers. Ultimately the only way to contain or reduce the independents' market shares is through monopoly power at the refining or crude pipeline stages."

In fact, since the onset of the shortages, the majors have increasingly been telling independent refiners and marketers they could not supply them with either crude oil or refined products because they needed all they had for their own operations. Independent refiners have been forced to operate well below their normal capacity. The impact on independent marketers has been devastating. Hundreds of independent gasoline stations have shut down because of a lack of supply.

Many that stayed open were forced to raise prices, wiping out their competitive edge. And the majors increasingly opened up so-called "fighting brand" stations which emulate the high-volume, low-overhead, discount approach pioneered by the independents.

For the most part, Administration officials have agreed with the oil companies that price controls coupled with increased demand were the principal immediate causes of the shortages of last winter and spring. Last November, the Interior Department's Office of Oil and Gas concluded in a draft report that the best approach to licking the heating-fuel problem was to raise the price, providing the industry with an incentive to increase supply. In mid-December in a memorandum to President Nixon, General Lincoln of the Office of Emergency Preparedness said the shortage was due "in large part to the pressures on refinery capacity coupled with the price control situation which has made gasoline production preferable to production of heating oil." Earlier that month, Rawleigh Warner Jr., chairman of Mobil, and Maurice Granville, chairman of Texaco, had complained separately to Lincoln about what they both called the "economic penalty" their companies were paying to accelerate production of heating fuel over gasoline. Nevertheless, the Cost of Living Council has refused to permit across-the-board increases. The C.L.C. concluded last winter, according to General Lincoln, that "the oil industry can make a profit on current prices of [heating oil] and they know it."

So the industry's giants have failed to get the price increases they have longed for. But they have accomplished a number of other objectives. The Alaska pipeline has been cleared for construction by Congress and environmental roadblocks—to offshore drilling, for example—seem about to fall. The pesky independent companies have been gravely weakened. And the majors' sagging profit picture of the late nineteen-sixties and early seventies has taken a dramatic turn for the better.

Exxon, the nation's leading energy company, has seen its profits rise more than 80 per cent in the third quarter of this year over the same period in 1972, the worst of the industry's recent lean years. None of the top five oil companies has reported third-quarter profit increases of less than 50 per cent over last year. Gulf, the third-leading oil producer, says its profits are up 91 per cent from the third quarter of last year.

There are some who believe the major oil companies conspired to bring about these results. Indeed, the Federal Trade Commission, as a result of the previously mentioned study of the industry finished last summer, has filed a huge antitrust case against the top eight oil companies accusing them of collusion to monopolize the industry.

The F.T.C.'s central allegation is that the eight oil majors have "maintained and reinforced a noncompetitive market structure in the refining of crude oil into petroleum products." They have done this, the F.T.C. charges, by—among other things—"pursuing a common cause of action to abuse and exploit the means of gathering and transporting crude oil to refineries . . . participating in restrictive or exclusionary transfers of ownership of crude oil among themselves and with other petroleum companies . . . using their vertical integration to keep profits at the crude level artificially high and profits at the refining level artificially low . . . accommodating the needs and goals of each other in the production, supply and transportation of crude oil to the exclusion or detriment of independent refiners." The commission also charges that similar practices have given the eight firms "monopoly power" over the marketing of petroleum products. The industry has vigorously denied the charges. The case will take years to litigate.

WILLIAM SIMON: NEW ENERGY CZAR

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HOWARD. Mr. Speaker, the name of the new U.S. energy czar, Bill Simon, has become a household name overnight.

Almost everyone seems to recognize the name of the man who has been assigned one of the more difficult tasks ever assigned to a Government official.

Bill Simon and I went to St. Rose High School together in Belmar, N.J., 31 years ago. People will learn that Bill Simon is a driving, no-nonsense guy who gets things done.

You might not always like what you hear from Bill Simon, but you will always know how he feels. He is as frank a person as you will ever meet.

As chairman of the Subcommittee on Energy of the House Committee on Public Works, I met recently with Bill Simon in my Washington office. There is no doubt in my mind that there will be instances when Bill Simon and I will strongly disagree on certain matters. However, I know that, like the rest of the Nation, I will at least know how this thorough, capable decisionmaker feels about everything and what he proposes to do.

There are a lot of things Bill Simon will be saying that, I am sure, the Nation will want to hear. And I am equally certain there are a lot of things Bill

Simon will be saying that the Nation will not want to hear, or will not agree with.

That is the nature of Bill Simon. He has a job to do. And he is not going to spend any time walking on egg shells in order to get it done.

Mr. Speaker, on December 7, 1973, the Wall Street Journal carried an in-depth article on Bill Simon. I think it is an excellent article and commend it to my colleagues. We already have heard a lot about the new energy czar. We are going to be hearing a lot more. The article follows:

MAN OF ENERGY—WILLIAM SIMON WORKS HARD, DECIDES FAST AND EXPECTS RESULTS
(By Burt Schorr and James Gannon)

WASHINGTON.—The era of cheap and abundant oil was already ending as the White House Oil Policy Committee gathered that day last February. Yet the roomful of bureaucrats sputtered along inconclusively, shying away from a decision that seemed obvious: It was time to scrap U.S. oil-import quotas as an almost meaningless anachronism.

One man in the room could scarcely contain his impatience: the committee's new chairman, Treasury Deputy Secretary William E. Simon. "The Oil Policy Committee," he muttered to an aide, "has just met for the last time." And, for all intents and purposes, it had. For when President Nixon later scrapped the quotas, his decision was largely shaped by Mr. Simon and a small "kitchen cabinet" at the Treasury Department.

The incident suggests what the nation can expect from Mr. Nixon's new generalissimo of energy conservation. This time Mr. Simon's task, as he described it the other day, is nothing less than persuading "a nation of wastrels" to change its way of life. But if the issues are more complex, the Simon technique promises to remain unchanged: cut through the tangle and to hell with the niceties.

The new U.S. energy chief is a rarity in government. He drives his subordinates relentlessly but often inspires ferocious loyalty. He handles serious problems without losing his sense of humor. He measures success by results rather than rhetoric. And he manages to get along famously with such opposites as Alexander Haig, the White House chief of staff, and liberal Democrats in Congress.

AN AMBITIOUS MAN OF ACTION

Above all else, Bill Simon is a man of action—and ambition—who makes up his mind in a hurry and demands that his decisions be carried out without delay. "You're going to see things happen now that he has taken over the energy policy area," a Treasury associate predicts.

Given Bill Simon's distaste for cumbersome bureaucracies and his natural inclination to rely upon the unrestricted workings of the marketplace as much as possible, those things promise to include:

An attempt to avoid outright gasoline rationing by sharply cutting back the supply available at filling stations. The new energy chief plans a mandatory gasoline-allocation program that, come January, will reduce retail supplies, by as much as 30% from a year ago.

—Trying to stimulate domestic oil production, while discouraging consumption of gasoline and other fuels, through a decision that would mean higher prices for all of them. This would be to relax or possibly remove federal price ceilings on "old" crude oil—that is, oil produced from already-developed fields.

—Streamlining complicated federal formulas, proposed just last month, for allocating fuel oil so that suppliers and dealers will

be able to parcel out supplies on a more informal basis.

—Alleviating a fast-worsening fuel-oil shortage to U.S. cargo ships by allocating to them some of the oil also needed by industry and electric power plants.

FOR THE MOMENT, GUSTO

Even an administrative superman, of course, could be brought to his knees by the sheer complexity of the national energy shortage—particularly if President Nixon is too preoccupied with Watergate to offer him much help. Both factors figured in the downfall and embittered departure of Mr. Simon's predecessor, John Love. But for the moment, Bill Simon seems to be tackling his new job with his customary gusto while positioning himself to pursue what some see as his ultimate ambition.

Associates believe that ambition is to be Treasury Secretary, although his wife doubts he wants the job all that much. They say he turned down the job eventually offered Mr. Love last summer because he didn't want to lose his No. 2 job at the department. Now, however, he has the best of both worlds. He retains his Treasury post in addition to the new energy assignment—and with it a strong possibility of becoming No. 1 should boss George Shultz ever step down.

Those who have worked with Mr. Simon in his cavernous third-floor Treasury office talk of a stimulating, exhausting atmosphere of "perpetual crisis" and of a man who comes across like a combination whirlwind, computer and slave driver. "He's the Vince Lombardi of the financial world," one says.

Besides energy matters, Mr. Simon has been heavily involved in designing administration recommendations for overhauling the nation's banking laws, in wage-price controls, in administration policy on railroad reorganization, and in launching a major Treasury study of U.S. financial-market operations.

Meetings of his kitchen cabinet typically begin at 8:30 sharp Monday mornings and end precisely 30 minutes later. "An hour is way too long for Simon," one member of the inner circle observes. "You're either able to complete your business in five minutes, or you're not organized. If you're not organized, you'd better reorganize."

The Simon workday normally begins at 6:45 a.m., when he climbs into the chauffeur-driven Chevrolet he recently swapped for a gas-guzzling official Cadillac limousine. On good days he makes it back to his six-bedroom white stucco house by 7:30 that night. At home the day's business is firmly put aside for time with his wife, Carol, and four of the seven Simon children living at home. For diversion, Bill may watch an early movie on television or pick up a book like "The Godfather." By Carol Simon's definition of an intellectual—someone "totally involved in unmeaningful things"—her husband "definitely" isn't one. "Bill is much more basic than that," she says.

Bad days, however, bring a rush of "meaningful things" that pin Mr. Simon to his desk until 10 p.m. or later. They also mean desk-top suppers of what underlings call positively "horrible" pizza or cheeseburgers, fetched by the chauffeur.

When Mr. Simon works late alone, associates still are no more than a telephone call—or two, or three, or four—away. Simon phone calls, however, are the essence of brevity, says a subordinate, who recounts one 11 p.m. conversation in its entirety:

Simon (skipping the "hello"): What is LOIP?

Subordinate: Guess you mean MOIP.

Simon: Yeah.

Subordinate: Mandatory oil-import program.

Simon: Oh (click).

If this style would appear very much adapted to a Wall Street securities firm, that

was where Bill Simon employed it before coming to the Treasury. When the Nixon recruiter tapped him a year ago, he was making it big as a senior partner in charge of the municipal- and government-bonds department at Salomon Brothers. That meant a six-figure salary, profit sharing worth some \$3 million in one fat year for bond markets and a 64-acre estate in Northern New Jersey (which the Simons still own.)

Wealth, Wall Street and high federal office were remote thoughts for Bill and Carol Simon back in the fall of 1950. They arrived home in Spring Hill, N.J., after a Georgia honeymoon with 15 cents between them. Bill was a junior at Lafayette College, majoring in pre-law and very much dependent upon the GI bill (earned as an Army private in Japan) and odd jobs like window washing to get him through.

Carol recalls him as a C student who made "a couple of Bs." And even in a fraternity house (Delta Kappa Epsilon) that often resembled the fourth day of an American Legion convention, fraternity brothers remember Bill for his skillful all-night poker playing—and the time he threw the cigaret machine down the stairs.

A couple of pranksters put the machine in his bed, then waited for the usual late-night rumble of Bill heavily tromping up the stairs to his third-floor room. Bill's bedroom door banged open and there followed a long moment of silence; then laughter, beginning slowly and building to great peals; and finally there was the sound of the six-foot-high machine being wrestled across the floor and crashing down the stairs.

At the time, Bill Simon weighed a robust 250 pounds; these days he is holding steady at a trim 165. And when one of the pranksters—A. Victor Pisani, currently a National Broadcasting lawyer—encountered him in a New York restaurant a couple of years back, Mr. Pisani decided that his old buddy had changed in other ways as well. He rather sadly concluded that Bill Simon had "gone straight."

Straight perhaps but far from rigid—another reason Mr. Simon stands out in a rather humorous administration. After Treasury Secretary George Shultz told Nixon adviser Mel Laird to "keep his cotton-picking hands off economic policy," it was Mr. Simon who helped defuse the situation by presenting Mr. Laird with a pair of white gloves. And recently Mr. Shultz, a decided straight arrow, had to chuckle at the Simon-clipped newspaper cartoon he found at his place at the regular morning Treasury staff meeting. It pictured an old man wearily dragging himself into bed with his disdainful wife saying, "Talk about an energy crisis!"

While at Salomon Brothers, Mr. Simon helped advise the Treasury on managing the federal debt, but he didn't know George Shultz before coming to Washington. Their association, however, has made them "like two brothers," Mr. Simon says. The Shultz family visited with the Simons on Thanksgiving Day, and the Simons have stayed at Mr. Shultz's Berkshire farm in Massachusetts.

Even more valuable to the administration is the bipartisan fellowship Mr. Simon stimulates on Capitol Hill. Whenever a Congressman had a problem, the Treasury deputy secretary would come to see him rather than the other way around. Mr. Simon also makes a point of posting key lawmakers on administration policy decisions before they are announced rather than after. Last weekend, for example, during the Simon-led crash effort to complete energy-reorganization plans, Mr. Simon personally telephoned some 30 Congressmen and Senators.

During the late 1950s, Mr. Simon headed the Essex County, N.J., Young Republicans. He also gave \$15,000 to the 1972 Nixon campaign. But he seems little interested in party

labels today. This helps explain why Sen. Abraham Ribicoff, the liberal Democrat from Connecticut, can call Mr. Simon "the uncommonist bureaucrat I've ever met. He's the only man in government you could call up on the telephone and get an answer immediately."

A STEP FORWARD IN PURSUIT OF FAIR TREATMENT FOR FOREIGN SERVICE OFFICERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. ASHBROOK. Mr. Speaker, on December 12 U.S. District Judge Gerhard A. Gesell handed down a ruling regarding the "selection-out" process in which officers of the U.S. Foreign Service are separated from the service for too long a time in grade or for being rated in the bottom percentile of their class. Stated Judge Gesell in part:

The court is compelled to the conclusion that the limited hearing afforded before the Special Review Panel is constitutionally defective in a number of significant respects.

Although much remains to be done to secure fair treatment for Foreign Service officers, the Gesell decision is a giant step forward in at least identifying the problem.

I was especially gratified by this decision because it was as far back as April 1968 that I introduced H.R. 16408 which called for an appeals mechanism whereby the final decision would be made by a panel outside the Department of State. This bill would have guaranteed Foreign Service officers the same due process and fairness in any grievance procedure that elsewhere is considered to be a basic right. I have introduced the same proposal in succeeding Congresses and am hopeful that eventually it will be enacted into law.

It was not until the tragic suicide of Charles William Thomas, a selected-out Foreign Service officer who for 2 years vainly tried to secure employment, that the problem was further brought to public attention.

The class-action suit before Judge Gesell was financed by the Charles William Thomas Memorial Legal Defense Fund and sponsored by the American Federation of Government Employees-AFL-CIO.

My attention was first directed to the lack of due process for Foreign Service officers by Stephen A. Koczak, presently director of research for AFGE and himself a victim of the unconstitutional selection-out process. A Foreign Service officer for nearly 20 years, Mr. Koczak had served in crisis posts in Budapest, Tel Aviv, and Berlin. As a member of the board of the Thomas fund, Mr. Koczak has been one of the prime movers seeking to reform the Foreign Service personnel system to assure that FSO's are not dismissed or penalized because of irresponsible allegations, including security and suitability issues, made against them either within the Government or by private persons.

Although Mr. Koczak has made many appearances before congressional committees on both the House and Senate sides, on behalf of the rights and benefits of Federal employees, he felt compelled in the national interest to testify on October 1 in opposition to the nomination of a former colleague, Helmut Sonnenfeldt, who he alleged transmitted highly classified information to a foreign power. That nomination, for the Under Secretary of Treasury, was finally withdrawn after considerable opposition developed but Mr. Sonnenfeldt's name has been resubmitted to the Foreign Relations Committee for the post of Counselor of the State Department. It is hoped that Mr. Koczak will be invited to appear before the Foreign Relations Committee to explore some serious security aspects of this controversial case.

The text of Judge Gesell's memorandum opinion follows:

[Civil Action No. 1312-73]

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Philip Lindsay, et al., Plaintiffs, against
Henry A. Kissinger, et al., Defendants.

MEMORANDUM OPINION

When officers appointed to the Foreign Service or to the United States Information Agency are found to have failed to meet minimum standards of performance they may be involuntarily retired for the good of the Service pursuant to the Foreign Service Act of 1946. Plaintiffs in this class action sue on behalf of approximately ten such officers still scheduled to be so "selected out" at the end of this year. It is claimed that the procedures and regulations of the Department of State under which such officers are chosen for separation are unduly vague and violate due process. This constitutional claim comes before the Court on the merits following extensive pretrial proceedings.¹ The controlling facts are not disputed and the decision hinges on essentially legal considerations.

The principal claim advanced centers around plaintiffs' contention that officers facing separation under the selection out procedures are denied adequate notice and adequate opportunity to be heard in that they do not always receive adequate notice and may not call favorable witnesses, confront adverse witnesses or employ counsel.

Defendants have consented to the certification of plaintiffs' class for the purpose of challenging the current selection out regulations. Since the Court finds that plaintiffs can adequately represent the suggested class in an action for injunctive relief and that the other requirements of Rule 23(b)(2) of

the Federal Rules of Civil Procedure are satisfied, certification will be granted.

Congress, by appropriate legislation, determined some time ago that officers, once appointed, should not have permanent tenure but rather should be competitively ranked to the end that those officers failing to maintain minimum standards might be weeded out to promote the overall efficiency of the services in which they serve. Selection out procedures responsive to this legislation have been in effect for more than twenty years and have been constantly refined and improved. There is every indication that the Department has been sensitive to its obligations and has sought to proceed with care. The plaintiffs do not object to a selection out system as such, but they vigorously assert that it is administered unfairly because an officer facing separation is denied those rights to adequate notice and hearing that are guaranteed by the United States Constitution and are essential to a fair and equitable determination of his ultimate status.

A brief review of the selection out procedures currently followed in the Foreign Service will delineate the setting in which these claims are asserted. These procedures are set forth in written precepts widely publicized throughout the Service and are virtually identical to those followed for officers appointed to the United States Information Agency (USIA).²

A Selection Board appointed each year annually reviews the performance of all Foreign Service Officers and ranks them. This is done to identify officers in the very bottom percentile of their classes and hence likely to be separated, as well as those in the top ranks of their grades to be considered eligible for promotion. These rankings are made on the basis of each officer's personnel file, which contains detailed periodic appraisals of his work by superiors. The Selection Board is specifically directed to designate for selection out those officers who fall within a specified low percentile in the rankings. The critical percentile varies from year-to-year, but is never greater than ten percent.

Those officers so designated are advised in writing that they are subject to forced "involuntary retirement" before the calendar year ends. This notice includes a statement of the deficiencies in performance relied on by the Selection Board as the basis for its decision. The notices vary somewhat in form and content, some being more factual and some more impressionistic than others.

An officer has complete access to his personnel file that was before the Selection Board. If he wishes to protest the decision, he may appear before a Special Review Panel, composed of a wholly different membership than the Selection Board, and offer mitigating information, including explanations and contravention of the facts specified in the selection out notice. The Special Review Panel may then recommend for or against selection out.³

Plaintiffs' constitutional challenge to the adequacy of this procedure revolves around four main contentions:

(1) The officer may not see all materials relating to his case that were considered by the Selection Board.

(2) The Selection Board's statement of reasons, as provided with the selection out notice, is too general and hence uninformative.

² Although Congress has provided that "Foreign Service Information Officers shall be separated and retired in accordance with [the Foreign Service Act of 1946]," 22 U.S.C. § 1228 (1970), the implementing regulations of the two agencies reveal minor differences in their selection out procedures.

³ In the USIA, this review procedure is performed by that agency's Retirement Board.

(3) The Selection Board's determination is made without adequate standards, complicating the officer's attempt to perform his job in compliance with such standards.

(4) The Special Review Panel does not allow supporting or adverse witnesses to be called and prohibits appearance of counsel.

Before discussing these objections in the light of the applicable decisions, it is pertinent to emphasize aspects of the selection out process bearing on the nature of the personnel judgments that must be exercised and the effects of the judgments made on the officers affected.

The Department has made a substantial effort to make known the qualities it desires in officers of different grades. General as these indications must be, considering the difficulty of expressing professional attributes, they are precise and clear. In short, a Foreign Service Officer well knows what is expected of him. Periodic evaluations of an officer's performance are made against these requirements. Superiors record with some considerable candor an officer's strengths and his observed deficiencies at a particular post. An officer may see the evaluation as soon as it is filed, and he may file a grievance with full rights of hearing whenever he believes an injustice has occurred. It is a fair inference from the materials in the record that although a conscientious effort is undoubtedly made to assure uniform and fair evaluations, an officer's evaluation may reflect his inability to function under an assignment inconsistent with his experience and training, or personality conflicts with an unreasonable superior, or the evaluating officer's own lack of experience and understanding of an officer's responsibilities, etc. Moreover, in the nature of things, an officer has no way of knowing or comparing his periodic performance evaluations with that of colleagues in his class functioning under different assignments, at different locations under different supervisors. The Selection Board considers evaluations over a period of years, thus minimizing these differences, but in the nature of things, all unevenness cannot be eliminated and performance ratings are uneven. Thus, an officer may not fully realize his actual circumstances until he receives his notice of selection out from the Selection Board nor can he always know with any certainty what adverse or negative aspects in his many evaluations will be singled out to support the unfavorable ranking decision then made.

Yet to be ranked for selection out is no light matter. It threatens an involuntary separation. It carries a stigma and, to use the words of Justice Frankfurter, causes a "grievous loss" to the officer's professional standing. *Joint Anti-Fascist Refugee Com. v. McGrath*, 341 U.S. 123, 168 (1951). It is impossible to accept the Department's suggestion that it will not seriously impede transfer to civilian life.

Given these considerations, the Court is compelled to the conclusion that the limited hearing afforded before the Special Review Panel is constitutionally defective in a number of significant respects.

The Federal Courts have sought to avoid becoming involved in governmental personnel actions. The cases have placed primary emphasis upon the process by which personnel decisions are made rather than the result. Experience has shown that the greatest protection against mistake or arbitrary action is found in a hearing process that involves notice, the right to be heard and some form of confrontation with accusers. Such hearings involve time and inconvenience for busy administrators but they have come to be recognized as a constitutional necessity under circumstances such as these presented here.

It would be inappropriate for the Court to order a series of detailed rules for conduct of hearings before the Foreign Service Spe-

¹ Plaintiffs moved for a preliminary injunction. Defendants countered with a motion to dismiss and for partial summary judgment. Essential documents, many of them voluminous, were admitted and the parties filed extensive affidavits and memoranda of law. Following several status conferences, the Court suggested at a full hearing on the motions that Rule 65(a) of the Federal Rules of Civil Procedure appeared to warrant a joint submission on the merits by both parties without further testimony or hearing. The parties shortly thereafter filed additional materials and advised on the record that neither side desired to submit further proofs. Thus the case was finally submitted on December 10, 1973. The Department of State has agreed to defer separation of any member of the class until December 31, 1973, on the Court's assurance that the issue will be resolved by the Court before that date.

cial Review Panel and the USIA Retirement Board. Rather, the Court will simply undertake to state certain minimum safeguards which the record indicates are essential under the circumstances of this case. It is clear that an officer is entitled to more than a general conclusory form of notice—he must, in addition, be advised of the facts on which the Selection Board's notice is based and he must, before the hearing, have full access to all materials concerning him that were considered by that Board. While no subpoena power is available, he should be given opportunity to present favorable witnesses willing to appear in person or by affidavit. He must be allowed to interrogate adverse witnesses in person or by written interrogatories approved by the Selection Board. If he can retain counsel at his own expense, such counsel must be permitted to represent him at the review hearing. Experience will dictate methods for developing a fair hearing consistent with these rights without turning the process into an unduly formal adversary trial. The Board may, of course, impose strict rules of relevance and materiality and, obviously, any fact that has been the subject of a formal grievance hearing need not be reheard.

The State Department has offered no adequate justification for denying any of these procedural safeguards.⁴ It has pointed to the availability of grievance procedures, but the selection out decision itself cannot be grieved, nor are these procedures guaranteed unless a grievance is filed promptly after the submission of a particular performance report. It is also urged that adverse witnesses cannot be called back from overseas duty without disruption of the Service. But not all such witnesses will be stationed abroad at the time of the hearing, and those that are can be required to answer interrogatories. No explanation is offered for the exclusion of counsel and supporting witnesses who are willing and able to appear. The fact of the matter appears to be that the Department is so confident in its own administrative judgments that it wants to discourage any true confrontation on the selection out issue, for it will not even pay an officer's passage back to Washington if he asks for an appearance before the Special Review Panel.⁵

This minimization of forced separation is impermissible, given the standards the Supreme Court has established for discharge from government service.⁶ See *Bd. of Regents v. Roth*, 408 U.S. 564, 576-77 (1972); *Slochower v. Bd. of Education*, 350 U.S. 551 (1966); *Wieman v. Updegraff*, 344 U.S. 183, 192 (1952). *Cf. Goldberg v. Kelly*, 397 U.S. 254 (1970). Of course, a full adversary hearing is not required if the circumstances of the particular case dictate otherwise, for the

Court must determine the appropriate procedural safeguards by balancing inconvenience, expense and proper government objectives against the rights of the individuals affected. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972); *Hannah v. Larche*, 363 U.S. 420, 442 (1960). But in the instant case, as discussed above, the Department has failed to offer any substantial reason for refusing to provide the procedures sought by plaintiffs. Given the seriousness of the selection out sanction, the relatively few individuals involved, and the imperfect, somewhat impressionistic data on which the Selection Boards must rely, the objective of the Department in eliminating marginal officers will not be unduly impeded by providing a more adequate hearing. This will assure the essential fairness which the Constitution requires and will perhaps, in the long run, result in better informal judgments in particular cases. At the same time, the laudable and necessary procedure for weeding out marginal officers in the interests of efficient and effective competitive foreign service agencies will be preserved as Congress wisely desired.

On the other hand, the Court finds no ground for plaintiff's effort to require a greater specificity of standards for determining who will be selected out. These have already been adequately defined. The matter cannot be reduced further to a mathematical precision. Professional competence is not susceptible to such treatment. Moreover, there is nothing in the Foreign Service Act of 1946 or the Constitution which prevents budgetary considerations from affecting the particular selection out percentages. Full and fair hearing is all that is required.

As to the individual cases of Lindsay, Starbuck and Poo, the file is voluminous. Each of these officers has been contesting separation out for some time. As a result of discovery in this case, new materials have been made available to each of them and they in turn, tendered responses bearing on the data disclosed. At no time has any of them yet had a hearing of the nature the Court has indicated above should be afforded before separation. Accordingly, none of them can be legally separated without another hearing. There is no ground for repeating submissions already made by the officers, but they should be afforded a final hearing before disposition of their cases to cover new data and to present witnesses, where appropriate. This can be accomplished rapidly. If a final administrative determination is made to separate any of them, no further remedy will be afforded them in this proceeding, which will terminate as to their claims by remand for appropriate hearings.

The foregoing shall constitute the Court's findings of fact and conclusions of law, which are set forth formally in the attached Order.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
[Civil Action No. 1312-73]

Philip Lindsay, et al., Plaintiffs, against
Henry A. Kissinger, et al., Defendants.

ORDER

It appearing to the Court that plaintiffs, as a class, are entitled to a declaratory judgment and an injunction for reasons stated in the Court's Memorandum Opinion filed this date.

Now therefore the court declares: That defendants' regulations and procedures now in force governing the selection out for inadequate performance of officers appointed in the Foreign Service or the United States Information Agency are constitutionally defective in that they deny all officers in the class here certified an adequate hearing comporting with the requirements of due process under the Fifth Amendment, and

It is accordingly ordered: That no officer appointed to the Foreign Service or the United States Information Agency, including the named plaintiffs, who has been notified that he is to be separated from either of such services in 1973 by reason of the selection out regulations and procedures in force in such agencies shall be separated from either of such services unless and until a hearing before the Special Review Panel or Retirement Board is held, on adequate notice, and the officer facing separation has been afforded a right to appear before such Panel or Board in person at Government expense, to be represented by an attorney if retained by such officer, to present relevant and material factual information through witnesses willing to appear in person or by affidavit on his behalf, and such officer has been afforded reasonable opportunity at such hearing to confront in person or by written interrogatories any person then employed by the Department of State who has submitted adverse information not previously considered in a grievance hearing where such information is relied on by the Selection Board in rating such officer; provided, however, that no hearing shall be required unless the officer shall request such a hearing, in writing, within two weeks from the date of this Order, and it is further

Ordered that judgment shall be entered in favor of the defendants with respect to all other issues raised in this proceeding; provided, however, that nothing herein shall affect the right of plaintiff Cole to challenge, by a separate action, his classification following the decision to retain him in the Foreign Service.

RECREATION IS ESSENTIAL

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. HUDNUT. Mr. Speaker, many of my constituents have been deeply concerned that the Senate, in its haste to pass S. 2589 dealing with the energy crisis, included at least one objectionable feature of major significance when it was determined and stated that "recreational activities" are nonessential. In my opinion, recreation is a very essential part of everyone's life and certainly of a healthy community.

In common parlance, to be sure, the term "recreation" is associated with leisure time activities that are fun, but not essential. Entertainment, taking time off from work, enjoying pleasurable pursuits, having good times—all these activities could be deemed "nonessential" if by "essential" we mean activities contributing to support of life.

Even so, there are legitimate reasons for not discriminating against "recreational activities." First of all, the American people in my opinion want an equitable treatment of all segments of the economy. Many persons have written me expressing their feelings that things like the boating industry and general aviation, to cite but a couple of examples, should be treated fairly in any allocation program. The House version of the National Energy Emergency Act incorporates suitable language to assure such equitable treatment, and is, therefore, stronger than the Senate version.

But more important yet, think about

⁴ Instead, it has consistently maintained that it is not constitutionally required to offer plaintiffs any form of hearing, citing *Bd. of Regents v. Roth*, 408 U.S. 564 (1972). This reliance on *Roth* is misplaced, for nonprobationary Foreign Service and USIA officers have a clear expectation of continued employment absent an official finding of inadequate performance, and would, in addition, be significantly harmed by the stigma of involuntary retirement. Compare *Roth* at 573, 578.

⁵ Such compensation is, however, offered to USIA officers desiring to appear before the Retirement Board. No explanation whatever is given for this distinction.

⁶ This conclusion is strongly supported by a decision of the United States Court of Appeals for the District of Columbia Circuit, released shortly after the preparation of this Memorandum Opinion, in which that Court stressed the importance of an adequate hearing prior to separation from Government service, *Thompson v. Washington*, No. 71-2049 (D.C. Cir. Dec. 10, 1973).

the meaning of the word "recreation" and ask if it is "nonessential." Recreation means "re-creation." The health of any person—and any community—depends upon a reasonable balance between work and play, involvement and disengagement, activity and relaxation. Recreation means filling one's leisure time with worthwhile pursuits—it is not dead time or meaningless time. Recreation means restoration to health, refreshment of spirit, renewal of strength, recharging of batteries. Recreational activities give new life, they bring rebirth, they refurbish the temple of the inner spirit, they restore strength to tired bodies. And as such, they are essential.

Then too, think about this matter in terms of recreation in community life. Certainly it is a lot more than "fun and games," much, much more than simply playing games and entertaining people. In Indianapolis we have a wonderful program of "lighted schoolhouses" to provide meaningful recreational and educational opportunities to youngsters who do not enjoy the luxury of summer homes in the country, helpful senior citizens programs, and so forth.

In spite of its connotation, recreation—in the context of urban American—really means—and I am quoting from Franz Arthur Strong, superintendent of recreation for the board of parks and recreation in the city of Indianapolis):

1. A deterrent to crime—getting some of our most troubled youths off the street and teaching them self-respect, physical well-being, companionship, trust and fair dealing with others.

2. The feeling of belonging for the oldsters. It helps overcome the loneliness of being older—helps bridge a gap between the work life of earlier years and the years of idleness which can cause many problems, i.e., sickness, depression, self-pity and a feeling of uselessness.

3. Helping adults learn to motivate their minds and bodies—hold a better retirement attitude—give them an understanding of their changing role in life as they mature and age.

Public recreation programs and facilities should not be exempted from emergency conservation measures, but neither should they be discriminated against or treated unfairly, because they constitute a legitimate public service. How else can we explain the fact that "recreation" is included in general revenue-sharing as one of eight eligible spending categories? In short, recreation is a very large word, and to be termed "nonessential" is a gross misnomer. It is a very essential part of everyone's life, and of any community, and will become even more so as people's free time increases and as people, perhaps to save fuel, cut down on the amount of traveling that they do and stay closer to home. I feel that in the House bill, H.R. 11450, which we are debating now in the Congress, we have recognized the importance of "recreational activities" and I sincerely hope that we will insist on keeping this conviction in the wording of the energy emergency legislation when we go to conference with the Senate.

NO TIME FOR PATIENTS?

HON. CLAIR W. BURGNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. BURGNER. Mr. Speaker, a most timely editorial appeared in the Wall Street Journal recently on the very controversial subject of Professional Standards Review Organizations—PSRO. I believe every physician and indeed every patient has a deep interest in this subject. The Congress, I believe, will be obliged to deal with this matter during 1974 and I urge my colleagues in this House to take cognizance of this editorial. The editorial follows:

NO TIME FOR PATIENTS?

We would never argue that any group should be exempt from accountability to the larger society, but we can understand why many doctors at an American Medical Association convention in Anaheim this week are up in arms over a new federal law purportedly designed to monitor the way doctors deal with federally insured patients.

The law, described elsewhere on this page today by Dr. Winston, requires the establishment of "Professional Standards Review Organizations" all around the country starting Jan. 1. These PSROs, which will be comprised mainly of doctors, will have the task of second-guessing decisions made by other doctors in treating patients under Medicare, Medicaid and maternal and child health programs.

Their findings will be used by a HEW bureaucracy to establish certain "norms" that doctors would be expected to follow in treating federally insured patients. Such questions as whether some doctors overprescribe or require unnecessary hospitalization will enter into the review and norm-setting process.

While we favor a businesslike administration of federal social programs, the PSRO legislation raises some questions which didn't get adequately asked or answered by Congress. It was attached, by Senator Bennett (R., Utah), as a rider onto last fall's big and controversial Social Security bill and somehow rode through with almost no public attention. The House did not even hold public hearings on the PSROs.

And yet the law empowers the government, through PSROs, to examine medical records in doctors' offices, not only of federally insured patients but private patients as well. The Association of American Physicians and Surgeons thinks this is an unconstitutional invasion of a private relationship.

Further, it can be doubted that Congress gave sufficient thought to the cost of all this monitoring and norm-setting. There is no clear picture of how many PSROs there will be but a minimum of 150, and probably considerably more, is likely. The man-hours of doctors who serve on them will be that many fewer man-hours devoted to practicing medicine, not to mention the man-hours that will have to be devoted in doctors' offices to meeting demands for information or justifying decisions.

It might be noted that some 50 million patients and 10 million hospital admissions are potentially subject to monitoring and that the proposed norms cover some 350 procedures. It makes you wonder if doctors will have any time left to treat patients.

Finally, the law seems to ignore that a great deal of peer review already goes on in medicine, by state and local medical societies and hospital boards that review decisions to operate and the like. While peer review has been criticized as ineffective a lot of the

criticism remains unproved. In Louisiana last December, it was the state medical society that blew the whistle on a HEW-financed private birth control scheme that now is under criminal investigation, which suggests that the public interest may fare at least as well under private peer review as through the good offices of HEW.

Many doctors claim that the PSRO sleeper actually was designed to open the medical profession up for full federal insurance, or, as the AMA once would have termed it, "socialized medicine." Interestingly, the AMA had a hand in the original conception of PSROs, apparently with some notion of displaying flexibility—thus avoiding the kind of pitched battle it lost over Medicare—and at the same time keeping PSROs in the hands of physicians. But a good many physicians are making it clear that they think that was a bad tactic.

It would seem that they have a point. Medicare and Medicaid were a product of the mid-1960s and there is no denying the public support that then existed. But this is 1973 and Americans have seen quite a lot they don't like about federal social programs. There is no certainty they are yet ready for national health insurance and they certainly aren't ready for sneaky approaches to that end through innocent-looking riders to complex bills in Congress. As to monitoring Medicare and Medicaid, HEW might do well, or so the Louisiana case would suggest, to get better control of its existing auditing system.

Rep. Rarick (D., La.) has introduced a bill to repeal PSROs. It may well be that the public has a bigger stake in repeal than it realizes. At any rate, the issue deserves a better hearing than it got when PSROs were so nimbly written into law last year.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION BILL AMENDMENTS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. DELLENBACK. Mr. Speaker, in the very near future we are scheduled to be considering H.R. 11510, a bill to establish an Energy Research and Development Administration. Reorganization in the energy field is very much needed and I am pleased that the Congress is moving in this direction. The fragmented approach heretofore taken has made it extremely difficult, if not impossible, to progress rapidly in the very important field of energy research and development, and I feel this bill will provide some remedy for this situation by consolidating the energy-related R. & D. functions of the Atomic Energy Commission, the Department of the Interior, the National Science Foundation, and the Environmental Protection Agency.

While this bill provides some much-needed reorganization, I feel that it could and should be strengthened and I intend to offer amendments to do just that. One of my amendments would seek to establish priorities to help guide the Administrator in his decisionmaking process. The bill as it stands gives little policy direction to the Administrator. It is important that we in Congress spell out what we feel some of the priorities should be, and one amendment I propose to introduce will do exactly that.

Another amendment I plan to introduce would direct ERDA to make a study and report on how best to reduce the growth rate of the Nation's energy demands without jeopardizing the economy. We must strive to reduce the energy demand growth rate, and ERDA would be the agency most suited to look into this.

Still another amendment I plan to offer would direct the CEQ to carry out a continuing environmental evaluation of the actions and technological developments of ERDA. In our rush to solve the energy crisis we must not overlook the importance of taking into consideration the effects of our actions on the environment. We in Congress would be derelict were we to override all of the work we have previously done to protect the environment.

The texts of the three amendments I plan to offer are as follows:

AMENDMENT TO H.R. 11510

(Offered by Mr. DELLENBACK—No. 1)

Page 32, line 2, insert "(a)" before "(1)".

Page 34, line 11, insert a new section 104 (b) to read as follows:

"(b) In making research and development decisions pursuant to this Act, the Administrator shall assign priority to those undertakings in which:

"(1) the urgency of the public need for the potential results of the research, development, or demonstration effort is high and there is little likelihood that similar results would be achieved in a timely manner in the absence of Federal assistance;

"(2) efficient use and conservation of energy are promoted, domestic renewable energy resources are utilized, and adverse social and environmental impacts are minimized;

"(3) the potential opportunities for non-Federal interests to recapture the investment in the undertaking through normal commercial development appear inadequate to encourage timely results;

"(4) the extent of the problems treated and the objectives sought by the research and development are national or regional in scope as opposed to being of importance to localities or individual industries;

"(5) there are limited opportunities for regulatory actions and incentives other than direct Federal research and development assistance;

"(6) the degree of risk of loss of investment inherent in the research and development is high and availability of risk capital to the non-Federal entities which might otherwise engage in the field is limited; and

"(7) the magnitude of the investment appears to exceed the financial capability of potential non-Federal participants in the research to support effective efforts."

AMENDMENT TO H.R. 11510

(Offered by Mr. DELLENBACK—No. 2)

Page 34, line 10, after the word energy, delete the period and insert the following: "which includes undertaking a study to determine how best to slow or reverse the growth trend of the Nation's energy demands without jeopardizing the soundness of the Nation's economy. Within two years of enactment of this Act, the Administrator shall report to Congress on the findings of this study, which report shall include any recommendations for action which the Administrator may have."

AMENDMENT TO H.R. 11510

(Offer by Mr. DELLENBACK—No. 3)

Page 55, line 8, insert a new section 308 to read as follows:

"SEC. 308. (a) The Council on Environmental Quality is authorized and directed to carry out a continuing analysis of the conduct of research and development of energy technologies to evaluate—

"(1) the adequacy of attention to energy conservation methods,

"(2) the adequacy of attention to the probable environmental effects of the application of energy technology, and

"(3) the adequacy of attention to environmental protection in connection with energy processes.

"(b) The Council on Environmental Quality, in carrying out the provisions of this section, may employ consultants or contractors and may by fund transfer employ the services of other Federal agencies for the conduct of studies and investigations.

"(c) The Council on Environmental Quality shall hold annual public hearings on the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology, and the transcript of the hearings shall be published and made available to the public.

"(d) The Council on Environmental Quality shall make such reports to the President, the Administrator, and the Congress as it deems appropriate concerning the conduct of energy research and development, and the President as a part of the annual Environmental Policy Report shall set forth the findings of the Council on Environmental Quality concerning the conduct of energy research and development and the probable environmental consequences of trends in the application of energy technology."

EMERGENCY ENERGY ACT A RECKLESS AND ILL-CONSIDERED PROPOSAL

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 14, 1973

Mr. ARMSTRONG. Mr. Speaker, I shall vote against H.R. 11450.

I am reluctant to do so. This Nation faces a severe energy shortage. And the people of America have every right to expect Congress to act decisively and responsibly to meet the emergency.

But this legislation—the so-called Emergency Energy Act—is neither decisive nor responsible. On the contrary, it is an indecisive, vague, buckpassing bill that represents just about the most irresponsible possible course of action.

In April, and again in July, I appealed to Members of the House to give serious consideration to the emerging shortage. Unfortunately, however, at that time only a few Members of Congress realized how serious the shortage would soon become.

Now, after months of delay, the House is about to be stampeded into adopting this reckless and ill-considered legislation, which has been brought to the floor in haste without proper study by committee, without decent consideration of amendments—I am told only 3 minutes was allocated to consideration of each amendment by the committee—without even having the bill available in its final proposed form until 8 p.m. the night before debate began, without a committee report until the very day it came be-

fore the House, and in a form which would clearly violate the rules of the House were it not for the extraordinary dispensation granted by the Rules Committee.

Undoubtedly, some will argue that the extreme urgency of the situation justifies haste. As one who has been chaffing over the hemming and hawing of congressional action on the energy problem, I can well understand this point of view.

But after months of stalling, there is no justification for acting in such a reckless manner on a matter of such vital importance to the future of this Nation.

This bill is a monstrosity. It is tempting to catalog all of the shortcomings of this legislation. But instead of doing so, I would like to focus on one particular aspect of this legislation which seems to me not only unwise but ominous.

This bill gives the President unprecedented power—including authority to institute gasoline rationing at the wholesale, retail, and consumer level—without providing any congressional direction or standards for implementing such rationing.

The President already possesses near dictatorial powers—granted by the Economic Stabilization Act, the Emergency Petroleum Allocation Act and other legislation. But this bill will literally give him the power of economic life or death over every job and business enterprise in this Nation.

Such a delegation of power is inconsistent with the ideals of a self-governing people and unworthy of the Congress of the United States.

I personally hope rationing can be avoided. Rationing is only a way of sharing the shortage. It does nothing to increase production or supply; rationing will require creation of a huge and costly bureaucracy; rationing will foster economic dislocations that will further distort our already battered economy; rationing is inherently unjust.

For all of these reasons, I regard rationing as a last resort.

But if rationing becomes inevitable, then Congress should set the standards and establish the necessary safeguards to assure that all segments of the economy—consumers, producers, public enterprises and others—are given proper consideration and that the system is as fair as the mind of man can make it.

This bill does exactly the opposite: it not only thrusts this decisionmaking power on the President, it virtually assures rationing will be implemented since it fails to provide other and more promising solutions to the energy crisis.

Seldom in the history of this Nation has any proposed legislation so richly deserved to be defeated. Although it has some redeeming features, this is a bad, bad bill. I shall vote against it.

However, whether this legislation passes or not, I intend to continue fighting for the measures that I believe to be essential to deal responsibly with the energy crisis.

I recommend:

A NEW NATIONAL ENERGY POLICY

Fostering abundant and cheap energy has been the official policy of the U.S.

Government for decades. And properly so.

But times and the needs of the Nation have changed. Congress must now reconsider this policy and direct that conservation of energy, as well as natural resources, be given equal consideration by Federal policymakers and regulatory agencies. In doing so, Congress should enact a National Energy Policy Act. Energy policy is now scattered throughout statutory enactments, Presidential proclamations and regulatory decisions. By pulling together the fragments into a comprehensive act, Congress can sharpen the focus of issues and provide a framework for rational decisions.

DEEP WATER PORTS

Although recovering a greater degree of energy self-sufficiency must be a prime goal of national policy, achieving this objective will require several years. In order to facilitate importation of foreign petroleum in the meantime, licensing of deep water ports should be authorized by this session of Congress.

ACCELERATED DEVELOPMENT OF OFFSHORE OIL

The Atlantic Outer Continental Shelf is estimated to contain oil reserves of 46 billion barrels; Alaskan waters, an additional 56 billion barrels.

The President has announced plans for the Council of Environmental Quality to begin necessary environmental impact studies in preparation for oil exploration and development. But this is expected to take at least a year; other studies and approvals may take 5 years or more, under present timetables.

I believe this schedule can and should be improved.

At the same time, however, I want to be sure adequate funding is available for research to prevent ecological disasters such as the one which occurred in the Santa Barbara Channel.

TAX INCENTIVES

I concur with the President's recommendations for tax incentives to spur research, exploration, and development of energy sources.

In addition, I recommend consideration be given to tax incentives to encourage conservation of energy; for example, allowing homeowners to deduct the cost of upgrading home insulation. This improvement could save each homeowner 40 percent of annual fuel consumption.

INCREASED PRODUCTION OF NATURAL GAS

The rapidly growing demand for natural gas cannot be met unless production is dramatically increased. In the last 6 years, natural gas consumption has increased 37 percent. Proven reserves of gas have decreased 21 percent. Moreover, the drilling rate and the finding rate—the volume of oil and gas found per unit of drilling effort—are declining. As the most accessible reserves have been depleted, it has become necessary to drill to deeper levels for gas. So the cost is rising.

The Government decreed wellhead price ceilings have discouraged new exploration and development to provide new supplies. At the same time, artificially low prices have encouraged many industrial firms and utilities to consume large quantities of gas when these users might better use other fuels. For these reasons, I support the deregulation of "new" natural gas.

It is important for consumers to understand, however, that wellhead increases will not have a corresponding effect on the cost of natural gas used in homes. Since the cost of producing gas at the wellhead amounts to only about 16 percent of the cost paid by consumers—transportation and other costs make up the balance—homeowners would scarcely feel even the largest projected increase in wellhead prices.

I also commend the creative new approach to financing a greatly expanded gas search effort by companies such as Colorado Interstate Corp.

CIC has been spending \$2 to \$3 million annually on exploration. But if FPC approval is obtained, and the company is optimistic it will be, this firm will undertake a 5-year, \$60 million exploration and development program to add new gas supplies to meet customer needs. Congress and regulatory agencies should encourage efforts of this kind which are essential to meet national energy needs.

EXPANDED RESEARCH AND DEVELOPMENT

The President has proposed a new 5-year \$10 billion energy research and development program. Over 85 percent of this sum—\$733 million—is devoted to nuclear power research and coal gasification-liquefaction programs. Such research is worthwhile.

However, I continue to believe oil shale is also a potential energy source of immense importance. So I recommend greater emphasis be given to research and development of this resource.

If we proceed at a measured pace now shale can be turned into oil on a basis consistent with environmental standards. But if we neglect oil shale development, there is real danger we may be pushed into panic development at some later time. If that happens, environmental concerns could be left in the lurch.

Although I am less optimistic about prospects for solar energy and geothermal power sources, both are technically feasible. To the extent they afford a sound alternative, these sources of energy should also be encouraged.

In order to stimulate research, Congress should consider an antitrust exemption for energy companies which create joint ventures for research and development. The cost of coal gasification and oil shale are so huge that such joint efforts may be necessary. A narrowly defined, and carefully regulated, antitrust exemption may be required.

MODERN TRUCK SIZE-WEIGHT LIMITS

Impressive fuel savings may be possible by adopting increased limits for the size and weight of trucks operating on the Interstate Highway System. Present Federal and State restrictions inhibit use of larger vehicles which could save as much as 31 percent in fuel consumed to provide a given volume of transportation service, I am advised.

An increase can be justified without adverse safety or highway maintenance consequences, a move endorsed by the American Association of State Highway Officials and the Federal Highway Administration.

CONSERVATION OF ELECTRIC ENERGY

I commend efforts utility companies are making to level peak load requirements for greater efficiency.

I also approve the reevaluation of electric rate discounts given to big users. I am pleased the utilities and State utility commissions are studying these discounts to assure that large users are not unintentionally being subsidized by other electric consumers.

RETURN TO FREE MARKET PRICING

Artificially low prices encourage the wasteful, and sometimes frivolous, use of energy. Current price ceilings and proposals for price rollbacks are contrary to sound energy policy. These measures encourage consumption and discourage production—the opposite of our goal.

I urge a return to free market pricing at the earliest possible date.

VOLUNTARY EFFORTS

I also want to point out the growing need for voluntary conservation efforts. Voluntary measures are important, particularly in the immediate future.

I commend those who are taking part in car pools, reducing their speeds on the highways, making more prudent use of fuel-consuming accessories and appliances. They are making a very real contribution to solving this national problem.

REORGANIZING TO MEET THE ENERGY CRISIS

In conclusion, I would like to comment briefly on the need to develop a coordinated approach to energy policy. Energy policymaking is now diffused throughout the executive branch; and in Congress at least 94 committees and subcommittees have jurisdiction over energy legislation. The delays, confusion, and counterproductive efforts which result can no longer be tolerated.

It is time to reorganize. But reorganization is not a panacea. If reorganization facilitates substantive improvement, as I believe it will, then such reorganization is worthwhile. But it is not an objective, only a means to the end.

The energy shortage is growing more serious each day. Most proposed courses of action have a long leadtime. We cannot solve this problem overnight. But with energy consumption continuing to rise we cannot afford further delay in getting started.