EXTENSIONS OF REMARKS

THE CLYDE HANNAH FAMILY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. CARTER. Mr. Speaker, at this time, I wish to share with my colleagues the story of the Clyde Hannah family, which appeared in the Lincoln County, Ky., Post on February 9, 1973.

Mr. and Mrs. Hannah and their son, Mark, have been selected as the FHA Outstanding Farm Family of 1973 for Lincoln County and the surrounding area.

In a time when the family farm is becoming obsolete, their story serves as an example of what can be accomplished through cooperation between Government and the individual:

THE CLYDE HANNAH FAMILY

(By Sharon Bell)

The Farm Family of the Year, The Clyde D. Hannah family, whose farm is just out of Kings Mountain on the Robertstown Road, was honored Friday, February 2 at the luncheon held at the Dix River Country Club at 12:30 p.m. Sponsors were the Livestock Improvement Association, the Farm Bureau, and the Farmers' Home Administration.

The family was recognized at the luncheon for having contributed greatly to rural community improvement while running a successful farming operation and building a good home life.

Going from their 1959 start to the luncheon for the Farm Family of the Year wasn't easy. It meant a lot of hard work and sacrifice over the years.

The Hannahs aren't new to farming and all it entails. Both grew up on Casey County farms. Mr. Hannah's father, Roy Hannah, still lives at Walltown. Mrs. Hannah's parents, Mr. and Mrs. John Williams, have moved to Shelby County.

The Hannah family bought the "Old Sears Place" in 1959. On the place were an old 4-room house, a tobacco barn in bad repair, and a lot of rock. Mr. Hannah, who bought the place from Mr. and Mrs. Mike Murphy of Kings Mountain, bought a farm that hadn't been really worked for years. Mr. Murphy has a full-time job at Corning, so farming was just a sideline for him.

The Hannahs now have developed the farm, (and four other tracts that complete it) which sold for $440–$500 in the 1930's into a $60,000 farm.

Mrs. Hannah said that farm life isn't always easy or fun, but that it does have its own rewards. It distresses her to read that the family farm is becoming obsolete. She said that anyone who would work, manage the money they earned, and borrow wisely—all the time working with the Farm Bureau, FHA, and related programs, could build a way of life that one doesn't see very often. A close family relationship built through working together toward a common goal is unusual these days.

Imagine a grocery bill of less than $100 per month! Mrs. Hannah can't imagine a larger one. She cans and freezes nearly 100 quarts per year per family member—300 quarts a year! There's a beef in the freezer and there's always a huge garden at the Hannah place.

Mr. Hannah was recognized on June Dairy Day as Outstanding Grade A Dairy Farmer in Lincoln County.

When son Mark, who is now 15, and in FFA first started showing cattle, he was 8 years old and in Mrs. Annie Leach's 4th grade class at King Mountain. Because of his age, he couldn't show outside the county, but his dad promised to take him and his cow to the Brodhead Fair where there was an open age class.

The afternoon and evening of the show, the hay had to gotten in, so Mr. Hannah couldn't go. He arranged for a friend and fellow-farmer, Homer Ware of Kings Mountain to take Mark and his cow. Momer, Mark, and the cow went in the truck, and Mrs. Hannah and Mrs. Ware followed in a car. Whether Mr. Ware, Mr. Hannah, or Mark was more excited about the ribbon won in that show is debatable!

To show Mrs. Hannah's determination, they were supposed to move into their new house in August of 1968. The builders ran three months over their schedule, so when they left on Friday evening in November Mrs. Hannah told them she'd be moved in when they came back Monday morning. She was. They finished their work rapidly.

Speaking of their thoroughly earned and richly deserved honor, both the Hannahs said they never expected to win. Mr. Winn, county FHA supervisor, told them he had to enter some one and asked if he could enter them. They agreed, gave him the information he needed for the entry, and promptly forgot about it.

Mrs. Hannah said, "We never dreamed it'd happen." Mr. Hannah agreed. She continued, "But I'm right glad it did." Mark nodded agreement with his parents.

PRESERVATION OF CAPITAL GAINS TREATMENT OF TIMBER UNDER THE INTERNAL REVENUE CODE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 28, 1973

Mr. THURMOND. Mr. President, on behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I bring to the attention of the Senate a concurrent resolution passed by the South Carolina General Assembly.

On February 14, 1973, the South Carolina General Assembly adopted a concurrent resolution memorializing the Congress to preserve and protect the capital gains treatment now enjoyed by timber growers under the Internal Revenue Code. Senator HOLLINGS and I jointly endorse this concurrent resolution.

Mr. President, in South Carolina and other parts of the Nation, forests are a vast and valuable resource. Because of the increased consumer demand for wood and paper products, the harvest of forest resources has been exceeding the regeneration. The capital gains treatment of these resources has created the necessary incentive to encourage private timberland owners to invest in the growing of timber.

Mr. President, on behalf of Senator HOLLINGS and myself, I ask unanimous consent that the concurrent resolution be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

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

A CONCURRENT RESOLUTION

Memorializing the Congress of the United States to Preserve the Capital Gains Treatment of Timber Under the Internal Revenue Code.

Whereas, capital gains tax treatment of timber under the Internal Revenue Code has been one of the major factors responsible for the vast progress in South Carolina and the nation in forest management and the growth of forest resources during the past half century; and

Whereas, the substantial elimination of capital gains treatment for the owners of forest lands would constitute the most severe setback in this generation to the growth of forest products; and

Whereas, increased consumer demand for wood and paper products, pressures on outdoor recreation resources, and the environmental benefits of timber growth and utilization have all focused greater attention on renewable forest lands, both public and private, to the extent that our nation has seen a reversal of earlier trends of the past thirty years whereby the harvest of forest resources was exceeding the regeneration; and

Whereas, the jobs of thousands of employees and many hundreds of communities are affected by the forest industries of South Carolina and would be jeopardized by the elimination of capital gains treatment of timber. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the Congress of the United States be memorialized to protect and preserve the capital gains treatment of timber and thereby encourage private timberland owners to invest in the growing of timber so necessary to this nation's continued economic growth, security and environmental well-being.

Be it further resolved that copies of this resolution be forwarded to the President of the United States Senate and the Speaker of the United States House of Representatives and to each member of the South Carolina Congressional Delegation.

LEGISLATION TO STRENGTHEN THE CONGRESS AND THE PUBLIC'S RIGHT TO RECEIVE INFORMATION FROM THE EXECUTIVE BRANCH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. HORTON. Mr. Speaker, I am today introducing legislation to amend the Freedom of Information Act. Joining me as the principal sponsor of this bill is Congressman JOHN ERLENBORN, the ranking minority member of the Foreign Operations and Government Information Subcommittee. Additional cosponsors include Congressman WILLIAM S. MOORHEAD, chairman of the Foreign Operations and Government Information Subcommittee, and Congressmen GILBERT GUDE, ROBERT P. HANRAHAN, PAUL N. MCCLOSKEY, JR., JOEL PRITCHARD, RALPH S. REGULA, and CHARLES THONE.

On this same day, I am also joining Congressman ERLENBORN and other members in cosponsoring a bill to significantly narrow the scope of executive privilege. By means of this double-barrelled approach, we hope to materially enlarge the public's and Congress' access to Government information.

Our form of Government—in fact the foundations of our society—rest upon an informed citizenry. To participate effectively in the decisionmaking process, to maintain a watchful eye over those who govern, and to act intelligently as good citizens, the public requires access to adequate and accurate information. Increasingly, in recent decades, the ability of the citizenry—or their elected representatives—to keep themselves informed has become more difficult.

Institutions by nature tend to display the good and conceal the bad. Such a practice is not peculiar to any one organization. Over the past 40 years, however, the executive branch, increasingly encumbered with ever greater responsibilities, has seen fit to withhold greater amounts of information from the public and to balk at the release of information that does not suit its purpose. It was with this impediment to constitutional freedom looming ever larger that Congress in 1967 inaugurated the Freedom of Information Act.

This act was designed as a charter of freedom dedicated to opening up the storehouses of information in Government except in limited areas involving such matters as national security, trade secrets, personal privacy, internal communications, and agency investigations.

On the fifth anniversary of this law, the Foreign Operations and Government Information Subcommittee of the Government Operations Committee initiated an in-depth review to determine how effectively the Federal agencies were administering the act and how successfully the public had been in gaining access to previously hidden information.

The subcommittee was pleased to learn that the Freedom of Information Act had helped thousands of individuals to acquire information. This was distressingly offset, however, by numerous examples of failures by Government agencies to make information available to the public that the act clearly ordained.

Among the findings of the subcommittee were serious bureaucratic delays in responding to requests for information, the need of individuals to pursue cumbersome and costly legal remedies, inadequate recordkeeping by agencies, undue specificity required in identifying records, promulgation of legally questionable regulations, and a too liberal interpretation of the act's exemptions which thereby broadened the types of information being withheld. The latter in particular proved to be the most serious abuse of the law by the agencies. It was found that information regarding the employment practices of the Federal Government and Federal contractors was being withheld; also withheld was information dealing with surveys of natural gas reserves, health and safety hazards in industries under Federal inspection, food inspection records in federally inspected establishments, housing appraisals under HUD subsidized and insured housing programs, and statistical data summarizing Internal Revenue Service operations.

As disturbing as these findings were, however, they did not equal the discovery by the subcommittee that millions upon millions of documents are presently being concealed by the Government under the shield of security classification. One prominent witness estimated that 20 million documents were being held secret of which only one-half of 1 percent should be classified. Others suggested an even worse picture. The Director of the National Archives, limiting his comments to his own area of expertise, estimated that he stood guardianship over 470 million pages of information covering only the period from 1939 to 1954.

The magnitude of this mountain of secrecy is so stupendous that any pretense of maintaining an informed citizenry to monitor those selected to govern must collapse of its own weight. It is true, of course, that certain acts of Government may need to be kept under wraps for a period of time in the interest of national security—troop movements, new weaponry, intelligence data. But, the extent of the information presently classified dwarfs that which needs to be classified.

Regrettably, the Freedom of Information Act, as enacted, left too many loopholes—as suggested above—by which information could be excluded. In the case of classified documents, for example, the act exempts all information classified under law or Executive order—thus leaving executive agencies in sole discretion as to what should or should not be made public.

President Nixon, to his credit, promulgated a new Executive order on security classification last year which tightened up the classification requirements. The extent to which this may constitute a forward step was offset, however, by a recent Supreme Court decision nullifying a presumed requirement that Federal courts, when confronted with a Freedom of Information challenge to an agency's withholding of classified documents, should look behind the classification to determine whether a document is in fact classified in accordance with the Executive order.

It is our intent in introducing this legislation amending the Freedom of Information Act, to provide a workable means for overcoming most of the barriers that presently exist to the free flow of information.

The Freedom of Information Act provides that all information in the possession of Federal agencies shall be made available to the public except information falling within nine specific categories—for example, classified information, inter-agency memoranda, investigatory files, trade secrets, and so forth. However, the Supreme Court in the case of EPA against Mink held that the Federal courts, even though they are directed to enforce the Freedom of Information Act, may not challenge an agency's refusal to make information available to the public on the grounds of alleged security classification or other claimed exemption under the act even though such claim is, in fact, not in accord with the law. This has the effect of making the Federal agencies virtually sole interpreters of their compliance with the law. Title I of our bill is designed to overturn the effects of the Mink decision by requiring the courts to look behind an agency's exemption claims and to order that agency to make public all information which does not fall within an exemption category.

Title I further amends the Freedom of Information Act to narrow three categories of exemption which to date have been given too lose an interpretation by Federal agencies and some courts. By narrowing these three categories—trade secrets, interagency communications, and investigatory records—more information will become available to the public without jeopardizing either the original purpose for their incorporation in the act or the continued effective administration of Government and law enforcement.

Title II creates a seven-member commission—four members to be appointed by Congress and three by the President for a term of 5 years—to assist the Federal courts in determining whether requested information is being properly withheld by an agency under the Freedom of Information Act. As has been recognized by courts and other authorities, such assistance is essential because the courts at present lack sufficient time or expertise in many instances to enforce the act effectively. In addition to the courts the bill also authorizes the Congress, committees of Congress, the Comptroller General of the United States, and Federal agencies to petition the commission for a review of an agency's denial of information. An individual citizen under the bill may also obtain a review by the commission of an agency's denial of information if three members of the commission agree to a review. Authority to enforce the Freedom of Information Act remains with the courts under the proposed legislation and the findings of the commission will only be advisory.

However, a commission finding that an agency has improperly withheld information from the public shall constitute prima facie evidence before the court that information has been improperly withheld. This shall have the effect of placing the burden of proof upon the agency in the court proceeding to sustain its action in refusing to make information available.

Title III provides for certain additional amendments to the Freedom of Information Act which, as a result of subcommittee hearings last Congress, were found to be necessary if the public is to receive all the information it is entitled to. These amendments first, lay down reasonable time limits for an agency to respond to a request for information, second, authorize a court to award reasonable attorney's fees and court costs to private parties who have been found to have been improperly denied information by a Federal agency,

third, direct a court to enjoin an agency's improper withholding of information, and fourth, require agencies to file annual reports with the appropriate committees of Congress detailing their administration of the Freedom of Information Act.

This desire to open up the flow of information is not, I might add, aimed only at the general public. While the Freedom of Information Act specifically exempts Congress from its coverage—meaning that Congress should be recognized as having the right to receive all information in the possession of the executive branch—there have been numerous occasions when Members of Congress acting in their individual representative capacity have been denied information and forced to resort to the act. Members of Congress have been denied access to information as diverse as that relating to: the Amchitka nuclear explosion, environmental effects of the SST, privacy and security aspects of computerized criminal justice information systems, accelerated antipollution plans for the Great Lakes, Federal administration of a judicial consent decree, and the military's weather modification activities in Southeast Asia. An effective tightening of the Freedom of Information Act's requirements will have the effect, then, of improving the legislative role of the people's elected representatives in addition to making the public better informed. This proposed bill amending the Freedom of Information Act can enhance the congressional role through the creation of a commission which can be used by Congress to open up large amounts of information for use in the public arena and also to assist a Federal court in sustaining a congressional subpena for classified or otherwise concealed information.

This is not all, however. Congress as an institution—as suggested above—is entitled to information under the constitutional doctrine of separation of powers above and beyond that which the general public may be entitled to. The inability to obtain information from the executive branch in such cases must be resolved through a separate amendment to the Freedom of Information Act. Congressman ERLENBORN and I, as indicated earlier, are today submitting executive privilege legislation to meet this issue.

Mr. Speaker, almost 7 years ago Congress took a giant step toward throwing the doors of informational freedom open to the public. Disclosure of information was to be the rule, not the exception; the burden of disclosure was to take precedence over the burden of concealment. Regretfully, these requirements have all too often been ignored. The state of our society today and the need to maintain effective restraints upon a giant Federal bureaucracy require that more stringent steps be taken. I believe enactment of this bill, amending the Freedom of Information Act, together with that on executive privilege, will go far to correct existing imbalances.

A copy of the bill follows:

H.R. 4960

A bill to amend section 552 of title 5 of the United States Code to limit exemptions to disclosure of information, to establish a Freedom of Information Commission, and to further amend the Freedom of Information Act

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

TITLE I—LIMITING FREEDOM OF INFORMATION ACT EXEMPTIONS

SEC. 101. Section 552(a) of title 5 of the United States Code (the Freedom of Information Act) is amended by adding at the end thereof the following new paragraph:

"(5) In any proceeding pending before a district court of the United States under this section in which an agency has refused to furnish records to the complainant on the grounds that such records are exempted from being made available under subsection (b) of this section, the court shall examine in camera such records, including records classified under statute or Executive order, to determine if they are being improperly withheld. In carrying out its responsibilities herein, the court may require the assistance of the Freedom of Information Commission."

SEC. 102. Paragraph (3) of section 552(a) of title 5, United States Code, is amended by adding immediately after the first sentence the following new sentence:

"Where records containing both portions that are required to be made available under this subsection and portions that may be withheld under subsection (b), an agency shall make the required portions available unless (A) a serious distortion of meaning would result if the required portions were read separately from the exempt portions, or (B) the required portions are so inextricably intertwined with the exempt portions that disclosure of the required portions would seriously jeopardize the integrity of the exempt portions."

SEC. 103. The following paragraphs of section 552(b) of title 5, United States Code, are amended to read as follows:

(a) "(4) trade secrets and commercial or financial information which the agency has obtained from a person under a statute specifically conferring an express grant of confidentiality to the extent the agency receiving the information confers confidentiality under an express written pledge."

(b) "(5) inter-agency or intra-agency memorandums or letters which contain recommendations, opinions and advice supportive of policymaking processes."

(c) "(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would constitute (A) a genuine risk to enforcement proceedings, (B) a clearly unwarranted invasion of personal privacy, or (C) a threat to life."

TITLE II—FREEDOM OF INFORMATION COMMISSION

ESTABLISHMENT

SEC. 201. There is established a commission to be known as the Freedom of Information Commission (hereinafter referred to as the "Commission").

SEC. 202. The Commission shall be composed of seven members as follows:

(a) two appointed by the Speaker of the House of Representatives, both of whom shall not be of the same political party;

(b) two appointed by the President pro tempore of the Senate, both of whom shall not be of the same political party; and

(c) three appointed by the President, of whom not more than two shall be of the same political party.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

SEC. 203. Of the members first appointed—

(a) one appointed by the Speaker of the House of Representatives, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of five years;

(b) one appointed by the Speaker of the House of Representatives, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of three years; and

(c) one appointed by the President shall be appointed for a term of one year.

SEC. 204. Successors to members first appointed shall be appointed for a term of five years, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessors. No member may serve more than one term, but a member may serve until his successor has been appointed and qualified.

SEC. 205. No member of the Commission shall actively engage in any business, vocation, or employment other than that of serving as a member of the Commission.

SEC. 206. Four members of the Commission shall constitute a quorum.

SEC. 207. The Chairman and Vice Chairman of the Commission shall be elected from the membership by the members of the Commission for a term of two years.

SEC. 208. The Commission shall meet at the call of the Chairman or a majority of the members.

SEC. 209. Members of the Commission shall be responsible for maintaining the confidentiality of material in their custody, and all security procedures prescribed by law and Executive order shall be followed in the safeguarding of classified material.

SEC. 210. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Freedom of Information Commission."

SEC. 211. The Commission shall appoint an Executive Director who shall be hired by the Commission. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Executive Director, Freedom of Information Commission."

POWERS

SEC. 212. The Commission is authorized to—

(a) appoint such personnel as may be necessary subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(b) prescribe such rules and regulations as may be necessary to effectuate the provisions of this title;

(c) hold hearings, administer oaths, take testimony, receive evidence, require persons to appear and to furnish information, and sit and act at such times and places as is deemed advisable, to the extent that such actions are relevant to its duties;

(d) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, to pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(e) use the United States mails in the same manner and upon the same conditions as other agencies; and

(f) adopt an official seal which shall be judicially noticed.

SEC. 213. (a) The Commission shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and

the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(b) If a person issued a subpoena under subsection (a) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) The subpoenas of the Commission shall be served in the manner provided for subpoenas by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(c) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

SEC. 214. Upon request made by the Commission, each Federal agency is authorized and directed to allow access to and furnish to the Commission all information, documents (including those classified under law or Executive order), data, and statistics in the agency's possession which the Commission may determine to be necessary for the performance of its duties.

SEC. 215. The Commission shall transmit to the Congress and the President an annual report not later than March 30 of each year, covering the previous calendar year, and such other reports as it deems advisable regarding its activities and containing such recommendations for legislation or other governmental action as the Commission determines to be appropriate.

SEC. 216. The Commission shall make available for public inspection at reasonable times in its office a record of its proceedings and hearings, except that the Commission shall not make public any classified information prior to declassification or other information received by the Commission in confidence.

SEC. 217. The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission shall request.

SEC. 218. (a) In investigating an inquiry under sections 219 and 220 of this title, the Commission shall hold a hearing, if requested by any party to the proceeding, at which a party is entitled to present its case or defense by oral or documentary evidence, and to conduct cross examination as may be required for a full disclosure of the facts. Such hearing shall be public unless, because of the sensitive nature of the information in dispute, the Commission decides that the hearing shall be closed.

(b) The Commission is authorized to compensate directly or order assessed against a Federal agency reasonable attorneys' fees and other litigation costs reasonably incurred in any proceeding under section 220 of this title in case of financial need by a private party. A Federal agency shall only be assessed in those instances where the Commission determines that the agency withheld information from a party without reasonable justification. An order of the Commission shall be enforceable in any district court of the United States within which the hearing is conducted, the Federal agency has its principal place of business, or the private party resides.

DUTIES

SEC. 219. The Commission shall initiate an investigation requested by a court of the United States, the Congress of the United States, a committee of the Congress, the Comptroller General of the United States, or a Federal agency concerning any allegation that information in the possession of a Federal agency is being improperly withheld under section 552 of title 5, United States Code.

SEC. 220. The Commission shall initiate, upon the vote of at least three of its members, an investigation requested by a private citizen concerning allegations that information is being improperly withheld by a Federal agency under section 552 of title 5, United States Code.

SEC. 221. The Commission shall act expeditiously in response to any request initiated under sections 219 or 220 and shall report its findings within thirty days of receipt of a request, except in case of unusual circumstances where fairness and accuracy require a reasonable delay.

SEC. 222. A determination by the Commission that a Federal agency has improperly withheld records requested of it shall be prima facie evidence against such agency in any action or proceeding brought by any party against such agency under section 552 of title 5, United States Code, or in enforcement of a subpoena issued by Congress, a committee of Congress, the Comptroller General or a Federal agency.

SEC. 223. For the purposes of this title, the term "Federal agency" means any agency, department, corporation, independent establishment or other entity in the executive branch.

SEC. 224. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

SEC. 225. The Commission shall commence operations sixty days after enactment of this title.

TITLE III—IMPROVING THE ADMINISTRATION OF THE FREEDOM OF INFORMATION ACT

SEC. 301. The phrase "has jurisdiction to enjoin" in the second sentence of section 552(a)(3) of title 5, United States Code, is amended to read "shall enjoin".

SEC. 302. Section 552(a)(3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court shall award reasonable attorneys' fees and court costs to the complainant if it issues any such injunction or order against the agency."

SEC. 303. Section 552(a) of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6)(A) Each agency, upon a request for records made under paragraph (1), (2), or (3) of this subsection, shall either comply with or deny the request within ten days (excepting Saturdays, Sundays, and legal public holidays) of its request unless additional time is required for one of the following reasons:

"(i) The requested records are stored in whole or part at other locations than the office having charge of the records requested.

"(ii) The request requires the collection of a substantial number of specified records.

"(iii) The request is couched in categorical terms and requires an extensive search for the records responsive to it.

"(iv) The requested records have not been located in the course of a routine search and additional efforts are being made to locate them.

"(v) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are: (i) exempt from disclosure under the Freedom of Information Act (II) should be withheld as a matter of sound policy, or revealed only with appropriate deletions.

"(B) When additional time is required for one of the above reasons, the agency should acknowledge the request in writing within the ten-day period and should include a brief notation of the reason for the delay and an indication of the date on which the records would be made available or a denial would be forthcoming.

"(C) An extended deadline adopted for one of the reasons set forth above shall not exceed an additional twenty days (excepting Saturdays, Sundays, and legal public holidays) beyond the original ten-day period, except that in cases involving novel or complicated issues, the head of the agency personally may authorize an extended period of delay not exceeding thirty days upon informing the party requesting the records in writing the reasons for the additional delay and the date upon which a response shall be forthcoming.

"(D) If an agency does not dispose of a request within the ten-day period, or within an extended deadline period as authorized above, the requesting party may petition the officer handling appeals from denials of records for action on the request without additional delay.

"(E) Final action of an appeal shall be taken within twenty days (excepting Saturdays, Sundays, and public legal holidays) from the date of filing the appeal, except that in cases involving novel or complicated issues, the head of an agency personally may authorize an extended period of delay not exceeding thirty days upon informing the party requesting the records in writing the reason for the delay and the date upon which the appeal will be decided.

"(F) Denials of initial requests and appeals shall be in writing and shall set forth the exemption relied upon, how it applies to the records withheld, and the reasons for asserting it.

"(G) Any person making a request to an agency for records under paragraphs (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such a request if the agency fails to comply with subparagraphs (A), (B), (C), (E) or (F) of this paragraph.

"(H) Upon any determination by an agency to comply with a request for records, such records shal be made available as soon as practicable to the person making the request."

SEC. 304. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Each agency shall, on or before March 1 of each year, submit a report covering the preceding calendar year to the Committee on Government Operations of the House of Representatives and the Committee on the Judiciary of the Senate which shall include—

"(1) the number of requests for records made to such agency under subsection (a);

"(2) the number of determinations made by such agency not to comply with any such request, and the reasons for each such determination;

"(3) the number of appeals made by persons under subsection (a)(6)(D);

"(4) the number of days taken by such agency to make any determination regarding any request for records and regarding any appeal;

"(5) the number of complaints made under subsection (a)(3);

"(6) a copy of any rule or regulation made by such agency regarding this section; and

"(7) the total amount of fees, the average fee, and the maximum and manimum fees collected for making records available under this section."

ANALYSIS OF PROPOSED BILL ON FREEDOM OF INFORMATION

ANALYSIS OF TITLE I

Section 101 of the bill provides that subsection (a) of section 552 of the Freedom of Information Act is amended to

provide explicit authority to Federal courts to examine records in camera which an agency refuses to make available under the act. The amendment further provides that, where reasonable, the court shall order made available those portions of records which are not exempt from disclosure even if other portions remain exempt. Finally, the amendment authorizes the courts to seek the assistance of the Freedom of Information Commission—created in title II—to determine which documents, claimed to be exempted under the Freedom of Information Act, should in fact be exempted.

Section 102 amends three key exemptions under the Freedom of Information Act which have been interpreted by some agencies and under certain court decisions to provide too broad authority for withholding information from the public. The amendments seek to narrow the exemptions so that they more clearly cover only those categories of material which it is believed was originally intended to be exempted.

One of the three amendments relates to the trade secrets exemption and is directed at limiting the exemption to trade secrets and commercial or financial information as opposed to the present wording of the exemption wherein other confidential or privileged information may be withheld from the public. In addition, such information may only be withheld if it were obtained by an agency under legal authority other than the Freedom of Information Act and in obtaining such information, the agency expressly confers confidential status in writing.

The second amendment limits an agency's authority to withhold from the public inter-agency or intra-agency memorandums or letters under exemption 5 only to those that contain recommendations, opinions and advice supportive of policymaking processes. In contrast, as presently written, such memorandums or letters may be withheld if not available by law to a party—language so difficult of interpretation that even the Supreme Court refused to cope with it.

The third amendment amends exemption 7 to limit the withholding of investigatory records compiled for law enforcement purposes only to those which constitute a genuine risk to enforcement proceedings, or a clearly unwarranted invasion of privacy, or a threat to life. This is in contrast to the existing language wherein such files are exempt except to the extent available by law to a party—again, as in exemption 5, an uninterpretable phrase.

ANALYSIS OF TITLE II

Title II establishes a Freedom of Information Commission which is authorized to conduct review of documents which Federal agencies have refused to make public under one of the claimed exemptions under the Freedom of Information Act. A review may be initiated under section 219 by a Federal court, Congress or a committee thereof, the Comptroller General, or another Federal agency.

Of especial importance is the right for a court to request such a review. In title I of the proposed legislation, the Federal courts are required in camera to look behind an agency's withholding of records to see if such action is in conformity with the Freedom of Information Act exemptions. The degree of burden this could impose on a court, however, together with a court's general lack of expertise in the areas, means that such authority by itself has little substance. To correct this deficiency, a seven person commission is created—composed of two members appointed by the Speaker, two by the President pro tem, and three by the President—to engage full-time in this effort and backed up with adequate expert staff and resources.

It is to be stressed, however, that the role of the commission is fact-finding and advisory alone. It may not order any documents made public. That role is left to the courts which are charged with enforcing the act. Similarly, any requests for commission action under the proposed legislation by the Congress, Comptroller General or other agency can only result in an advisory ruling. The merit of this, however, is that the Congress and other authorized parties can use such findings in support of any request for or subpenaing of documents from an agency, and under section 222 of the act a ruling of the commission shall constitute prima facie evidence that an agency is improperly withholding records.

The other major aspect of title II is contained in section 220 which authorizes a private party to obtain a ruling from the commission on whether an agency is improperly withholding information, if three members of the commission agree to entertain the complaint.

Here again, the action of the commission is only advisory but it would go far, it is believed, in encouraging agencies to make their records available since the requesting party could seek enforcement in court. Nothing would prevent a party from going directly to a court in case of an agency's refusal to supply records, but the speedier and less expensive route vis-a-vis the commission should have the effect of making more information available to the public. To further provide assistance to those properly seeking to open records to the public, section 218(b) authorizes the commission when it finds that records have been improperly withheld to itself compensate a party for reasonable attorney's fees and litigation costs or to assess such costs upon the errant agency.

ANALYSIS OF TITLE III

Title III provides additional amendments to the Freedom of Information Act to expand the amount of information to be made available to the public.

Section 301 seeks to limit the discretion of the courts in issuing injunctions in those cases where agencies have been found to have improperly withheld information from the public.

Section 302 authorizes courts to award reasonable attorney's fees and court costs to parties which the courts have found have been improperly denied access to records.

Section 303 provides reasonable time limits within which agencies must respond to requests for records. The language is adopted almost verbatim from that proposed by the Administrative Conference of the United States under the chairmanship of Roger Crampton.

Section 304 directs that each agency submit an annual report to the House Government Operations Committee and Senate Judiciary Committee in which it details its administration of the Freedom of Information Act for the preceding year.

RECONFIRMATION OF FEDERAL JUDGES

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 28, 1973

Mr. HARRY F. BYRD, JR. Mr. President, interest is growing in the proposal for the reconfirmation of Federal judges by the Senate every 8 years.

These judges now serve for life. I believe that fixed tenure for judges, which is the practice in 47 of the 50 States, should be instituted for Federal judges. In a democracy, why should any public official have life appointment?

My proposal is embodied in Senate Joint Resolution 13, a constitutional amendment which is cosponsored by Senators ALLEN, THURMOND, TALMADGE, and NUNN.

My proposal for limited tenure and reconfirmation has received the endorsement of the State legislators of Michigan and Alabama, and more recently Chief Justice Norman Arterburn of Indiana wrote to me stating his personal support of the constitutional amendment which Senators ALLEN, THURMOND, TALMADGE, and NUNN and I have introduced to provide greater accountability for the Federal judiciary.

Two newspaper editorials taking note of Chief Justice Arterburn's position recently have come to my attention. I believe these editorials are indicative of the growing interest in limiting the tenure of the Federal judiciary, and I commend them to the attention of the Senate.

I ask unanimous consent that the editorials published in the Rocky Mount, N.C., Telegram and the Baton Rouge, La., State Times be included in the Extensions of Remarks.

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

[From the Rocky Mount (N.C.) Telegram, Jan. 30, 1973]

LIMITING THE JUDICIARY

Have federal judges abused their judicial powers in recent years? A prominent Midwestern judge thinks this is the case.

Chief Justice Norman Arterburn of the Indiana Supreme Court says the time has come to sharply curb federal judges who, having lifetime tenure, are high-handedly exercising virtually unlimited authority.

Arterburn strongly endorses a proposed constitutional amendment by Sen. Harry Byrd of Virginia.

This amendment would, in effect, limit the terms of all federal judges by requiring them to be reconfirmed by the U.S. Senate every eight years. If denied such approval, they would be retired with full pay.

In adding his support to this proposal, Justice Arterburn admits that at first he did not favor it. But he has changed his mind for a significant reason.

He now believes that more federal judges, and particularly members of the U.S. Supreme Court, have overstepped the bounds of constitutional law, got into the legislative field, imposing their ideas as to public policy and good legislation on the people of the country.

Arterburn is especially outraged by the extremities of the U.S. Supreme Court.

He refers to acts of that court in "changing the Constitution 'as of a certain time' (denying retroactivity) without going through the amending process provided in the Constitution." He believes this to be a violation of their oath of office.

"If the court is deliberately to do acts of this sort," he says, "then it is my feeling that the people should have an opportunity to review their legislative acts the same as we do members of Congress."

Arterburn feels that if a judge would stay within his judicial area there would be no need for such a periodic review, but we have too many men who are judges who feel that they are the repository of all wisdom and that they know what is better for us as individuals than we do.

[From the Baton Rouge (La.) State Times, Jan. 27, 1973]

VOICE FROM THE MIDLAND

A new voice from the Midlands has sounded in support of Sen. Harry Byrd's (Va.) proposed constitutional amendment which would curb the substantially limitless power of federal judges at all levels of that judiciary.

That the voice is that of a distinguished jurist adds to its weight.

Chief Justice Norman Arterburn of the Indiana Supreme Court is the new ally of the senator in the latter proposal that the Constitution require all federal judges to be reconfirmed by the Senate every eight years. This would, in effect, provide an eight-year term for this judiciary.

The Indiana jurist outspokenly attributed the change in his thinking, from opposition to the Byrd proposal to support of it, to what he has termed extremities of the United States Supreme court. He asserted it was his view that this tribunal had overstepped the bounds of constitutional law, got into the legislative field, imposing their ideas as to public policy and good legislation on the people of the country."

On the state level, 47 of the 50 states have fixed terms for the state judges. Only Rhode Island has life tenure for its judiciary. Massachusetts and New Hampshire mandatorily retires their judges at age 70.

Judicial restraint once was a hallmark of the U.S. Supreme Court. It was given its best expressions in the words of eminent justices, among them Oliver Wendell Holmes, Justice Brandeis, Justices Stone, Hughes and Frankfurter. Such restraint was almost an unwritten canon which endured well beyond the first century of the republic.

But, in the present century and especially as it reached its midpoint, first the Supreme Court and later lower courts diverged from the doctrine of judicial restraint and clearly began to legislate.

It is this divergence to which Sen. Byrd and others take exception, to a point of seeking limited tenure for the federal judiciary. That their position now gains support from distinguished jurists, the chief justice of the Indiana Supreme Court notable among them, is significant.

ADDITIONAL WATER SHOULD BE DIVERTED FROM THE GREAT LAKES THROUGH THE CHICAGO DRAINAGE CANAL TO REDUCE FLOODING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. VANIK. Mr. Speaker, during the last half year, water levels on the Great Lakes have been rising to unprecedented levels. Lake Erie water levels have broken records first set in 1861—112 years ago. On Lake Erie, the present water levels are about 30 inches above their normal average, and it is expected that during the spring thaws and storms that the water level will rise even further. These record high water levels may last for up to a year or more, and it is predicted that they will cause disastrous flooding and erosion damage to shoreline communities.

Therefore, it is vital that we examine possible ways and means to divert waters out of the Great Lakes Basin and into other areas.

Today I have introduced a bill that would permit an additional diversion of water from Lake Michigan, to the Illinois river which flows into the Mississippi. At present the flow out of the Chicago Drainage canal is 3200 cubic feet per second, while my bill would increase the flow up to 10,000 cubic feet per second. The effect of this action would be to decrease the level of the Great Lakes by approximately 3 inches, approximately 6 months after the diversion begins. This actions will not eliminate the floods that are expected in the spring and summer but it will reduce the impact. This additional diversion would be limited to 3 years and could be reduced by the Corps of Engineers at any time deemed necessary, to protect communities on the Mississippi from high water levels.

The canal was first built in 1889 for sanitary purposes, but in recent years it has been primarily used for improvement of navigation in several local canals and rivers, and also for the production of hydroelectric power. In 1901 when the canal was opened the initial diversion was 4,167 cubic feet per second. At that time the International Waterways Commission reported that a diversion of 10,000 cubic feet per second at Chicago would lower the levels of the Lakes by as much as 6½ inches. The Secretary of War, at that time, feared that substantial drainage from the Great Lakes would jeopardize navigation, and attempted to place a ceiling on the diversion. After 10 years of litigation regarding water rights, the Supreme Court declared that Illinois could not divert any water from Lake Michigan without the consent of Congress.

The primary concern and dispute was that, if too much water was removed from the Great Lakes, shipping and power production would be severely curtailed. The present situation is just the reverse. We have entirely too much water in the Great Lakes—thus, making earlier arguments irrelevant at this time. Shipping does not stand to be hurt by the present lake levels, but thousands of citizens and their property are in line for destruction. The additional diversion will benefit all involved—lowering the level of the Great Lakes by approximately 3 inches.

In 1954 and 1956, Congress approved an additional diversion of 1,000 cubic feet per second intended to be added to the 4,167 cubic feet per second already being diverted through the canal. President Eisenhower vetoed the bill both times—after it passed the House and Senate both times. His reason for the the veto was that commerce would be upset. The President also pointed out that this action would upset our Canadian neighbors.

At the present time, however, the Canadians would welcome additional drainage from the canal on a temporary basis. If water levels are not lowered, many homes along the shores of Lake Ontario will be washed away causing millions of dollars in Canadian losses. Diversion of water at this time would not cause any injury or harm whatsoever to powerplants or shipping interests.

This is the first time our Government has been so forewarned about a pending flood disaster. Every possible remedy must be examined, and—if found to have merit—implemented. If we fail to do so, then the responsibility for damage yet unseen and unrealized will fall squarely on the shoulders of the Federal Government. I urge this Congress to take swift action to provide this necessary diversion of water from the Great Lakes. Although the damage will not be avoided altogether, there is action we can and should take to soften the blow.

EDITORIAL BY ANTHONY HARRIGAN IN THE AIKEN (S.C.) STANDARD

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 28, 1973

Mr. THURMOND. Mr. President, there is a great deal of controversy and discussion about President Nixon's elimination or reduction of what he considers out of date and unworthy domestic programs.

Comments I have seen in the Congress and some of the Nation's leading newspapers leave the impression the public is against most of these cuts. Many of us realize this is not the case as the public is anxious to have savings made in many areas where such savings are justified.

An interesting column on this subject has been written by columnist Anthony Harrigan entitled "New Emphasis on Self-Reliance." This column appeared in the February 13, 1973, issue of the Aiken Standard newspaper in Aiken, S.C.

Mr. President, I ask unanimous consent that this column be printed in the Extensions of Remarks.

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

NEW EMPHASIS ON SELF-RELIANCE

(By Anthony Harrigan)

In an effort to fulfill his inaugural wish for a society geared to individual self-reliance, President Nixon is making long overdue moves to eliminate many federal subsidy programs. It has been forecast that the administration will take aim at public housing, rural assistance, education, and public employment.

Some weeks ago, the President took a commendable first step when he eliminated the federally subsidized 2 percent loans for electric cooperatives, a leftover from the New Deal era. The co-ops have howled in protest, but other citizens, who have to pay considerably more in interest when they borrow money, are likely to be pleased that the co-ops at long last will be required to come somewhat closer to paying their way like everyone else.

Other howls are coming from those involved in the subsidized housing business or who back such programs for political reasons. They are saying that the administration's moratorium on federally subsidized housing will cost the states millions of dollars in revenue. But subsidy income is not a sound basis for the economy of any state. Moreover, the public should know that there is a new class of subsidy housing builders who aren't truly a part of the free enterprise system. They live off federal subsidy programs devised by politicians. They have a vested interest in Big Government and in giveaways of the taxpayer's money.

The public undoubtedly will be treated to a variety of sob stories in connection with the moratorium on subsidized housing. In South Carolina, Dr. John A. Chase, the administrator of the Columbia Housing Authority, said in protest against the subsidy moratorium: "What is to be the answer for the 1,800 families on the Columbia waiting list for apartments? What is to be the answer to the 100 additional applicants every 30 days? What is to be the answer for hundreds and hundreds of families who are going to be displaced in South Carolina by highway construction, urban renewal and the like?"

The answer to those questions is that the people who have had great expectations of subsidized housing will have to fend for themselves like more than 2 million other South Carolinians who don't expect Uncle Sam to solve their personal housing problems.

President Richard Nixon put it very well in his inaugural address when he said: "Let each of us ask, not just what will government do for me, but what can I do for myself?" That quotation should be cited not only to those who expect to live in taxpayer-subsidized housing but to all who make money from subsidized housing.

Protests similar to Dr. Chase's will be heard across the country. In Arkansas, Jim Bradley, a state Office of Economic Opportunity Housing specialist, complained to the Arkansas Gazette that the federal freeze on subsidized housing could cost the state more than $60 million in the next 18 months. He failed to mention, however, how much the taxpayers in Arkansas and other states will save as a result of the freeze. Federal subsidies of one sort or another cost the taxpayers billions of dollars each year.

Incidentally, the OEO types have other reasons to feel blue. President Nixon has announced plans to dismantle the Office of Economic Opportunity. The OEO was the principal Great Society instrument in its fault-ridden "war on poverty."

The Johnson administration poverty programs cost billions of dollars and produced almost zero results. They created huge cadres of community action workers who managed to spend enormous sums without actually helping communities solve their problems. Many of the Great Society programs, such as the Neighborhood Legal Service, have engendered controversy and bitterness on the local level and made it difficult for municipal and county governments to function effectively.

Thus it is time to close down the Great Society programs, to shut off the food stamp distributions which have been a scandal and an insult to productive citizens who have to buy their own groceries.

It is yet to be seen how vigorously the Nixon administration will move to eliminate the entire range of Great Society federal social programs. The faster the administration moves, the happier the taxpayers will be.

The liberal bloc in Congress will resist the elimination or curtailment of vintage giveaway programs. But the administration, with firm leadership, should be able to get tremendous grassroots support for long overdue fiscal reforms. The American people are likely to subscribe strongly to a new emphasis on self-reliance.

EXECUTIVE PRIVILEGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. ERLENBORN. Mr. Speaker, Mr. HORTON and I today are introducing two bills to strengthen the Congress and the public's right to receive information from the executive branch. Mr. HORTON will explain our bill to enhance a citizen's access to Government information by strengthening the Freedom of Information Act, and I would like to discuss our bill to strengthen Congress rights, in which we are joined by five other Members—Mr. MCCLOSKEY, Mr. THONE, Mr. REGULA, Mr. PRITCHARD, and Mr. HANRAHAN.

Executive privilege has been used, on occasion, by every President since George Washington as the basis for withholding certain information from Congress. As a coequal branch of Government, the Congress has contended that its right to all information is equal to that of the Executive. Thus, for this reason and others, the Congress has been unwilling to acknowledge executive privilege outright.

One of the other reasons for Congress resistance is the concern that acknowledgement of executive privilege would serve to sanction its use. Still another is that, for many at least, there is an awareness that along with our need for information there is a corresponding need for the President and his counselors in making policy decisions to be able to obtain uninhibited advice. If we act to limit the scope of executive privilege, this point of view argues, we would deny the President the free-thinking counsel he requires as Chief Executive.

Yet the plain truth is that, by not acknowledging executive privilege, the Congress has, in fact, acquiesced to its existence. What is more, our lack of acknowledgement has permitted the Executive free rein in setting boundaries for its use.

The solution, I am convinced, is one that recognizes the rights and needs of both the Congress and the President. That, briefly, is the solution proposed in the bill we are introducing today to define executive privilege.

Our proposal adds a new section to the Freedom of Information Act which Congress in 1967 enacted to guarantee access by the public to information about Government activities. Under this new section, executive privilege could be invoked only by the President. He, of course, would be allowed to claim this privilege on behalf of the heads of agencies; but he would be permitted to do so only when policy recommendations are involved, and then only when disclosure would seriously jeopardize the national interest and his ability, or that of the head of an agency, to obtain forthright advice.

With this narrow exception, our proposal asserts the right of Congress, of any congressional committees—to the extent that the information deals with subjects within the committee's jurisdiction—and of the Comptroller General of the United States to all other information, classified or not.

As provided in our bill, either the information requested or a statement in which the President invokes executive privilege, signed by him, must be submitted as soon as practicable, but in not more than 30 days, after the request is made.

Similarly, only a claim of executive privilege would excuse an officer or employee of any Federal agency from honoring an invitation to present testimony before Congress or any of its committees, and this provision would extend also to all officers and employees of the Executive Office of the President. As with requests for information, the bill provides that a committee's invitation for the presentation of testimony must pertain to matters within its jurisdiction.

The bill's reference to Congress and its committees, I should make clear, is limited to both in their official capacities, acting as a whole. Moreover, inasmuch as our bill applies to classified as well as nonclassified information, it will be incumbent upon us to exercise judgment in using the information thus made available to us.

Two other aspects of our proposal merit mention.

First, the bill does not contain any inducement for compliance because we are persuaded that, if our proposal becomes law, Federal officials would be honor bound to abide by it. Those who declined the invitation could, of course, be subpoenaed and thus exposed to the possibility of being cited for contempt of Congress.

Second, I would like to allay the concerns of those who feel our definition of executive privilege is perhaps too narrow. In communications to the Government Operations Committee, President Kennedy, Johnson, and Nixon have all indicated their belief that executive privilege should be invoked only by the President. To illustrate, I quote from President Nixon's letter of April 7, 1969, to

JOHN MOSS, then chairman of the Foreign Operations and Government Information Subcommittee:

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

More recently, this procedure was reaffirmed by John W. Dean III, Counsel to the President, in a letter February 16, 1973 to WILLIAM MOORHEAD, the present chairman of this subcommittee. Mr. Dean wrote:

Executive privilege will not be asserted in response to a Congressional demand for information without specific Presidential approval.

I urge my colleagues to examine this proposal and then to give the Congress this tool to acquire the information we need if we are to be an equal and effective partner in Government.

THE PASSING OF AN OLD AMERICAN INSTITUTION — THE HOMETOWN POSTMARK

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 28, 1973

Mr. TALMADGE. Mr. President, it has recently been brought to my attention that an extremely enlightening and entertaining newspaper column concerning the U.S. Postal Service, was published in the Macon, Ga., Telegraph.

A great deal is lacking in today's mail service in the areas of speed and efficiency and, as this column by Perry Morgan of the Akron Beacon Journal points out, one of the saddest losses is the passing of an old American institution—the hometown postmark.

I commend this article to the attention of the Senate and ask unanimous consent that it be printed in the Extensions of Remarks.

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

A POX ON ALL THAT MAIL FROM NOWHERE

(By Perry Morgan)

Everyone is perfectly entitled to his own opinion of who put this country in a handbasket going to hell.

My own prejudice, greatly cherished, is that Dwight Eisenhower was the villain and that the terrible deed was his appointment of Arthur Summerfield, an automobile dealer, as postmaster general.

Oh, it all started out innocently enough. Before Ike we always had had political postmasters general who looked after presidential politics and didn't mess with the mail. We had olive drab mail boxes and trucks, five-cent stamps, penny post cards and huge deficits. The system was thoroughly political, but the mail came, twice a day, and you knew where it came from.

Right on the face of the envelope, often placed by a human hand, was something called a postmark, something bursting with information, excitement, mystery. The postmark told you whether to open the letter immediately or set it aside, whether to open it from the end or the back. Or it made you wonder who, from some place unknown, was trying to communicate. It allowed you to get your mind set for whatever intelligence was wrapped inside the envelope.

The postmark, in sum, was the difference between the neighbor who is always bursting into your house and the neighbor who calls before a visit. Thus the envelope was as much a part of the letter as the tangy casings were part of old-fashioned hot dogs.

All this is gone now, or going, thanks to Ike and his naive urge to purify, reform and automate the post office. Summerfield first off repainted the mail boxes red, white and blue, causing dogs to avoid them and drunks to salute them. But his, as it fell out, was a mere diversion.

Ultimately postage would increase steadily in cost while deliveries were decreased and, in the confusion, the Post Office itself was abolished and replaced by something called the U.S. Postal Service, which established automated Area Mail Processing Centers (AMPCs).

This latter was no easy task. To haul mail 100 miles south to an AMPC in order to deliver it 100 miles north meant repealing the fundamental Euclidean law that a straight line is the shortest distance between two points. The "system" also repealed the basic law that every object set in motion has a starting point. If you will look at your mail these next few weeks you will see that your letters come from nowhere.

In my own case, for example I received a letter the other day postmarked GA 219.

Wondering what the devil GA 219 portended, I tore open the envelope and found it portended that I would be on my knees trying to round up two tablespoons of mustard seed which Martha Sue Abernathy of Social Circle, Ga., had mailed in return for the quarter I'd sent her after she advertised her mustard seed in the Georgia Market Bulletin.

All that I needed to warn me to open the envelope from the end rather than the back was a postmark saying "Social Circle, Georgia."

Mrs. Erna Galske of Elgin, Ill., understands perfectly the preposterous situation in which the U.S. Postal Service has placed us. Her dining room is filled with envelopes bearing postmarks from places like Fly Creek, N.Y.; Rising Fawn, Ga.; Gouge Eye, Calif.; Lickskillet, Tenn., and places in Ohio like Rush Run, Whipple, Crooked Tree, Moscow Mills, Coolville, Antiquity, Long Bottom and Round Bottom.

But Mrs. Galske and those others of us who love the lyrical names of American places—"the sharp names that never get fat," as Stephen Vincent Benet called them—will never again get mail plainly stating its origin on its face. And, as she has said so succinctly, "This is an outrage."

Herbert H. Harrington of Warren, Ohio, also understands. "These machines," Mr. Harrington says, "are taking all the romance out of postmarks. It's getting so you don't know the envelope has is a lot of cuckoo numbers on it."

Well, Brother Harrington, it had to come out that way, didn't it? We had a perfectly good deficit operation that worked and now we have a perfectly lousy, deficit operation that doesn't work. That is the way things go when Republican businessmen insist that government is a business.

You would have thought that Arthur Summerfield would know that a Post Office commanded by statute to provide rural free delivery could not ever be a business. Republican doctrine, after all, holds that "there's no such thing as a free lunch." How could a business have "free delivery?"

None of the gurus of the U.S. Postal Service has enough sense to find his way from one end to the other of Upper Black Eddy, Pa., known now as PA 217.

SUPPORT FOR CAR FIRMS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. EDWARDS of California. Mr. Speaker, I noticed with profound distress yesterday that the concept of an independent agency of the Federal Government is no longer acceptable to the Nixon administration. I am referring, of course, to an article in the Wall Street Journal headlined: "Aide to Nixon Hints Support for Car Firms in Their Bid to Ease 1975–76 Exhaust Rules." The aide in question is John Ehrlichman. His targets are the Environmental Protection Agency and the Clean Air Act Amendments of 1970 which passed this body by a vote of 374 to 1.

Since then, the automotive industry, abetted by the oil industry, has resisted this mandate to clean up automotive exhaust emissions. Detroit's paragons of mass production—the men who have given us every conceivable kind of gadget and doo-dad—now find it technologically impossible to produce a car that will not pollute the atmosphere. The protestations are particularly difficult to accept in light of the contrary evidence offered by the National Academy of Science and the Environmental Protection Agency itself. Furthermore, two small Japanese auto companies have already accomplished what our giant auto corporations claim they cannot do.

Years ago, the Santa Clara Valley, where my district is located was named "the valley of heart's delight" by some chronicler of the California countryside. And indeed it was a delight. Today, with hundreds of thousands of automobiles spewing forth their pall of pollution in the valley it is no longer as delightful. In fact, on many days you would not even know that it was a valley because you cannot see from one rim of foothills across to the other. All that is visible is a tiered blanket of air pollution. We need to stand firm on the clean air amendments.

Mr. Speaker, I insert the Wall Street Journal story describing this latest chapter in administrative meddling in the RECORD:

[From the Wall Street Journal, Feb. 27, 1973]

AIDE TO NIXON HINTS SUPPORT FOR CAR FIRMS IN THEIR BID TO EASE 1975–76 EXHAUST RULES

DETROIT.—A top Nixon aide gave the strongest hint to date that the White House might side with auto companies in their bid to modify the 1970 clean air amendments that set strict standards for control of auto emissions in 1975 and 1976 models.

Presidential assistant John Ehrlichman, in response to a question on whether the administration would ask Congress to delay the 1975–1976 auto emission standards, said, "There are a lot of things about the law that we just don't think (are) common sense."

However, Mr. Ehrlichman wouldn't say whether President Nixon will seek a delay of the standards from Congress and declined to specify the White House's reservations about the current laws. Mr. Ehrlichman said

he had already said "300%" more than he should have.

The presidential assistant noted that the Environmental Protection Agency is still considering auto companies' requests for a delay of the 1975 standards. "The ball is in EPA's court," he said.

Thus his remarks, made at a news conference prior to a speech here, left unclear what action the White House will take, if any.

Two weeks ago, a federal appeals court ruled the EPA should hold further hearings on its deadline for installing certain auto pollution devices. The EPA had already turned down one bid by the industry for a delay in implementing the 1975 standards. The new hearings are scheduled to start in March.

EPA officials have indicated that they think the 1970 clean air amendments are basically good legislation but that they would prefer a little more flexibility on deadlines.

The auto companies have criticized existing emissions law in the past. They complain, among other things, that the law includes specific levels to which auto pollution must be reduced and doesn't give the EPA authority to change those levels administratively. The auto companies want the EPA to have such authority. As things stand, relaxation of the levels to which pollution must be reduced requires congressional action.

ENDORSEMENT BY THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS' ASSOCIATION OF THE NOMINATION OF L. PATRICK GRAY III, TO BE DIRECTOR OF THE FBI

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Wednesday, February 28, 1973

Mr. THURMOND. Mr. President, on January 12, 1973, Mr. Kennerly R. Corbett, the executive secretary of the South Carolina Law Enforcement Officers' Association, wrote a letter to President Nixon on behalf of the 4,000 members of this organization expressing their endorsement of the nomination of Louis Patrick Gray III, to be Director of the Federal Bureau of Investigation.

An editorial endorsing Mr. Gray also appeared February 26, 1973, in the Columbia Record of Columbia, S.C. This editorial expressed confidence in his competence as well as his fairness and firmness in carrying out the law. It states a good case for his confirmation as full time director of the FBI.

As Acting Director of the FBI, Mr. Gray has clearly shown that he is a man of distinct professional ability and personal integrity. His impressive record since coming to the Department of Justice in December of 1970 and his prior accomplishments in the U.S. Navy and in private practice have convinced me that Mr. Gray is eminently qualified to head the FBI. I am sure my colleagues will agree that Mr. Gray warrants the utmost respect and I urge his prompt confirmation by the U.S. Senate.

Mr. President, I ask unanimous consent that the letter from the South Carolina Law Enforcement Officers' Association dated January 12, 1973, to the President and their letter to me dated February 22, 1973, and the editorial from the Columbia Record of February 26, 1973, entitled "Pat Gray Is Right For FBI" be printed in the Extensions of Remarks.

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

SOUTH CAROLINA LAW ENFORCEMENT OFFICERS' ASSOCIATION,
Florence, S.C., January 12, 1973.

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

DEAR MR. PRESIDENT: On behalf of the 4,000 members of the South Carolina Law Enforcement Officers' Association I have the privilege to express the whole hearted endorsement by the South Carolina Law Enforcement Officers' Association of Mr. L. Patrick Gray, III, for permanent appointment as Director of the Federal Bureau of Investigation.

We have been very pleased to note the very highly commendable manner in which Mr. Gray has performed as Acting Director in maintaining an example of professional efficiency for the law enforcement officers of the United States and we are very proud of the high degree of integrity the Federal Bureau of Investigation continues to exhibit under his leadership. We believe his permanent appointment will contribute very materially to good law enforcement in the United States in the years to come.

We hope you will give very serious consideration to extending his appointment.

Very truly yours,

KENNERLY R. CORBETT,
Executive Secretary.

SOUTH CAROLINA LAW ENFORCEMENT OFFICERS' ASSOCIATION,
Florence, S.C., February 22, 1973.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: I was very pleased to note the nomination by the President of Mr. L. Patrick Gray, III to serve as Director of the Federal Bureau of Investigation.

Recently, upon a motion by Chief J. P. Strom of the South Carolina Law Enforcement Division and with a unanimous vote, the Board of Directors of the South Carolina Law Enforcement Officers' Association, representing more than 4,000 members from all over South Carolina wholeheartedly endorsed the appointment of Mr. Gray to serve as Director of the Federal Bureau of Investigation.

We believe Mr. Gray has performed in an outstanding manner as Acting Director of the Federal Bureau of Investigation and we believe he has maintained a fine example of professional efficiency for law enforcement officers throughout the United States. We believe he will contribute materially to maintaining the high degree of integrity of the Federal Bureau of Investigation.

We hope that you will support his confirmation in the United States Senate.

Sincerely,

KENNERLY R. CORBETT,
Executive Secretary.

[From the Columbia (S.C.) Record, Feb. 26, 1973]

PAT GRAY IS RIGHT FOR FBI

President Nixon has named Acting Director L. Patrick Gray III as the permanent head of the Federal Bureau of Investigation and the Senate should confirm the appointment expeditiously without rancor.

A man of intelligence, impeccable integrity and absolute understanding of the necessity for keeping the FBI as a service agency, devoid of politics, Pat Gray will serve the people well in the sensitive position. He will continue the vital policy of steering the bureau clear of the shoals of political entanglement.

Pat Gray will insist upon protection of the rights of the whole people and of individuals. The files of the FBI will not be used for extra-legal prosecution of the helpless, whether they be in high position or of low estate.

He has a passion for a high standard of excellence in the performance of duties by law enforcement personnel. He understands that law enforcement people are quite human, that they make mistakes, but that there is no worse evil than corruption. He won't abide it. Not for an instance.

He is reshaping the FBI as a responsible servant of a democratic government, realizing that power flows from the people and not its leaders. He has a consuming concern for justice—justice for all people. And that's the core mission of the FBI.

Pat Gray has been, and will be, an imaginative, creative supervisor of an investigatory agency that serves and protects, rather than abuses, people. He has earned and deserves non-contentious approval by the Senate.

THE PAYOFF AT THE DINNER TABLE

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. JONES of Alabama. Mr. Speaker, the valuable work of the National Fertilizer Development Center at Muscle Shoals, Ala., was recently reviewed by Mr. Aubrey J. Wagner before the TVA's ninth fertilizer technology demonstration meeting. Mr. Wagner is Chairman of the Tennessee Valley Authority.

Although the TVA is widely regarded as a regional activity, the authorizing legislation provided the agency with a significant national assignment—to develop new and improved fertilizers and to introduce them to farmers. Mr. Wagner's remarks trace the authority's exceptional execution of that national responsibility.

The improvement of fertilizer technology, a direct result of the work the National Fertilizer Development Center, has had a meaningful payoff for each of us in the lowering of food production costs. Although prices may increase from time to time, the food costs for the average family represent a decreasing share of the take-home dollar. Today the average family spends only about 16¢ of each take-home dollar for food. This is lower than any other nation. Economy of this nature is possible only through improved agricultural technology of which fertilizer is a significant part.

The development and widespread use of better fertilizers also has a payoff in improved living conditions, because fewer and fewer people must be engaged in production of food and fiber to provide for an ever-increasing population. Labor that would be required for the production of food is free for other productive activities.

Improved fertilizer technology also has a payoff for the environment. Use of fertilizer results in more production on less land. Because fewer land resources are required for the production of crops more land can be made available for

parks, wilderness, open spaces, and other amenities which we value.

Because of the significance of Mr. Wagner's speech, I include his comments at this point as a part of my remarks:

NFSA SPEECH OF THE MONTH: THE PAYOFF AT THE DINNER TABLE

Once again it is my privilege to welcome you to this conference—our ninth demonstration of new TVA developments in fertilizer technology. We always look forward to these meetings, sharing our thinking on technical matters and renewing personal acquaintances. I trust that you will feel free to call on some of our people individually, either now or in the days ahead, if we can be of special assistance in any way.

We think of these biennial meetings as a two-way channel of communication. We want to show you what we are doing. At the same time we learn from you the real problems and needs which you face day by day. This helps to make our operation a working tool serving American agriculture and industry rather than just another laboratory.

Since TVA is now operating in the midst of its fortieth year, it may be appropriate to recall the time when fertilizer production was far less sophisticated than it is today. Low analysis. Powdery, dusty materials. Products that caked if left in the bag very long. Little effort at selling.

This situation was very much a part of the background that produced the TVA Act. Senator George Norris of Nebraska and other leading members of "the farm bloc" recognized that farmers needed better fertilizers at economical prices. So, to what was basically a *regional* organization they gave a huge *national* assignment—to develop new and improved fertilizers and to introduce them to farmers.

Our first emphasis was on introducing concentrated phosphate to farmers. Then, in 1942, during World War II, we built an ammonia plant and went on to help develop and introduce ammonium nitrate fertilizer. This venture gave us capability for research and experimental production of both phosphate and nitrogen products. These were the beginnings of significant new developments with far-reaching impact.

I think we could look at the year 1953 as a major milestone. That was the year that we held our first technology demonstration for industry. Some of you may recall that the principal feature was a pilot-plant continuous ammoniator-granulator. This breakthrough symbolized a new era in fertilizer production. It pioneered a rapid switch from powdery to granular products, from low to high analysis mixes. All of you know the story from there; the ammoniator-granulator became a "standard" in the industry for manufacture of granular mixed fertilizers. We have issued licenses for use of this piece of equipment in more than 200 plants.

Out of all of this effort—and it is the broadest based research and development program of its type in the Nation—has come a steady stream of new technology.

Following the start with concentrated phosphate in the 1930's and ammonium nitrate in the 1940's was diammonium phosphate in the 1950's. Though some doubted at first, this versatile, high-nutrient product has become one of the world's leading fertilizers. Close behind was superphosphoric acid with its profound influence on the fluid fertilizer industry. Then in the 1960's came development of methodology for bulk blending and ways for incorporating micronutrient materials.

And so the list goes on to include products and processes that we are working on today: Sulfur-coated urea, urea phosphate, new ways of making suspension fertilizers, and products based in part on materials generated by environmental improvement technology—all subjects for discussion at this conference.

But I think more important than the detail is the philosophy behind the program. Certainly the primary philosophy was, and is, that of developing and implementing new fertilizer technology—for the benefit of farmers and consumers in general.

The starting point on the pipeline is, of course, research. We have broad capability for finding out "why" or "how" or "under what conditions" certain processes work or don't work.

But research is only the starting point. We are as concerned with *implementing* knowledge as with *creating* it. So we engineer promising developments on a progressively larger scale—from the lab to bench-scale apparatus to pilot plants. At each successive stage we resolve additional problems, some of them problems that become apparent only during scaleup. The ultimate scaleup is a demonstration-scale plant—a plant approaching the size that might be used in a commercial operation.

To put it quite simply, we are removing as much of the developmental risk as possible.

Our demonstration plants are of key importance in market development. The products they turn out are sold to industry firms for experimentation and for introduction to their customers. This lets producers get better acquainted with the potentials of a new product in their operations. It also "seeds" the market.

As farmers try and like a new fertilizer, they begin to ask for it. By using TVA products this way a company can build demand to a moderate level before its own production facilities are ready for operation. With a substantial market established, a new plant can be brought onstream at close to full capacity.

Education programs across the country spearhead this introduction program. Last year, for example, 211 industry firms bought one or more experimental TVA fertilizers.

We also work with about 1,000 demonstration farmers each year, in cooperation with the state land-grant universities. These provide opportunity for on-farm evaluation of new products and for developing and promoting better fertilizer use and other practices.

I want to emphasize that everything we do—the fertilizer industry and TVA—has its payoff at the family dinner table.

We have other intermediate goals, of course. For one, fertilizer technology developed here at TVA's Fertilizer Development Center helps manufacturers and distributors of fertilizer products keep up to date and competitive. A progressive fertilizer industry is essential to a healthy agriculture.

It is equally important that we share in an educational program in which the land-grant universities, the fertilizer industry, and TVA are a three-horse team—to speed the process by which farmers put to effective use the fruits of modern fertilizer research. As one product of that research, fertilizers today contain twice as much plant food as they did 30 years ago. At the same time, today's farmers can buy a unit of plant food at one-third less cost than 20 years ago.

The steps I have described to you are a vital pipeline of knowledge—a flow of technology, if you will, from the laboratory bench to the farm. Dry up or diminish the sources of that technology and the flow to the fertilizer industry and to the farmer diminishes. Business suffers. Agriculture suffers. The consumer suffers. The entire Nation suffers.

The following table illustrates. It shows the extent of first-year yield reductions in several crops and locations if the use of nitrogen and phosphate fertilizers were stopped. The figures vary considerably but average about 40 percent:

Effects of eliminating N and P fertilizer use on crop yields (from Ibach and Adams, 1968)

Crop, location, and yield reduction (Percent):

Corn, Iowa, S.E., 20.
Vegetables, Alabama, C. Plain, 55.
Cotton, Georgia, C. Plain, 39.
Tobacco, Georgia, C. Plain, 70.
Soybeans, Iowa, S.E., 0.3.
Grapefruit, Florida, Central, 94.
Corn, Illinois, E. Central, 37.
Wheat, Kansas, West and Central, 11.

This means that, without these fertilizers, the land areas required for crop production would have to be greatly increased. There would be less land for parks, wilderness areas, and other open space uses so much in demand today. And food prices would soar. The total impact on the Nation could be staggering.

With vigorous innovation such as you are seeing and discussing at this conference, some rather remarkable things occur in American agriculture. We see, for example, that American farmers for the most part have learned and are diligent in making sure that plant nutrients are applied to their fields to replace the plant foods removed by their growing crops. It does not matter that, individually, they do this in their own self-interest. Collectively spreading their fertilizers every year, these farmers systematically renew and restore the land base from which our Nation draws its sustenance. This practice must go down in history as one of the outstanding voluntary conservation efforts by any society.

As a result of these practices, America today has food in abundance. One American farmer produces enough food to feed 50 people. As recently as 1950 his production fed only 15 people. There are many reasons for this great gain. We have improved crop varieties. We have pesticides and herbicides. We have efficient farm machinery. But all told, fertilizers are estimated to account for nearly half of the gain in agricultural production in the past quarter century!

The payoff at the dinner table is the fact that food costs in the United States, while higher than they have been, account for a *decreasing* share of the take-home dollar. Today it amounts to about 16 cents, the smallest share for any nation!

We have seen in another part of the world in recent weeks a vivid example of the importance of agriculture to national strength. We have learned that the Soviet Union, where extreme drouth has curtailed food production, is now buying grain by the hundreds of millions of tons from the United States and other countries to sustain the standard of living of its people.

Yet one cannot help noting that one of the great powers of our globe—a nation which can send cosmonauts to orbit the moon and set off thermonuclear explosions of great force—is weakened because of a deficient agriculture. This is the more remarkable when it is realized, as reported by a national news magazine, that 40 million people—one-third of the Soviet work force—are employed in agriculture. In America, only one-twentieth of our work force is in agriculture, but American farmers use 80 percent more mineral fertilizer than their Russian counterparts.

The United States must never forget that an integral part of its basic strength is a productive farm economy. We have the institutions and the know-how—we have the pipeline of knowledge from laboratory to farm, as I mentioned a moment ago—to feed our people adequately and to expand production to meet emergencies. We have shared our bounty generously with nations and peoples less fortunate than we.

Our capabilities, however, did not emerge by chance. They came about because wise leaders down through our history insisted

that a productive and prosperous agriculture is essential to our national well-being. Our system of land-grant universities grew out of this philosophy. National research programs have fought and won battles against plant and animal diseases, pests, and weeds. And an essential part of this mosaic has been the work of the National Fertilizer Development Center and its association with the fertilizer industry, cooperative industry, the universities, and the farmers themselves.

Will and Ariel Durant, the noted historians, concluded in a recent volume that among the great advances which mankind may be said to have achieved over the course of many civilizations, two of the greatest are the virtual abolition of slavery and the capability of avoiding famine. As for the latter, nowhere is that capability greater than in the United States. It is basic to our stature as a great Nation. The scientific, political, and economic mechanisms which sustain it must always be nourished. They are the framework within which we progress to the needs of tomorrow.

THE RING OF SUCCESS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. ROUSH. Mr. Speaker, I rise today to continue what I began the other day, namely a reporting on the success of the 911 emergency number. The more people I hear from the more impressed I am with how well the simplified emergency telephone number is working and what it means in the lives of John Q. Public.

Examples of the success of 911 are varied and nationwide. From the arthritic and diabetic in Denver who needed an all night drugstore, to the frightened couple in Mattapoisett, Maine, who were awakened to strangers fighting on their front doorstep, 911 meant help in an emergency. It meant someone to call quickly, easily, and from whom to expect a rapid response.

There are a number of very dramatic stories showing how beneficial this simple, three-digit emergency number really is.

There is the Denver mother whose 2-year-old daughter was unconscious and the 911 operator summoned firemen to her house in a few moments. That mother reports her gratitude for the "speed in getting me help in my moment of need." And that just about says it all.

In January of this year, Mountain Bell Telephone Co., operating in Denver, received a letter from another grateful woman. She had this to say:

DEAR SIR: I would like to express my gratitude and appreciation for the emergency service provided by the 911 number.

Several months ago in a tragic action my son took his own life. 911 was the number that leapt into our minds, and we called it immediately. The emergency squad was at our home in a matter of minutes. It was too late to do anything, but I know that if something could have been done it would have.

911 is an easy number to remember and use in an emergency situation, and I commend the operators at Mountain Bell for their effective service.

That letter speaks volumes about the value of 911. If in these circumstances a mother could still think to write and say thank you, you can imagine how much this emergency service must have meant to her.

From Salem, Ill., I received a report on the value of "911" during a train accident. The City of New Orleans, Illinois Central Railroad southbound train, was derailed June 10, 1971. The mayor wrote me that even before the train had stopped moving, "a call was dispatched through 911 via the Tonti Elevator operator who was watching the train as it derailed and turned over; 19 cars and three diesels." The Salem fire district's equipment was moving, he reports, "before the dust settled from the train wreck . . ." The mayor went on to say that the alarm was received in Salem at 12:27 p.m. and 7 minutes later fire apparatus was on the scene some 5 miles from the central headquarters and then the 911 dispatcher in Salem automatically made the calls to all other emergency services according to their civil defense emergency plan.

I think it is hard to top that story. Think of the lives and property that were saved by that quick response to an emergency situation.

Then there was a very graphic story sent to me about the use of 911 by a family suffering gas inhalation in Omaha.

It seems that carbon monoxide fumes from the furnace were escaping in the home of the John Cahill's. Husband, wife and three teenagers were almost killed as a result. Here is what happened.

Mr. Cahill got up about 3 a.m. to get an aspirin for his wife who had a headache—little suspecting the cause of the headache. Nor was he suspicious when he was dizzy, suspecting only that he was groggy from sleep. At 6 a.m., one of their sons fell in the bathroom and when Mrs. Cahill got up to investigate, she also passed out. Mr. Cahill explained:

I got up then and I was really groggy, I just barely got that 911 dialed. The cop must have thought we were all on LSD trips—I told him people were passing out all over the place.

Fortunately, the story has a happy ending and the only tragedy was the old furnace which had to be replaced. The family ended up in the hospital with headaches, but alive—thanks to 911. I wonder what would have happened had Mr. Cahill not known that number, if he had had to look up and remember the old seven digit kind of emergency number? I wonder if he would be here to tell us about it today.

In the Buffalo area an individual wrote about his appreciation of 911 after having used it successfully during a coronary attack. He reported that he had had an extreme attack and was lying on the floor gasping for breath as well as fighting off nausea. His 9-year-old daughter started to cry, he said, then went to the telephone, dialed 911 and told them about her father's condition. She had learned how to do this from watching TV.

The grateful father said that within 5 minutes after dialing the rescue squad was there and giving him oxygen. The doctors told him later that he was a lucky man because they had had to reactivate his heart five times. The recovering patient attributed his recovery to 911 and his team of nurses and doctors. A delay in a situation like this could certainly mean the difference between surviving and death.

In Sandusky, Ohio, a couple wrote in about their experience with 911. They reported that their son had been injured in front of their home when he ran in front of a truck and sustained head injuries. In their own words here is what happened:

We called 911 and explained the nature of our emergency and almost immediately the ambulance arrived to take the child to the hospital where he was admitted.

This recent emergency has made us aware of the value of a simple number such as 911 in a time of stress when time is important and a wrong number is a real possibility causing further loss of critical time.

They concluded:

We are really proud to be part of a community which provides such excellent emergency services as the 911 number, the trained fire department ambulance people, and Memorial Hospital emergency room.

Another Ohioan wrote about an emergency and gave a brief description of one of the chief values of 911:

I am writing to express appreciation for the prompt and courteous attention my father received last Thursday at 1:40 a.m. when we called "911". It seemed like the ambulance arrived a few minutes after I called. When one is confronted with a sudden illness it is sometimes difficult to think clearly and it certainly was a great help to call this number.

All of the reports on the successful use of 911 are not in the medical field. Many are, because grateful people write in or call their local phone companies, public officials to register their appreciation. Police emergencies also indicate the value of 911.

A Sandusky, Ohio, newspaper report tells of two would-be burglars who were caught in the act of robbery after the police received a 911 emergency call. And in New York City a rapist who held three girls hostage with a knife at their throats, was captured because one of them talked him into allowing her to go to the bathroom, whereby she immediately called 911 and the police rescued the three girls.

Better than statistics showing effectiveness, these examples of real life experiences with 911 document its value and the need for nationwide adoption.

L. PATRICK GRAY III WELL QUALIFIED AS FBI DIRECTOR

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. McCLORY. Mr. Speaker, on Saturday, February 17, 1973, President Nixon made an announcement which will be heartily endorsed by citizens through-

out our Nation concerned with the fight against crime in our country. He appointed L. Patrick Gray III as Director of the FBI.

The nomination of successor to the late J. Edgar Hoover is of considerable interest and concern to millions of Americans who have followed the successful role of the FBI in exposing and bringing to justice those who defy the laws of the land. I know the President has carefully weighed his decision, considered numerous outstanding leaders for this important position, and concluded that his original choice, Pat Gray, the Acting Director since last May, is the man for the job.

I heartily endorse the President's decision. To my mind, he made the right choice. I like what I have seen of Gray's leadership. I also like what I have seen of Pat Gray, the man. I have had several contacts with him and his direct approach and straight, plain talk are a refreshing trait not always found in Government service. The nature of the FBI directorship itself demands a man of exceptional merit. He must be a man of tested ability, sound judgment, and keen perception. As Acting Director, Gray has exhibited a wealth of each.

It is no secret that Pat Gray has his critics. However, I submit that no person could move into the role of FBI Director without becoming the object of controversy. Pat Gray was well aware of this, and, as was evident by his conduct and demeanor, he took this challenging role determined to accept the barbs along with the plaudits. He knew full well that his every move would be closely scrutinized.

What Gray may have lacked in law enforcement expertise and know-how he more than compensated for in hard work and forthrightness. He has done just what J. Edgar Hoover did when he was named FBI Director back in 1924. Gray has run the FBI as he interprets its role to be in our system of Government—an investigative arm of the Department of Justice, free from corruption and political influence. We could not ask for more.

One thing is abundantly clear to those who know Gray. He is his own man. No doubt this is one of his attributes which appeals to President Nixon, and I feel certain that it appeals to the American public as well. Gray has shown during his tenure as Acting Director that he is not afraid to make decisions. As can be expected, some of his decisions did not endear him to all people, both in and outside the Bureau, but he has taken the actions he deemed necessary and has stood by his decisions.

For instance, when the FBI was criticized by some for shooting out the tires of a hijacked plane, Gray did not come forth with a vague inane alibi. He said the decision was his and he stood by it.

Gray has not marked time while serving as Acting Director. He had no way of knowing whether the permanent appointment would be his or someone else's. However, in addition to a number of policy adjustments relating to personnel, he has made some direct moves going to the heart of the FBI's investigative responsibilities. As an example, he quietly instructed the FBI field offices that in the fight against organized crime he wants "quality" investigations pushed. If this means fewer cases and lower statistical accomplishments, Gray reasons, then, so be it. He wants to concentrate the FBI's major investigative thrust against the crime lords themselves and not necessarily against their henchmen. This makes sense to me.

I think it is only proper that the Senate has the responsibility of reviewing and confirming the appointment of the Director of the FBI. This procedure will help to assure that capable, outstanding individuals take over the leadership of this vital, important agency. Further, I am fully convinced that after the hearing has been conducted and all of the facts obtained, the Senate will agree with the President's selection and Mr. Gray's appointment as Director of the FBI will be confirmed.

Mr. Speaker, I would like to include with my remarks two recent editorials endorsing Mr. Gray which have come to my attention. These editorials follow:

THE ASSAULT ON PAT GRAY

With the nation's attention diverted to the one major issue of war and peace and also as a result of his illness, there has been little or no speculation about L. Patrick Gray's chances for appointment as permanent director of the FBI. Gray became acting director last Spring, soon after J. Edgar Hoover died. But to become permanent head of the department, he must win approval of the U.S. Senate.

If public interest in the appointment has languished, plenty has been going on behind the scenes. Rowland Evans and Robert Novak described the current situation in a dispatch which appeared on Page 1 of The Day yesterday. Their material was painstakingly assembled and the picture which emerged was not at all pleasant or promising.

From earlier assignments in the Justice Department, of which the FBI is a part, Gray was well aware of what conditions prevailed there after so many years of iron-fisted control by Mr. Hoover. The late director brooked no interference, filled the significant jobs with people absolutely loyal to him and knew exactly what was going on in the far-flung network of bureaus. He never really got around to choosing his successor (some said he had intimations of immortality and, in any event, gave few signs he would step aside even as his age advanced through the 70s) but he made no secret of blocking men he didn't want. The result is that the directorship may now be considered a wide-open ballgame by those in the bureau who survived.

When Gray came aboard he, too, sought to organize hs own ship. Maybe he was too much in the image of Hoover, a stern disciplinarian given to irrevocable decisions. In any event, he won the enmity of both the pro-Hoover and uncommitted cliques in the Bureau. Evans and Novak point out that these sources within the department will be quick to pass along to liberals on the Senate Judiciary Committee information and viewpoints designed to damage Gray. His nomination could signal a battle royal in the committee and in the Senate.

This kind of assault can make a travesty of the appointment. It could keep the FBI leaderness for many more months and, the longer it goes on, the more intense and bitter feelings within the Bureau will get.

Seems to us that what is needed is a recognition that the FBI is a part of the administrative fabric of the nation and as such must be run by an administrator, not by cliques within it. The question before the Senate ought to concern Gray's administrative ability as demonstrated in the past (and skippering a submarine is no small task despite what some of the mossbacks battling for power in the FBI might assert.) The FBI needs leadership and direction. It shouldn't require a vicious personal attack on a candidate in order to induct a new director.

GRAY EARNS POST

In a brief seven months L. Patrick Gray III has worked efficiently and well as acting director of the Federal Bureau of Investigation. His moves to modernize the agency by the hiring of women and minorities, his sensible relaxation of outmoded dress regulations, his openness in dealing with the press and public have united to improve morale and efficiency.

The achievement is made remarkable by the fact that Mr. Gray had the difficult task of succeeding the legendary J. Edgar Hoover, whose tenure extended an incredible 48 years. In the course of that unique career, Mr. Hoover created what Mr. Gray accurately termed "a magnificent organization."

Mr. Gray, however, wisely chose to make changes in that organization to meet criticisms that had arisen in recent years. Today, the department has an Advisory Counsel to assist it in maintaining proper touch with the national community. It has been conspicuously withdrawn from political controversy.

Mr. Gray, therefore, has moved not only efficiently, but with considerable tact. In the process, he has managed to burnish the already bright image of the nation's leading investigative agency.

Such a display of ability under pressure during a difficult period of transition has earned Mr. Gray the right to be appointed permanent director of the FBI.

WITHHOLDING OF CITY INCOME TAXES ON FEDERAL EMPLOYEES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. KEATING. Mr. Speaker, today I am introducing legislation which will provide for the withholding of city income tax from Federal employees. Since 1952, the Tax Code has provided for the withholding of State income taxes from Government employees. As more and more cities have their own local income tax, it is imperative that Federal Government provide this essential service.

The ironic factor about this legislation is that it has been approved on different occasions by both the House and the Senate; yet both the House and the Senate blame the other body for the failure to finally pass this type of bill.

In 1960, the House passed this legislation by a vote of 222 to 160, but the bill was defeated in the Senate. During the 91st Congress, the bill was reported by the Ways and Means Committee unanimously but defeated on the floor of the House by a vote of 115 to 184 with over 100 Members not present. In the closing days of the 92d Congress, the Senate passed an amendment to a House bill, which provided for this withholding but the bill never was finally approved. This year both Houses should get together on this subject and approve legislation rapidly.

Last year, I introduced a similar bill and received considerable support. The City Council of Cincinnati passed a resolution in June of 1972, requesting that the Federal Government withhold city income tax from compensation pay of Federal employees.

The Cincinnati chapter of the National Federation of Federal Employees has endorsed this legislation. This organization which represents 14,000 Federal employees in the Greater Cincinnati area, desires this legislation which will enable them to better budget their tax dollars.

With current regulations, Federal workers must now file individual returns to pay their local taxes. Many Federal workers are unaware of the need to file city returns and this causes high administrative expenses for the city in tracking the unwitting violators.

Cities across this country withhold Federal income taxes from their municipal employees, and it seems only fair that the Federal Government do the same. The passage of this bill will save hundreds of thousands of dollars for cities across the Nation. In my own district, the city of Cincinnati has estimated that they would save $100,000 with the passage of this legislation. The city of Cleveland in Ohio has estimated that they would save between $300,000 to $400,000. Other cities in Ohio such as Akron, Columbus, and Toledo have estimated that they could save up to $35,000 annually with the passage of this legislation.

With the use of computers in the processing of payroll checks it should be a relatively simple matter for the Treasury Department to make this concept operational. It is my hope that the House Committee on Ways and Means will act quickly on this bill which it has previously approved.

HON. PAUL ROGERS OF FLORIDA

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. SYMINGTON. Mr. Speaker, I should like to call to the attention of the public and our colleagues an excellent article detailing the efforts of one of the Nation's most dedicated public officials, PAUL ROGERS, of Florida.

The February 1973 issue of Family Health magazine contains this well justified tribute to "Mr. Health" in the U.S. Congress, our distinguished colleague, PAUL ROGERS, of Florida. It is very appropriate that his outstanding role in health legislation is given such significant attention in America's largest selling health magazine.

It is only stating a fact to point out that in recent years, Congessman ROGERS has placed his constructive imprint on more health legislation than most other Members of the House or Senate. So, too, in the 93d Congress he will, I am certain, continue in his leadership for a healthier America.

We who are privileged to serve with him respect not merely his hard work and his absolute integrity, but his steadfast independence in approaching each bill with a deep personal quest for what is best for America. He wears no man's collar; but he respects every man's rights and opinions—his colleagues, the administration, each and every witness—layman or physician.

Family Health magazine does itself further honor by highlighting his many outstanding health activities. This award-winning magazine is—I should like to note—a most important health medium in the Nation today, reaching each month 3 million readers, including 1 million paid subscribers. It, too, is independent with a distinguished medical advisory board of illustrious men and the great, Mrs. Albert D. Lasker.

The Family Health article follows:

MEET "MR. HEALTH" IN CONGRESS

(By Jack Ryan)

(NOTE.—For years Paul Rogers' name appeared mostly on Washington's society pages as the capital's "most eligible bachelor," noted for courtly manners and a flair for ballroom dancing. Now, he's making news of another sort as a tough-minded committee chairman working on a blueprint to improve America's health.)

The clerk in the downtown Chicago hotel could barely hear the hoarse voice on the telephone.

"This is room 1217. My throat is quite sore, and I'm running a fever. Could you have the house doctor come up?" The distressed hotel guest had recently returned from an exhausting trip to Asia, and felt gnawing anxiety that he might be suffering something more serious than minor discomfort.

"I'm sorry, sir," the clerk replied. "But the hotel doesn't have a house doctor anymore. . . ."

Chicago is one of the nation's leading medical centers; the travelers' hotel was within blocks of hundreds of doctors' offices. There should have been no problem. Yet the clerk could not be reassuring. "I can call around, of course, but you know how things are at night, especially with doctors."

Congressman Paul G. Rogers (D.-Fla.) knew "how things are" as few other American do. As Chairman of the House Subcommittee on Public Health and Environment, hadn't he termed this very situation a "national crisis"? Rogers' sore throat proved nothing more than a troublesome infection: he had been far more fortunate, he knew, than many Amerians who, suffering more serious ailments, cannot find medical care—or, if they can, are unable to pay for it.

"The incident is minor," says Rogers today, "but the implications were not. It simply reinforced my contention that Americans—elected official or private citizen, affluent suburbanite or poverty child—are being shortchanged in health maintenance and that we must do something now to remedy the situation."

More than any other legislator, Rogers, who has recently gained public attention as the new "Mr. Health" in Congress, is trying to do something about the health situation. In the past six years, almost all major health-care bills, outside the realm of Medicare and Medicaid, have been heavily influenced by him, including bills on such diverse problems as drug and alcohol abuse, sickle-cell anemia, migrant health, nutritional studies, and noise and environmental control.

In the political battle over the state of the nation's health, Paul Rogers' legislative stand is somewhere in the middle. "Some people want to federalize our medical care system," he says. "Others want to leave it essentially alone. I think both are in error. We need change. But our medical framework shouldn't be leveled. We should discard parts that no longer serve us and keep the valid parts as a foundation to build an improved health system."

"Paul Rogers is not a creative man," says outgoing Assistant Secretary for Health at HEW Dr. Merlin Du Val. "He is an extraordinarily good synthesizer." However, in the long run Rogers may get closer to creating what he calls a "New Face of American Health" than the more innovative crusaders who are totally committed to their own ideas and antagonistic to programs offered by other health-care reformers.

In the coming 93rd Congress, Rogers' main thrust in new legislation promises some political donnybrooks which may determine the future of his career on Capitol Hill.

On one hand, with Senator Edward Kennedy, he will fight the Nixon administration by trying to take health out of the Department of Health, Education, and Welfare and make it a separate cabinet post.

On the other hand, he will battle the powerful Senator Kennedy and others over national health insurance. Rogers is dead set against Kennedy's idea of replacing our private health insurance system with a Federal one. Rogers prefers to "find alternates within the present structure."

If he succeeds in establishing a separate Department of Health and brings together the many disparate factions in a compromise on national health insurance, Paul Rogers will have enhanced his reputation as Washington's new "Mr. Health."

Rogers' rise to power and prestige has not been overnight. His career began in 1954 when his father, a long-time Representative, died and Paul won his seat in a special election. Until assuming his chairmanship 16 years later, Rogers labored in obscurity, except for being spotlighted on Washington society pages as the capital's "most eligible bachelor," a six-foot-two, 200-pounder with Southern gentleman manners and a flair for ballroom dancing.

Ten years ago, at age 41, he married Rebecca Mozley, whom the same society pages described as "one of the 10 most beautiful women in Washington." Miss Mozley was then a staff member to an Alabama Congressman and traveled widely on his behalf. "Paul and I knew each other socially eight years before we were married," she says. "I suppose Paul was just too busy establishing himself to marry earlier. And, of course, I was traveling a lot then, too. In Washington, you must understand, it takes longer for people to get together."

Today the Rogerses and eight-year-old daughter Laing live in a red-brick, two-story townhouse in the Spring Valley section of the capital in a style that is becoming old-fashioned even in Washington; intimate suppers at home with guests trailing out through French doors to a small garden carefully tended by Mrs. Rogers; black-tie dinner for 50, including an ambassador and a Supreme Court justice, at the exclusive F Street Club; golf at the power elite's Burning Tree Country Club (Rogers reportedly shoots in the 90's); and opulent openings at Kennedy Center.

In this courtly atmosphere, however, Rogers may suddenly sit down at a piano (an impulse he also gives in to on the campaign trail and in the midst of late homework) and play semi-classics skillfully. The most contemporary music in his repertoire is boogie-woogie which, Rogers ruefully admits, "pretty much dates me."

The fact that at age 51, after 18 years in Congress, Rogers is emerging as Mr. Health comes as a surprise to many on Capitol Hill, not because they underestimated his diligence and dedication, but because Rogers must constantly overcome a weak power base—he is chairman of a subcommittee

which can create legislation but cannot appropriate the moneys to make the laws effective.

Rogers gets things done against the odds through a combination of legislative know-how and just plain doggedness. Mrs. Albert D. Lasker, philanthropist and a long-time observer of health legislation, says, "I have never known a subcommittee chairman like Mr. Rogers. Most write a bill and that's that—it's out of their hands. Not Congressman Rogers. He follows through, even to the point of lobbying for its funding with the appropriations people. Recently, for example, he took the unprecedented step of writing a letter to the appropriations committee, urging funding for certain health legislation. And his pressures pay off."

On the national health scene, Rogers comes under some criticism, primarily because he appears to have no overall health-reform plan. He is accused of being an "opportunist" and attacking weaknesses in our health-delivery system on a "disease-of-the-month" basis. When sickle-cell anemia, a hereditary disease mostly affecting blacks, became a national issue, critics claim Rogers adopted it as a cause. He is also charged by HEW spokesmen such as Dr. Merlin Du Val and Dr. John Zapp, Deputy Assistant Secretary for Health Legislation, of fragmenting an already massive bureaucracy. Rogers, for example, not only wants a separate Department of Health, but individual agencies for diabetes, multiple sclerosis, and aging. Dr. Du Val says, "This is parentage of bureaucracy."

Outside a Congressional hearing room, Rogers exhibits Job-like patience, but in taking testimony he is a fiery adversary. "Most chairmen," says Mike Gorman, Executive Director of the National Committee against Mental Illness, who has had jousts with Rogers, "are performers who listen politely to special pleaders delivering useless commercials. But Rogers is a fact-finder who keeps asking—'Give us exact figures' . . . 'What is your basis for that statement?' If you don't have the facts, brother, stay out of his way or he'll fry you."

Frustration also cracks Rogers' usually placid self-containment when he reviews the National Health Corps, one of his pride and jobs, which would place medical personnel in rural and ghetto areas critically short of health services. The bill was signed into law in January 1972, but only recently have any major assignments been made—288 professionals to 122 communities. Even this is minimal, advocates say, since an estimated 5000 communities need help.

"The program has not been administered very vigorously," says Rogers with characteristic understatement.

A prime target for Rogers in his efforts to change what is bad in America's health system is the Department of Health, Education, and Welfare. "There is bitter irony," Rogers complains, "in the fact that health has been relegated to the back seat even within the Department of Health, Education, and Welfare, which works in an inverse order to its name. Social issues, educational issues—they've overshadowed health, yet health concerns every American, rich or poor, young or old, educated or uneducated."

The ineffectiveness of HEW's health planning, in Rogers' opinion, is exemplified by its failure to present solutions to the shortage of medical personnel in America. Disgusted, Rogers himself designed a Health Manpower Bill and Nurses Training Bill which, if properly funded, says Rogers, would solve the nation's medical-personnel shortages by 1980.

Rogers' criticisms of HEW have not been directed to its administrators. He called HEW's past secretary Elliot Richardson "a dedicated and honorable man." About Richardson's successor, Caspar Weinberger, former chief of the tightfisted Office of Management and Budget, Rogers sounds somewhat jaundiced—"The great problem in health has been in inadequate funding. We can only hope Mr. Weinberger will not be as zealous an advocate of health funding as he formerly was in holding back health funds as head of the OMB.

"But," he quickly adds, "individuals are not the problem of HEW. The problem lies in the office itself. No one has the time, energy, and knowledge of the three empires he must govern to do the job properly. We need a spokesman for health, and health alone.

The Administration is expected to oppose such a change. "If it's just a separation of the *H* from the *E* and *W*, then it won't be any easier to administer," says Dr. Zapp. And Dr. Du Val adds, "Rogers doesn't solve the bureaucracy problem by separating health from education and welfare."

Further insight into Rogers' philosophy comes from comparing his ideas on one of the most sensitive issues in 1973's health legislation, family health insurance. Rogers foresees a Federal plan to insure all families against catastrophic illnesses with medical costs so high the best private policies cannot cover them. He also would provide basic health insurance through private companies, but with the law setting minimums of coverage and requiring that policies clearly state what they insure.

In considering the future of health insurance, Rogers foresees an era in which "certain numbers of people will have to have insurance provided by the government; this is done now through Medicare and Medicaid. Another group will have to have some degree of help in paying for insurance. Others can buy their own policies. So I think it must be scaled somewhat to ability to pay. The existing industry can be utilized for this."

The key to Rogers' long-range health scheme is not just care for the ill but medical services that help them avoid illness in the first place. "We have now a system of almost totally curative medicine," he begins. "When disease or ill health strikes a citizen, only then does our medical system go into gear. It's a reaction system. We react to illness. We must change it from a totally curative form of practice to one of preventive medicine also."

Rogers believes the present thrust of private health insurance must share much of the blame for the minor role preventive medicine plays in our country. The skyrocketing costs of such insurance, he adds, are partly traceable to the fact that insurance companies are interested in covering illness rather than in encouraging good health.

"So we should require that any policy sold should have so many home visits, so many office visits, so many detection exams—ambulatory services, in other words. The law should encourage doctors and patients to keep people out of hospitals. This would curb the current inflation in health-care costs."

Rogers believes one tool in advancing preventive medicine is a system of health maintenance organizations, with a saving to the nation of money and lives. HMO's, doctor-patient groups which provide varied medical services for a flat annual rate, are almost a fad now among the health-care cognoscenti, but Rogers approaches them with customary caution and reserve.

"Our first problem," he explains, "is defining what an HMO should be. Everyone has different expectations of them. Will these units offer patient-members dental care? Maybe. Mental-health care? Maybe. But no matter what we come up with, the result will be to plug it into our system, not to supplant the existing system with HMO's.

"An advantage in HMO's," Rogers continues, "is that they provide an incentive to keeping people healthy. They can make money for their professional people, but failure to keep a large segment of an HMO's enrollment healthy results in bad business. Since HMO's are basically an insurance system, I feel that if we properly design this concept, we will find a large segment of the general population will be interested in such health care."

Obviously, when Rogers looks at what he calls the "New Face of Health for America" he does not see a single profile, but many different ones, each suited to the individual, layman or professional. "We are a pluralistic society," he notes, "not a monolithic one, and that should determine our thinking in health programming."

And so the new Mr. Health cautiously builds his health-care program, block by block, from the bottom up, and warns the Establishment that it can no longer abdicate its responsibilities to provide better health care.

"We do not have unlimited resources to finance our existing system with all its shortcomings," he concludes. "We must offer our people better health. If we do not, I have serious reservations about the ability of our free enterprise system as we know it today to withstand the growing demands of our society."

REPRESENTATIVE ROGERS' ACHIEVEMENTS

A $1.3 billion research program aimed principally at our No. 1 killer, cardiovascular disease.

A $1.6 billion research program to find causes and cures for the No. 2 killer, cancer.

An educational program for some 50,000 health professionals, enough to end the national shortage of doctors, dentists, nurses, and technicians by 1980.

REPRESENTATIVE ROGERS' GOALS

A separate department for health, which Rogers feels has least priority in the present Department of Health, Education, and Welfare.

Government health insurance for those not able to afford private plans, and for persons who suffer illnesses with costs too great for private insurers to cover.

Experimental health maintenance organizations which would provide clients with a wide range of medical services for a flat annual rate.

SOVIET REPRESSION OF ESTONIAN CULTURE THE FATE OF THE UNIVERSITY OF TARTU

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 8, 1973

Mr. HUBER. Mr. Speaker, it is also fitting that at this time of year when Americans, of Estonian descent, are observing the 55th anniversary of Estonia's independence, due notice be taken of the fate of cultural activities in Estonia under the Soviet Union. In the case of the University of Tartu, the faculty of Theology had to go when the Soviets took over. There is no real freedom of religion when communism rules. And, as in all such cases, a heavy layer of courses on Marxism-Leninism is made compulsory in all areas. This latter subject is boring enough to most Russian students, but it is particularly irritating to Estonians who have known the taste of freedom, however brief.

The University of Tartu has an ancient history. It was first established in 1632 as the Academia Gustaviana and has had a continuous life as a university

down to the present time. Little is known about the present operations of the university, but the process of forced "Sovietization" is probably continuing. A short article from "Aspects of Estonian Culture," Boreas Publishing Co., London: 1961, follows for the edification of my colleagues.

During the first Soviet occupation in 1940/41 relatively little was changed. The Faculty of Theology was closed, of course, a few professors were eliminated and Marxism and Leninism was made a compulsory subject to all. The subsequent German occupation 1941–1944 brought a little relief (except to those whom the occupying power thought as having found favour with the Communists), but there was definitely not much hope for a future in Hitler's Reich.

The second Soviet occupation from 1944 consolidated the sovietisation they had started earlier. There was an increase in the number of students, but there is also evidence that the academic standards have been lowered. Certain political conditions have to be satisfied by students before admission. A more recent trend is to restrict admission.

The attitude of the population and the university to Soviet regime can be best exemplified by actions which involved great personal risk and sacrifices. After only one year's experience with the communist university, of the total of 191 senior staff members at Tartu 90 fled the country before the second Soviet occupation in 1944. Of the remainder it is known (figures for 1945) that 28 are dead (mostly killed), 9 deported to Russia, 42 still in Estonia and the fate of 22 unkown.

A TRIBUTE TO CONGRESSMAN GREEN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. CHAPPELL. Mr. Speaker, former Congressman Robert Alexis Green of Starke, Fla., died earlier last week and I would like to pay tribute to this fine man and the contributions he made to the growth and benefit of the great State of Florida.

He served his people as Congressman for close to 20 years, until 1944, when he resigned to join the U.S. Navy in which he served as a lieutenant commander. During his long service in Congress, he was second ranking member of the House Rivers and Harbors Committee; and was a member of the Flood Control Committee; the Immigration and Naturalization Committee; and the Committee on Territories, where he served for 10 years as chairman. He held the post of assistant Democratic whip for many years.

Lex Green rose right up through the ranks of service to the State, beginning as a messenger, then assistant chief clerk, and finally chief clerk in the Florida House of Representatives. He was elected to the House of Representatives of Florida in 1918 to 1920 and was elected judge of Bradford County in 1921, where he served until his election to the Congress in 1924.

He once said of his congressional duties:

My supreme ambition is to serve my fellow man efficiently and my Maker faithfully.

His was a beautiful creed to live by—and I know the people of Florida will long remember his fine service to his Nation.

CLEAN AIR ACT STANDARDS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. WALDIE. Mr. Speaker, I recently discussed the problem of complying with the air pollution standards set forth in the Clean Air Act of 1970 with representatives of Phillips Petroleum who operate a refinery in my district.

I was particularly impressed with two facts that were given me—one, the expenditure of $17 million in the last 10 years by this one refinery to comply with various pollution regulations, and two, the fact that the Federal standards are even higher and more strict than are the California air pollution standards. Our State air pollution standards were far higher than any other State, and it does seem reasonable to speculate whether the Federal standards should be set higher than California pending a review of the effectiveness of the California standards.

I enclose a copy of correspondence as part of my remarks:

PHILLIPS PETROLEUM CO.,
AVON REFINERY,
Martinez, Calif., February 1, 1973.

Hon. JEROME R. WALDIE,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WALDIE: I would like to express my sincere appreciation for you taking the time to meet with Ed Courtney, Jack Fries and myself on Wednesday, December 13, 1972, in Martinez. I would also like to apologize for the delay in confirming this conversation by letter. You may be aware that the oil industry was in contract negotiations throughout the months of November and December, and in our case final agreement was reached late in the evening of January 18, 1973. During periods such as this, unfortunately, our total time is usually involved in such negotiations.

In our discussions we told you we are quite concerned about controlling factors that affect the environment in all phases, including air, water, odors and noises. At the Avon Refinery of Phillips Petroleum Company we have spent some $17,000,000 in the last 10 years for miscellaneous facilities to comply with various pollution regulations. Due to increasingly restrictive standards, it is obvious that much more engineering effort and larger sums of money must be expended in the years to come. Fortunately, we work for a company whose corporate management has a vital concern for the environment. Our only hope is that regulations governing the various aspects of such controls will be on a reasonable and practical basis with an effort made to balance the cost against the desired environmental improvements.

In our discussion with you we expressed concern that the restrictive requirements by the Clean Air Act of 1970 are not necessarily based on sound engineering logic, or with proper consideration of the effects that such regulations will have on the further depletion of a rapidly diminishing fossil fuel reserve. It is our belief that the California standards for the control of hydrocarbons, carbon monoxides and nitrous oxides, which are designed to reduce the precontrolled emission level of these constituents to approximately 90% of that put out by the automobile with no control equipment, are sufficient to create atmospheric conditions in which people can freely live without injury to health. Dr. Haagen-Smit of the Air Resources Board of California figures that the California standards are even severe enough for an area such as the Los Angeles Basin, which undoubtedly is the most critical area in the U.S.A.

The standards adopted with the passage of the Clean Air Act of 1970 call for much more restrictive control of these three emission factors, and are designed to reduce these emissions approximately 97% of the precontrolled automobile. It is our belief that Dr. Haagen-Smit has arrived at the California standards on the basis of much more scientific evidence than was used in the drafting and final passage of the Clean Air Act of 1970. If, in fact, 90% control can curb pollution in the Los Angeles Basin, then the attainment of a 97% control becomes unnecessary and extremely costly. It is the cost of this additional control that concerns us.

The difference in emission control equipment cost per automobile to meet the Federal standards vs. the California standards is approximately $210.00 based on conservative estimates. The added operating cost for all the vehicles in the U.S. by 1985 is estimated to be $3.5 billion annually above that required to meet the California standards. Most significantly, it is estimated that it will require an additional 700,000 barrels of crude oil per day in 1985 to meet the California standards, and an additional 1.5 million barrels per day in 1985 to meet the Federal standards. If this 7% is considered unnecessary to control pollution in the most critical areas, then we would be, in effect, wasting 1.5 million barrels per day of very critical fossil fuels—primarily crude oil.

You expressed surprise that the Federal standards were more restrictive than the California standards. Very frankly, we also were surprised when these standards were made public. We feel that some very serious soul-searching by many of us will be necessary so that we can accomplish our objective of controlling air pollution within reasonable limits, and at the same time conserve our fossil fuels to the most practical degree. It appears that in order for this approach to become a reality Congress will have to give serious consideration to evaluating the standards set out in the Clean Air Act of 1970, and hopefully change these standards to conform to those adopted by the State of California. As a minimum, it appears reasonable that the California standards which we all recognize as being most severe should be given a fair test before more stringent requirements of the Clean Air Act of 1970 are adopted. This can always follow if the former proves to be inadequate. A couple of copies of the California vs. the Clean Air Act of 1970 standards and accompanying charts were given to you at our meeting in December. If you care to have additional copies we will be more than happy to send them to you.

Yours very truly,

A. P. OLBRICH, *Manager.*

I AM THE FARMER

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. ZWACH. Mr. Speaker, I recently read an article, "I Am the Farmer," which was printed in the Producers Guide and has been widely reprinted by newspapers throughout the country.

I insert this article in the CONGRESSIONAL RECORD, where, I sincerely hope, it will be food for thought for all the Members of Congress.

I AM THE FARMER

We'd like to pass on this gem entitled, "I Am the Farmer," reprinted from the Producers' Guide: "I am the provider for all mankind. Upon me every human being constantly depends. A world itself is built upon my toil, my products, my honesty. Because of my industry, America, my country, leads the world; her prosperity is maintained by me; her great commerce is the work of my good hands; her balance of trade springs from furrow of my farm. My reaper brings food for today; my plows hold promises for tomorrow. In war I am absolute; in peace I am indispensable—my country's surest defense and constant reliance. I am the very soil of America, the hope of the race, the balance wheel of civilization. When I prosper, men are happy; when I fail, all the world suffers. I live with nature, walk in green fields under the golden sunlight, out in the great alone, where brain and brawn and toil supply mankind's primary needs; and I try to do my humble part to carry out the great plan of God. Even the birds are my companions; they greet me with a symphony at the new day's dawn and chum with me until the evening prayer is said. If it were not for me, the treasures of the earth would remain securely locked; the granaries would be useless frames; man himself would be doomed speedily to extinction or decay."

THE LATE RAYMOND J. STANLEY

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. MACDONALD. Mr. Speaker, the public broadcasting community was saddened last week by the death of Raymond J. Stanley, chief of the Educational Broadcasting Facilities Branch of the Department of Health, Education, and Welfare. Mr. Stanley, who was a former public broadcast executive, died Thursday night at the University of Maryland following open-heart surgery performed there earlier in the week. He was 54.

"Ray" Stanley was the director of the HEW facilities program since its inception in 1963. In that position, he administered some $68 million in grants to help establish new public stations and improve existing ones. Mr. Stanley appeared several times before the Subcommittee on Communications and Power, of which I am privileged to be chairman, to testify in support of his fine program.

Mr. Stanley began his public broadcasting career at WKAR, East Lansing, Mich., and spent 16 years, from 1946–62, at the University of Wisconsin, serving in a number of key positions with WHA, radio, and TV. In 1957–58, he took a leave of absence to work as a program associate with NET. Before joining HEW, he was general manager of WOSU–TV, Columbus, Ohio.

Mr. Stanley held bachelor's and master's degrees from the University of Wisconsin and served as an ensign in the Navy during World War II. In his private life, he was active in theatrical groups and last year had performed in the Longworth Dinner Theater production of "The Music Man."

"Ray" Stanley was the special kind of civil servant who administered his program with absolute fairness and integrity, and he was a man who made friends in all of his many endeavors. He will be missed by all of those with whom he came into contact.

THE BICENTENNIAL—LOOKING BACK TO THE CENTENNIAL

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. HUTCHINSON. Mr. Speaker, on July 4, 1976, the Nation will observe the 200th anniversary of the signing of the Declaration of Independence. As the preparations for the American Revolution Bicentennial begin to take shape, it seems appropriate to review the highlights of the centennial celebration in 1876. In 1878, the National Memorial Volume—A Popular Descriptive Portraiture of the Great Events of Our Past Century—devoted a chapter to the "Centennial Commemoration of the Birth of the Republic—1876." Following is a synopsis:

Anticipations of the coming anniversary had long been prominent in the minds of the people and to this end, the centennial commission was appointed. Under this organization, the vast work of preparation commenced and, on the fourth of July, 1873, the ground (in Philadelphia) set apart for the purpose was dedicated with appropriate ceremonies. There was presented the most wondrous microcosm of civilization ever concentrated in one locality. There was, in fact, the culminating art and skill of sixty centuries of human advancement, and the products of every quarter of the globe, displayed in their richest illustrations—the beauty, utility and magnificence, of the Orient and Occident, in boundless combinations.

On the day of the formal inauguration of the exposition, and at which were present hundreds of thousands of joyous spectators, with dignitaries from both hemispheres, the occasion was appropriately introduced by the vast orchestra performing the national airs of all nations (United States, Argentine Republic, Austria, Belgium, Brazil, Denmark, France, Germany, Great Britain, Italy, Netherlands, Norway, Russia, Spain, Sweden, Switzerland, Turkey).

And then a superb chorus of nearly a thousand voices, accompanied by orchestra and organ, sang Whittier's centennial hymn. A cantata was sung with fine effect, with words by Lanier, of Georgia, and the music by Buck, after which the ceremonial presentation of the exhibition to the President of the United States was made by General Hawley to which General Grant responded, in a eulogistic speech of acceptance, reviewing the progress of the century, bidding the whole world welcome and declaring the exhibition open; the unprecedented spectacle was witnessed, of an American President and a crowned emperor—the emperor of Brazil being present and at President Grant's side—receiving the enthusiastic salutations of the American people.

The case of Dom Pedro, it may here be remaked, furnishes the only instance in the history of our century, of a reigning crowned head visiting the United States, with the execption of Kalakaua, king of the Sandwich Islands, whose tour occurred in 1874–5.

And here may be cited one of the most notable scenes which transpired on this wonderful occasion, namely, the starting of the stupendous engine constructed by M. Corliss, which was to move the fourteen acres of machinery, comprising some eight thousand different machines, in the building devoted to that specialty. This starting operation was performed jointly by President Grant and Emperor Dom Pedro II. It was in vastness, power and ingenuity the mechanical marvel of the exhibition.

The plan of construction for the accommodation of the several grand features of the exposition comprised five main buildings conveniently located at different points on the five hundred acres devoted to centennial purposes. These structures consisted . . . of the main building . . . that for machinery . . . for agriculture . . . for horticulture . . . for art . . . in addition to these, the number of special structures, including the memorial hall, and those erected by the United States Government, by foreign nations, by the different States, by the women . . . was among the hundreds, Many of these were of great cost and striking achitectural beauty and, with statutes, fountains, flower plots, and other decorative objects innumerable, produced a scene of surpassing attraction.

The woman's building, devoted entirely to the results of woman's skill, was an attractive structure covering some thirty thousand square feet and filled with the dulce and utile from all lands. The government building, of substantial and elegant design, contained a revelation of wonders connected with the army and navy, the department of agriculture, the post-office, patent office, signal service, ordnance bureau, light-house board, and all the subordinate departments and bureaus in any way connected with the government.

Space limitations do not permit reprinting the chapter in its entirety, but some of the centennial objects of interest are noteworthy:

A magnificent piece of silver bullion in one mass valued at a prodigious sum and showing, in a conspicuous manner, the metallic riches yet to be unearthed in the remote West.

The Smithsonian Institution showed every kind of American bird in an immense group by itself, also every kind of fish, mollusk, reptile and quadruped.

Queen Victoria's personal contributions comprised a number of etchings by her own hand, also table napkins spun by herself and drawings and embroideries from her princess daughters.

Among the evidences of Connecticut's skill was the huge centennial time-piece, a clock weighing six tons and having eleven hundred pieces, with wheels four feet in diameter.

A collection of models, sent by Massachusetts, of the various marine craft which have been employed in her waters, since the first settlement of Plymouth Colony . . .

From the Pennsylvania coal mines came two blocks of coal weighing, respectively, about two and one-fourth and five tons; and, from her steel works, a solid ingot of steel weighing 25,000 pounds, also a perfect steel rail, rolled, 120 feet long and weighing 62 pounds per yard.

Louisiana's products included a tree loaded with the somber hanging moss that renders some of her landscapes so gloomy, but which is now being used as a substitute for hair in mattresses and upholstery. California sent gold quartz and wonderful grain and cacti as well. Of universal interest was the original draft of the Declaration of Independence—to be looked at, not touched.

Massachusetts sent, among its rich and varied contributions, an organ of gigantic proportions, having fifty-nine stops and four

banks of keys, also industrial designs, of striking character, from the Massachusetts Institute of Technology.

But why commence, even, the impossible task of describing fifty teeming acres of templed wonders from every clime, the marvels and masterpieces of nature, science and art in bewildering variety and richness.

Nor would it be scarcely less impossible, in the scope of a single chapter, to sufficiently characterize the enthusiasm, wide-spread as the continent, which ushered in and prolonged the observance of the Anniversary Day in especial—July Fourth, which numbered the first hundred years of the greatest republic upon which the sun ever shone. To say that the festal ingenuity of nearly forty great States and forty millions of people, with their tens of thousands of cities, towns and villages, fairly spent itself, in efforts to suitably commemorate the Wonderful Anniversary, is only faintly expressing the fact. It was a festival of oratory, music, poetry, parade, bells, illuminations, regattas, cannon, banners, hallelujahs and huzzas.

Great parades, illuminations and decorations were the chief features in all the large western cities of the republic.

In the southern cities, Richmond led off at midnight preceding, by the firing of guns at five different points in and about the city, the festivities continuing far into the night succeeding.

Most significant, it may be remarked, was the respect paid to the occasion in foreign countries; not only the Americans in all the European cities joined in celebrations, some of them outwardly public and participated in by foreigners, but the daily press everywhere discussed the day and its historical proportions.

Among the incidental matters of enduring interest, pertaining to the day and event, and which are here deserving of record, may be mentioned the proclamation by the chief magistrate of our nation in which, with becoming deference to and as reflecting the religious sense of the people, President Grant said: "The centennial anniversary of the day on which the people of the United States declared their right to a separate and equal station among the powers of the earth seems to demand an exceptional observance. The founders of the government, at its birth and in its feebleness, invoked the blessings and the protection of a divine Providence, and the thirteen colonies and three millions of people have expanded into a nation of strength and numbers commanding the position that was then asserted, and for which fervent prayers were then offered . . . I therefore invite the good people of the United States, on the approaching Fourth day of July, in addition to the usual observances with which they are accustomed to greet the return of the day, further, in such manner and at such time as in their respective localities and religious associations may be most convenient to mark its recurrence by some public religious and devout thanksgiving to the Almighty God, for the blessings which have been bestowed upon us as a nation, during the centenary of our existence, and humbly to invoke a continuance of His favor and of His protection."

GENOCIDE TREATY MOVES TO THE FLOOR

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. RARICK. Mr. Speaker, according to news reports, the Genocide Treaty has been approved by the handling committee and awaits a vote.

I have on numerous occasions expressed my complete opposition to this measure which would clearly violate the constitutionally secured rights of every individual American.

The related newsclipping is as follows:

[From the Washington Post, Feb. 28, 1973]

GENOCIDE TREATY MOVES TO FLOOR

The Senate Foreign Relations Committee yesterday approved a 22-year-old treaty making genocide an international crime and sent it to an uncertain fate in the Senate.

The 1950 treaty has never been ratified by the United States because of a myriad of objections from senators concerned that it would interfere with the American system of jurisprudence and states' rights.

It faces a certain filibuster when it is brought to the floor. But by acting on the treaty early in the 93d Congress, the committee improved chances that the pact will be brought to a ratification vote for the first time.

THE AX CONTROVERSY THREATENS BASIC REFORMS IN DEFENSE PROCUREMENT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. RONCALLO of New York. Mr. Speaker, critics of the selection of Fairchild's Republic Aircraft Division over Northrop Corp. for construction of 10 "preproduction" A–10 models of the AX, after a rigorous "fly-off" competition between prototype aircraft of the two contractors, are threatening the very foundations of the significant reforms which Assistant Secretary of Defense David Packard instituted in the Pentagon's weapons acquisition process. As the first major weapon system to be acquired entirely through the prototyping procedure which Packard established, the AX provides a test case for this new procedure about which we have heard so much and in which such high hopes have been placed as a means of avoiding the problems of cost overruns which have plagued the Defense Department in recent years. For this reason, the outcome of the present controversy surrounding the decision of the Air Force last month to award the AX contract to Fairchild takes on a significance that transcends the immediate fate of this important weapons program.

An article in the Washington Post of February 26, 1973, by defense analyst Michael Getler highlights some of the issues which are involved in the current AX controversy. Getler describes the end-product of the AX program as "a rugged and maneuverable attack jet, carrying some 9,500 pounds of bombs and machine guns and able to stay over the battlefield for about 2 hours—something existing jets cannot do. He says:

It is the first plane of its kind developed by the Air Force specifically to provide close air support to ground troops and it is heavily armored to survive intensive anti-aircraft fire. The plane's design is viewed as a good one by many top Air Force generals and it also has strong support among senior civilians in the Pentagon hierarchy." [1]

From the standpoint of procurement strategy, the AX program represents the first thorough-going application of the Packard principles of weapons development. As military affairs writer Charles J. V. Murphy observed in the December issue of Fortune—

The AX is the first weapon system to be deliberately *designed to cost*—the Packard solution as modified by John Foster.[2]

Packard's philosophy of procurement may be expressed in five maxims: first, keep the design simple, cutting out the frills and "nice-to-haves"; second, fly before you buy, giving performance requirements but not detailed specifications and letting the manufacturer figure out how to meet these requirements within definite cost constraints, resolving engineering and cost problems in developing the prototypes; third, decentralize control over the program manager, giving him authority to set program objectives; fourth, move from prototype to weapon production without detailed specifications; and fifth, choke off the paperwork, avoiding the tons of "software" studies that past programs such as the C–5A have generated.[3]

These principles have been followed in the case of the AX program thus far. As the Pentagon news release of January 18, 1973, noted in announcing the Air Force's decision to award the AX contract to Fairchild—

Both Fairchild Industries, Inc., and the Northrop Corporation were selected to compete in the prototype development phase of the AX competition in December 1970. Each contractor built, tested, and delivered to the Air Force two prototype models in accordance with the "fly-before-buy" procurement approach. Following the first flight of each prototype in May [1972], each contractor conducted a flight evaluation program prior to turning over the prototypes to the Air Force in October. Experienced and combat veteran fighter pilots from both the developing command, Systems Command, and the ultimate using command, Tactical Air Command, then flew the prototypes during the Air Force flight evaluation which was completed in early December.[4]

Nevertheless, despite this careful evaluative process, as the Getler article points out, "more than a month has passed since Fairchild won the AX competition, but the contract still has not been signed." Although the official reason given for this delay has been an effort to better define the cost of the program,[5] the real reason appears to be political pressure rather than uncertainty over the program's cost. Getler writes that despite some concern over its cost, the AX "is still viewed as very inexpensive by Pentagon weapons cost standards and the right plane for the job." [6]

Most of the opposition to the program, Getler points out, has come from Texas, "where LTV has been manufacturing A–7 jets for both the Navy and Air Force for about 8 years, and where production lines are slowing," and from forces on Capitol Hill engaged in a continuing campaign to stop the AX in favor of the A–7 program.[7] An important part of that campaign has been a series of "test flights" in a special two-seater model of the A–7 at Andrews Air Force Base. The article continues:

In recent weeks at least a dozen of the Air Force's top brass plus high-ranking ci-

Footnotes at end of article.

vilian officials and even a Texas Congressman have gone out in the A–7 and "bombed" those rusted hulks in Chesapeake Bay.[9]

Referring to two target ships in the Navy's Patuxent River bombing range.

The plane used for these demonstration flights was loaned to LTV by the Navy last year, and the firm says it spent $5 million to modify the aircraft from a standard one-seat version of the A–7 to a two-seater model. LTV says the plane was built primarily as a trainer prototype, Getler reports, but officials of the firm acknowledge that they were aware of the obvious demonstration value of such an aircraft.[9]

While it may be good business for LTV to attempt to influence decisionmakers in the Pentagon and Congress through such tactics, the fact remains that much larger issues are at stake in this matter. Keeping the AX program firmly on the "fly-before-buy" track must be a primary commitment of the Congress, if we are to achieve the objectives of cost-reduction and efficiency of production in weapons procurement which are vital to our national defense at this time. The value of the prototype concept which the AX program has thus far followed was one of the principal points brought out in last year's hearings before the Senate Armed Services Committee on the weapon systems acquisition process.[10] If the application of the principles of prototyping is to be tested in a serious fashion—and I believe that such a course is absolutely essential to the task that is before us in the matter of weapons procurement—we cannot afford to interfere with the important reforms which have been begun in this area in recent years.

FOOTNOTES

[1] Getler, Michael. Pentagon, Hill Resume A–7, AX Battle Over Best Attack Plane. Washington Post. February 26, 1973. p. A16.

[2] Murphy, Charles J. V. The Pentagon Enters Its Era of Austerity. Fortune. December, 1972. p. 150.

[3] Ibid., p. 144.

[4] Office of Assistant Secretary of Defense (Public Affairs). News Release No. 36–73. January 18, 1973.

[5] Total program cost has been estimated at $1.58 billion for 720 planes, or a unit program cost of $2.2 million. The Pentagon's ceiling price of $1.4 million per plane is based on 1970 dollars and a buy of 600 planes and excludes the costs of research and development and spare parts. Wall Street Journal. Fairchild Receives A–X Plane Award from Air Force. Jan. 19, 1973. p. 5.

[6] Getler, op. cit.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] U.S. Congress. Senate. Committee on Armed Services. Weapon Systems Acquisition Process. Hearings before Senate Armed Services Committee, 92d Cong., 1st sess. December 3, 6, 7, 8, and 9, 1971. U.S. Govt. Print. Off., 1972. p. 208, 234–235.

EMERGENCY LOAN PROGRAM FOR FARMERS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. JONES of Tennessee. Mr. Speaker, I want to congratulate my colleagues here in the House for exercising their wisdom and their independence by providing farmers with an adequate emergency loan program. My good friend, Mr. ALEXANDER of Arkansas, chairman of the Subcommittee on Family Farms and Rural Development, deserves to be recognized for his leadership in guiding this bill through the House.

It is certainly unfortunate that we, in Congress, have had to spend so much time and energy to restore this assistance. No doubt the original program had its weaknesses, but the administration made a bad mistake by arbitrarily terminating the entire program. Adjustments could have been made by them or by us to correct the weaknesses. If this approach had been used,, thousands of farmers would have been saved from a lot of suffering.

My files are full of letters from farmers who are on the brink of bankruptcy. It is doubtful if the bill we have passed will provide assistance soon enough to save many farmers.

I also support the two amendments proposed by Mr. MATHIS and Mr. BERGLAND. These amendments make the bill fit more closely to the original intent of Congress.

The Mathis amendment reduces the maximum interest rate to 5 percent. This feature makes a distinction between an emergency loan and an ordinary FHA operating loan. When we have a natural disaster it is not an ordinary situation and the victims need something more than ordinary loans.

Mr. BERGLAND'S amendment simply makes good the word of Government officials. The incident which made this amendment necessary was indeed unfortunate. However, I am glad the Government will now live up to its promises.

I can only urge the Senate and the administration to take quick action on this measure. The new farming year is upon us and farmers in my district are still getting out last year's crop. Much of it, though, has deteriorated to the point of not being worth harvesting. Time is of the essence and I urge speedy action.

OF CRIME AND PUNISHMENT—VIII

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. BAKER. Mr. Speaker, one of my constituents, Mr. LeRoy Hite, has sent me an editorial from the Presbyterian Journal which expresses the dangers of a current trend in the courts to abolish severe prison terms for any but the most vicious crimes.

The article cites a national crime commission which recommends that 5 years be the maximum felony sentence, for instance, in all but murder cases. While this would no doubt be welcomed by the offender, certainly it would do nothing to correct the growing fear of the ordinary citizen that today or tomorrow he will become a statistic in the latest crime figures.

It would be comfortable to think that we can cure all social ills of our society and by doing so eliminate all crime. The fact is, there are those unfortunate persons who have a need to be protected from their own misdeeds and from whom the public must be protected by removing them from the temptation to commit a criminal act.

Mr. Speaker, I include the article "Of Crime and Punishment—VIII" in the RECORD at this point:

OF CRIME AND PUNISHMENT—VIII

Most people have yet to appreciate the most important social fact of our time, namely, that civilization itself is in danger of being destroyed by the dominance of good will—the "love ethic" of the liberal.

It is sometimes the fashion to say that unless we develop good will among men we are doomed.

Nevertheless, it is good will that is contributing to our doom—good will as expressed by the policies and practices of men who believe that "love thy neighbor" is the key to order and stability in society.

We write this on the day that a national advisory crime commission issued its report as prepared by a 100-member task force at a cost of $2 million. The commission proposes that five years be the maximum felony sentence, except in murder cases, for any offender who is not found to be a danger to others.

Prison terms of more than five years for any felony, the crime commission says, should be imposed only when the defendant is a persistent felony offender, a professional criminal or a dangerous offender.

The maximum sentence for *any* crime except murder would be 25 years, under the commission's recommendations.

In at least seven previous editorials on this subject, we have made this point: The orderly system of punishment for crime firmly establishes the death penalty as the norm of all punishment. When this system is upset, the result is not an enhancement of human values but a cheapening of human values.

Another editorial point we have tried to make is that penalties for crime should *not* be imposed primarily for rehabilitation. The criminal who sees the error of his ways, who sincerely repents, who is soundly converted, who turns into a model citizen, *still* deserves the penalty appropriate to his misdeed.

This is not to be vindictive. This rather belongs to the very nature of things under God: "The soul that sinneth it shall die!" Mankind violates the inexorable laws of cause and effect to its peril. We have *not* reached the point (as one irate reader wrote in to say) where we no longer should believe the "superstition" that the spiritual climate of a nation has anything to do with its economic and political well being. Eternal truths have *everything* to do with a nation's material well being.

In the same edition of the newspaper reporting the crime commission, there was a story out of New Orleans in the wake of that day of terror and death at the hands of a sniper. The mood among black leaders of the community was to see the event as what happens when a human being is driven to desperation by experiences of racism at the hands of whites.

"There are lessons to be learned," said the black executive assistant to the mayor of New Orleans. He went on to suggest that the principal lesson to learn is that men sometimes will behave like animals if they are not treated like human beings.

True. *But the degree of order and stability achieved in any society does not depend upon the social contentment of the average citizen.* You don't have to first eliminate racism in order to eliminate the climate which

makes people imagine they have a right to rampage, loot and kill.

Social tranquility does *not* depend upon the elimination of social problems. That viewpoint would have you believe that you must do somewhat to declare now, what to declare you can sleep nights in safety. That isn't so. A climate conducive to sleeping nights in safety can be generated in a society *still* afflicted with total depravity. It follows upon a valid approach to the problem of order.

Columnist Sydney J. Harris, writing in the same edition of that newspaper, was bemoaning the fact that nations cannot act in sensible mutual concern for the welfare of all. "Just at the time when we should be subordinating our provincial differences to our common global plight, we are drawing away from each other, in smaller and more fiercely tribal units," he wrote. "It is not merely evil; it is madness."

Mr. Harris makes no evident pretense at being a religious person. Another man, more aware of the facts of life than he, once wrote in anguish: "The good that I would I do not, whereas the evil that I would not that I do . . . Who shall deliver me from the body of this death?" Paul knew that mankind is inclined to madness as the sparks fly upwards.

The trouble today is that people who do *not* know that mankind inevitably inclines to madness are trying to make over the world by social prescriptions that will not work.

Because they are people of good will, and because they are in charge, they now propose to solve the problem of crime by eliminating punishment for crime. They are confirmed in their purpose by a host of liberal leaders of religion who also are people of good will and who also misread human nature.

Thus good will becomes a dangerous threat to our very existence.

MY RESPONSIBILITY TO FREEDOM

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. MALLARY. Mr. Speaker, I am pleased to offer the remarks of the winner of Vermont's "Voice of Democracy" Contest. This contest is sponsored by the Veterans of Foreign Wars and the Ladies Auxiliary and almost a half-million secondary school students took part.

I am particularly pleased at the efforts of the 1973 Vermont contest winner, Jeffrey Lewis Yeaw of Newport. Drawing on this year's theme, "My Responsibility to Freedom," Jeff has written a clear, thoughtful, and mature statement. I am proud to offer the winning Vermont essay in this year's contest.

MY RESPONSIBILITY TO FREEDOM

Freedom. I often think about that word, though probably not often enough. And when I consider my responsibility to freedom, I am reminded now and again of the famous and oft-used quotation from the late President John F. Kennedy:

"Ask not what your country can do for you, but what you can do for your country."

This quote could be a summation to any discussion of one's responsibility to freedom. What President Kennedy was saying, in essence, was that one does not need to worry about the benefits he will receive as a citizen of the United States. Americans enjoy numerous governmental programs for all—young and old, the poor and underprivileged. The government does all in its power to stimulate a healthy economy, and to fight pollution of our air and water, both of which are beyond the power of the average citizen. Finally, our government provides and has provided security without which there would be no freedom to enjoy the life we Americans have.

Without the blood, sweat and tears of millions of our ancestors, there would be no such national system today. It took much courage for the colonists to stand up to the greatest world power of that time, and fight on until Britain at last consented to the freedom of the United States. It took fortitude for the soldiers of the Civil War to continue fighting for their principles during four long years of brother against brother, father versus son warfare, but at last those principles of Union and Universal freedom were victorious. And in this century, in two world wars and several so-called brush-fire wars, it has taken courage, fortitude and wise foresight for America to battle against aggression on other continents. One by one, the aggressors have been beaten back and prevented from reaching our shores.

So the freedom that you and I enjoy today, the freedom that allows me even to say this today, was defended by our ancestors at a great price. I do not think that price will decrease for quite a while—if ever. Now, as John Kennedy said, we must all ask what we can do for our country.

Our system is characterized as government by the consent of the governed. It is the citizen who decides who will represent him in Congress, making laws to benefit him and the nation as a whole. It is the citizen who decides who will be President, to govern the nation in its best interest, uphold the Constitution and its freedoms and appoint judges for the fair rule of law. Therefore, my responsibility to freedom, broken down into specific action, means:

First, learning all that I can about our system of government and those that oppose it, and studying the candidates for elected offices so that I can make wise choices.

Secondly, exercising my right to vote in every election. We cannot be apathetic or feel that tomorrow will take care of itself. We have only to look at history to see that freedom needs many thinking, acting people to be sustained.

Finally, as Americans, we must be quick to speak out against what is wrong with our city, state, nation and the world. When we see actions by our government which are not right, not morally sound or simply not justifiable, we must speak out and act positively; or we will lose a major freedom as a nation—the freedom of conscience.

These three areas of responsibility—awareness, voting and speaking out are the citizen's main concerns in protecting the freedoms that have been handed down to us through the years. Even young Americans, who have not reached the age of majority, can still work on developing their awareness in governmental affairs and speak out on what they feel is right and wrong with those affairs.

If I, and everyone, follow these basic guidelines of Democracy, and perhaps serve in the Armed Forces or some related field, my responsibility and your responsibility and America's responsibility to that very noble gift from God called Freedom, will be fulfilled.

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. FISH. Mr. Speaker, on June 15, 1972, Deputy Assistant Secretary of State for Educational and Cultural Affairs Alan A. Reich addressed a meeting of the Rotary Club of New York. The meeting included Rotarians from six continents. Mr. Reich discussed the Department's interest in furthering people-to-people interchange and the importance of service clubs in increasing international understanding.

I am inserting in the RECORD an article in the Department of State Bulletin dated September 4, 1972, by Mr. Reich entitled "People-to-People Diplomacy—Key to World Understanding." This article is based on the Secretary's important address before the Rotary Club of New York:

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

(By Alan A. Reich)

Technological advances have made nuclear war a threat to mankind's very existence. Fortunately, however, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better now than at any time since World War II. The great powers are focusing on areas of common concern rather than on their differences. The results appear promising.

But while technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy; traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

Societies and their problems have become more complex. More and, more people are educated and have become concerned citizens. The media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international affairs as well as in domestic matters.

We share the concern of people throughout the world with the serious problems of disease, hunger, pollution, and overpopulation. We also share the frustration and sense of injustice such problems bring and the commitment to find solutions. Our futures are intertwined in the work to improve the quality of life on our planet. If we do not succeed in bringing about peaceful cooperation in the world over the next few decades, neither we nor our children will be able to give the necessary emphasis to solving our domestic problems. Working with our international counterparts and developing better communication and understanding are mutually reinforcing processes. Citizens are involved in and contributing to both.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

Nearly 500 United Nations specialists, selected by their home countries and funded by the U.N., are programed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The State Department's small but catalytic exchange-of-persons program stimu-

lates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department also contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

Another organization, the National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that our programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. In addition to service organizations, professional associations of doctors, lawyers, journalists municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 American and foreign teenagers annually. Numerous foundations, businesses, and institutions throughout America facilitate the private studies of some of the nearly 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges; the sister city program of the Town Affiliation Association links some 400 American cities with communities in 60 countries of the world.

Before we undertook new exchange activities in the private sector last year, we asked the cultural affairs officers in our Embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

Last year the Bureau of Educational and Cultural Affairs set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person programs.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Eminent social scientists such as Dr. Herbert Kelman at Harvard University are attempting to develop a scientific base for these cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likehood of polarization along political or nationalist lines.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $40 million annually. There are several major elements of the exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year Duke Ellington toured the Soviet Union, several jazz groups performed in eastern Europe, the Utah Symphony toured South America, and Kareem Jabbar (Lew Alcindor) and Oscar Robertson of the Milwaukee Bucks visited Africa.

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1971.

Private Cooperation, on request, helps private organizations to become active internationally.

THE CONTRIBUTION OF SERVICE ORGANIZATIONS

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International through its people-to-people programs, are doing a great job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service projects, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic program, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of some 150,000 Rotary Clubs in 150 countries is a potent force for mutual understanding. Rotary, like other worldwide service organizations, is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

Another service which Rotary Clubs perform is the furtherance of international person-to-person relationships by others in their communities. In visits throughout the United States I have been impressed with the extent to which Rotary and other service clubs have initiated and developed sister city affiliations, people-to-people exchanges, international hospitality programs, and international activities of local performing arts and sports groups. These activities contribute to strengthened bonds between participating local groups and the nations involved.

I have been asked by leaders of service organizations what they might do to increase international understanding. Frankly, I cannot imagine a more significant organization outreach, either in concept or in program, than that of Rotary International.

I can only urge Rotary and other organizations to do more of the same—demonstrating so well the capacity for commitment of the American people in solving that most important of all human problems, the achievement of a sustained world peace, by sponsoring exchanges, providing community leadership in international programing, helping peoples of other nations to become less dependent, and strengthening international ties among key individuals and groups.

All this adds up to building a better world through people-to-people diplomacy. To accomplish this will require the patience, the persistence, and the participation of us all, public and private sector alike. But the result is well worth the effort. And I am confident that Rotary and the other service organizations will be found in the forefront of those who get the job done.

THE 55TH ANNIVERSARY OF THE ESTONIAN REPUBLIC

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. HOWARD. Mr. Speaker, once again we in the Congress are reminded

of the fact that many people in this world are suffering daily from the denial of their basic human freedoms, and risking their lives daily in an effort to obtain those freedoms.

February 24 marked the 55th anniversary of the establishment of the Estonian Republic. In the few brief years before the Republic was forced into the Soviet Union, a flame was ignited which burns to this day. The continuing efforts of the Estonian people, and the support provided by the Estonian community in America is an inspiration to us all. We who enjoy these freedoms as a matter of course are often not really aware of the drive which inspires others to obtain these freedoms at all cost. I believe it is important that we take cognizance of their efforts as a means of supporting them, and of reaffirming our dedication to our own democratic freedoms.

Our hearts and prayers are with the Estonians as they recall the important strides made during their years as one of the most effective new republics, and as they look forward to a continuing effort toward regaining that status.

Mr. Speaker, I insert at this point in the RECORD a resolution adopted by the Lakewood, N.J., Estonian Association during their commemorative observance on February 24:

RESOLUTION

We, Americans of Estonian ancestry, gathered on the 24th day of February 1973 at the Estonian House in Jackson, New Jersey to observe the 55th anniversary of the Proclamation of Independence of Estonia, and mindful of the fact that the homeland of our forefathers is still oppressed and suffering under the totalitarian rule of Soviet Russia, declare the following:

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the peoples of Estonia and the other Baltic countries of Latvia and Lithuania have been forcibly deprived of these rights by Soviet Russia; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of the Baltic peoples for self-determination and national independence:

Now, therefore be it:

Resolved, that we Americans of Estonian descent reaffirm our adherence to the principles for which the United States stands and pledge our support to the President and the Congress to achieve lasting peace, freedom, and justice in the world; also be it

Resolved, that we urge the President of the United States, in fulfillment of the provisions of House Concurrent Resolution 416 unanimously adopted by the Eighty-Ninth Congress, to direct the attention of world opinion at the United Nations and at other appropriate international forums to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania; also be it

Resolved, that the United States delegation to the proposed Conference on Security and Cooperation in Europe seek the inclusion on the agenda of the Conference the question of freer movement of people, ideas, and information and the application of the principle of self-determination in the Soviet controlled territories in East-Central Europe; also be it

Resolved, that Radio Free Europe and Radio Liberty seek ways to initiate broadcasts on a regular basis, in the Estonian, Latvian, and Lithuanian languages; also be it

Resolved, that the President request that all maps published by the United States governmental agencies delineate the Baltic States in their original boundaries, with a footnote explaining that their military occupation and forced incorporation into the Soviet Union has never been recognized by the United States; also be it

Resolved, that the Secretary of State produce "Background Notes" on the Baltic States as a source of information for federal agencies, educators, schools, librarians and general public, and that all U.S. Government publications and lists of the nations of the world include the names of Estonia, Latvia, and Lithuania as separate entities; also be it

Resolved, that copies of this resolution be forwarded to the President of he United States, the Secretary of State, the U.S. Ambassador to the United Nations, the U.S. Senators of New Jersey, the Representatives of the Third and Sixth Congressional Districts of New Jersey, and the area press.

WEAL AND SEX DISCRIMINATION ON THE COLLEGE CAMPUS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD an article written by Dr. Bernice Sandler tracing the determined fight led by the Women's Equity Action League to end sex discrimination on the campus. Since WEAL filed its first complaint in 1970 against the academic community, there has been considerable progress coupled with vital extension of the law's protection to women in this area. The efforts of WEAL are to be congratulated, and I feel special thanks are due to Dr. Sandler herself for the leadership she has provided in this effort. The article follows, which appeared in the Chronicle of Higher Education, January 23, 1973:

THE DAY WEAL OPENED PANDORA'S BOX

(By Bernice Sandler)

Jan. 31, 1970, is not likely to be known as a day of historic importance, although it will undoubtedly appear as a footnote in women's studies textbooks. On that day, a small, unknown, women's civil-rights group, the Women's Equity Action League (WEAL), opened Pandora's box by filing its first complaint of sex discrimination against the academic community with an "industry-wide charge" of a pattern of sex discrimination.

The group urged that the federal government enforce the Executive Order with regard to sex discrimination in universities and colleges. The charges were accompanied by about 80 pages of documentation and later were followed by more than 360 class-action complaints filed by WEAL and other women's groups against individual institutions.

WEAL's action would have far-reaching implications for academia for years to come, but few academic pundits noticed. The "shot" rang round the campus, but few heard it.

In 1970 most men, and more than a few women, simply did not see sex discrimination as a problem on their campus, if indeed it was a problem anywhere. Very few data existed, and even the U.S. Office of Education kept no statistics on women faculty members. The concern with women's rights was slowly accelerating throughout the country, and only the bare stirrings were visible in the colleges.

On only two or three campuses, as a result of questioning and pressure from women, studies evaluating the status of women were initiated. A few individual women here and there were beginning to question their status more vocally, and, in a few places, they banded together to share complaints and press for changes. Campus "commissions on the status of women" were non-existent. By the fall of 1972 there were more than 1,000 courses in women's studies but, in 1970, only a handful of brave women taught the first courses. Student unrest preoccupied campus administrators, but the first demonstration by women concerning the firing of a woman professor received no attention. There are now more than 50 women's caucuses in the professional disciplines, but the three or four that were formed before 1970 had been greeted with laughter and derision.

NO ANTIDISCRIMINATION LAWS

When WEAL first planned its national campaign to end discrimination against women, there were no laws prohibiting sex discrimination in educational institutions. Title VII of the Civil Rights Act of 1964 forbade sex discrimination in employment but exempted educational institutions. In March, 1972, that act was extended to cover *all* educational institutions, public or private, regardless of whether or not they receive federal aid.

Title VI of the same act prohibited discrimination against the beneficiaries, such as students, in federally assisted programs, but it covered only race, color, and national origin. It was not until July 1, 1972, with the passage of the Educational Amendments Act, that discrimination on the basis of sex in federally assisted education programs was prohibited. Similarly, the Equal Pay Act excluded executive, administrative, and professional employees until July 1, 1972.

The U.S. Commission on Civil Rights had no jurisdiction over sex discrimination; in October, 1972, its jurisdiction was finally extended to include discrimination on the basis of sex. In 1970, the Equal Rights Amendment had not yet been passed by the Congress, and Rep. Edith Green's massive hearings on discrimination against women in education, the first ever to deal with the subject, were not yet scheduled. Curiously, at the time of WEAL's filing of its complaint, no one had ever testified before the Congress specifically about the discrimination women face in education.

In January, 1970, only the Executive Order applied, but it was unknown in the academic community. It covered all federal contractors, but had been enforced primarily with regard to minority blue-collar construction workers, not with regard to discrimination in educational institutions. Sex guidelines had not yet been issued by the government, and Order No. 4 (which detailed the requirements for affirmative action plans) did not apply to women, but only to minorities.

In short, women had no recourse under law in 1970, until WEAL discovered that the Executive Order applied to colleges and universities.

WEAL's filing of charges gave hope and courage to women on the campus. It confirmed what many had suspected but few knew how to document: that sex discrimination was real. It accelerated the growing concern of women on the campus about discrimination.

WEAL enlisted the aid of the federal government to help end discrimination by generating several *hundred* letters from Senators and Congressmen to the Departments of Labor and HEW. None of WEAL's charges or other class-action complaints have ever been refuted in the subsequent HEW investigations. In fact, more charges of sex discrimination in academia have been filed than those of all the other minorities put together.

The activities of WEAL, coupled with those of women on the campus, are in no small

part responsible for the shift in Congress's attitude about sex discrimination on the campus. When the 92d Congress adjourned, academic women had almost all they had asked by way of legislation: Title VII of the Civil Rights Act, the Equal Pay Act, Title IX of the Education Amendments Act, the Equal Rights Amendment, and the coverage of sex discrimination by the U.S. Commission on Civil Rights. The mandate of the Congress is clear: it is a matter of national policy to prohibit discrimination against women on the campus.

Jan. 31, 1970, is a date women will remember for a long time.

VIRGINIAN CENSURES JUDGE MERHIGE

HON. STANFORD E. PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1973

Mr. PARRIS. Mr. Speaker, I recently commented on the attempts by U.S. District Judge Robert R. Merhige, of Richmond, to legislate from his bench. And in so doing, I introduced a joint resolution calling for a constitutional amendment which would require the reconfirmation of all Federal judges every 8 years.

A former colleague of mine, Delegate Edward H. Ragsdale, recently addressed the Virginia House of Delegates on this subject and at this time I would like to include his remarks in the RECORD:

CENSURE AND CALL FOR IMPEACHMENT PROCEEDINGS OF FEDERAL DISTRICT JUDGE ROBERT R. MERHIGE

Mr. Speaker, ladies and gentlemen of the House: I rise on a point of personal privilege to speak on a subject which I feel threatens our very concept and system of government.

This legislative body may not have the total authority to act in correcting the situation; however, I would suggest very strongly that we have the obligation to speak and call on those who do have the authority to take immediate steps to correct a deplorable and crisis situation. I am sure not all of the members of this distinguished body would agree with what I am going to say. However, I would suggest that the overwhelming majority of those present have been stunned, shocked and dismayed at the arrogance, the contemptibility and abuse of authority which has been exercised by members of the Federal judiciary.

The framers of our Constitution recognized that checks and balances were essential since humans, being what they are, were subject to abuse of authority unless they have restraints placed upon them. Therefore, they very wisely provided for the legislative process to enact legislation, the judicial branch to interpret, and I would emphasize interpret, but neither legislate nor administer in relation to that legislation; with the implementation or the administration being provided through the executive branches of government.

There have been many cases which might be cited to indicate this abuse of authority, wherein the court has assumed the role of legislator and administrator. However, the most notable cases, which in themselves would justify what I will later recommend, are the school cases: I would suggest that the 1954 decision of the Supreme Court indicated that segregation was illegal but nowhere in the Constitution can one find reference to a requirement for compulsory integration or busing. We saw the beginning of the destruction of not only quality public education, but also our system of local government wherein public education is primarily the responsibility of local governments who underwrite that cost, generally at the rate of 75% of their total budget requirements, with the bulk of that revenue coming from local sources. It would follow that, if local jurisdictional boundaries can be ignored by the judiciary and local government destroyed as a result, it will be necessary for us to go back to the very beginning of Virginia's concept of local government and totally restructure local government in this State. I would submit to you that this is a clear, concise and cardinal example of an abuse of judicial authority since nowhere in the Virginia Constitution; nowhere in the Federal Constitution; and nowhere in Federal legislation has any law ever been enacted to require this and, therefore, it is purely an attempt at a legislative act by a Federal judge. In fact, without going into detail, it is obvious that the Federal court has taken over the full responsibility for the administration of the educational program in our public schools and this is in direct violation to the constitutional mandate for separation of power.

This past week we were shocked once again to see the arrogance of the Federal judiciary in an obvious attempt to circumvent the governmental immunity of the State of Virginia by ordering a public employee to pay out of his own pocket $21,265 for, if you will, physical and mental injuries and wage losses suffered by penitentiary inmates. There is no question that the Director of the State Division of Corrections, Mr. Cunningham, was acting strictly and solely on behalf of, and as an agent for, the Commonwealth of Virginia and not in any sense in a personal capacity and, therefore, this is a deliberate circumvention of the law by a Federal judge.

I don't believe there is a person here who would not vote to support a claim for reimbursement to Mr. Cunningham, should he ultimately be required to pay and I am sure that Judge Merhige knows this, which may well be why he entered the order, but the point I want to specifically make is the court's arrogance for the laws giving governmental immunity to the State of Virginia. Should this go unchallenged, obviously where it could lead us to could only stagger the imagination.

This last order is only one in a series wherein the Federal court has taken over the administration of the prison system of this State and is coddling violent criminals who are there because of crimes they have committeed against society.

Is it any wonder that we read in our papers on Saturday the article titled, "Guards Called No Longer in Control at State Prison"? The article pointed out "The guards are bewildered and they are no longer a controlling factor." It further pointed out "that the prison is operating in a dangerous power vacuum, without a controlling force." Is it any wonder in light of Judge Merhige's coddling of criminals?

Ladies and gentlemen of the House, I would suggest that a crisis exists, not only in the threat to local government and State authority, but more immediately to the control of our State prison system, which from all reports from all sides would appear to be on the verge of a serious disruption. I would suggest that the problem is so severe that we do not have time for blue ribbon panels or studies of penal reform, but that immediately the State of Virginia must assert its authority and reassume control of this State institution if the public is to be protected and, not the least to consider, is the protection that must also be given to those prisoners who are being threatened daily by fellow inmates.

Is it any less of a crime for sodomy to be committed in the penitentiary than if it is committed outside? I would suggest that our penal officials immediately begin to prosecute those who commit crime within the penitentiary against their fellow inmates to the fullest extent of the law that exists. Further, I would recommend by copy of this statement, as well as separate letter, and I do call on the Governor of the Commonwealth of Virginia to immediately transmit to the General Assembly now assembled recommendations for specific legislation to be used by the penal administrators in restoring and maintaining order within the penitentiary. Specifically I would request legislation which would put into law what has been done by administrative order all that is necessary for the orderly operation of a penal institution and further provide that any violation of these acts when adopted by the General Assembly will be felonies and will be punishable as such. Finally, I would specifically request legislation which would give the State authority to immediately place in solitary confinement charged with a violation of these sections of the statute and that they shall be authorized to retain them in solitary confinement until their cases are disposed of by due process of law or until such time as the penal authorities feel they can be re-integrated into the penal community without doing violence to the other members of that community.

If the Governor either refuses or fails to act in time for this General Assembly to take action, then I specifically request Mr. Otis L. Brown, Secretary of Human Resources, to have the necessary legislation prepared which can be pre-filed for introduction at the next session of the General Assembly.

This final statement is made with full knowledge and absolute awareness of its implications. However, in light of the facts thus stated, and many others, we have seen one man in a position of public trust be a party to or initiate actions which threaten our very system and concept of government or, specifically, which will result in the destruction of local government; which will further, totally destroy any opportunity we may have had for quality education in this country, that is essential to all of its citizens both black and white; who has further assumed administrative and legislative responsibilities in respect to our school systems, our State penal system and, of a more serious nature, has completely and totally undermined the public's confidence and respect for law and order as a result of his actions, with the public by and large holding Judge Merhige in utter contempt. Thus undermining the respect for law which is necessary if our system of government is to survive in a democratic society. All these things, plus his opprobrious behavior as a Federal judge, requires and by copy of this statement and separate letter I am requesting both Senator Byrd and Senator Scott to immediately initiate impeachment proceedings against Robert R. Merhige, judge of the Federal District Court in the city of Richmond.

I would invite those delegates who would like to join in either or both of these requests to sign the letter to the Governor and/or letters to Senators Byrd and Scott.

ESTABLISHING MAXIMUM AND MINIMUM WATER LEVELS ON THE GREAT LAKES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. VANIK. Mr. Speaker, for the last half year, water levels on Lake Erie have reached unprecedented high levels—and are expected to go even higher this

spring. These water levels, which are as much as 30 inches above long term average and 3.76 feet above low-water datum, are whipped even higher during the fierce spring and fall storms which strike the Great Lakes.

As a result of these unprecedented water levels, communities and homeowners up and down the coastlines of the lakes are suffering severe flooding and erosion problems. In low-lying areas, particularly around river mouths, entire cities are faced with massive flooding as soon as the first major storm of the year strikes. Other cities, built on the glacial bluffs characteristic of the Great Lakes shorelines, are experiencing severe erosion as waves strike portions of the soft clay bluffs which have never been subject to wave action before. In some places, this erosion has carried away up to 20 feet of shoreline in a day. The net result is that the Great Lakes shoreline communities are—and will be—suffering hundreds of millions of dollars of damage. The abrupt nature of the erosion and the seriousness of the flooding creates an immediate threat to human life.

The enormity of the disaster which threatens the Great Lakes area was well-described in an article which appeared in last Sunday's February 25, 1973, New York Times, entitled, "Great Lakes Shore Towns Await 'Flood of the Century'." This front-page article reports:

GREAT LAKES SHORE TOWNS AWAIT "FLOOD OF THE CENTURY"

(By William K. Stevens)

PORT CLINTON, OHIO, Feb. 24—The 7,200 people of this normally relaxed fishing and resort town on the southwestern shore of Lake Erie are waiting for disaster to strike.

They expect it in a month or two or three, whenever the first three-day northeast gale of 1973 roars across a lake swollen by the spring thaw to its highest level on record. The northeaster's 50- and 60-mile-an-hour winds are expected to push billions of gallons of water onto the south shore of the lake. It will be, they say hereabouts, as though a gigantic, brimful saucer were suddenly tipped.

Here and all along the shores of Lakes Erie, Michigan, Huron, Ontario and Saint Clair, citizens are piling up sandbags, building dikes and otherwise bracing for what the Army Corps of Engineers says will be the Great Lakes flood of the century.

Some communities are for the most part waiting helplessly, sure that their best efforts will not keep the waters away. Port Clinton, for instance, is particularly vulnerable to the combination of high water and high wind, situated as it is on a narrow neck of land between Lake Erie and Sandusky Bay.

"If it comes like everyone is predicting, you'll find that Port Clinton is the Venice of Ohio," Mayor John Fritz said the other day.

Three straight years of abnormally high rainfall have raised Lakes Erie and Saint Clair to their righest levels—two feet and more above average, five and six feet above past low-water marks—since record-keeping began in 1860. Towns along Lakes Michigan and Huron are experiencing their highest waters since 1900. Lake Ontario is expected to reach near-record high levels by spring.

In these lakes, any high, sustained cross-lake winds of the kind that invariably come in the spring are said to pose substantial threats to windward communities. Only Lake Superior, where the water level has been deliberately controlled for some years, appears likely to substantially escape flooding.

STORM IS CONVINCING

The Nov. 14 storm, which caused an estimated $3-million in damage in the Port Clinton area alone, made believers out of many who had not been before.

To the east of town, out on the Marblehead Peninsula, the November waves cracked to pieces a 200-yard-long dock of solid concrete that had stood for a hundred years. They tore apart the wooden docks at Limpert's Marina, not far away.

James E. Patz and his family had to evacuate their home west of Port Clinton, nearly a mile from the lake, when water poured through the living room picture window and rose to window level on a neighbor's car. "I've lived here all my life, and I thought I was safe," Mr. Patz said.

When the Patzes were evacuated by boat, they took along a wild rabbit whose fear of humans vanished in the face of the flood. Five hunting dogs across the way were not so lucky. Tethered, they drowned.

A little farther west, the November storm destroyed many beachfront homes. John Verb, 31 years old, and his family had to be evacuated by helicopter from their $27,000 home, which soon became a wreck valued at $6,000. Like many other area residents, he is trying to get a Small Business Administration loan to repair the damages.

"I love this place," said a wistful Mr. Verb. "In the summertime it was so beautiful."

VAST LOSSES EXPECTED

Ohio has made no estimate of the damage that might result from the expected spring floods, but Michigan has. That state's Department of Natural Resources has calculated that Michigan alone will suffer $112-million in damage, the most since the last major Great Lakes flood in 1952.

The present high water levels will remain for as much as a year or more. In time, the lakes will return to normal. But then, if past history is any guide, the lakes may enter a low-water cycle—a period of extended low water levels which can be devastating to the economy and employment of the region. Excessively low water levels reduce the volume of cargo which ships can carry. In 1957, the Army Corps of Engineers estimated that for every diversion of 1,000 cubic feet of water per second out of the Great Lakes drainage basin, the electric power loss at Niagara was $750,000 annually and the loss to U.S. shipping would be $240,000 annually. These loss figures would be even higher today during a low water cycle. Thus, excessively lower lake levels can cause serious economic loss to the entire Midwest.

It is obvious that it is in the best interests of the area—and of the entire Nation—to avoid these extremely high and extremely low water levels.

After the last extremely low water levels in 1963–1964, the Governments of Canada and the United States agreed to conduct a study on how the water levels on the lakes could be controlled. After 9 years, that study is still not completed.

Yet we know that these lakes—as huge as they are—can be regulated to some considerable extent. Lake Superior, the largest of the Great Lakes, and Lake Ontario both have control grates and devices which permit the International Joint Commission to regulate the flow of water out of these lakes. The water level of these two lakes cannot be controlled to the precise inch—but there is a range of maximum and minimum levels which can be maintained—maintained both for the benefit of the shoreline communities as well as for the power companies which use the waterflow and the shipping companies which need certain channel depths to navigate. If we can maintain minimum water levels on these two lakes, we can certainly maintain maximum levels which cannot be exceeded.

But while two of the lakes are controlled, the middle three: Huron, Michigan, and Erie, are not. Hopefully, the ongoing International Joint Commission study will recommend ways and means to control the levels on these three lakes. If the Commission does not, then a new Commission should take a specific look at this problem and come up with engineering recommendations which can be implemented to control the range of water levels. For example, it seems to me that widening and deepening of the Niagara River, if accompanied by the construction of control gates and matching work on the St. Lawrence River, could prevent further water level extremes on Lake Erie.

To support the development of such a study and the construction of public works to protect the economy of the Great Lakes Basin, I am introducing today a resolution requesting the President, through the Secretary of State, to enter into negotiations with Canada on the subject of controlling the level of the lakes.

Mr. Speaker, it is absurd for us in the industrial heartland of the Nation to suffer these extreme fluctuations in water levels which have such a serious impact on the economy of the whole area. It is my hope that this bill will receive favorable consideration and that this Nation will enter into negotiations with Canada to improve the safety and usefulness of the Great Lakes.

COPERNICUS WAS GERMAN

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. RARICK. Mr. Speaker, for years many Americans have chuckled at the Communist efforts to cover up their shortcomings and cultural voids by rewriting history to steal credit and acclaim of accomplishment.

Americans are also aware of efforts afoot in our country to suppress history and distort truths to mold the thinking of our youth into so-called desirable egalitarian goals.

Now we learn that our Government and the liberal press have joined together to exploit for political benefit the great Prussian astronomer Nicolaus Copernicus by designating him a Pole. Quite obviously this latest cultural theft can but be designed to exploit the rift between the Poles and Germans over debated lands following World War II.

Little wonder the Soviets are reported ready to sign the 1952 Geneva Copyright Convention. They have so many agents writing out of the country they want to protect their writings within Russia.

True, we are in a new area of negotiation with the Red Poles, more trade, foreign aid, cultural exchange. A Pole was elected President of the World Bank and Chase Manhattan, Rockefeller has established a bank dialog with Poland—and now we have given the Polish Government $1,391,000 for an astronomy center to celebrate Copernicus' anniversary.

The only difference between book burning and book rewriting is a fire of politics.

Apparently the Communist theory on rewriting history is that as their forces aggress and they occupy new colonies, not only the enslaved inhabitants, but the culture and achievements of that area belong to them—even though Copernicus lived 500 years ago and the Bolshevik Revolution occured in 1917. The liberal response is, usually, "don't confuse me with facts."

Related material follows:

[From the Flushing (N.Y.), Voice of the Federation, January 1973]

NICOLAUS COPERNICUS: THE GREAT GERMAN SCHOLAR

(By Hans von Thenen)

Historical lies invade everything: history books, encyclopedias, and, of course, textbooks for schools, not to speak of newspapers and the other modern mass media. To name only one example: on August 22, 1972, a news item in the daily press reported that a new complicated satellite had been launched the day before, Monday, August 21. The caption under the picture in The New York Times read in part: "The 32 inch telescope (of the Orbiting Astronomical Observatory) is the largest such instrument placed in earth orbit. Vehicle has been named for Copernicus." In the text of the report by John Noble Wilford the astonished reader finds these sentences, first that this satellite is to observe "phenomena never dreamt of by the Polish monk, the father of modern astronomy" Nicolaus Copernicus, and "among those viewing the launching were Witold Trampczynski, Poland's ambassador to the United States." Finally—the only true part of it—"Next year marks the 500th anniversary of the birth of Nicolaus Copernicus in 1473." A similar report was in the New York Daily News.

As one of those astonished readers I wrote to both papers. There was no answer from the Daily News. But I was really surprised to receive a letter from Mr. George Palmer, Assistant to the Managing Editor of The New York Times, surprised especially in view of the fact that my letter had been very frank.

In his answer, dated August 29, 1972, Mr. Palmer, said: ". . . We're sorry if our reporters have been misled by the standard reference books, which refer to Copernicus as a Polish astronomer . . ."

The reason why such errors sneaked into American reference books (they are, of course, not in German encyclopedias) may be twofold: first, Anti-Germanism plus Polish chauvinism, second negligence, on the part of German-Americans who should long ago have notified lexicographers and their publishers of that historical-biographical lie.

To people who went to German schools, the mere thought of Copernicus as a Pole is ridiculous nonsense. Yet, to avoid the suspicion that my knowledge, derived from older reference books (1914 and before), might be considered too "teutonic", I am using as main source for this article the present five-volume standard biographical work "The Great Germans." This leading reference book, which reappeared in 1956, was revised and edited by none other than Professor Theodor Heuss, the first President of the German Federal Republic, a man who is above suspicion as a supernationalist or anti-Pole, and a man who lives even in the memory of people who were not too friendly to the German cause, as an individual of truthfulness and integrity.

As can be seen and read in any German history book or any atlas, and as I had said in my letter to The New York Times, Slavic people did not cross the Vistula River before the fifth century A.D. when they started invading the territory that fills the bend of that river where today Warsaw is located. The city of Thorn was founded by the knights of the Teutonic Order in the 13th century as a bastion against the pagan Pruzzi. There Nicolaus Copernicus was born on February 19, 1473. Thorn became famous as a trade center of the German Hansa, but declined in significance when Danzig, due to its location on the sea, kept growing. Polish westward trends even then brought West Prussia, including Thorn, under temporary rule of the Polish king. I was never there, but the name was dear to me as a famous place of German literature, and because many generations of my wife's family have lived there.

The father, Niklas Koppernigk, came to Thorn about 1456. Soon he became a well-respected merchant and rose to a high position in the administration of this hometown of his choice. He married Barbara Watzelrode the daughter of another merchant. Of the four children of this marriage Nicolaus was the youngest. The father died when Nicolaus was only ten years old. The four children were then educated by their uncle, the mother's brother, Lucas Watzelrode. Lucas had studied at universities in Italy and was about to be made a bishop. Nicolaus had kept faith in his uncle all his life. In 1491 young Nicolaus went to the university of Krakau which at that time was the only one in Europe with a chair for astronomy.

Whether he had spent four full years there is to be doubted because he did not earn a degree. But it is certain that in 1495 he was back home in Germany, and in October of that year he was made a canon in the town of Frauenburg. He owed this promotion to his uncle Watzelrode who in 1489 had become bishop of the diocese of Ermland in West Prussia with the bishopric seat in the town of Heilsberg and was thus in charge of the cathedral chapter of "Frauenburg." A document which Nicolaus had prepared while in Bologna in 1497 seems to indicate that he was ordained a priest there, while before, in February 1496, he was called a simple cleric—but this is an uncertain speculation.

In Bologna he had studied Canon Law, together with his brother, and both had become members of Natio Germanica, the greatest student fraternity, open only to Germans—another proof that Copernicus and his kin were not only German by birth but also by national conviction. It was also in Bologna that Copernicus, perhaps under the influence of his teacher, Professor Domenico Maria de Novara, became doubtful about the nature of the universe as envisioned by Ptolemy, and also in philosophy where he switched from Aristotle to Plato.

The ecclesiastical authorities at that time did not put any ideological pressure on Nicolaus for his deviation from the old astronomical concept and after three years at Bologna he spent another year in Rome to participate in the festivities of the Jubilee Year 1500 and lectured there as "Professor Mathematum". After a short visit to his German homeland he went to Italy again to finish his study of Law at the university of Padua. There he also learned the classical Greek language and studied especially the works of Plato which, as he said later in the dedication of his work to Pope Paul III, gave him the inspiration for his new astronomy theory.

In 1503 Nicolaus went to Ferrara where he obtained the doctor degree of Canon Law. This is eminently important as proof of his German nationality. The original document of his promotion is still preserved, and in it Copernicus is not only named as Canon of the Cathedral of Ermland but also as "Domherr (canon) Scholasticus at the Church of the Holy Cross in Breslau". Breslau, the ever German capital of Silesia, was a completely German foundation where as early as the year 1000 there is historical confirmation of the first German bishop, Johannes, and where—as in every other town or village of Silesia—not one single stone indicates Slavic culture.

During another year in Padua Copernicus completed his medical studies, too, and back in Frauenburg he became a well-established physician. It is not known, however, whether he received a doctor's degree in Padua. After his return to Germany Copernicus remained in Ermland. But at the request of his ailing uncle he did not take residence in Frauenburg, but at the bishop's palace in Heilsberg where he lived as medical adviser until the uncle's death in 1512. It was then that he laid the groundwork for his new theories, still preserved in two manuscripts. Still theories then: it was an introduction to the essentials but without the mathematical proof. Only after decades of reckoning, self-criticism, deliberation, and led by his high sense of responsibility did he decide to have his work printed.

After Bishop Lucas Watzelrode's death Copernicus left Heilsberg and spent the rest of his life in Frauenburg. There, at the northwest corner of the old city wall, still stands the tower in which Copernicus had lived, and where the great work was born that made him immortal and one of the really great Germans. This article is not written to describe Copernicus' astronomic and philosophic achievements in detail. This can be found in every textbook and atlas about the Ptolemaic and Copernican systems. With only primitive instruments Copernicus built up his theories. But even if he refused to write anything definite yet, his fame began to spread throughout Europe, and in 1515 he was invited by the Lateran Council to cooperate in the reformation of the Calendar. Copernicus refused, for the wise reason that any attempt to revise the calendar would be futile unless the exact movements of the sun and the moon were known. It was a victory he did not live long enough to share: the calendar reform did not take place until forty years after his death—based upon Copernicus' astronomic findings.

Even as Canon of Frauenburg Copernicus also kept busy in the political and diplomatic fields, and the secular as well as the ecclesiastical authorities sought his advice in especially difficult situations. From November 1516 on he spent several years away from Frauenburg on a special commission by the Church and lived at the castle of Allenstein when the Poles openly attacked the possessions of German Knights.

The old German towns of Heilsberg, Frauenburg and Allenstein often were in the combat zone. After the war Copernicus did everything to help the population of the devastated regions. Now Copernicus showed another facet of his various abilities: the German currency had suffered much from the war, and the Prussian "Landtag" (parliament) approved a new law to stabilize the monetary system—all according to two proposals Copernicus had presented to the authorities in 1522 and 1528—which was another important service the Canon of Frauenburg rendered to his native Germany.

When Luther's Reformation threatened to split German unity, Copernicus took a conciliatory position and tried to prevent an open rift. Meanwhile interest in his new theories captured ever wilder audiences, and in 1533 Pope Clemens VII asked to be introduced to the new picture of the Universe. Among Copernicus' friends were most of all Tiedemann Giese, the bishop of KULM (I mentioned the facsimile letter Copernicus had written to him—in Latin, of course!), and Georg Joachim von Feldkirch, a young Protestant theologian of Wittenberg and professor of astronomy who became known un-

der the name Rheticus. That there was no religious hatred among scientists at that time, can be seen in the fact that it was the Protestant Rheticus who, in agreement with the Canon of Frauenburg, published a "Vorbericht" or Interim Report (Narratio Prima) when finally Copernicus, after he had kept silence for "four times nine years", gave his life work to the public. He dedicated it to Pope Paul III to "give evidence to scholars as well as to the uneducated that he was not afraid of any man's judgment."

There was one discrepancy in the printed work whose title was "De Revolutionibus" (about the revolutions or rotations): to Copernicus his findings were not theories or hypotheses anymore but irrefutable truth. The man who supervised the printing in Nuremberg, however, Lutheran preacher Andreas Osiander, added, without Copernicus' knowledge, an anonymous preface, titled "On the Hypotheses of this work"—which was contrary to what the Canon had in mind. Since Osiander speaks of Copernicus in the third person, however, the reader knows that the preface expresses just the editor's private opinion.

Today, of course, every child knows what Copernicus has found out: that the Sun is the center of our celestial system, and the Earth just a planet among planets. In his dedication Copernicus wrote—in agreement with his friends—: "They said that, the more paradoxical my doctrine about the movement (of the planets including the Earth) seemed to be to most of them, the more admiration and thanks it will reap when those—after reading my commentaries—will see the 'mist of the paradox' disappear in view of the clear proof."

While printing of the work was in progress—in the winter of 1542-3—Copernicus suffered a heart attack, with no hope of recovery. On May 24, 1543 he passed away. In the same month his finished work began its road of triumph through History. There is but one shadow in this history—and it is of very recent origin: in all these 500 years nobody—in the scientific world or among the general public—ever thought of "making" Copernicus a native of Poland. His status as a German was so matter-of-fact that Poland in connection with his nationality was never even mentioned. And I wonder how and at what time this great German got into American reference books as a "Pole". Was it after the Russian revolution of 1917? In this connection it should not be forgotten that the new sovereign state of Poland—part or even slave of Tsarist Russia until then!—owes this sovereignty to nobody but imperial Germany, then victorious against Russia.

When The New York Times on December 28, 1972, reported on events marking the planned celebration of Nicolaus Copernicus' 500th birthday, there was again no mention that this great man was a German. With utter astonishment we read that the Poles changed the names of those old German towns: Thorn, where Copernicus was born, which the Poles changed to Torun, and Frauenburg, where Copernicus had spent most of his later life, and where he had written his famous books, to Frombork—which is sheer nonsense because this word means nothing, just an accommodation of the German word to Polish tongues. The original Frauenburg has the same meaning as the worldfamous Marienburg: there is no part of Germany where before the Reformation so many towns and churches had been named after Mary, mother of the Messiah, in German (especially in church hymns) often called "Unsere Liebe Frau".

If Poland today claims Copernicus as a Pole, the only explanation they may have, is this: they robbed ancient German land and think, everyone and everything that had lived in or was part of that territory became Polish "automatically". If the trend of our time is still anti-German, not only in our liberal leftist mass media but also in the present West-German government, represented by the Norwegian Pro-communist Brandt and the Soviet citizen Wehner, yet historical truth cannot be suppressed forever, and the time is not far away when the great Nicolaus Copernicus will again be celebrated as one of the giants of German history—and his home province will again be part of the great re-united German Reich.

A POSTSCRIPT

While I was completing this article, news items come pouring in from many sides protesting the Polish arrogance in lying Nicolaus Copernicus into a "Polish National". A West German religious paper "Heimat and Glaube" carries a short item "The Truth About Copernicus". This is in fact the report about a protest action Mr. Walter A. Kollacks, the president of DANK, (The German American National Congress), had written to the Postmaster General in Washington after American Polish groups had asked him to issue a commemorative stamp with the picture of the great "Polish" astronomer: "To call Copernicus, who was of German origin and had lived and died in the German town Frauenburg, a Pole, is plain 'cultural theft'" wrote Mr. Kollacks. In a lame reply without any explanation the American Polish organization in the State of Illinois called Mr. Kollack's statement ."inaccurate."

Even better is a letter that appeared in the German language paper of South Africa Afrika-Spiegel (Pretoria) No. 71, November-December 1972, page 23, commented by the editor under the head line "Certainly not intended". He said "South African radio is known for its objectivity and accuracy" (contrary to the news media of liberal and leftist countries). "But an occasional lapse is human." The editor received numerous irate complaints after a broadcast of Radio Springbok on August 21, 1972, had transmitted a "Soviet-Polish" news item. "The Warsaw communists "mint" the famous German astronomer Nicolaus Copernicus, 500 years after his death, into a "saloon-Pole" although he had never anything to do with those people.—If such an error occurs, it is a proper thing to write politely but firmly to the people concerned, as the best way to prevent repetition."

[From the Washington Evening Star and Daily News, Feb. 8, 1973]

WORLD COURT ELECTS POLE AS PRESIDENT

THE HAGUE.—Judge Manfred Lachs of Poland, 58, was elected president of the World Court today in succession to Sir Zafrulla Khan of Pakistan who has retired, the World Court announced. Vice President Fouad Ammoun, 73, of Lebanon, was reelected.

The world court has 15 judges elected by the United Nations General Assembly and the Security Council. The court elects its own president and vice-president.

[From the Washington Evening Star and Daily News, Feb. 21, 1973]

CENTER TO HONOR COPERNICUS' BIRTH

WARSAW.—U.S. Ambassador Richard T. Davies has given the Polish government the first installment of $1,391,000 being given by the United States for an astronomy center to mark the 500th anniversary of the birth of Polish astronomer Nicolus Copernicus.

The check was presented to Wlodzimierz Trzebiatowski, president of the Academy of Sciences. The gift will pay for a building to house a center for the study of astrophysics and related branches of physics, an embassy spokesman said.

The center will be equipped by the academy. Construction is to start in June.

Copernicus promulgated the theory that the earth and planets move about the sun. He was born in Torun, about 120 miles northwest of Warsaw, on Feb. 19, 1473.

[From the Washington Evening Star-Daily News, Feb. 26, 1973]

SOVIET COPYRIGHT MOVE

LONDON.—A well-informed Soviet journalist says Russia is about to sign the 1952 Geneva copyright convention.

The move would make it easier for foreign writers to receive royalties on their works published in the Soviet Union. But it could also help Soviet authorities crack down on dissident writers smuggling works to the West.

Victor Louis, a Soviet citizen writing recently in the London Evening News, said the Russians were about to sign the convention. He gave no date for the proposed signing or any further details.

Louis has high-level contacts in Moscow and is often the first to report important changes to the West, among them the removal of Nikita Khrushchev from power in 1964.

In the past, the Soviets have paid royalties only to foreign writers of their choice, usually those with Communist views or those whose writings fit Communist propaganda aims. The writers usually had to go to Russia to collect their royalties in rubles and spend them there.

If the Soviets sign the Geneva convention, it would bring Soviet law on literary piracy in line with the standards established in the rest of the world. The Russians would no longer be allowed to publish a foreign work without paying for it. And they could not translate works for publication in Russia without the author's permission.

But by signing the convention they could force dissident writers to send works abroad through legal channels or face jail sentences.

There now is no Soviet law against sending works abroad for publication, only for slandering the Soviet state.

Dissident writers have been jailed for what they said in works published abroad, rather than for sending manuscripts out of the country.

By signing the copyright convention, the Russians could change all that. Signature gives the state a legal position in international literary dealings. And since the Soviet state has a monopoly in all matters of foreign trade, an author who sent a manuscript abroad outside state channels could be jailed for breaking that monopoly.

He would then risk sentence of three to 10 years in jail, plus confiscation of property, and five years exile in Siberia.

[From the Flushing (N.Y.) Voice of the Federation, January 1973]

MORE ON COPERNICUS

Our valued member from Buffalo, Mr. John Engelbrecht (whose letter appears in the Letters to the Editor) has sent us a photocopy of pages 188 and 189 (the first two pages of Chapter 18, headed "Copernicus") of a book entitled "A History of Astronomy" by A. Pannekoek, published by Interscience Publishers. The following excerpt reiterates the fact of Copernicus' German nationality:

"Copernicus (Niklas Koppernigk), born in 1473 at Thorn (now Polish: Torun), was descended from a family of German colonists, who a century before had been called into the country by the Polish king. German immigrants had already settled in these eastern regions, first under the rule of the Knights of the German Order, then under the Polish kings. They had founded a number of prosperous towns, such as Danzig, Thorn and Cracow, which became flourishing centres of trade and commerce and seats of urban culture. Such pioneers, as we remarked in a former case, are more open-minded, less prejudiced, and less bound to tradition than people staying on in their old homes."

THE CASE FOR FULL EMPLOYMENT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. STOKES. Mr. Speaker, Mr. William Spring, a professional staff member of the Senate Employment, Manpower and Poverty Subcommittee, has prepared a brilliant and factual analysis of the "work ethic." His report appeared in the February 26, 1973, edition of the Washington Post and it was entitled, "The Case for Full Employment."

Mr. Spring has, frankly and dispassionately, explored the phenomenon of a President who extols the "work ethic" while crushing job opportunities. He examines the budget with a magnifying glass and then reaches back, into recent history, for an explanation as to why a Federal commitment to full employment is absolutely essential. Mr. Spring notes that—

When we choose unemployment we are inevitably then choosing poverty, welfare and crime.

And he concludes with the commonsense injunction that—

If we are serious about the work ethic we must be equally serious about providing job opportunities at decent pay for all.

I present my colleagues with this outstanding report by Mr. William Spring:

THE CASE FOR FULL EMPLOYMENT

(By William Spring)

What good is the work ethic if there is not enough work?

In Franklin D. Roosevelt's New Economic Bill of Rights in 1944, the first right was the right to a job and second the right to earn enough for a decent life. It is sad to find ourselves—nearly 30 years later—with an administration using the "work ethic" as a cattle prod against the poor while drastically cutting back those programs designed to create jobs and train people for work.

While the overall budget goes up some $19 billion, job funds are drastically slashed:

The Emergency Employment Act, passed in 1971 after years of effort as a beginning on a major public service employment program is abandoned. This year $1 billion and about 180,000 jobs in state and local government are provided.

Funds available to states and cities to operate other job creation and training programs are cut by 29 per cent below their 1972 level from $1.6 to $1.1 billion. For this fiscal year (1973) a cut of $238 million from already appropriated funds is proposed.

Funds to operate local community action programs—used to administer Mainstream, Neighborhood Youth Corps, Concentrated Employment and other programs—are also eliminated.

No supplemental appropriations for the summer Neighborhood Youth Corps jobs—when black teen-age unemployment stands at 38.6 per cent (December 1972).

One would expect an administration serious about combating urban street crime would move to increase job opportunities for unemployed city youth—not cut them.

All these cuts are in addition to ending the Model Cities program—a source of jobs for the poor—and cutting federal support for low-cost housing, and ending the Economic Development Administration's small scale efforts to revive commerce and create jobs in areas of high unemployment.

Then the administration proposes to turn over responsibility for these truncated manpower programs to state and local officials. It shows a certain chutzpah: the President saddles local officials with shrinking programs (who'll do the firing?), cuts the budget at the expense of the powerless and praises himself the while for dedication to self-reliance and local control.

It is argued that, with national unemployment down to 5 per cent, the problem is no longer really serious. But in 1970—when national unemployment last stood at about 5 per cent—a special Census Bureau survey found 9.5 per cent unemployment in the poorer areas (typically one third of the city) of 51 of our larger urban centers. And subemployment—including discouraged workers unable to secure fulltime work, and those earning under $2 an hour—stood at 30.5 per cent of the work force.

Between 1964—when Sen. Gaylord Nelson (D-Wis.), now chairman of the Senate manpower subcommittee, first introduced legislation to create a $1 billion public service employment program—and 1971—when the Emergency Employment Act actually passed—congressional recognition of the seriousness of unemployment and subemployment in rural and inner city areas has grown. It has come to be seen that the fundamental problem is not the skill levels of the workers but the nature of the job market.

While Congress saw more job creation as the best solution to the difficulties encountered by manpower programs for the poor, the administration has fallen back on the old maxim: when in trouble, reorganize. And, indeed, the welter of funding patterns for manpower programs, and the ever more complex cats-cradels of regulations spun out by the Labor Department have convinced nearly all observers that decentralization can only help—if it's carried out with care.

The administration first proposed turning over power for planning and administering manpower programs to states and cities in August, 1969. By December, 1970 the Congress had hammered out the compromises necessary to pass legislation carrying out the concept. Of course, the legislation was not in precisely the form dictated by the White House. In a democracy built on compromise and consensus, legislation seldom exactly meets presidential specification. The bill also included a beginning on a major public service employment program. In any case the President vetoed that bill with slighting remarks about "W.P.A.-type jobs."

When you make fundamental changes in the administrative arrangements for a program as complicated as manpower has grown to be—a program involving states, cities, community action agencies, the employment service, vocational education, labor unions, business groups and a series of special purpose non-profit agencies—it is essential that it be done with great care to minimize confusion and antagonism. That is precisely what the congressional process is designed to do.

However, the administration has announced its intent to move to "manpower revenue sharing" without seeking change in existing law. This will require twisting the intent of laws already on the books—for instance Title IB of the Economic Opportunity Act was drafted to assure community action agencies and the poor a significant part of the action—but just as important it leaves all the actors living in fear of government by decree, in fear of arbitrary actions by an administration not noted for either its compassion or its integrity.

Only seven months after his veto of the 1970 manpower bill the President was signing and praising the Emergency Employment Act. Under the program the 180,000 jobs have gone to Vietnam veterans (27 per cent), the poor (about 33 per cent) and unemployed aerospace workers. Jobs include police, fire, education, health and conservation work in programs run by local officials.

Now, with unemployment still at chronic depression levels in the innercities, the Emergency Employment Act (EEA) is to be ended abruptly—landing thousands of workers back on the street. The New York City budget director told the Joint Economic Committee recently that New York would have to lay off 3,000 EEA employees if Congress didn't force the administration to fund the program.

Full employment is the first responsibility of the central government in a technologically advanced nation. The unemployment-inflation trade-off is not simply between inflation for all versus temporary unemployment for a few. In the poverty communities—the source of so many of our domestic problems—unemployment remains at chronic depression levels. When we choose unemployment we are inevitably then choosing poverty, welfare and crime.

If we are serious about the work ethic we must be equally serious about providing job opportunities at decent pay for all.

The manpower and job creation programs of the last decade represent a beginning. The Nixon 1974 budget is a giant step backward. The question before us now is what Congress can or will do about it.

RETIREMENT OF MYER COHEN

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to place in the RECORD the following letter to Mr. Myer Cohen from President Nixon on Mr. Cohen's retirement last December 31 as Deputy Administrator of the United Nations development program—UNDP. Mr. Cohen served for 20 years and was chief assistant to the distinguished Mr. Paul Hoffman.

At the end of the Second World War, Mr. Cohen was Chief of Operations for the displaced persons program in Germany, Austria, and Italy—1946–47—working under the United Nations Relief and Rehabilitation Administration—UNRRA. The program assisted over 1 million persons in UNRRA camps. Just prior to his appointment at UNDP—1947–48—he served as Assistant Director General of the International Refugee Organization where he continued his work with displaced persons and refugees.

Mr. Cohen is one of a number of dedicated Americans who have served with distinction in the humanitarian agencies of the United Nations.

The letter follows:

THE WHITE HOUSE,

Washington, D.C., January 22, 1973.

Mr. MYER COHEN,

Deputy Administrator, United Nations Development Program, United Nations, New York, N.Y.

DEAR MR. COHEN: On the occasion of your retirement from the United Nations Development Program, I want to express my deep appreciation and that of the American people for the many years of distinguished service you have given to the United Nations system.

In our efforts to strengthen the United Nations, no country can give more than its capable and dedicated citizens. This nation is proud of the contributions you have made. I am pleased to join with your many friends in this country and in all parts of the world in extending to you congratulations on your many past accomplishments and warmest good wishes for the future.

Sincerely,

RICHARD NIXON.

OUR PROFESSIONAL MILITARY MEN STAND A BIT TALLER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. BOB WILSON. Mr. Speaker, all of us have been reading daily or viewing on television the touching stories of the return of our American POW's. One of the interesting sidelights in this heartwarming story was written about recently by Ray McHugh, chief of the Washington Bureau of Copley News Service. The point that the professional military man stands a bit taller now is well taken and I include his article in the RECORD for the benefit of our colleagues:

POW'S WORDS SUPPORT FAITH OF AMERICANS

(By Ray McHugh)

It's Tommy this, an' Tommy that, an'
"Chuck 'im out, the brute"
But it's "Savior of 'is country,"
When the guns begin to shoot.
Rudyard Kipling.

WASHINGTON.—The professional in uniform stands a bit taller this week.

After eight years of studied disaffection or outright animosity among large segments of the American public—including some members of Congress—the career serviceman, the modern American-style Centurion or Tommy Atkins has demonstrated once again the stuff he and the United States are made of.

He found his spokesmen on a concrete airstrip at far-off Clark Field in the Philippines, only a few short miles from the infamous Bataan Peninsula where three decades ago American Prisoners of War—most of them also professionals—underwent agonies as bad or worse as inflicted on U.S. servicemen in any of the nation's conflicts.

The spokesmen who emerged unshaken from North Vietnam's prison camps were Navy Capt. Jeremiah A. Denton, Jr., and Air Force Col. Robinson Risner.

Denton led the released POWs from the huge C141 that brought the first load of prisoners from Hanoi to the Philippines.

He had been elected to speak. In three short sentences, Denton answered millions of words of criticism about the Vietnam War, shamed more than a few doubting Thomases, and revitalized the faith of millions of his countrymen who perhaps had begun to wonder about basic American values.

Denton saluted Adm. Noel Gayler, Commander in Chief of U.S. Forces in the Pacific, shook his hand, then turned to a microphone:

"We are happy to have the opportunity to serve our country under difficult circumstances," he said.

"We are profoundly grateful to our Commander-in-Chief and to our nation for this day.

"God Bless America."

It was the stuff history books are made of.

Risner, a veteran of World War II and the Korean War, was elected by the men to make a personal call to President Nixon.

"The men would like me to convey to you, Mr. President, that it would be the greatest personal honor and pleasure to shake your hand and tell you personally how proud we are to have you as our President," he said.

The two statements spoke volumes about the nation's professional servicemen. Because of the nature of the war in Vietnam, a majority of the Americans taken prisoner by the Communists were men who had committed themselves to a military career. The commitment and the dedication was there for the whole world to see. Even eight years in prison camps had not dimmed it.

For older Americans it recalled a day in early September in 1945 at Yokohama, Japan, when Gen. Douglas MacArthur greeted Lt. Gen. Jonathan Wainwright, the man who commanded the brave but doomed defense of Corregidor Island in the Philippines in 1942 and spent three tortured years in Japanese POW camps.

Author John Toland in his book "The Rising Sun" recalls the scene.

"Well Skinny," MacArthur said as he gripped the emaciated Wainwright by the shoulders.

Wainwright, who thought he was disgraced because of the surrender of Corregidor, fought for command of his emotions.

Finally he said:

"General, the only thing I want now is command of a corps. That is what I wanted right in the beginning."

A lot of Americans forgot that kind of thinking during the long, frustrating years of Vietnam. Now they have been reminded.

The flags raised to full staff for the POWs return were only exclamation points.

FREEDOM OF EMIGRATION ACT

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. FROEHLICH. Mr. Speaker, I am proud to be a cosponsor of the Freedom of Emigration Act, which prohibits most-favored-nation trade status to countries which deny their citizens the right to emigrate or impose excessive fees for emigration.

Our country was founded on religious freedom. The American ideal, and all that it stands for, is repulsed by the plight of the millions of Soviet Jews being held hostage behind the Iron Curtain. We cannot stand idle, in the face of this atrocity, any longer.

This legislation provides a vehicle to focus national and world attention upon the unjust emigration policy of the Soviets, and it puts them on notice that this repressive policy will result only in their own economic hardship.

I am heartened by the support this legislation has received in the Congress, and I am hopeful that it can be enacted at the earliest possible time. A strong vote for this bill will leave no doubt in the minds of the Soviet leaders of the intensity of our concern and of our intention to actively oppose their vicious campaign to impede and prevent the emigration of Soviet Jews.

THE POSTAL SERVICE: A CONSTANT OBJECT OF COMPLAINTS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. ALEXANDER. Mr. Speaker, although in the last year the content of my constituent mail has varied greatly from month to month, each week I can always count on letters complaining of the inefficiency of the U.S. Postal Service. Although I am sure my colleagues are receiving similar letters, I would like to share with you today correspondence from one of my constituents in West Memphis, Ark.:

FEBRUARY 1973.

DEAR MR. ALEXANDER: I know in the past you have been interested in the Mail system, in the city of West Memphis. I was sorry that we did not get the Bulk Building as you had wanted.

Just in the past two weeks the mail has gotten inferior in delivery. I will give you just one example of my own mail. I had an *air mail* letter sent to me on the 30th of January, 1973, and I did not receive it until 5 February, that to me is very, very poor. I have also in the past had Air Mail Delivery specials take three or four days in which is not right, that is very slow and such a letter being sent Air Mail Delivery Special cost a lot of money to be hung up for that long.

It seems as tho it takes twice as long to get anything by mail since this system between Memphis and West Memphis has been set up, but yet it is suppose to be faster and quicker, to most people it is inferior and inadequate; and some people just don't care. To me it's slower than the Over Land Wagon Day when the mail was delivered that way and yet it cost many times more.

I don't want my name mentioned, but the people or rather some that work at the post office in West Memphis don't care.

I think the system is very poor.

Sincerely yours

(Name withheld on request.)

FEBRUARY 25, 1973.

DEAR MR. ALEXANDER: I appreciate your letter in reply to the Postal Service.

I would like to add more to what I did write.

I have had mail lost or sent elsewhere, but never received.

The delivery is the slowest of all. Back when the mail went by buggy or train, it was faster than the present delivery. What the people have to pay for stamps and etc. and then wait twice as long for it to get where it is going. I just can't see it. I don't trust the Postal Service at all.

An example. I work for Civil Service. Our checks are mailed from Omaha, Neb., or Denver, Colo. The Postal Service misplaced them several times. Now starting in March we won't get our checks handed to us. We had a choice of having them sent to where we banked or home. I choose the bank, because I just don't trust the home service here. I believe that could have been prevented.

I do not want my name mentioned, but I know some of these people that work in Post Office here simply DO NOT CARE.

Another example. A friend of mine in Memphis mailed a card to another address in Memphis. Instead of it going to the proper address in Memphis, it went to Kentucky and then finally got to the proper address. It took 6 days. Ridiculous.

I see here in West Memphis kids tampering with mail boxes every day.

I think something should be done about the postal service.

Sincerely,

(Name withheld.)

A FRIEND OF THE DETROIT METROPOLIS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mrs. GRIFFITHS. Mr. Speaker, last fall, a long time friend of the Detroit metropolitan area, W. W. "Eddie" Edgar, was honored by the Felician Sisters and the St. Mary Hospital staff as the recipient of the first annual distinguished person award. Mr. Edgar, whose career in the newspaper field spans more than 50 years, is dean of the editorial staff of the Observer Newspapers. His tireless efforts on behalf of the community are well recognized in this award. I am pleased to insert in the RECORD the article recounting this event, which appeared in the Observer Newspapers of September 27, 1972:

EDDIE: A LEGEND IN HIS OWN TIME

Hailed as "genuinely one of the few to be a legend during his time" and "an institution of today" by longtime friends and associates, W. W. ("Eddie") Edgar, dean of the Observer Newspapers Inc. editorial staff, Sunday was honored by the Felician Sisters and the St. Mary Hospital staff as the recipient of the first annual distinguished person award.

Feeling that the Livonia hospital should each year honor an individual for outstanding services to the institution, the award was started this year by the advisory board: Mother Mary Columbine, president-corporate board; Sister Mary Calasantia, executive director; and other members of the hospital administrative staff.

Eddie, who has been closely associated with the hospital since the idea was first broached more than 20 years ago, was the unanimous choice for the initial award.

With an audience of more than 200 looking on, including longtime friends who worked with him in numerous projects in the development of the city of Livonia from a township to a bustling metropolis, and associates from the newspaper world and from bowling, the smiling Dutchman from Pennsylvania received the highest award ever given by St. Mary hospital.

"Eddie Edgar is genuinely one of the few persons I have ever known to be a legend during his time," said Publisher Philip H. Power of the Observer Newspapers Inc.

"It is a particularly delightful, pleasant honor to come at a time when this still young couple can enjoy it.

"Eddie's career breaks into three chunks. First as a professional who can stand up with any other in the state or the nation. He has always been a tough writer, a tough reporter and a darn good editor.

"He was a member of the Free Press staff during the golden era of sports. His columns in the Observers have been winners, far outshining the younger members of our staff.

His second virtue is in community service. He has compiled a high batting average for success during his more than 50 years in the newspaper field.

"He personally has more historical data than any other individual in this section of the state on the rise and growth of western Wayne county and particularly Livonia.

"He has never snubbed anyone and always answers all problems in the same warm manner that has marked him through the years. The great ones always have humbleness and that is one of Eddie's virtues."

State Sen. Carl Pursell, a longtime friend of Edgar since the days when Eddie was editor of the Plymouth Mail and Observer, told the audience: "We are paying tribute to a great man and his wife, a man who has become an institution of today."

He traced the career of Eddie from the days when he was asked by the late Mayor Albert Cobo, of Detroit, to sit in on the planning for Detroit's waterfront development, to his role in starting the Bowling Hall of Fame, his part in organizing and starting the Livonia Chamber of Commerce, the manner in which he led the fight for Livonia's own post office, and the part he played in starting a movement that resulted in the construction of the ice rink and cultural center in Plymouth.

"We are honoring a man who is nearing his 75th birthday but still as youthful in his thinking and his daily chores as when he first entered the newspaper field as a youth of 18."

Ray Grimm, who has been involved in the rise of Livonia for as many years as Eddie and was closely associated with him in most of the projects, related some of the incidents of the earlier days.

This was when he and Eddie were members of the charter commission, worked on writing the city charter, and each served on the first city council for four years.

"Eddie is different from most of us," he smiled, "He has always been a dreamer but one who is also a doer and makes the dreams come true.

"He envisioned industry along the railroad and was one of the very first to talk about the need of a hospital. He told us that industry would form a major tax base for a new city and that every effort should be made to get industry into Livonia. One just has to look along the railroad and see what has happened.

"In those days we learned quickly that when we had a problem we could go to Edgar for the answers.

"I'll never forget the day when Eddie told me he had been asked to serve on the St. Mary Hospital advisory board. Just imagine he said, 'a Presbyterian and a Mason serving on a Catholic Hospital board; what kind of thinking is that?' You must know by now that it did work out perfectly because of the kind individual Eddie is.

"It was Eddie who saw the need for paving the main thoroughfares in the city, and he told us how to get money . . . and we did.

"There was only one time when I managed to outdo Eddie. That's when we ran for council, and I received the silver medal and he the bronze."

Clarence Hoffman, who operated the Livonia Lanes for years and who never called Edgar anything but "W.W.", mentioned how Eddie has raised the level of bowling during their 35 years association.

"There was a time when pool halls and bowling alleys were looked upon as places not to visit," he said. "Then the bowling proprietors hired W.W. as moderator, and he gradually built up interest and feeling toward the game to the high level it has now.

"I have always wondered when he had time to sleep. He would attend meetings until the wee hours of the morning and be right back on the job at 9 a.m. It was that determination and will power to improve bowling conditions that made him one of our most respected leaders.

"More than that, I have always known W.W. to work at two speeds, the one he shows at most times and then the other that is a bit slower but still way faster than most at his age."

The award presentation was made by Mother Mary Columbine and the welcome address by Sister Mary Calasantia.

As an added high spot, a letter was read from Gov. Milliken and his wife expressing their disappointment at being unable to attend the affair.

LITHUANIAN INDEPENDENCE DAY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 20, 1973

Mr. DANIELSON. Mr. Speaker, in the United States, we are fortunate to have a Constitution which guarantees to all Americans our basic rights and freedoms, and we are blessed by God with the strength to withstand aggression by others. In sharp contrast is the fact that, in many nations of the world, citizens have no inalienable rights, no freedom, and are dominated by alien powers.

One such nation is Lithuania which, through fate and happenstance, lives in the shadow of one of the world's great superpowers, Soviet Russia. Caught in the tug and pull of world events, Lithuania has struggled for independence throughout its long and turbulent history, which can be traced back to the middle of the 13th century. Despite occupation by foreign powers at many times in her history, the Lithuanian nation, the people of Lithuania, have maintained a strong culture and an indefatigable spirit of patriotism.

In this century, Lithuania enjoyed freedom and independence for only two fleeting decades—from 1918 through 1940. Today, the Soviet Union dominates Lithuania under the legal fiction that they were invited in by the Lithuanian Government—though, in fact, the invitation came from a government that attained power in an election in which only Communist Party members were allowed to vote. This is a fiction which has never been recognized by the United States.

Despite efforts of the Soviet Government to erase the Lithuanian nation through repopulation and deportation, the spirit of freedom and independence lives and thrives in the heart of every Lithuanian. The Soviet Union, with all its great strength, has been unable to intimidate the Lithuanian people. The last 32 years of Soviet occupation are punctuated with courageous acts of patriotist by Lithuanians.

This week we are commemorating the 722d anniversary of the birth of Lithuania, and the 55th anniversary of the Lithuanian Republic, which was established on February 16, 1918.

In the United States, this is an occasion for remembering the brave people of Lithuania and other captive nations who have the will, but not the resources, to achieve their freedom and independence. It is also a time to reaffirm our national commitment to the independence of all people who live under the domination of an alien power. Our constitution can only guarantee freedom to our own people, who live within the boundaries of

our blessed land, but our example will keep alive the hopes which burn in the hearts of all who strive to be free.

NEWSMAN'S PRIVILEGE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. HUNGATE. Mr. Speaker, the editorial in Judicature for January 1973, deals with recent developments in the department of newsman's privilege and merits consideration at this time when the measure is before Congress.

The article follows:

EDITORIAL—QUIS CUSTODIET CUSTODES?

The press has recently come into conflict with the courts as a result of demands that newsmen reveal confidential information or sources of information. A Los Angeles reporter went to jail on November 27 for refusing to identify the source of information he had published regarding the Manson trial. More recently, a reporter was jailed in Washington for refusing to produce tape recordings sought by a defendant in a criminal action arising out of the Watergate incident.

Last June the United States Supreme Court ruled that a newsman has no First Amendment right to refuse to testify when called before a grand jury (*Branzburg v. Hayes*, 408 U.S. 665 (1972)). The 5–4 majority dwelt heavily on the well-established obligation of all citizens to appear before a grand jury and answer questions relevant to a criminal investigation, and it declined to make an exception for newsmen. Justices Douglas and Stewart, in vigorous dissents, argued that this would endanger the public's right to know, and would hamper the administration of justice. Justice Douglas held out for an absolute right of a journalist not to appear before a grand jury at all, and if he does appear voluntarily, to decline to answer specific questions on First Amendment grounds.

In a concurring opinion, Justice Powell tempered the firm stand of the majority by observing that the holding does not deprive newsmen of all constitutional rights, and that if the newsman "is called upon to give information bearing only a remote and tenuous relationship to the subject to the investigation, or if he has some other reason to believe that his testimony implicates confidential source relationships without a legitimate need of law enforcement, he will have access to the court on a motion to quash, and an appropriate protective order may be entered." Justice Powell maintained that the asserted claim to privilege should be judged on its facts by striking a balance between freedom of the press and the obligation of all citizens to give relevant testimony with respect to criminal conduct, and that this should be done on a case-by-case basis in accord with "the tried and traditional way of adjudicating such questions." Justice White, speaking for the majority, considered this possibility and dismissed it as presenting practical and conceptual difficulties of a high order, and said the Court was unwilling to "embark the judiciary on a long and difficult journey to such an uncertain destination."

A reading of the 87 pages of the four *Branzburg* opinions along with the current news dispatches makes clear that there is no easy answer to this newest problem in bar-press relations. The Court's majority has reason to question the wisdom of Justice Douglas' broad-brush application of this newly-claimed privilege, especially when the need for it is to be left entirely to the subjective determination of the newsman himself. At the same time, there are sound reasons for sharing the concern of the media and others that freedom of the press not be eroded away by governmental restrictions, including judicial restrictions.

Justice Stewart suggested that the *Branzburg* ruling would harm the administration of justice by depriving law enforcement agencies not only of the specific information being sought but broad general information relating to controversial social problems. On the other hand Justice White observed that if it is indeed true that law enforcement cannot hope to gain, and may suffer, from subpoenaing newsmen before grand juries, "prosecutors with the loath to risk so much for so little." He cited "Guidelines for Subpoenas to the News Media" issued in a recent U.S. Department of Justice memo:

"The Department of Justice recognizes that compulsory process in some circumstances may have a limiting effect on the exercise of First Amendment rights. In determining whether to request issuance of a subpoena to the press, the approach in every case must be to weigh that limiting effect against the public interest to be served in the fair administration of justice." The Guidelines go on to say: "The Department of Justice does not consider the press 'an investigative arm of the government.' Therefore, all reasonable attempts should be made to obtain information from non-press sources before there is any consideration of subpoenaing the press." The Guidelines provide for negotiations with the press as a part of this process.

The *Branzburg* decision makes no change in the law. For centuries all citizens, with only a few narrow, closely-guarded exceptions, have had an obligation to appear before a grand jury and answer questions. The Supreme Court declined to make another exception for newsmen, although it acknowledged the existence of a trend in that direction. The opinion lists 17 states which now provide some type of statutory protection of a newsman's confidential sources, and similar legislation has been introduced many times in Congress.

The courts and the press are partners in combating crime and in making democracy work. When the newsmen's leads uncover information important to the administration of justice, they should not want to withhold it; but if disclosing it would dry up the source of important additional information, law enforcement officers should not want it disclosed. Here is an area tailor-made for high-minded cooperation between the two. If trust and cooperation exist, there should be no problem. The problem arises when mutual trust and cooperation are less than perfect and someone has to have the final word.

The net effect of the *Branzburg* decision is that the courts will continue to have the final word. The dissenting justices, and the newsmen who have gone to jail rather than tell, are saying that the newsman himself should have the last word. Ultimately it comes down to the question of whom we trust the most. A free press is a watchdog over all institutions, including those of government itself, and those who insist upon the newsman's exemption are really saying that they feel safer trusting the press than trusting the government, or, more specifically, the courts. But—*quis custodiet ipsos custodes*—who will watch the watchdog?

YONKERS VIETNAM SERVICE MEDAL

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1973

Mr. PEYSER. Mr. Speaker, recently, the Yonkers City Council passed a resolution offered by Councilman Andrew O'Rourke to establish a city of Yonkers Vietnam Service Medal. The bronze medal would be awarded to all Yonkers residents who served in Vietnam. A silver medal would be awarded to all those who were wounded in battle in Vietnam.

I want to take this opportunity to praise Councilman O'Rourke for his efforts in recognizing our servicemen who have fought so bravely for this Nation.

HOUSE OF REPRESENTATIVES—*Thursday, March 1, 1973*

The House met at 12 o'clock noon.

Very Rev. Robert H. Andrews, rector, St. Andrews Episcopal Church, Arlington, Va., offered the following prayer:

And now, O Israel, what does the Lord your God require of you, but to fear the Lord your God, to walk in all His ways, to love Him, to serve the Lord your God with all your heart and with all your soul.

God of Creation, Lord of all time and history, in your wisdom you have given us this land and this day as a part of the priceless gift of life. You have manifested your love for us in countless ways, seeking only a free commitment to the right as you have revealed that right down through the ages. Grant to us, we pray You, a fresh portion of those wondrous gifts of grace, hope, and love, that we may share them unstintingly with a world wounded by war, disease, and inhumanity. Bless especially these Members of the House of Representatives that they may judge wisely, decide charitably, and act prudently that we may find peace and justice at home and encourage all nations everywhere to follow the path of good will among men, to Thy everlasting glory. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-