to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.J. Res. 424. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

By Mr. MARAZITI (for himself, Mr. PETTIS, Mr. COLLIER, Mr. WON PAT, Mr. VEYSEY, and Mr. ROY):

H.J. Res. 425. Joint resolution designating a "National Day of Recognition and Prayer" to honor those Americans killed in the Vietnam conflict; to the Committee on the Judiciary.

By Mr. SMITH of New York:

H.J. Res. 426. Joint resolution requesting the President to issue a proclamation designating the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 427. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. BINGHAM):

H. Con. Res. 151. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Jews in Iraq and Syria; to the Committee on Foreign Affairs.

By Mr. DIGGS:

H. Res. 293. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162; to the Committee on House Administration.

By Mr. FRASER (for himself, Mr. BIESTER, Mr. BURKE of Florida, Mr. FOLEY, Mr. REID, and Mr. WINN):

H. Res. 296. Resolution on U.S. oceans policy at the Law of the Sea Conference; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. Res. 297. Resolution to provide for an investigation by the Committee on House Administration of an alarm system for the Capitol Building and Congressional office buildings; to the Committee on Rules.

By Mr. KOCH:

H. Res. 298. Resolution creating a select committee to conduct an investigation and study on Indian Affairs; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 299. Resolution to provide funds for the Select Committee on Crime for studies and investigations authorized by House Resolution 256; to the Committee on House Administration.

By Mr. PODELL:

H. Res. 300. Resolution authorizing and directing the Committee on the Judiciary to conduct an investigation and study of the conduct and practices of the U.S. Department of Justice and the Federal judiciary with respect to grand jury investigations; to the Committee on Rules.

By Mr. THOMPSON of New Jersey:

H. Res. 301. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

H. Res. 302. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 72; to the Committee on House Administration.

H. Res. 303. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182; to the Committee on House Administration.

H. Res. 304. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 163; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

81. By the SPEAKER: Memorial of the Legislature of the State of New York, relative to the treatment of Soviet Jews and the granting of most-favored-nation status to the U.S.S.R.; to the Committee on Foreign Affairs.

82. Also, memorial of the Legislature of the Commonwealth of Virginia, requesting Congress to propose an amendment to the Constitution of the United States relating to tenure of Federal justices and judges; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BROYHILL of Virginia (by request):

H.R. 5562. A bill for the relief of David B. Smith; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 5563. A bill for the relief of Isaac Salinas; to the Committee on the Judiciary.

By Mrs. HANSEN of Washington:

H.R. 5564. A bill to incorporate in the District of Columbia the American Ex-Prisoners of War; to the Committee on the District of Columbia.

By Mr. JOHNSON of Pennsylvania:

H.R. 5565. A bill for the relief of Comdr. Howard A. Weltner, U.S. Naval Reserve; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 5566. A bill for the relief of Harry Slutsky and Lillian Slutsky; to the Committee on the Judiciary.

H.R. 5567. A bill for the relief of Marta Leocada Gamboa Suarez; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 5568. A bill for the relief of Mauro Zaino, his wife, Maria Zaino, and their daughter, Carmela Zaino; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 5569. A bill for the relief of Iolanda C. Masotta; to the Committee on the Judiciary.

H.R. 5570. A bill for the relief of James Vincent Melia, his wife Eugenia Melia, and their children, Serafina Melia, Rocco Fernando Melia, and Ncola Melia; to the Committee on the Judiciary.

H.R. 5571. A bill for the relief of Michelangelo Morelli; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:

H.R. 5572. A bill relating to the date on which the Glove Manufacturers Pension Trust is deemed to have qualified for purposes of the Internal Revenue Code of 1954; to the Committee on the Judiciary.

PETITIONS, ETC.

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

61. By the SPEAKER: Petition of the Common Council, Poughkeepsie, N.Y., relative to funding of the rehabilitation loan program under section 312 of the Housing Act; to the Committee on Banking and Currency.

62. Also, petition of James E. Steele, et al., Huntsville, Ala., relative to protection for law enforcement officers sued for damages in Federal court resulting from the performance of their duties; to the Committee on the Judiciary.

63. Also, petition of Jerry Heft, Leavenworth, Kans., relative to conditions in the Leavenworth Penitentiary; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JAMES I. LOEB COMMENTS ON THE MANSFIELD-AIKEN AMENDMENT TO THE CONSTITUTION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BOLLING. Mr. Speaker, on March 13, 1972, just 1 year ago today, Senator MANSFIELD, on behalf of himself and Senator AIKEN, introduced in the Senate, Senate Joint Resolution 215, "proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States." The amendment calls for a national presidential primary. Because so many of us have had a feeling of unreality and even inequity in the way we have been nominating our presidential candidates, the Mansfield-Aiken proposal received wide and largely favorable attention. But, so far as I know, nothing much has happened with the proposal since its introduction, probably because we were all so occupied with the 1972 nomination and election process.

Recently I asked an old friend, James I. Loeb, who has long been a student of American politics, to give me his informal views on the Mansfield-Aiken proposal. Jim Loeb has been a newspaper publisher and editor, a political activist, a White House consultant, and a diplomat, having served as U.S. Ambassador to Peru and then to Guinea. I think his memorandum contains some ideas that are not only interesting, but constructive and realistic. It follows:

JAMES I. LOEB COMMENTS

Perhaps the most significant aspect of the proposal made last year by Senators Mansfield and Aiken for a Constitutional Amendment providing for a national presidential primary is that it is bi-partisan.

Since the one-sided results of the presidential election became clear early in the evening of November 7th last, the Democrats have been licking their wounds while the Republicans have been licking their chops. But if the Republicans enjoyed the plight of the Democrats last November, they should be foresighted enough to realize that they will be in the same rocky boat in 1976 since neither party will have an incumbent President eligible to succeed himself.

Furthermore, and rather ironically, the new state laws establishing more primaries and new regulations in the nonprimary states will affect Republicans as well as Democrats, even if all the specific party rules do not. Hence both parties should be equally inter-

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ested in reassessing and reconsidering the nominating process as it has now developed.

Some Democrats will be convinced that 1972 was just a mistake and that Sen. Edward Kennedy will unite their party in 1976, so that no time should be wasted in discussions as to the past and possible changes for the future. Such thinking hardly does justice to the statesmanship of Senator Kennedy who would surely be the first to insist that the political process should not depend on any one man in any one set of circumstances.

Before commenting on the specifics of Mansfield-Aiken, I would offer a fundamental thesis and I offer it without in any way impugning the motives of the leadership or the membership of the McGovern-Fraser Commission: To put it briefly, in 1972 the presidential nominating system was so drastically changed in degree that it was fundamentally changed in essence.

Many of the changes, however well motivated and theoretically sound, were conceived in terms of mathematics and abstract concepts rather than in terms of the realistic dynamics of American politics. Two aspects of the American political reality which were overlooked were: (1) the sheer size of the United States of America and (2) the regionalism of American politics. In testimony before the McGovern Commission at its first hearing in Washington I warned that we were in danger of developing a perfect nominating process for Denmark, a small homogeneous country with no major regional problems. (This may be recorded as the first prophecy to be justified by events in a long life of political prophecies!)

There is no point in justifying the primary system by what happened before 1972. It was a different system, entirely. A system which involves a dozen or so primaries of which only three or four are meaningful, with the others called "beauty contests" to which no one paid much attention, is not at all to be equated with the 1972 system of some 23 primaries, all of them meaningful, plus new laws and party regulations in the non-primary states which made the selection-process for delegates meaningful there as well.

In addition, whether by happenstance or otherwise, the 1972 primaries were multi-candidate affairs while in the recent past, with a few notable exceptions, we had become accustomed to two-candidate primaries. (In 1968, Johnson and McCarthy in New Hampshire and Wisconsin, McCarthy and Robert Kennedy in the others; in 1964, principally Goldwater and Rockefeller among the Republicans; in 1960, Kennedy and Humphrey, with no serious contests among the Republicans; in 1956, Stevenson and Kefauver; in 1952, Eisenhower and Taft among the Republicans with no serious primaries among the Democrats, except perhaps Kefauver's defeat of President Truman in New Hampshire.) The multi-candidate primaries this past year were very different, with pluralities winning in most States. In only one State did Senator McGovern win a clear majority, with 52% in Massachusetts. (He had just about 50% in Oregon with little opposition.)

It is submitted that multi-candidate primaries without run-offs tends to produce candidates representing a minority viewpoint, and anyone who would be so bold as to propose 23 primaries to be followed by 23 run-offs would risk homicide.

In other words, the 1972 system, combining a multitude of separate multi-candidate primaries without run-offs and a series of meaningful contests in non-primary states, has the tendency to produce minority candidates. The other side of this coin is that the candidates who seek to unite the party are handicapped in the present system. Indeed, if Governor Wallace had understood the possibilities of the new system as well as Senator McGovern and his advisers did, Wallace might have come to the Democratic Convention with far greater strength that he did.

The 1972 system could encourage polarization within both major parties, and thus even greater polarization in the election itself. If this should happen, the republic could be in serious danger.

In seeking a solution to the problem, it should be understood that, in many fundamental respects, there is no going back to what once was and no longer is. There is no possible way to limit the number of primaries in the several states. On the contrary, the inevitable tendency will be for the number of primaries to increase rather than diminish, since a primary is the easiest way out for any governor or any state legislature, with the added inducement of great national publicity and an increase in the tourist business (in the off-season in most states).

In offering some reserved approval of the national primary idea, I am compelled to eat a generous portion of crow. More than twenty years ago I served—briefly and unimportantly—on the White House staff as a consultant to Charles S. Murphy, President Truman's Counsel. During that period I wrote a brilliant (sic!) memorandum giving all the arguments against the national primary idea then being espoused by the late Sen. Estes Kefauver. I would still accept the 1952 primary system. But the overriding point is: there is no going back!

The one aspect of Mansfield-Aiken which deserves the greatest support is that it standardizes the procedures in the several states. If there is one field in which it would seem that states' rights have no relevance at all, it is in the field of the nomination and the election of the President of the United States. After all, the Republicans and Democrats of California, New York and Wyoming are not nominating candidates for President of the USA. Now that the Supreme Court has ruled on the rights of the citizens with respect to the election of Congressmen and even of state and county legislators, it is high time that similar standards be applied to the process by which we choose our presidential candidates.

How ridiculous it is to depend on the whims of 50 state legislatures for the basic decisions leading to the nomination of our presidential candidates! Suppose the legislatures of New York and California should decide to hold their primaries on the second Tuesday of January of the presidential year! What, then, would happen to the primaries in the other states? Why should some states permit winner-take-all primaries while other states, because they provide for proportional representation, have far less impact on the final solution? Why should the states be able to "jockey for position" in terms of the dates of their primaries? The national standardization required by Mansfield-Aiken is essential if equity is to be achieved.

Mansfield-Aiken is also sound and reasonable, it seems to me, in its requirements (in Section 3) that an adequate number of signatures be essential for candidates to be placed on the national primary ballet.

But in a number of very significant respects, I would hope that Senators Mansfield and Aiken and their supporters in both Houses of the Congress would give serious thought to a rather fundamental reconsideration of the proposed amendment.

(1) If it were constitutionally possible to adopt a national system by a simple act of Congress, it would seem to be far preferable to an amendment to the Constitution. It is not so much that an amendment is difficult to be passed by the Congress and by the states but rather that it is equally difficult to change, once passed. After all, we are dealing with one of the most sensitive and significant aspects of our governmental structure, the nomination of its top leadership. No one is wise enough to have the Absolute Truth in this elusive field. If an amendment is deemed to be required constitutionally, I would urge that it be brief and that it merely grant to the Congress the right and the obligation to establish laws governing the national nominating procedures for the President of the United States.

The other specific provisions in Mansfield-Aiken would then be set forth in an act or acts of the Congress.

(2) Mansfield-Aiken calls for nomination in a national primary "by direct popular vote." This proposal seems to me to be symptomatic of the mathematical approach to the problem rather than a consideration of the political realities. It fails to take into account the regionalism that exists, and is likely to continue to exist, in this large nation. Under Mansfield-Aiken, a regional candidate could get, say, 80% of the vote from his own region and become the nominee of his party while a half dozen or more candidates were dividing the votes in the other regions. If the contest were limited to two candidates, this danger would either be eliminated or enormously diminished but a two candidate national primary seems highly unlikely.

It would be far preferable to count the results of the popular votes by states, as we do in the election itself, using the electoral votes assigned now to each state as the basis of the result. That would limit the regional impact of any one candidate to the regions and states in which he has voting strength, as it should, indeed as it must. This would in no way limit the power of the national committees of the parties to decide the size of the conventions by allocating two or more delegates for each electoral vote, or to allocate additional delegates to the several states depending on whatever factors each party would want to consider (such as the voting pattern in the previous presidential election).

(3) Mansfield-Aiken says nothing about the selection of delegates to the national conventions of the parties. I would urge that the candidates be responsible for the selection of the delegates in the several states. In other words, if a candidate receives 35% of the primary vote in Iowa, he should be entitled to 35% of the delegates from that state. He should have the right to choose his delegates as he wishes. He could either name them himself or have them chosen by a caucus of his supporters in the state. The major point is that the candidate should be responsible and accountable for the selection.

A major dividend of this system is that it might well resolve the tough problem of the so-called quota system which now exists in the Democratic rules (although a footnote in the McGovern Commission report specifically excludes quotas as such). Even those of us who have consistently sought to achieve the fullest representation for minorities, for women and for the young, are bothered by the inherent conflict between the quota system and the democratic process. For example, there is no reason to insist, by party regulation or by law, that a racist candidate be represented at a national convention by blacks, or that an antifeminist candidate be required to be represented by a delegation with roughly 50% women members. If the candidate himself is accountable for the delegates who represent him, he will see to it that they reflect his views in terms of minority representation. If they do not include sufficient minority representation, the candidate will pay the price politically. This is as it should be, and it would eliminate the challenges made on the basis of mathematics. The real challenge, both at the national conventions and in the November elections, is the political challenge.

(4) Mansfield-Aiken would require only a plurality of 40% of the national vote to nominate a candidate. This not only opens up the possibility of nominating a candidate who represents only a minority of his party, but it increases the dangers of nominating a

predominantly regional candidate as indicated above. I would urge that a majority be required for nomination as the candidate of each party.

(5) A major suggestion for changing the Mansfield-Aiken proposal has to do with the run-off election in the event that no candidate receives 40% (or even 50%) of the votes. A national run-off is admittedly a cumbersome procedure. It lengthens the nominating process, and in Mansfield-Aiken by 28 days, which means a new campaign of four weeks. And it serves to diminish, almost to the point of eliminating, the importance of the national conventions which, for better or worse, are the only occasions during a four-year period when the several parties become, if only for a few days, national parties rather than confederations of state fiefdoms.

I would urge the elimination of the run-off and I would propose that the final decision of the nominating process be made by the national conventions. If a candidate were to win 50% or a majority of the delegates in the national primary, he would obviously be assured of the nomination before the convention takes place. The convention would, then, ratify his nomination, nominate a vice-presidential candidate, adopt a platform, and launch the campaign. If, on the other hand, no candidate obtained a majority of the delegates, the issue would be decided by the convention.

It will be charged that this system would make for "wheeling and dealing" among the candidates. But that is merely a pejorative term for politics, especially for coalition politics. The two-party system is dependent on coalition politics. Indeed, it would take a courageous soul who would dare to insist that "wheeling and dealing" is unknown in the primary system as it has been in the past, and especially as it was in 1972.

(6) A relatively minor but nonetheless significant detail in Mansfield-Aiken has to do with the date of the proposed national primary, the first Tuesday after the first Monday in August. This date is subject to the legitimate criticism that it comes during the summer vacation season when many families are discombobulated in one way or another. Conventions, which involve upwards of 3,000 active partisans, can be conveniently held in August but the holding of primaries at this time would involve, hopefully, many millions of voters, the vast majority of whom would be far from political activists. I would suggest a non-summer date, perhaps, at the latest, the first Tuesday after the first Monday in June.

(7) Finally, whenever there is a discussion of a national primary, there is a discussion of finances. While it would be hard to imagine the expenditure of more money than was required in the 1972 primaries (almost completely limited, of course, to the one party in which there were major contests), the issue should be dealt with in the legislation. I claim no expertise in this field but I would think that the legislation could require some free television and radio time for all qualified candidates, hopefully Federal funds for the candidates, and limitations on the amounts that could be expended.

The general argument against any form of national primary will be made that it favors well known candidates and does not give the lesser known candidates an opportunity to build their strength gradually, as Senator McGovern did in 1972. Whatever one's party affiliation or political preference in 1972, it must be said that George McGovern waged a gallant battle against enormous odds. Nevertheless, I find it strange that he should have been considered an unknown, even at the beginning of his primary campaign. After all, he had been a U.S. senator for 10 years and a very distinguished senator who had taken the leadership on the Vietnam issue over the past several years. He had even been a presidential candidate in 1968, with wide television coverage. Furthermore, he had easily the best and most widespread organization of any of the candidates, with college students and liberal activists working for him in every state. This organization would have counted heavily in a national primary. Adlai Stevenson was far less well known in early 1952. Finally, it is fair to raise the question as to whether a nominating process for the Presidency should be geared to the possible nomination of a relatively unknown candidate.

If, as Senators Mansfield and Aiken clearly believe, along with millions of Americans of all political convictions, the present catch-as-catch-can nominating system is dangerously unjust and unrepresentative, there is still time, but barely, to make essential changes before 1976. Especially is time of the essence if any form of constitutional amendment is involved.

It would seem highly appropriate that the United States demonstrate that it has come of age politically by starting its third century as a nation with the inauguration of a reasonable and equitable method of nominating our presidential candidates.

SAVE YOUR VISION WEEK

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DEL CLAWSON. Mr. Speaker, this year Save Your Vision Week, proclaimed by the President as the week of March 4–10, came at a most appropriate time for the Congress. We are considering a host of health proposals, many of which could in time change the face of the Nation's health care system.

Vision is, of course, a vital part of the Nation's health. In addition to their daily contributions in this area, the primary eye care practitioners, the optometrists of the Nation, have for 47 years supported Save Your Vision Week in a massive effort to educate the public to the necessity of good eye care. The quality of the individual's vision affects his learning abilities, his work, his personal and emotional development.

As the Congressman from California's 23d District, I am proud of the development of the new campus of the Southern California College of Optometry. New facilities are under construction at Fullerton; the first class will matriculate there in September of this year. the 6.85-acre site is located within a 100-mile radius of 35 colleges and universities which are expected to provide a majority of the new students at SCCO.

Dr. Richard L. Hopping, an outstanding optometrist from Dayton, Ohio, and past president of the American Optometric Association, has assumed the duties as president of this fine segment of the Nation's health professional training complex. Established in 1904 as the Los Angeles College of Optometry, this institution has already played a significant role in meeting optometric manpower needs in California, as well as other Southwestern States.

The new facilities provide space for an enrollment increase exceeding 50 percent, in answer to the mounting vision needs of the public. The entire campus exemplifies the tremendous progress of optometric education in the last decade.

A Federal grant of almost $2 million has supported this construction effort at Fullerton. Such support has made possible the increase in needed professional facilities. Continued support for students entering the professional health care field may also be required as a necessary followthrough.

THE SADDENING CELEBRATION

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, perhaps because the columns of Art Hoppe are so regularly humorous and entertaining, it is overlooked that he can also be one of the most gifted, sensitive, and movingly serious writers around.

Mr. Hoppe perhaps writes only one or two such "serious" pieces a year, or less. When he does, it is well worth our time to note it.

There is little I could say by way of introduction or description of a recent column by Mr. Hoppe entitled, "The Saddening Celebration," which appeared in the San Francisco Chronicle last February 14.

The eloquence and sincerity of the column speak for themselves, and I find it best to offer it in the same spirit in which I myself concluded reading it, which was in silence.

The column follows:

THE SADDENING CELEBRATION

(By Arthur Hoppe)

For the past week the front pages have carried little else but the story of our returning prisoners of war.

Each day, I've glanced at the pictures of grinning young men and tearfully happy wives. And I've turned the page.

I don't want to read about it. "Hero's Welcome for Freed POWs," the headline says. I don't want to watch as the tiny figure on the television screen waves joyously from the steps of the airplane and then, through the electronic magic of Instant Re-Play, waves joyously once again.

I know this is the one happy moment of this long and ugly war. I know this is as close to a victory celebration as we'll ever have.

Yet I can't bring myself to share in the mood of national jubilation. I only feel sad.

Partly, it is the 500 or so young men themselves. I'm glad they're finally coming home. I try to imagine what it would be like to spend eight years in a foreign prison camp. The poor bastards!

Yet it was we who sent them over there to be captured and confined. It was we who sent them to fight this long and ugly war because we could find no way out of the mess without admitting we were wrong.

They are living evidence of our guilt. They are, in a way, us. For we were all, as the peace pamphlets used to say, prisoners of the war.

And their happiness now is in direct ratio to the agony we put them through. Maybe this is true for the nation as a whole. Maybe this is the cause of our jubilation now. So when I see the joy in their faces that their agony is over, I turn the page. I flick off the set. I only feel sad.

The President has asked us to offer "a prayer of thanks for all who have borne this battle." When he says that I don't think of our 500 prisoners. I think of those who bore far worse in this battle. But they are dead. More than a million of them. I can't thank them for dying. The poor bastards! I only feel sad.

The President says we must "resolve anew to be worthy of the sacrifices they have made." The sacrifices for what? The map of Vietnam is unchanged. The Viet Cong still hold their enclaves. A dictator still rules in Saigon. More than 145,000 North Vietnamese troops still remain in the south.

A decade of sacrifices. A million lives, a billion dollars, our own country torn apart. Yet nothing has changed. And I am asked to feel worthy of this. I only feel sad.

But that is only part of it. It is mostly, I think, that I begrudge this long and ugly war even this one happy moment.

Its very ugliness and pointlessness, I had come to feel, was its only virtue. After a decade of this ugly and pointless war, the country had come to look upon it with revulsion. And I had hope that this revulsion would extend to any future war our leaders might want to embroil us in as they play their game of global strategy.

But how quickly we forget.

The President talks now of the "selflessness" of our cause, of "peace with honor," of noble "sacrifices." And now the nation's mood is one of jubilation as we celebrate what is fast becoming a famous victory in glorious battle.

So I glance away from the happy faces of these 500 young men. They are the symbols of this war. We should never have sent them over there. Now at last we have them back. They are the only fruits of our victory. And yet the nation celebrates.

How quickly we forget.

And that, I think, is perhaps the saddest thing of all.

FIRE IN THE HOUSE

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KEATING. Mr. Speaker what would happen if a fire would break out at this moment in the Capitol or one of the office buildings? The fact is no one here knows any of the fire signals or procedures, because there are none.

After the tragic bombing of the Capitol 2 years ago, I introduced legislation directing the House Administration Committee to study the problem and inform the Members of the House, their staffs, employees of the House, and visitors of evacuation and fire procedures.

I am reintroducing the resolution today.

Through the legislative bell system we know what to do for a vote, or quorum call, or civil defense attack; but we do not know what to do if there is a need to evacuate the buildings. We have all heard the civil defense warning tested; but has any Member ever heard a fire alarm tested?

During the past 6 years there have been more than 12,000 deaths annually as a result of fire.

This year the Congress has already held hearings on fire safety in high rise buildings. By passing the Occupational Safety and Health Act we have put tight fire safety regulations into effect for industry; yet these regulations are not implemented here in the Capitol Building and the congressional office buildings. We in the Congress should be setting the example.

Today, I am reintroducing the bill and hope that the House Administration Committee will take action before we are forced to move by a tragedy.

THE OLD, THE POOR, THE UNEMPLOYED

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MOSS. Mr. Speaker, in an age when we are told that volunteerism and local responsibility can deal effectively with national and world problems, I feel that this article by Henry Steele Commager should be read and pondered by all. I insert in the RECORD the following New York Times' article, "The Old, the Poor, the Unemployed":

THE OLD, THE POOR, THE UNEMPLOYED

(By Henry Steele Commager)

AMHERST, MASS.—The object of President Nixon's "new federalism" (which is neither new nor federalism) is to balance the budget, dismantle ineffective social services, and to provide more money for the military. It is submitted to the people not in this bald fashion, however, but as a reduction in Big Government, and a return to localism and voluntarism, that is to "grass roots" democracy. The notion that voluntarism and local authorities can deal effectively with the national and global problems which crowd about us is without support in logic or history, and is dangerous to the well being of the Republic.

The fact is that for a century and a half almost every major reform in our political and social system has come about through the agency of the national government and over the opposition of powerful vested interests, states and local communities.

It is the national government that freed the slaves, not the states or the people of the South, and there is no reason to suppose that these would ever have done so voluntarily. It is the national government that gave blacks the vote, guaranteed them political and civil rights, and finally—in the face of adamantine hostility from Southern states and bitter resentment from local communities, provided some measure of social equality, legal justice and political rights for those who had been fobbed off with second-class citizenship. Ask the blacks if they could have "overcome" through voluntarism.

It is the national government which finally gave the suffrage to women and which, in the past decade, has so greatly expanded the area of woman's rights. It is the national government, too, which extended the suffrage to those over eighteen. And it is the federal courts that imposed a one-man, one-vote rule on reluctant states.

It is the national government which, in the face of the savage hostility of great corporations and of many states, finally provided labor with a Bill of Rights, wiped out child labor, regulated hours and set minimum wages, and spread over workers the mantle of social justice. Ask the workingmen of America if they prefer to rely on the voluntarism of private enterprise rather than on government.

It is the national government that first launched the campaign to conserve the natural resources of the nation and that is now embarked upon a vast program to curb pollution and waste, and to save the waters and the soil for future generations—a program which Mr. Nixon's new federalism is prepared to frustrate. Ask conservationists whether they can rely on the states, or on voluntary action, to resist giant oil, timber, coal and mineral interests for the fulfillment of their fiduciary obligations to future generations.

It is the national government, not the voluntarism of the American Medical Association that finally brought about social security and medicare—just as in Britain, France, Scandinavia and Germany it was government, not private interests, that established socialized medicine. It is the national government, not states or private enterprise (which did their best to kill it) that finally provided social security for the victims of our economic system. Ask the old, the poor, the unemployed, the "perishing classes of society" whether they wish to go back to the voluntarism of private charity or the haphazard of local welfare.

It is the national government, through national courts, which has imposed "due process of law" on local police authorities, and on the almost arbitrary standards of many states. We have only to compare the administration of justice and of prisons in local and federal jurisdictions to realize that many of the values of voluntarism and localism are sentimental rather than real.

It is the national government, not the local, which through its almost limitless resources has finally acted to ameliorate the awful inequalities on public education at all levels. And it is the national government which has, in recent years, given vigorous support to the arts, music, libraries, higher education and research in every part of the country.

Now these and many other achievements of nationalism in the arena of health, welfare, conservation, economic equality, and justice are not to be explained on some theory that those who work for the nation are more compassionate than those who work on the local level. The explanation is at once more simple and more practical; namely that as the problems we face are inescapably national, they cannot be solved by local or voluntary action. Pollution is a national problem, no one state can clean up the Mississippi River or the Great Lakes, regulate strip mining, or cleanse the air. Civil rights, medical and hospital care, drugs and mental health and crime, the urban blight, education, unemployment—these are not local but national in impact, and they will yield only to national programs of welfare and social justice. All of them are as national as defense, and all as essential to the well being of the nation, and not even Mr. Nixon or Secretary of Defense Richardson has proposed a return to the militia system, though that would be logical enough in the light of their philosophy.

Only the national government has the constitutional authority, the financial resources, the administrative talent and the statesmanship to deal with these problems on a national scale.

The Nixon-Richardson program is not a philosophy, it is an escape from philosophy; it is not a program, it is the fragmentation of a program.

SPRING VALLEY JEWISH COMMUNITY CENTER CELEBRATES GOLDEN JUBILEE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GILMAN. Mr. Speaker, I am pleased to call to the attention of my

colleagues today, the 50th anniversary of the Jewish Community Center in Spring Valley, N.Y., which is celebrating that event during the month of March.

From a small handful of 12 active, alert citizens who recognized the need for providing Rockland County with effective communal programs, this organization has grown and has been providing a vital stimulus to community life since 1923.

Throughout its 50 years, the Spring Valley Jewish Community Center has assumed an integral role in the lives of many citizens in the Spring Valley area. This center now serves over 550 families, provides a wide variety of services, including: day school programs, religious training and nursery schools, assistance for the elderly and a gathering place for the youth of the area.

Our great Nation is the product of civic minded individuals such as this coming together in an effort to provide a better way of life for their community. The Jewish Community Center, in its meaningful response to the needs of the residents of Spring Valley, is the synthesis of this communion of citizens providing a more productive and fruitful life for those it serves.

The Jewish Community Center of Spring Valley is deserving of our commendations as it commemorates its jubilee year.

TO AMEND THE INVESTMENT ADVISORS ACT OF 1940 TO PROVIDE FOR REGULATION OF PERSONS RATING MUNICIPAL BONDS

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MURPHY of New York. Mr. Speaker, I introduce with Congressman BERT PODELL a bill to amend the Investment Advisors Act of 1940 to provide for regulation or persons rating municipal bonds. I believe that this legislation would aid municipal governments in obtaining needed funds through the bond markets. It would assure that the persons and agencies that rate these bonds, for a fee charged to the bond issuer, follow a known set of standards and apply these standards consistently among all municipalities.

The need for this bill is perhaps most apparent from the obvious inconsistency in the ratings given to New York City. There have not only been inconsistencies in these ratings among the several rating services resulting in millions of dollars added to the cost of the financing, there have also been inconsistencies in the treatment of different cities, and even inconsistencies among separate bond issues guaranteed by the city of New York by the same rating service. This differing application of rating standards both between cities and among the rating services unfairly penalizes the taxpayers of the downgraded cities. To the extent that some cities may be upgraded the present system provides an unwarranted fiscal dividend.

Examples of these disparities are clearly evident from a comparison of the ratings given to New York City and several other large cities by three of the most widely respected rating services. First of all, New York City has been rated Baa—later redefined as Baa-1—"lower medium grade"—fourth highest of nine grades by Moody's since July 1965. Standard and Poor's since July 1966 have rated the same obligations BBB—"medium grade"—the fourth highest of 12 grades. Dun and Bradstreet from July 1965 until their absorption by Moody's in 1971 rated New York City as "average"—"short of meeting 'good' standards, but the elements of strength on the whole outweigh any significant weakness"—the fourth highest of eight categories and "10"—of 22—on "credit risk" in their double rating system.

At the same time Standard and Poor's gave Detroit a higher "A" rating while Moody rated Detroit lower—"Baa"—as did Dun and Bradstreet—"Fair 13."

Further confusing the rating standards is the fact that a bond issue by the New York State Urban Development Corp. was given a higher rating than New York City's bonds. This occurred in spite of the fact that the corporation had no fiscal support of its own, except a moral commitment from the State to meet any deficits in debt service requirements. The situation is even more incomprehensible when it is realized that the State constitution provides that any payments to New York City must be applied to meeting debt service requirements if the appropriating authorities fail to meet the annual debt service charges on the city's obligations.

I could continue to point out other gross inequities of the rating services, but I believe these examples sufficiently illustrate the problem.

I do want to point out, however, Mr. Speaker, that the taxpayers of New York City are by no means the only ones who suffer undue financial burden from the questionable behavior of the municipal bond rating agencies. In spite of the fact that there has not been a major loss on any municipal security since the depression only one of the 20 largest cities—Milwaukee—is given the highest quality rating by all three of the rating agencies surveyed. Of the five largest cities in the country—all of which certainly generate sufficient income and have more than adequate resources to cover all outstanding debt even with their recurring cash flow and current account difficulties—only Los Angeles is given an excellent rating consistently, and even that rating is short of the highest prime category.

The purpose of this legislation, Mr. Speaker, is not to infringe upon the freedom of the rating services. It is not designed to force them to rate New York City's or any other municipalities obligations at a higher grade than warranted. Rather, it is to insure that first, the standards used to derive the ratings are reasonable and in effect do measure credit worthiness; second, the standards decided upon are consistently applied and differences of opinion are based on fact and sound reasoning; and third, the same standards are applied to corporations, municipalities, and any other issuers of obligations that ask for and receive a credit rating. With respect to point three, it is difficult for me to comprehend how any corporation can be a better credit risk than a municipality such as New York City. The city has never defaulted on a financial obligation since its founding. It provides a first lien on all city revenues for payment of debt service, which currently amount to nine times the amound needed for payments of interest and principal on the bonds outstanding. It has the power to subject all taxable property to an unlimited ad valorem tax to pay bond interest and principal, which is currently 8.7 percent of the full value of real taxable property. And the State constitution provides for the use of State funds to meet any debt service not covered by appropriation by the city.

Furthermore, Mr. Speaker, this bill will institute procedures to be followed by anyone who believes they have been adversely affected by the action of a municipal bond rating agency. It will give protection to those who have been financing the needs of the city, but have been at the mercy of agencies that may, either haphazardly or purposefully, have caused them additional financial burdens.

The legislation that Congressman PODELL and I introduce today, would require the rating agency to issue a new rating based on the foregoing requirements, if after hearings, the regulating commission should find that the original rating was in violation of these requirements.

Mr. Speaker, I believe that both sides of the aisle will agree with me, that no private organization should have as much power as the rating agencies have, to affect the salability, and therefore the interest cost to the taxpayer, of Government bonds without some sort of responsiveness to the financial welfare of the taxpayers. I think that we can all agree, in view of the national scope of capital markets, that the most efficient and effective safeguard for the taxpayer would be the establishment of a Federal commission with regulatory and enforcement powers.

THE PRICE OF LUMBER

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANNA. Mr. Speaker, I am sure that most of the Members of this body have received, as I have, numerous complaints about the dramatic increase in lumber prices and the corresponding increase in the price of new homes. While the administration congratulates itself at every turn on its victory over inflation, prices in these two related areas continue to rise at an unprecedented rate. During phases I and II, the wholesale price of lumber rose 14.5 percent. That, I submit, is no victory over which to brag.

There is considerable evidence that the

increase in lumber prices has been in large measure a case of demand-pull inflation in the midst of poorly conceived price control policies; 1971 and 1972 were record-setting years for housing construction with 2.1 million and 2.4 million starts respectively. Even with a casual acquaintanceship with economic principles one can see that those facts suggest a marked increase in the demand for lumber, and that in the absence of increased supply or price controls this pressure would drive up the price of lumber.

In what appears to be complete disregard or ignorance of these facts, the administration on last May 2 exempted from phase II all firms employing 60 or less people. It so happens that most lumber suppliers fall into that category. The administration did not respond to the inevitable increase in lumber prices until mid-July, when it exempted the lumber industry from the "60 or less" exemption. The lumber situation has remained in a state of confusion ever since, and with the advent of phase III, prices have begun a new upward spiral.

There is every reason to believe, Mr. Speaker, that the demand pressure on lumber prices will remain heavy in 1973. Unless public policies in terms of price controls and timber supply are adjusted accordingly, the price of new homes will continue to rise at an unacceptable rate.

I believe, Mr. Speaker, that if the Members will review the following figures, they will agree with me that in the area of lumber prices, as in the case of food, the administration has failed to live up to its promises and boasts:

LUMBER WHOLESALE PRICE INDEXES AND PERCENTAGE INCREASES, AUGUST 1971–DECEMBER 1972

Commodity	Wholesale price indexes				Percentage changes			
	August 1971	October 1972	November 1972	December 1972	August 1971 to December 1972	October 1972 to November 1972	November 1972 to December 1972	Monthly average, August 1971–December 1972
All commodities	114.9	120.0	120.7	122.9	7.0	0.6	1.8	0.4
All lumber	146.7	166.1	166.8	167.9	14.5	.4	.7	.9
Softwood lumber	154.5	175.1	176.0	177.2	14.7	.5	.7	.9
Douglas fir lumber	150.9	167.9	168.1	168.3	11.5	.1	.1	.7
Southern pine lumber	141.4	154.8	156.3	156.3	10.5	.1	0	.7
Other softwood lumber	161.2	186.3	187.2	189.3	17.4	.4	1.1	1.1
Hardwood lumber	87.1	130.3	130.4	131.0	50.4	.1	.5	3.2
Millwork	123.8	130.7	130.9	130.7	5.6	.2	−.2	.4
Softwood plywood	138.7	159.9	157.4	155.2	11.9	−1.6	−1.4	.7
Hardwood plywood	100.3	107.0107	107.0	107.0	6.7	0	0	.4

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

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

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

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

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

IN MEMORY OF THE LATE LYNDON BAINES JOHNSON

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 6, 1973

Mr. MILLS of Arkansas. Mr. Speaker, in the passing of Lyndon Baines Johnson, the Nation has lost not only its remaining former Chief Executive, it has also lost a great public servant and a true friend of the people.

Lyndon Johnson first came to Washington in 1931 as a secretary to a Congressman. He left Washington in 1969 upon his retirement from the presidency of the United States. During that 38-year period, he indelibly inscribed his mark on the pages of U.S. history. As a congressional staffer, Member of the House, U.S. Senator, majority leader of the Senate, and finally as President of the United States, he served this Nation well and faithfully.

Perhaps no other era in the life of this country has been as eventful and challenging for those in positions of leadership than these past four decades, encompassing the Great Depression, World War II, the Cold War, the Korean conflict, unprecedented domestic social upheaval, and Vietnam. Lyndon Johnson never shirked the awesome responsibilities that fell on his shoulders during these times. He gave the Nation his very best during his active public service and continued to serve as a source of sound advice and good counsel for this Nation and its leaders during his retirement years on his beloved ranch along the Pedernales River.

We all mourn the passing of this strong leader and great statesman from our midst.

MY RESPONSIBILITY TO FREEDOM

HON. JOHN JARMAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. JARMAN. Mr. Speaker, Mr. James Matthew Ray of Oklahoma City is the 1973 Oklahoma State winner of the Voice of Democracy contest sponsored by the Veterans of Foreign Wars. Matt is from my congressional district and it is with pride that I submit for the RECORD a copy of his winning essay:

MY RESPONSIBILITY TO FREEDOM

(By Matt May)

Once there was a wise old man who lived in the hills of West Virginia. He was well known for his profound knowledge and philosophical insight. One day some boys from a neighboring village decided to play a trick on the old hermit, to test his wisdom. They caught a bird and proceeded to the hermit's cave. One of the boys cupped the bird in his hands and called to the hermit, "Say, old man, what is it that I have in my hands?" Hearing the chirping and noise the hermit said it was a bird. "Yes, but is it dead or alive?" asked the boy. If the hermit said the bird was alive, the boy would crush it in his hands. If the hermit said the bird was dead, the boy would open his hands and let the bird fly free. The hermit thought a moment and then replied, "It is what you make it."

Just as the bird in the cupped hands of the boy, our country's future is on a teeering

block. Whether it will be a prosperous one or one of desperation is determined by our actions. It is what we make it.

The hermit had the insight to foresee a problem or perhaps a tragedy arising in his own little world. It is up to each individual in our society to recognize the problems facing our country and to exercise his individual responsibilities to freedom.

Each of us should follow after the pattern of Daniel Webster when he made his famous March 7, Compromise Speech. In one part he stated:

"I wish to speak today, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States . . . (but) I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope."

Perhaps we cannot give as much as this great Senator when he sacrificed his future political career to attempt to save the Union from division. But we can sacrifice a few minutes to study candidates platforms and then vote during each election, as well as having respect for the civil laws governing social behavior, and serving in the armed services when called on to do so.

These responsibilities are few, yet they are so often disregarded. An American should realize the danger in such an omission. I know I must meet these obligations if I am to be a beneficial part of my country. And when I meet my responsibilities, I will try to do what I think is best for the United States. My decisions should not be selfish but instead should render aid to the people of the nation. I should remember as Andrew Hamilton once stated: "the man who loves his country prefers its liberty to all other considerations, well knowing that without liberty life is a misery . . ." This is why we have to accept our responsibilities as being intricate parts of our lives.

However, many of our youth today have been expressing their views on many important issues and often they are silenced. There is nothing wrong with a person expressing diverse views in America as Patrick Henry showed us back in 1775, when he stated:

"(But) different men often see the same subjects in different lights; and, therefore, I hope that it will not be thought disrespectful to those gentlemen if, entertaining as I do, opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve."

America is definitely founded on this principle; however, many times the youth of today try to dramatize their views with violence. The expression of one's views does not have to be accompanied by violence. Even when an individual exercises his right of opinion, he must remember that there are rules governing our social actions that are established to protect every person. In expressing my views, I must be sure not to infringe on another's rights. Any improvement in my country that I seek to establish should be possible through the structure of our government. I must always remember that what I feel would be best for the U.S. is not necessarily what the majority would see as being best.

Yet even though this may be true, I must acknowledge that I have certain obligations to my country; I must sincerely try to vote in all elections to which I am qualified; I must respect all laws governing social behavior; and when called to do so, fight for the virtues which my country holds as necessary. I cling earnestly to these beliefs. For my hands are cupped and I must make the decision.

LEGISLATION FOR THE MENTALLY RETARDED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, one of the top priority issues of this session of Congress must be an extensive legislative program for mental health care in this country. The last session of Congress displayed relative inattention and insensitivity to the problems which the States and nonprofit organizations are facing in providing necessary assistance to the needs of the mentally retarded. No bills dealing with the needs of the retarded were adopted by the last Congress, and this is a track record of which none of us can be proud.

In light of the recent cutbacks in funding and disclosures of widespread underfunding of State institutions serving the mentally retarded such as Pacific State Hospital in Pomona, Calif., the need for improved and expanded Federal assistance programs becomes even more acute.

Toward that end, I am today introducing a comprehensive package of bills designed to assist private and public institutions in the treatment and care of mental patients and a massive upgrading in mental health diagnosis and treatment.

More than 200,000 mentally retarded persons in this country are forced to live out their lives in facilities that not only fail to meet their special needs, but often set them back even farther into the depths of retardation.

Mental retardation does not have to be absolute. Our technological society has, in practice, made relative retardation synonymous with absolute retardation, but studies have shown, particularly with children, that retardation cannot only be curbed, but in some cases, cured, where there is proper stimulation, conducive surroundings, and positive reinforcement.

Early experience can, as psychologists have suggested, absolutely retard a child's intellectual growth. But that retardation seems to be more temporary than we have believed, and children retain an enormous potential for recovery. Thus, it appears that a 2-year-old who is seriously retarded in the absolute sense is able to recover normal intellectual functioning within a period of several years in proper surroundings with proper treatment.

Unfortunately, the conditions which exist in our institutions today do not meet these criteria. A major part of the legislation I am introducing today, known as the Bill of Rights for the Mentally Retarded, provides some $30 million a year for 3 years to assist the States in conducting comprehensive studies of the cost of bringing existing residential facilities into compliance with established standards, to review the present State plans and developing strategies to fulfill the purpose of the bill—to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities.

Any State seeking funds under this legislation would have to comply with the standards established by a 15-member National Advisory Council in order to qualify for assistance.

I am also introducing a bill which amends the Social Security Act to provide that an institution which is primarily for the mentally retarded shall not be considered an institution for mental diseases. This permits aid to be given to the permanently and totally disabled, under approved State plans with Federal matching, to individuals in institutions for the mentally retarded.

Another bill amends the Education of Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children.

Finally, I am introducing a Mental Health Act which provides adequate mental health care and psychiatric care for all Americans and ends the discrimination between mental health care and other forms of health care.

THE F–14 TOMCAT

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RONCALLO of New York. Mr. Speaker, an editorial from the North Dakota Jamestown Sun, explaining the superiority of the Grumman F–14 over any of today's aircraft and the necessity for keeping America militarily strong has been brought to my attention. I would like to share this editorial with my distinguished colleagues:

BUFFALO TERRITORY: THE F–14 TOMCAT

(By Jack Evans)

The program of development and manufacture of the F–14 air superiority fighter, parts of which are manufactured in our community, has moved along very well through design, experimental and initial-delivery stages.

The F–14—also known as the Tomcat—is a supersonic jet plane made for U.S. Navy use. It is also adaptable to other U.S. armed services.

According to neutral observers and the aircraft's prime contractor, Grumman Aerospace Corporation of Bethpage, N.Y., the Tomcat has no equal in the world—even including the USSR's MIG Foxbat. Military experts concede this new Russian supersonic MIG is tops among fighter-bomber jet aircraft made outside the United States.

The U. S. Navy fully agrees with estimates of the capabilities of the tremendously fast, potentially most effective F–14 Tomcat.

Twenty-five F–14 Tomcats have been completed and delivered. Thirteen of these have been used for the punishing stress, speed, performance and reliability tests that must be made before a plane is delivered to its military purchasers. Twelve of the planes have been delivered to the U.S. Navy for its own special testing.

The Tomcat has lived up to all the Navy's expectations, as well as those of its designers and manufacturers. In fact, the Navy is as near being ecstatic over the F–14's performance and potential as that most-conservative of our branches can be.

A test compared the F–14 Tomcat with the F–4J. The F–4J is preferred by some members of Congress. The test was held on Feb. 22. The F–14 Tomcat was flown by a Navy pilot with a neutral umpire accompanying him in the plane. The F–4J was flown by a project test pilot. Eight pre-briefed encounters—as between a U.S. aircraft and any potential enemy—were run in the test. Eight out of eight times the F–14 Tomcat defeated the F–4J hands down. In fact, witnesses agreed that the F–4J is not competition for the F–14.

The defeated test-plane has what are called "slotted wings"—the leading edge of the wings has slots which added to maneuverability of the craft and change somewhat the dynamics of the leading edge of the wings at various speeds.

The winning F–14 Tomcat has an entirely different feature which is understandable even to those not sophisticated in aerospace dynamics. The wings of the Tomcat are retractable. At takeoff they are extended out from the plane in somewhat the manner of a bird soaring. When the F–14 reaches a specified high speed, the wings retract back along the fuselage in a conformation like the fins on a rocket. When the plane is ready to land, its wings are again "spread" and it lands at a speed slow enough to permit it to land on the deck of an aircraft carrier or on a similarly short runway on land.

Probably the most outstanding battle capability of the F–14 Tomcat permits it to take on, via its own computer, as many as six adversaries at once. Any one or all of those adversaries may be up to 600 miles away. All six may be in different locations. The Tomcat's computerized radar-targeting system can be used with rockets, bombs or 20 mm machine guns. The latter fire at a speed of over 6,000 rounds per minute from a modern-day version of the old "gattling gun."

Continuance of the program of manufacture of the Grumman F–14 Tomcat is in doubt because committees of the U.S. Senate are now debating the amount of money that should be spent on going forward with manufacture and delivery of this plane. Inflation has caught up with the Tomcat's cost of manufacture. Grumman, the plane's maker insists on being able to follow through on this project, step-by-step and lot-by-lot on a sound monetary basis. It wants U.S. funds for the project increased somewhat so that building and delivery of this great new defense weapon will remain fiscally sound and not have to be abandoned somewhere along the way in the future.

The United States, just now pulling out of a long and agonizing armed conflict, hopes this country and all countries are headed into a generation or two or three of peace that eventually will defuse the earth of the dread of worldwide conflict.

Our potential or possible enemies in any conflict understand, and have for years, that the U.S. wants this elongated peace time and international good will.

But our potential or possible enemies will understand our desire for peace a little more clearly if they know that we are continuing to make sure we are safe with the very best of military weapons. An outstanding example is the Grumman F–14 Tomcat.

Readers are urged to let their U.S. Representatives and U.S. Senators know their feelings on keeping the U.S. foremost in aerospace design and military hardware.

The United States doesn't want the biggest number of men and material in any of its armed services. It certainly wants the best, however.

SUPPORTS NEED FOR CONGRESSIONAL BUDGET REFORM

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1973

Mr. MADIGAN. Mr. Speaker, it was my pleasure recently to join with my fellow first-term Republican colleagues in the House in signing a resolution calling on the Congress to begin the long overdue trek toward Federal budgetary reform and fiscal responsibility. We were joined by 10 equally concerned Democrats who are also serving their first term in Congress.

Federal budget reform is long past due. We need an effective ceiling on Federal spending and a reform of the outmoded budgetary procedures under which the Congress operates.

Several of my fellow first-term colleagues are, like me, former members of State legislative bodies. Few State legislatures operate in a manner which avoids coming to grasp with matching anticipated State income with anticipated expenses. It seems almost incredible to me that our Federal Government can operate without this necessary discipline on income and spending. Members of the legislative branch of our Government must be provided the opportunity to vote on the entire expected expenditures of the Federal Government in relation to estimated Federal revenues.

In his budget message of January 29, 1973, President Nixon said:

> Higher federal tax rates are not needed now or in the years ahead to assure adequate resources for properly responsive government, if the business of government is well managed. The surest way to avoid inflation or higher taxes or both is for the Congress to join me in a concerted effort to control federal spending.

His proposed budget has sent shock waves through both the U.S. citizenry and the Congress, as well. It indicates clearly that he is willing to do his part in bringing Federal spending and deficit budgets under control—something neither his administration nor any of the past five administrations have been able to accomplish.

The executive branch of our Federal Government has lived through deficit budgets year after year due to lack of congressional control of the Federal budget. In the past 54 years, the Federal budget has been in a deficit position 37 times. In 32 of those years, the budgets were submitted to Congress with a deficit.

The size of the deficit has become steadily worse, and as a Republican, it pains me that the President of my party has administered the largest total deficit in our Federal budget in any 4-year period.

I am sure that the President's current actions reflect his own dissatisfaction with that situation.

Of the 16 years in which there were surpluses, 10 occurred before 1931. Since that time there have been just 6 years of administrative budget surpluses. Those years were 1947, 1948, 1951, 1956, 1957, and 1960—administrations of both Democratic and Republican Presidents.

Apart from the years during World War II, the largest deficits have occurred in recent years. In 1968 the deficit was $28 billion; in 1970 it was $13 billion; in 1971, it was $30 billion; in 1972 it was $29 billion; the estimate for 1973 is $34 billion and 1974 is estimated at $28 billion.

This increase in the size of Federal deficits cannot be construed to be the fault of either the executive or legislative branches of our Government. It is the responsibility of both. Those of us in the Congress serving our first terms feel particularly the need and challenge to do what we can to correct the seeming lack of control currently exercised over the budgetary process by the House of Representatives. Nothing is more worthy of our time and best efforts this year than the task of regaining control of the Federal budget. It is easier to not set priorities than to set them. It is easier to authorize expenditures than to decide how the revenue for those program expenditures will be provided. It is easier to appropriate money piecemeal from the President's budget requests than to adopt a budget ourselves.

Fifty years ago, the Congress established the present appropriations system. The purpose then was to bring management of the expenditure process under a single committee's jurisdiction. The Appropriations Committee today in the House more nearly functions as 13 separate committees rather than as a single entity.

While much must be done before the Federal budgetary process can be brought under the control so badly needed, the 92d Congress took a wise step in establishing the Joint Study Committee on Budget Control. This committee seems well on the road to doing the first effective job of tackling and solving the problem. Recently it submitted an interim report on its efforts to establish an effective permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities.

The Joint Study Committee believes that the failure to arrive at congressional budgetary decisions on an overall basis has been a contributory factor in the size of our Federal budget deficits. I agree wholeheartedly. Much of the problem appears to be that no legislative committee has the responsibility to decide whether or not total expenditures are appropriate. As a result, each spending bill appears to be considered by Congress as a separate entity and any review of relative priorities among spending programs for the most part is made solely within the context of the bill then being considered by Congress.

The Joint Committee's interim report indicates that the Appropriations Committee has effective control over less than 50 percent of the budget.

It is heartening to know that the Joint Committee's recommendations include support for a mechanism within Congress to determine the proper level of expenditures for the coming fiscal year, provide an overall ceiling on expenditures

on budget authority for each year, and determine the aggregate revenue and debt levels which appropriately should be associated with the expenditure and budgetary authority limits.

Additional recommendations of the Joint Committee's report call for limitations on expenditures in legislation which provides funding separately from the annual appropriations process. The initial action for spending ceilings is to occur early in the legislative session which seems necessary if there is to be effective control on the spending authorizations approved early in the session as well as those approved in the waning days of each congressional session.

The long-range outlook for expenditures not only in the current year, but for 3 to 5 years in the future is also called for in the report. In an effort to provide for emergency situations the committee's recommendations also provide for authorizations at least 1 year in advance, except in unusual circumstances.

These recommendations are encouraging signs that the House is willing to do its part in bringing about control over our Federal budget.

I support the study underway by this most important joint committee of the Congress and look forward to its final recommendations containing the details of the general guidelines outlined in its interim report.

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. MOSS. Mr. Speaker, on behalf of myself and my colleagues, Representatives BOB ECKHARDT, Democrat, of Texas, and HENRY HELSTOSKI, Democrat, of New Jersey, I am today introducing the Motor Vehicle Safety Amendments of 1973. This legislation represents the first major revision of the National Traffic and Motor Vehicle Safety Act since its enactment in 1966.

Among the most significant of the provisions of this legislation are the following:

First. It will require the recall by manufacturers of motor vehicles which are found to have a safety-related defect or which fail to comply with a Federal motor vehicle safety standard, without charge to the owners.

Second. It will extend the recall provisions of the act to all registered owners of recalled vehicles listed in State registration records, not merely to first purchasers and those owning vehicles under warranty as presently provided.

Third. It will require that the defect investigation files of the Department of Transportation be available to the public—except with respect to information containing or relating to trade secrets—and that members of the public be allowed to participate in the determination of the existence or nonexistence of safety defects.

Fourth. It will increase the maximum civil penalty for violation of the act from $400,000 to $800,000.

Fifth. It will add criminal penalties for persons "knowingly and willfully" violating the act.

Sixth. It will direct the Secretary to obtain and evaluate cost data whenever it becomes an issue in a safety proceeding under the act.

Seventh. It will provide for substantial increases in authorization of appropriations for the automobile safety program over the next 3 fiscal years; from $37.4 million for fiscal year 1973 to $70 million proposed for fiscal years 1974, 1975, and 1976.

Mr. Speaker, 56,300 Americans died in motor vehicle accidents in 1972. This is an increase of more than 1,000 deaths over 1971.

Two million American citizens were injured seriously in motor vehicle accidents in 1972. The National Safety Council estimates the economic loss from such accidents at $17.5 billion a year.

During the decade of the 1970's, as many as 600,000 Americans may die on our Nation's highways. This is more deaths than in all the wars that our country has fought.

While the rate of deaths per mile traveled on the highways has declined slightly in recent years, I believe our Nation can and must take more effective steps to reduce the human carnage and economic loss from motor vehicle accidents.

This legislation should not be taken as criticism of all of the efforts of the Department of Transportation and the National Highway Traffic Safety Administration—NHTSA. There are dedicated Federal officials in these agencies who have long sought to stem the tide of highway death and injury. This legislation, together with the increased funding which it provides, will give them the tools with which to do a better job for the American people.

The text of the legislation follows Mr. ECKHARDT's remarks in today's CONGRESSIONAL RECORD.

A section-by-section explanation of the legislation follows:

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973: SECTION-BY-SECTION EXPLANATION OF THE BILL

Section 2—Authorization of Appropriations: This section will authorize $70 million for purposes of carrying out the National Traffic and Motor Vehicle Safety Act for each of the fiscal years 1974, 1975 and 1976. This represents a substantial increase over the 1973 authorization of $37.4 million. It is made necessary by the continuing increase in deaths and injuries from motor vehicle accidents on our nation's highways, the apparent inability of the Department of Transportation (DOT) to adhere to its safety standards program and long delays by DOT in processing defect investigations.

Section 3(a)—Notification and Recall: The purpose of the National Traffic and Motor Vehicle Safety Act of 1966 [hereinafter the 1966 Act] is to reduce deaths and injuries from motor vehicle accidents by removing unsafe vehicles from the public highways. Based upon limited surveying done to date, Department of Transportation's statistics indicate that owners will bring in defective vehicles for repair of declared defects about 75% of the time, if manufacturers bear the cost. But where the manufacturer refuses to pay for the repair of the defect, as was the case with the 1961–1969 Corvair heater recall, less than 10% of the vehicle owners have their vehicles repaired.

Despite prior assurance to Congress by the auto industry that defective vehicles would be remedied at no cost to the owners, there have been instances of refusals by manufacturers to remedy at their expense millions of defective vehicles. Thus in November 1971, General Motors refused to bear the cost of remedying 680,000 1961–1969 Corvairs with defective heater systems. Instead owners were asked to bear the average $170 cost of the repair which might have to be repeated annually. In November 1972, Volkswagen refused to bear the cost of replacing defective windshield wipers on 3.7 million 1949–1969 Volkswagens, at a cost of approximately $3.70 per car.

To eliminate such compromises of motor vehicle safety, § 3 would amend the 1966 Act to require the Department of Transportation (DOT) to order the manufacturer to remedy safety related defects or violations of federal safety standards, provided they were not inconsequential in nature. Ordinarily, a defect could be most optimally eliminated by requiring the manufacturer to recall for repairs at the manufacturer's expense. Where no permanent repair was feasible within a sixty-day period DOT and the National Highway Traffic Safety Administration (NHTSA) are directed to require the manufacturer to buy back the motor vehicle at a reasonable depreciated value based on actual use, or to replace the vehicle with a comparable vehicle free of defects.

Section 3 would also alleviate the delayed recall problem. In the recall of 6.7 million Chevrolets for defective engine mounts, only about one-third of the vehicles have had the defect remedied more than one year after the December 1971 announcement of the recall. As of December 1, 1972, 2.3 million Chevrolets had been repaired; leaving 4.4 million defective Chevrolets on the road. By requiring repurchase or replacement if the vehicle is not repaired within sixty days of tender for repair by the owner, § 3 would create a strong incentive for the manufacture to allocate sufficient resources to speedily conduct the recall.

Section 3(b)—Availability of Information: The Department of Transportation currently has a backlog of about thirty-three defect investigations that have been pending for more than one year. Defect investigations such as these may drag on interminably both because of inadequate funding of the motor vehicle safety program and because of agency inertia.

The oldest investigation (gasoline leaking Rochester Quadrajet carburetors on 1965–1966 General Motors) has been pending since November 27, 1967. This investigation was deactivated twice, allegedly on the basis of information supplied by General Motors. The first time General Motors said the defect was limited to Oldsmobiles and since Oldsmobiles were already being recalled, the investigation should be closed. It was. Two years later, DOT reopened the investigation when it found reports of leaking Quadrajet carburetors and ensuing fires on other General Motors vehicles. This time the investigation was closed when GM argued this carburetor was defective on vehicles other than Oldsmobile but that failures would most likely occur by 30,000 miles. Since the average 1966 vehicle had accumulated more than 36,000 miles, it was claimed there was no need to recall as the defective carburetors had already failed. Almost two more years of inaction passed before DOT determined that these failures were still occurring. This investigation, and probably others, could have been resolved years earlier if the public had access to information on pending investigations so as to be able to provide information in their possession to DOT. In addition, ac-

cess to such information will at least permit consumers to take such steps as may be available to them to protect themselves during the pendency of such investigations. § 3 of the bill amends § 113 (d) and (e) of the 1966 Act to provide a public right of access to such investigatory information, subject to protection of manufacturers trade secrets.

Section 3(c)—Notification of Registered Owners: § 113(b) of the 1966 requires notification only to the first purchaser and subsequent warranty holders. In the defective windshield wiper recall, Volkswagen took advantage of this provision to notify only 220,000 of the some 3,150,000 registered U.S. owners, one out of every fourteen owners. Unlike most other manufacturers, Volkswagon refused to purchase owner names and addresses from state registration lists in order to notify the remaining 2,930,000 owners. § 3(c) of the bill would require notice to all registered owners listed in state records available to manufacturers.

Section 4—Enforcement: The 1966 Act does not prohibit manufacturers, distributors, dealers, or others in the motor vehicle repair business from removing or rendering inoperative elements of a motor vehicle required by Federal motor vehicle safety standards. A recent survey of motor vehicle dealers by the Insurance Institute for Highway Safety showed that almost all dealers surveyed were willing to disconnect federally required seat belt warning devices or to show how they could be disconnected or rendered inoperative. § 4 of the bill would prohibit disconnecting or rendering inoperative safety devices, in much the same manner that § 203(a) of the Clean Air Act prohibits removing or rendering inoperative motor vehicle emission control equipment.

§ 4 would also amend § 109 of the 1966 Act to increase the maximum civil penalty from 400,000 to 800,000 dollars. This would partially implement the recommendation of "Federal Consumer Safety Legislation," a report prepared for the National Commission on Product Safety, by Howard A. Heffon, former Chief Counsel of the NHTSA, that "the maximum amount of civil penalties should be substantially increased." Id. at 8, 103–105. The appropriateness of higher civil penalties under the 1966 Act is also evidenced by the recent seven million dollar fine imposed by a federal court on the Ford Motor Company under the Clean Air Act.

Section 4(b)(5) also adds a criminal penalty of a $1000 fine for each noncomplying motor vehicle, one year imprisonment, or both for "knowingly and willfully" violating the provisions of the 1966 Act. Criminal penalties are presently found in most federal safety statutes, such as the Food, Drug and Cosmetic Act, (Sec. 303), the Flammable Fabrics Act (Sec. 7) and the Consumer Product Safety Act (Sec. 21).

Section 5—Inspection and Record Keeping: This section of the bill makes two changes in the present law. First, it makes minor and technical corrections in the language of Section 112 to assure that the Secretary may conduct inspections and investigations to enforce not only motor vehicle safety standards but also any other rules, regulations or orders issued in accordance with the Act. Secondly, this section adds new provisions giving the Secretary authority to thoroughly investigate motor vehicle accidents including authority to subpoena witnesses and documents. This subpoena authority is quite similar to the Secretary's powers under the Interstate Commerce Act with regard to interstate carriers and is necessary to assist in the development of detailed information about motor vehicle defects and the causes of deaths and injuries.

Section 6—Cost Information: A new section would be added to the Act to require the Secretary to obtain cost information in any proceeding where a motor vehicle manufacturer opposed an action of the Secretary because of increased cost. Section 103(f) of the present law requires the Secretary to consider, in prescribing a motor vehicle safety standard, whether it is reasonable and practicable. As agency witnesses have testified before the Congress, attempts have been made in developing safety standards to consider cost factors because of unsubstantiated industry comments about cost, but the agency has been hampered in making such a factual determination by the absence of detailed cost information.

Various attempts have been made in the past to acquire cost information but to date they have been unsuccessful. When the companies claimed in 1967 and 1968 that prices would increase because of the cost of new motor vehicle safety standards, Senators Magnuson and Mondale urged them to provide substantiating data, without success. The NHTSA for several years let contracts to research companies to accumulate estimates of the cost of various safety standards but the information acquired contains little cost data. In 1968 Senator Ribicoff, a leader in the fight for increased motor vehicle safety, held a hearing to determine whether means could be developed for the agency to acquire information to assess the increased cost and price impact of safety standards. The burden was placed on the Bureau of Labor Statistics to provide such information, but experience has shown that the information the BLS gets from the companies will not be shared in useful form with either the NHTSA or the public.

To this day the public remains unaware of the actual cost impact of various safety standards. It is time to end this speculation and, wherever possible, make the facts known to the decision makers and to the public.

Section 7—Agency Responsibility: New Section 126 will encourage broader public participation in the standard setting and recall actions of NHTSA. It is similar to section 10 of the Consumer Product Safety Act (P.L. 92–573).

Existing law and Agency regulations permit interested parties to petition the Agency for the issuance, amendment or revocation of federal motor vehicle safety standards and require the Agency to "grant or deny" such petitions. However no time limits are provided for Agency deliberation on such petitions; and in some cases, petitions more than a year old have not been acted upon. Section 126 makes it a statutory requirement that the Agency respond to such petition within 120 days.

About twenty-five investigations have been pending for more than one year, several investigations have been pending for more than two years, and some for more than three. Section 126 makes it possible for interested parties to limit the duration of Agency deliberation on such an investigation to four months by filing petitions requesting the NHTSA to initiate or complete the investigation. If the Secretary denies either type of petition, he must publish his reasons in the Federal Register.

Neither the present law, nor current regulations provide effective recourse to an interested party whose petition is denied or neglected by the Agency. Section 126(e) eliminates this failing by creating a right for such petitioner to commence a civil action in U.S. district court to force the Agency to take action if it has failed to comply with the 120-day limit.

Section 126 places several limits on the right of interested parties to petition. First, it provides that the petitioner may commence a civil suit only after the Agency has been afforded an adequate opportunity to respond to a properly submitted petition. Second, the section limits the scope of relief which may be granted by a district court to an order that the Agency initiate or complete an action under sections 103 or 113 of the Act. Third, the section requires petitions commencing such actions to demonstrate by a preponderance of the evidence in a de novo proceeding the need for the action requested by petitioner. These limitations will serve to discourage frivilous petitions.

Section 8—National Motor Vehicle Safety Advisory Council: § 104 of the 1966 Act created the Motor Vehicle Safety Advisory Council, a majority of whose member must be from the public sector. However, the statute includes no definition of "representatives of the general public." In the past some members of the Council, who apparently have been designated as representatives of the general public have had substantial connections with groups who are directly economically interested in the operation of the law. Section 8 would establish a definition of the term "representatives of the general public" and would require that the Chairman of the Council be designated from this group. These changes in the law will give the Council new stature and assist it in achieving its goal of promoting motor vehicle safety.

ECONOMIC PROGRESS IN ARKANSAS AND OKLAHOMA

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. JONES of Oklahoma. Mr. Speaker, on February 27, the Washington Post published a perceptive article by columnist Joseph Kraft on the Arkansas River project which I would like to call to the attention of my colleagues.

When the McClellan-Kerr Arkansas River Navigation System was under construction in the 1960's, the project had plenty of detractors and disbelievers, among them Mr. Kraft. They were convinced that the project was impractical at best, that its benefits could never justify the sums of money appropriated for its construction. It was popular to quote the remark, attributed to an officer of the Corps of Engineers, that "it would have been cheaper to pave the river."

But the detractors have been proved wrong, and many of the disbelievers have been converted. The project has turned out to be a boon to the States it serves and to the country. Although its impact cannot be measured in economics alone, the economic benefits are worth emphasizing. It has brought new industry worth millions and new people to parts of Arkansas and Oklahoma. It has linked the economics of the Midwest to the rest of the world. And those who remember the muddy and flood-prone Arkansas River of old rejoice at the silt-free waterway that has taken its place.

As a reminder that economic progress need not be our enemy, I would like to share Mr. Kraft's column with the Members of the House.

The article follows:

A RIVER—AND A STATE—REVITALIZED

(By Joseph Kraft)

LITTLE ROCK, ARK.—Headlong growth, bringing pollution and congestion and a riot of other ills, is visibly destroying many parts of the country along the Atlantic and Pacific coastlines. But how can growth be arrested in a country where the national ethic is to give maximum scope to individual initiative?

The answer is that instead of trying to restrict growth, it makes better sense to disperse it to less advanced parts of the country. A good case in point is the tonic effect on the area around Little Rock of the Arkansas River project.

That project has made the river navigable for 450 miles from its juncture with the Mississippi to Tulsa, Okla. Dredging and construction of 18 dams and locks cost an estimated $1.3 billion spread over 15 years beginning in 1957 with formal completion last year. During the 1960s the project became known as the "biggest pork barrel in history."

I remember flying over the project about 10 years ago with its most powerful sponsor, the late Sen. Robert Kerr of Oklahoma. The stream below us was a muddy trickle. Sen. Kerr stopped along the way to open (with a golden bulldozer) construction on various ports so obscure that I do not remember their names.

At the end of the day I asked an officer from the Army Corps of Engineers which was building the project whether it wasn't unduly expensive. "Hell," he said, "it would have been cheaper to pave the river."

But that judgment, which echoed my own sentiments, has been unsaid by the results. The river has been totally transformed.

The dams have stopped the silting, and with the sediment gone, the tiny organisms known as plankton have reappeared, reopening the river to the life-giving force of the sun. The river has become greenish-blue in color, instead of brown. Bass and other freshwater fish rare 10 years ago are now abundant. A fresh-water shrimp, unknown before, has turned up.

The cleaning up of the river and the lakes created back of the dams has made the area exceedingly attractive for recreational purposes. Arkansas has become a magnet for retirees from Illinois, Missouri and Kansas. Many companies which value recreation highly in their choice of sites are turning toward the state. The town of Russellville, 65 miles from Little Rock, is one good example.

The Firestone Company is putting in a plant. So is a food division of the conglomerate company, International Telephone and Telegraph. Middle South Utilities, the chief power company in the area, is investing an estimated $300 million in new generating facilities.

Improved navigation facilities have quickened commerce throughout the area. Hundreds of thousands of tons of Arkansas rice and soy beans go down river and across the oceans to Europe and Japan every year.

Bauxite from the Caribbean feeds aluminum plants near Little Rock. Steel from Japan is building a new bridge across the river. Over last weekend, two new foreign auto agencies, stocked with cars shipped direct to Little Rock by sea, opened their doors here.

The result of all this activity is a mild population boom. This state lost population throughout the 1930s, the 1940s and most of the 1950s. With the Arkansas River project, the adverse trend has been turned around. Population is now back where it was in 1940—at about 2 million—and steadily rising.

No one in this state doubts that the project has paid off. "It has exceeded the highest hopes of all its sponsors by far," Dale Bumpers, the attractive and energetic young Democratic governor said the other day.

More important are the national implications of what has been done here. Ecologists and environmentalists cannot on their own check forever the pressure for more and more development along the coasts.

At best they can slow down the headlong growth. They can achieve full success only if the pressure for growth which comes from individuals and families and companies is channeled elsewhere, as it has been here in the Arkansas River Valley.

THE LATE DR. CHARLES DJERF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, being a doctor requires one to spend extra hours in the service of mankind. Today, however, I would like to honor a man who went beyond that point and lived community service 24 hours a day, Dr. Charles Djerf of Quincy, Mass., who died on February 13, 1973.

Few men have done more for the physical and mental health of the Quincy area children. Dr. Djerf served 16 years on the Quincy school committee and then moved on to valuably aid the South Shore Mental Health Association. For many, this would have been more than enough for one lifetime but Dr. Djerf's tremendous energy, zeal, and public concern seemed to know no bounds. Nearly 3 years ago he began to organize Quincy's first drug rehabilitation program. Needless to say, drug rehabilitation is an extremely controversial topic in today's society but it is a fitting tribute to Dr. Djerf's many wonderful talents that he succeeded in molding together the efforts of public officials, educators, businessmen, residents, and city leaders to insure Survival, Inc.'s birth and continuation. A severe heart attack in 1971 removed him from Survival's leadership but it never reduced his intense interest in the welfare of Quincy's teenagers, some of whom he had cared for as infants.

We in the Quincy area will never forget Dr. Djerf's efforts. Their effects will be felt by many for a long time. The following newsclipping glowingly describes the final tribute given to Dr. Djerf by his many admirers.

The article follows:

[From the Quincy Patriot Ledger, Feb. 16 1973]

CROWD OVERFLOWS CHURCH AT DR. CHARLES DJERF RITES

QUINCY.—An overflow crowd of civic leaders, physicians, young people and friends gathered at the United First Parish Church yesterday afternoon to pay their last respects to pediatrician Dr. Charles Djerf.

Dr. Djerf, a school committeeman for many years, the founder of Survival, Inc., and a participant in numerous organizations in the city succumbed to heart disease Tuesday.

The Rev. Frank Bauer of the Wollaston Lutheran Church, in a brief eulogy, pointed out that Dr. Djerf's lengthy obituary made no mention of any church affiliation.

"He was not a member," Rev. Bauer continued, "but I wonder how many churchmen could bring together so many clergy and laity of so many diverse denominations."

"HIGHEST CALIBER"

"He would have nothing to do with organized religion . . . but Charles Djerf was a religionist of the highest caliber," the Rev. Mr. Bauer said.

"His list of accomplishments is staggering, his services rendered to his nation, city and fellow men exhaust you just to read it," he said.

"Long before 'getting involved' was part of our vocabulary, this man was living it, 24 hours a day, seven days a week.

"He was always fighting for what was right—at least as he saw it," The Rev. Mr. Bauer said.

Dr. Djerf's final years were anything but restful as he thrust himself into controversy again as he tried to organize a drug rehabilitation program.

Yesterday's crowd of mourners included more young people than might be expected for a man of 62.

Charles Dimond, of Survival, Inc., said many of the drug program's staff were in attendance in addition to drug-dependent youths in the methadone maintenance program. Teen-agers with school books under their arms stopped in. Some were medical patients while others were participants in the Survival walk-in center.

NURSES DOT AUDIENCE

Nurses from Quincy City Hospital and Dr. Djerf's private practice dotted the audience while about 40 members of the city's medical community were there.

About Dr. Djerf's dedication to his profession, The Rev. Mr. Bauer said, "You have to borrow the adjectives reserved for martyrs and saints."

Paraphrasing a biblical quote he added, "Now here is a true man of Israel. There is no deceit, there is nothing false in him."

The Rev. Mr. Bauer was assisted in the service by the Rev. Laurence M. Brock, chaplain at Boston City Hospital, and the Rev. John R. Graham, minister of the United First Parish Church.

Pallbearers for the funeral were all close friends, but they reflected Dr. Djerf's diverse interests. They included Dr. Lawrence P. Creedon, Quincy superintendent of schools; Joseph Whiteman of Survival; Richard Mann of the Quincy symphony Orchestra; Charles Sweeney of Quincy Junior College; Edward Percy, Quincy Rotary president; Frank Vallier of the Great Books Council and president of Survival; and long-time friends Louis Cessani and Henry Curtis.

Honorary pallbearers, all Quincy Rotary past presidents, included Frank Bushman, Heslip Sutherland, Dr. Edmond Demski, Bert Eckblom, Russell Scammell, George Bonsall, Nissie Grossman, Forrest I. Neal, Joseph Pinel and A. Wendall Clark.

MUSICAL PORTIONS

Musical portions were provided by church organist Mrs. Gale Harrison and the Quincy High School Concert Choir while a contingent of 40 Air Force Junior ROTC students from the high school, under the command of Sgt. Edwin Frost, formed an honor guard into the church.

A 25-man detachment of the Ancient Honorable Artillery Company headed by Col. James Lamphier was also in attendance.

But the largest group of admirers of Dr. Djerf did not attend the funeral.

Instead, as the funeral cortege wound its way towards Blue Hill Cemetery, Braintree, scores of children from the Willard Elementary school filled the schoolyard. A special group of youngsters—his patients—lined the curb.

As the procession slowed outside Dr. Djerf's medical building, the children saluted in a touching farewell to an old, good friend.

CREW RESTORES SPARKLE TO DINGY CAPITOL MURALS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GUDE. Mr. Speaker, the current decorating of the hallway on the first floor of the House wing of the Capitol reminds me of the distinguished work of

the late Joseph Giacalone of Silver Spring.

Mr. Giacalone was called to Washington during the depression to complete the Capitol dome frieze. It had been begun by Constantine Brumidi who died shortly after a fall from a scaffold.

Mr. Giacalone decorated St. Mary's Church here in the 1930's and, from the late 1940's, worked with his five sons, whom he trained, in restoring each year the decorations in the Capitol and the Library of Congress.

He restored the ceiling of Speaker Sam Rayburn's office and then, at Speaker Rayburn's request, duplicated the ceiling in the Rayburn Memorial Library at Bonham, Tex. He also restored the Brumidi hallway in the Capitol.

Born in Palermo, Italy, in 1890, Mr. Giacalone began painting there as a youngster and, at 14, went to New York to study decoration at Cooper Union.

Before coming to Washington in 1932, he worked on decorations in Grand Central Station and the Empire State Building.

Mr. Giacalone died last year in a Wheaton nursing home at 81. His sons live in Silver Spring.

Two excellent observers of the congressional scene, Miss Elsie Carper of the Washington Post and John McKelway of the Evening Star reported on Mr. Giacalone's work in 1957 and 1960, respectively. The newspaper reports follow:

[From the Washington Post-Times Herald, Sept. 30, 1957]

CREW RESTORES SPARKLE TO DINGY CAPITOL MURALS

(By Elsie Carper)

The Brumidi murals in the Capitol which have grown dull and dirty during the past century are being restored to brilliant life under the skillful hands of artist-decorators.

The murals that weave scenes and personalities from American history with studies of birds, animals and children are situated along ground floor corridors of the Senate wing.

The astounding variety of medallions and nature studies, portraits and landscapes were painted nearly a hundred years ago by Constantino Brumidi, a political refugee from Italy. Frequently called the "Michelangelo of the Capitol," Brumidi devoted the last 25 years of his life "to make beautiful the Capitol of the one country on earth in which there is liberty."

The Italian artist, who painted the large fresco of George Washington in the "eye" of the dome and was working on the encircling frieze when he died, drew his inspiration for the corridor decorations from the Vatican where he once was employed.

Painting in the elaborate style of the 15th century, Brumidi covered the walls from floor to vaulted ceiling with small, detailed and brilliantly colored figures.

While the fresco paintings were done with water-mixed pigments on wet plaster, the corridor paintings were executed in oil on a dry surface.

The grime of a century obscured the detail of the corridor paintings and turned the once bright reds and greens of a parrot's feathers and the yellow of a butterfly's wings to a dingy gray.

Francis H. Cumberland, decorator-foreman of the Capitol Paint Shop, has assembled a staff of three decorators who have carefully washed the walls and are restoring the murals where plaster has been chipped and where the brushing of coat sleeves has worn away the color.

Cumberland, who does much of the restoring himself, is helped by Joseph Giacalone, an Italian-born decorator, whose first art job was coloring post cards as a boy in his native country. He later learned more of his trade as a youth at New York City's Cooper Union. His assistants are his two sons, Albert and Rudolph.

[From the Evening Star, Feb. 18, 1960]

THE RAMBLER . . . CLIMBS A SCAFFOLD

(By John McKelway)

Walking through the slush on Capitol Hill, it was decided to see if any other capital paints the dome of its headquarters red.

The Library of Congress, which has most of the answers and a competent staff to find them, was across the street.

The Substitute Rambler decided not to enter the building by the dark, street-level door but mounted the gray steps instead and passed quickly through the main entrance, checked his coat and headed for the reading room.

It was late in the afternoon and the great hall was empty, except for a blue uniform which moved slightly above, near a railing and in the vicinity of the Gutenberg Bibles.

The visitor found the subject of capitol domes fading with the day and discovered, for the first time, how very beautiful the hall of the Library is. Because it is a building of books and exhibits, few people ever really stop and look around at the main hall—they pass quickly through and to the printed word.

It is a cathedral of white marble columns which gracefully support a ceiling decorated in red and blue and gold. The skylights are of stained glass, the floors are mosaic. It is the architecture of the Italian Renaissance which blossomed in the 15th century.

On the top floor of the hall, in the southwest corner, a comical scaffolding had been piled together and reached to the ceiling. Michelangelo, who probably would feel perfectly at home on his back on top of the scaffold, was not there. But someone had been working. The paintings, the intricate designs, seems fresher than those at the other end of the hall.

And closer examination showed cracks in other sections of the ceiling.

Later, with Merton J. Foley and Irwin Boniface, the two top "buildings and grounds" men at the library, the visitor climbed the 35-foot scaffolding.

The ceiling is plaster, about an inch thick. It is slightly rough and must have been difficult to paint on in such detail.

The two officials explained that two men were working on the job, replastering and touching up the paintings. A palette covered with gobs of green paint was resting on the floor of the scaffold beside, incongruously, an empty half-pint carton labeled "buttermilk."

We climbed down the series of ladders and Mr. Foley said two Italians who normally work over at the Capitol were handling the job. They have been working for about two weeks and no one has been able to find out how long it will take them.

The Library was started in 1886 and opened in 1897. A total of 50 painters and sculptors worked on the building at one time or another. They were the artisans of the time and restoration of their work is turned over only to the few remaining artisans of today.

It turned out the work on the ceiling is under the care of Joseph Giacaloni, 69, formerly of Palermo, Italy, and his son, Arthur.

Mr. Giacaloni, who came to the United States in 1902, has four other sons, all artists.

Over the telephone, he told the Substitute Rambler the paintings were "very nice" in his opinion and had held up without any retouching for 63 years. Some, he said, were done in water color and some in oil. He fills in the ceiling cracks with plaster and then retouches.

Asked if he sipped buttermilk while working, Mr. Giacaloni explained that he uses it to take the shine out of the paintings he retouches. He said the acid in the milk works better than anything else.

He said he did not know how long the job will take.

The question did not seem to interest him particularly.

ESTATE TAXES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. PICKLE. Mr. Speaker, there is an old saying that nothing is certain but death and taxes, but as far as the Internal Revenue Service is concerned, taxes are more certain, because they do not end with the grave. Estate taxes have skyrocketed in the past decade to the point where many beneficiaries must sell all or most all of their inheritance simply to pay the taxes on it.

Those who are hurt most by these taxes are not just the very rich, who have sizable estates, for they normally have their property managed by lawyers who know the ropes when it comes to paying fewer taxes. The taxes fall hardest on the average citizen, who plans to leave a small estate behind, but through lack of knowledge and expert advice actually leaves his beneficiaries very little after taxes.

Some of the traps into which the average citizen falls include the provision that taxes must be paid on life insurance proceeds, on profits from jointly owned businesses and property, and on gifts made within the last 3 years of life.

One of the most inequitable provisions of estate tax law works against those who inherit farm or ranch property. Although many States allow tax relief to farmlands, the Federal Government assesses inheritance property at "market value"—on the basis of its potential as speculative or development property.

In this respect, I introduced H.R. 3863 last month to provide an alternate method of figuring taxes on this type of inheritance, in other words, to insure it is assessed on the basis of what it is worth as agricultural property. Under the present system, the heirs to many family farms and ranches are literally forced to sell the property to pay taxes.

The current estate tax system and what the average citizen can do on his own to lower the inheritance tax burden on his estate is examined in an article from the March 1973 issue of the American Legion magazine which I present below:

DEATH TAXES WILL GET YOU IF YOU DON'T WATCH OUT

(By Ralph Richards)

Once upon a time, estate taxes were "soak the rich" schemes.

Today, many white collar workers are "rich" by such standards and their estates may be taxable.

A man can be poor in life, yet "rich" enough in death to have his estate taxed before his heirs or beneficiaries can get their share.

These days an estate that can hardly support a beneficiary at the poverty level can be subject to death taxes.

There are two things that have brought estate taxes down to the level of those of very moderate means. One is inflation, and the other is the inclusion of life insurance proceeds in an estate for tax purposes.

Inflation has steadily reduced the size—in real value—of estates that may be subject to death taxes.

The amount of the exemption from federal estate taxes has changed from time to time. The present exemption of $60,000 was established back in 1939, when $60,000 was a lot more money than it is now, as the actual value of dollars has become less and less with the cheapening of our currency.

Thus, we can have such cases as a single man, the sole support of his crippled sister, who dies and leaves her a $35,000 home, a $40,000 life insurance policy and—after debts are paid—furnishings and a car worth $5,000. That is an $80,000 estate. How rich does it make the sister?

Her $35,000 home is no palace today. Her life insurance proceeds can earn her $2,400 a year if invested at six per cent. Yearly taxes on the home are $1,200 and going up, leaving her another $1,200 to live on and going down.

It is plain that when the brother dies he owns almost nothing beyond the insurance policy he has kept up to protect his sister, except his own modest home and its contents. It is equally plain that the sister cannot live from the estate, unless she sells the house and finds much meaner living quarters. But this estate is $20,000 over the exemption of $60,000, so it is subject to a federal estate tax in the approximate amount of $1,600. Under such circumstances, it is rather ridiculous to keep thinking of estate taxes as the sole concern of the rich.

There are, however, ways to avoid or minimize estate taxes. Our courts have held that it is the duty of a man to arrange his affairs in such a manner that he and his estate will not pay unnecessary taxes, and this every man should do.

Men of substantial means usually study these matters, either themselves or through competent estate planners, and manage their affairs so as to be taxed the least. They are also likely to keep the best records of their financial transactions, and to know what records are likely to serve their heirs best when the federal estate tax collector comes around. But many people who don't consider themselves rich have never learned what records may be important to minimize the taxes on their estates.

It is possible to handle life insurance so that all or some of its proceeds will not be taxed in your estate.

Ill-advised decisions about joint ownership of property or business ventures may result in needless estate taxation.

It is possible to reduce your estate while you live by making gifts that will reduce the death tax.

The provisions of a will with respect to property left to a husband or wife may result in more or less estate taxes.

A short article cannot give anyone a complete education in these matters, but it can alert you to the general situation.

Actually, there are two kinds of death taxes. One is the estate tax, which I call a tax on the right to die, and it is levied on the total value of the assets of an estate. The principal tax of this kind is, of course, the federal estate tax imposed by our national government. A portion of this tax—a small portion—is credited to the state where the deceased lived. Some of the states also impose estate taxes, but in a large number of cases—including Florida—the amount of the state tax is limited to the amount that can be claimed as a credit on the federal tax. Thus, this is not really an additional tax, but a small tax that is paid to the state and taken credit for on the tax paid to the Federal Government.

But some states do impose an additional and separate tax, which I call a tax on the right to inherit. Such taxes are not based on the total size of the estate, but merely on the size of the inheritance received by an heir or beneficiary. In other words, the tax collector of a state that levies an inheritance tax says to you: "Hey, Mac, you were pretty lucky to inherit that $10,000 from your Uncle Harry, and I want my cut out of it." Just to give you a general idea as to taxes of this kind, here is a list of the *maximum* inheritance taxes imposed by some of our larger states:

California, 24%.
Florida, None.
Georgia, None.
Illinois, 30%.
Massachusetts, 19.3%.
New Jersey, 16%.
New York, None.
Pennsylvania, 15%.
Texas, 20%.

The federal estate tax is, of course, the same in every state, and that is what we will discuss. The law requires the filing of a federal estate tax return on every estate having gross assets of more than $60,000. There may not be any tax due, but, nevertheless, the return must be filed within nine months after date of death. If there is a tax due, it must be paid when the return is filed.

The federal estate tax return is known as Internal Revenue Service Form 706, and it is quite a document. I have one here and will try to explain it.

Schedule A covers real estate, Schedule B covers stocks and bonds, and Schedule C covers mortgages, notes and cash. There is nothing difficult or unusual about these schedules, and the various assets are simply listed with the value of each.

Schedule D covers life insurance, and there is a good deal of misunderstanding about this because of the many changes that have been made in the law with respect to the taxation of life insurance proceeds.

For many years after the federal estate tax was first imposed, life insurance proceeds were not taxed at all. Then the law was changed, and for a time life insurance was taxed only if payable to the estate of a deceased, but not if payable to an individual. Then there was another change in the law, and *all* life insurance proceeds were included in estates for tax purposes, but there was a special exemption of $40,000. Finally, the law was changed again; the special exemption was abolished.

So, at the present time, all proceeds of an insurance policy on a person's life must be included in his estate for taxation just the same as any other asset.

That is, the proceeds must be included *if the policy was owned by the person who died.*

It is possible, of course, for a man's life to be insured under a policy owned by someone other than himself, and this is frequently advisable. Yet with some types of insurance, it is impossible. Take the case of a businessman who is required to make a trip and decides to go by air. Before embarking on his plane he goes to an insurance agent in the airport, pays for a $150,000 policy and gets on the plane with the rather comfortable feeling that at least his wife will have an extra $150,000 if the plane falls down. He is automatically considered the owner of the policy, and his wife will *not* have an extra $150,000, and perhaps not anywhere near that much, for the $150,000 proceeds of the policy will have to be included in this man's estate for tax purposes. Uncle Sam will take a bite out of it. In fact, it is quite possible that the tax collector will get more of the insurance proceeds than the wife. This depends, of course, on how large the man's whole estate is and what the estate tax bracket will be. Federal estate taxes start at 3 per cent and go up as high as 77 per cent.

There is, however, a perfectly legitimate way in which more usual types of insurance can be carried on a man's life and still not have the proceeds included in his estate for tax purposes. This can be accomplished by having the policy owned by the wife, or daughter or son, or someone other than the man whose life is insured. Assuming that the policy is to be owned by the wife, she should be designated right on the face of the policy as the owner thereof. If the wife pays the premiums out of her own independent funds, and the husband has no control over the policy in any way, then it is not an asset of the husband whose life is insured, it need not be listed as an asset on the federal estate tax return when he is deceased, and the proceeds of the policy are not subject to any tax at all. If the wife pays the premiums with money that her husband gives her during the last three years of his life, then the Treasury Department may attempt to tax the proceeds of the policy, or some of them, under the "gift of contemplation of death" theory. So the safest procedure, of course, is to have the wife pay the premiums out of her own independent funds. But even if the husband does give the wife the money with which to pay the premiums, or some of them, there is a good chance that the bulk of the proceeds of the policy will escape taxation. On the other hand, the *entire* proceeds will certainly be included in the man's estate for tax purposes if he owns the policy and pays the premiums himself.

Schedule E of the federal estate tax return covers jointly owned property. I think there is even more misunderstanding about the taxation of jointly owned property than there is about the proceeds of life insurance. For some reason there seems to be a general impression that property placed in joint ownership is beyond the reach of the tax collector. Nothing could be further from the truth. Not only is there no tax savings to be gained by placing property in joint ownership, but sometimes joint ownership brings on additional taxes that could have been avoided. Let me give you an actual example that came to my attention some years ago.

A man and his wife went into business together. They had one daughter and the wife died about the time the daughter was grown. Thereafter, the father and daughter operated the business together, and it soon began to make money. As the years went by and the profits increased, they became very substantial. For some reason this man and his daughter never consulted an attorney, a tax accountant, or an estate planner of any sort. They simply listened to curbstone advice, and this advice was that if they would just place everything in their joint names, then their assets would be completely beyond the reach of the tax collector.

By the time this man died, he and his daughter had accumulated several hundred thousand dollars. Every dime of it was invested in securities that were registered in the names of the father and daughter "as joint tenants with right of survivorship." When the daughter sent the stocks in to be transferred to her name, the corporations refused to make such a transfer without proof of the fact that death taxes had been paid on her father's estate. It was at this point that she came in to see me, and asked me to explain to the corporations that there could be no tax on her father's estate because all of the assets were jointly owned. She was terribly shocked when I told her that joint ownership could not avoid taxes, and that the tax on her father's estate—including *all* the jointly owned stocks—would be in the neighborhood of $100,000. She refused to believe me until she had consulted a tax specialist and gotten the same advice from him.

When the daughter finally reluctantly resigned herself to the filing of a federal estate tax return, she asked me to include only one half of the securities in the return because the other half—she said—belonged to her. I told her I would try to have one half of the securities exempted from taxation, but that I was not at all sure the Treasury Department would go along with this.

When the estate tax return was turned over to an agent for audit, the agent came in to talk to us about the situation. The daughter said she and her father had always been partners in the business, and that all profits belonged to them 50–50. The agent asked her whether she and her father had ever had a partnership agreement, and she said they had not. She said she didn't consider such an agreement necessary since she was in business with her own father. The agent took the position that under these circumstances the business was presumed to belong to the father as the head of the family, that the daughter was merely an employee, and that all the securities were fully taxable in the father's estate. The result was a very heavy estate tax, practically all of which could have been legitimately avoided.

If these people had had the proper advice at the outset, they would have divided the profits as they came in—placing half in the father's name and half in the daughter's name. Later on, when the father reached retirement age, he should have adopted a gift program whereby he gradually transferred assets to his daughter until his total assets were down to $60,000 or less, at which point there would have been no death tax at all on his estate. It is possible that the gifts to the daughter would have involved some gift tax, but this would have been relatively small.

I do not mean to say that joint ownership should never be used. It is a very useful device under some circumstances. But a man may pay a penalty if he does not know what he is doing when he enters into a joint ownership arrangement.

In cases where a husband and wife have total assets so small that there is no possibility of any estate taxes, and where they are very certain that they want the survivor to own all the assets outright in the case of the death of one of them, then there are definite advantages in placing their assets—or practically all of them—in joint ownership. Sometimes the delay and expense of probating a will can be avoided in this way. Let me make it clear, however, that a federal estate tax return will have to be filed if the joint assets exceed $60,000, even though no tax is payable. Where all property is jointly owned by the husband and wife, there is no death tax unless the assets exceed $120,000. This is because of the marital deduction, which I will discuss a little later. But a return must still be filed if the assets exceed $60,000.

The chief reason that joint ownership is not advisable in large estates is because the Treasury Department always takes the position that jointly owned assets are the property of the first joint owner who happens to die, and the burden is on the estate to prove otherwise. For example, let's suppose that a wife inherits $25,000 from her father, that her husband contributes $25,000 from his own funds, and that they take the $50,000 and buy stocks that are registered in their joint names. Then let's suppose that the man dies some years later, and a tax return has to be filed on his estate. Since these stocks were jointly owned, they must be listed in the return, and the Treasury Department will take the position that the stocks belong to the husband and are wholly taxable in his estate. If the wife furnished one half of the proceeds that went into the purchase of these stocks, and these funds came from her father or some source other than her husband, then only one half of the value of the stocks will be taxed in the husband's estate. Ordinarily, such proof is difficult or impossible to furnish. How many wives have intermingled inherited or earned assets with their husband's assets and can still prove where they came from? So usually the entire value of the jointly owned property is taxed in the estate of the husband where he is the first one to die. Conversely, if the wife dies first, then all jointly owned property must be listed in her estate tax return. If the husband has furnished the money to purchase some of the jointly owned assets, then he must furnish absolute proof of that fact if he is going to avoid having such assets taxed in his wife's estate.

Among other things, there is a message here about keeping better records than many people keep.

It is usually a good idea to have the family home held in joint ownership, where it is the intention of both parties that the survivor shall own the property absolutely in the case of the death of one of them.

Also, where a man wants to make sure that his wife will have immediate funds in the event of his death, it is a good idea to keep the *desired amount* (rather than all they own) in a joint bank or savings and loan account. Then he will know that these funds are immediately available to his wife in the event of his death, since they belong to the survivor on the spot without need to probate a will first.

Thus, there are cases in which joint ownership is beneficial and desirable. However, for reasons that I have outlined, I would not advise joint ownership to any extent in substantial estates—at least without the advice of a competent estate planner.

Schedule F of the federal estate tax return covers miscellaneous property, so here we list all assets that do not fit any other schedule. There is no special point to make about Schedule F.

Schedule G covers "transfers during decedent's life," and here is another matter that does not seem to be very widely understood. "Transfers" are often gifts made while the deceased still lived.

This matter of death taxes—and all taxes, for that matter—causes a running battle between the taxpayer and the tax collector. Every time the taxpayer finds a loophole that will enable him to save some taxes, the tax collector gets Congress to change the laws so as to plug the loophole. When federal estate taxes were first imposed many years ago, there was no such thing as a gift tax; therefore, when a wealthy man got old or sick or thought he was likely to die, he proceeded to reduce the taxes on his estate—or perhaps eliminate them altogether—by giving a large share of his assets to his wife and children. Congress countered this move by passing a law placing a tax on gifts, and at the present time the gift tax rates are approximately three-fourths of the death tax rates.

I won't go into the rather complicated subject of gift taxes, but in general a man has to pay a gift tax every time he gives away money or assets in excess of certain limits prescribed by the law. But even when he completes a gift during his lifetime, and pays a gift tax on it, the amount of the gift may still be included in his estate for federal estate tax purposes.

Gifts made *in contemplation of death* are taxable in a man's estate just as though the gift had not been made, and this brings on the very difficult question of when a gift is or is not made in contemplation of death.

Suppose a young man of 30, in excellent health, inherits a million dollars from his father and decides to give half of it to his wife. Obviously, such a gift is not made in contemplation of death. At the other extreme, suppose a man of 80 is told by his doctor that he has incurable cancer and cannot live more than a few months. If this man then proceeds to make substantial gifts to his wife, or to his children, such gifts are quite obviously made in contemplation of death. In between these two extremes, there are an infinite number of cases where gifts are made under circumstances that may or may not involve contemplation of death.

For many years the tax collector was permitted to claim contemplation of death with respect to any gift, whenever made, and as a result there were countless disputes and a vast amount of litigation on this subject. Finally, the taxpayer got a break, and in 1950, Congress amended the law to provide that the Treasury Department could claim that a gift was made in contemplation of death only if the gift was made within the last three years of the taxpayer's life. Therefore, if you are planning to make substantial gifts in order to reduce the death taxes on your estate, I would advise you very strongly to be sure to live three years after the gift is completed.

Perhaps I should make one point clear in connection with this matter. If a man makes a gift, pays a gift tax on it, and then dies within three years, the amount of the gift will probably be included in his estate for death tax purposes on the ground that it was made in contemplation of death. However, in that event, the estate is entitled to a credit in the amount of the gift tax paid. In other words, the same asset is not subject to *both* gift taxes and death taxes.

All of this does mean that you can reduce your taxable estate by adopting a gift plan and making gifts to the intended beneficiaries under your will over a period of years. Only the gifts made during the last three years of your life can be attacked as gifts in contemplation of death, and even these gifts will not be included in your estate if it can be shown that they were made pursuant to a long-term gift plan.

Let me give you an actual example of what can be accomplished by a proper gift program. Many years ago I represented Mr. X, and when he was 60 years old he came in to talk to me about his affairs. He had an estate of about a million dollars, most all of it in real estate. He was a widower, with two children and several grandchildren. If he had died right then, with no marital deduction the death tax on his estate would have been well over $300,000. I advised him to adopt a gift program, and he agreed. It is rather difficult to give away real estate by degrees, so we solved this problem by forming a corporation and having him convey all of his real estate to the corporation. All of the stock in the corporation was originally owned by him. We then worked out a program under which he would give a certain number of shares of stock in the corporation to each of his children and to each of his grandchildren every year. Fortunately, he lived some 20 years after adopting the gift program, and by that time he had given away so much of the stock that the taxes on his estate were very small. Most people can't hope to save as much as $300,000 in death taxes, but a proper gift program can save taxes for any man who has a substantial estate.

The remaining schedules in the estate tax return provide the brighter side of the picture. They cover deductions that may be made from the gross amount of an estate before it is taxed.

The ordinary deductions include any debts owed by the deceased, his funeral expenses, and all costs of administering his estate. All bequests to charity are deductible, which accounts for the fact that very wealthy men frequently leave a large portion of their estates to churches, hospitals or similar institutions. They simply prefer to have their estates go to charity rather than to the tax collector.

But the most important deduction of all, if the deceased was married and left a surviving spouse, is what we call the "marital

deduction." This feature of the law was first included in the 1948 Internal Revenue Code, which is the same code that first permitted husbands and wives to file joint income tax returns. So it may safely be said that the 1948 Code gave the American taxpayer the best break he has ever received.

Under the marital deduction, all property interests passing to one's surviving spouse, up to one half of his or her estate, are deductible in computing taxes. In other words, if a man leaves his wife at least one half of his estate, the gross value of his estate is cut right in half for the purpose of computing death taxes. And the same principle applies, of course, if the deceased is a woman and leaves a surviving husband. Whatever she leaves her husband, up to one half of her estate, may be deducted in computing taxes.

It may be supposed that most married people leave their spouses at least one half of their estates. Under those circumstances, when the first of two married people dies, there is no tax unless the estate exceeds $120,000.

A man may love his wife very much and want her to have the benefit of all of his assets, but not outright ownership of the assets. This he can accomplish by establishing one or more trusts for her benefit. He may have many motives for doing this. He may want to preserve the assets of his estate for his children and grandchildren after his spouse dies. He may believe that his wife is so innocent in money matters and investments that she may become a prey for con men. But some forms of trusts may make the estate ineligible for the marital deduction—and substantially increase the estate tax.

The advice of a competent estate planner is essential in setting up trusts of this kind. A trust *can* be set up in such a manner that it will qualify for the marital deduction.

The great value of the marital deduction will be more apparent if I quote you a few figures. An estate of $120,000 without the marital deduction will pay a tax of approximately $9,500. The same estate with the marital deduction pays no tax at all. An estate of $200,000 without the marital deduction pays a tax of approximately $32,700. The same estate, with the marital deduction, pays a tax of approximately $4,800. An estate of half a million dollars without marital deduction pays a tax of approximately $126,500. The same estate with marital deduction pays a tax of approximately $47,700.

As of what date is an estate evaluated for tax purposes? This could be very important, as we learned back in 1929, when estates paid taxes based on their value at the date of death.

Some wealthy men were unfortunate enough to die just before the great stock market crash. The securities of these estates had to be valued as of the date of death. By the time the executors got around to filing the returns and paying the tax, the value of the securities had dropped to the point where the tax took practically everything that was left.

As a result of this situation, Congress wrote into law a feature we call the "optional valuation date." This provision originally gave the executor the option of valuing the assets of the estate either as of the date of death or as of one year after date of death. The tax return was then required to be filed, and the tax paid, within fifteen months after date of death.

In 1969, Congress was on one of its frequent hunts for more revenue, or more quickly collected revenue. As a result, the law was changed so that the optional valuation period is now only six months instead of one year. Thus, the assets of an estate may now be valued either as of date of death, or as of six months after date of death. Present law requires that the tax return be filed and the tax paid within nine months from date of death. This change in the law became effective January 1, 1971.

In an article in this magazine last September on the financial effects of moving from one state to another, I mentioned briefly the fact that any state where you ever lived might want to tax your estate when you die, if it is a state with a death tax.

Perhaps I should repeat here the suggestion that if you move from one state to another, you should be sure to take all of your movable property with you. This, of course, includes stocks, bonds, promissory notes, bank accounts and any other movable property. And you should, in your various legal documents, file a clear record of the state which you consider to be your legal residence. This may help prevent your former state or states from taxing what you leave behind in this world.

There have been cases of wealthy men with homes or other property located in several states whose entire property was claimed for death tax purposes by the demands of numerous states, each of which maintained that the departed was one of its own.

On a smaller scale, this sort of multiple state taxation can be inflicted on people of lesser means if they move about among the states and do not take precautions in advance. And if they leave property in more than one state their wills may have to be probated in more than one.

We have often heard that nothing is certain but death and taxes. One brings on the other, as far as estate taxes are concerned.

NEWSMEN'S NOTES ILLEGIBLE ANYWAY, REPORTERS OBSERVE

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, largely overlooked in the controversy currently raging over the subpenaing of newsmen's notes is the virtually unanimous testimony of reporters that they themselves cannot read or decipher their own notes longer than a day after they are written, and perhaps on occasion not for that long.

If this is true, the argument that newsmen's confidential notes are vital to the efficient administration of justice would seem clearly erroneous.

This insightful observation was recently made in a characteristically wise commentary by Mr. James Reston of the New York Times. He argues:

Have you ever seen a reporter's notes? Would any serious judge really accept most of them in evidence? They are a jumble of phrases, home-made shorthand, disconnected words, names, wisecracks by press-table companions, lunch dates, doodles, descriptions of somebody's necktie or expression, and large and apparently significant numbers, probably reminding the reporter of nothing more than his next deadline.

There is, at the same time, a second and profoundly serious thread running through Mr. Reston's column. It is the simple but important observation that whatever the executive, judicial, or legislative branches may do, newsmen will continue to honor the ethic of their profession which calls on them to refuse to disclose confidential sources and newsgathering information. He points out:

The democratic tradition hasn't gone on for over 200 years in this country for nothing. There are still a lot of people in government here who will insist on telling the truth, even if they are hounded out of Washington for doing so, and most reporters will go to jail rather than squeal on them because they were faithful to the larger interests of the nation.

Because of its wisdom and timeliness, Mr. Speaker, I offer the full text of Mr. Reston's column, printed in the Sacramento, Calif., Bee on February 11, 1973:

REPORTERS WILL REFUSE DEMAND

(By James Reston)

WASHINGTON.—At some point, Oliver Wendell Holmes or some other philosophic after-dinner speaker must have said that there was more to life than the law, and this may be what the courts have overlooked by trying to compel newsmen to disclose the sources of their information and turn over their notes to the legal authorities.

In its 5–4 decision in the Caldwell case, the majority of the Supreme Court said: "These courts have . . . concluded that the First Amendment (freedom of the press) interest asserted by the newsman was outweighed by the general obligation of a citizen to appear before a grand jury or at trial, pursuant to a subpoena, and give what information he possesses . . . We are asked . . . to grant newsmen a testimonial privilege that other citizens do not enjoy. This we decline to do."

So this is now the law, but it leaves out of account some of the practical problems of life. The Supreme Court majority opinion seems to rest on two assumptions: First, that newsmen keep notes that make sense to anybody but themselves, and second, that reporters would rather disclose their sources than go to jail.

Have you ever seen a reporter's notes? Wouldn't any serious judge really accept most of them in evidence? They are a jumble of phrases, home-made shorthand, disconnected words, names, wisecracks by press-table companions, lunch dates, doodles, descriptions of somebody's necktie or expression, and large and apparently significant numbers, probably reminding the reporter of nothing more than his next deadline.

This is not quite as casual or irresponsible as it sounds. By his notes, the reporter is sending signals to himself. For a few hours, he knows what the squiggles on his paper mean. By putting them there, he puts them in his mind. Ask him a week later what they mean, and he'd probably be totally lost.

No American judge, even with the wisdom of Holmes or Brandeis, or the experience of Chief Justice Burger, who grew up with one of the most remarkable generations of American journalists in Minnesota—Hedley Donovan, the editor of Time, Eric Sevareid of CBS, Phil Potter of the Baltimore Sun, Dick Wilson of the Cowles papers, and many others—could possibly figure out the mysteries of reporters' notes even with the help of all the cryptographers in the republic.

On the question of going to jail rather than disclosing the sources of information, the chances are that the newspaper tradition of keeping promises, of being faithful to the people who have faith in them, will probably prevail long after the present administration and the present controversy over the First Amendment have passed.

The democratic tradition hasn't gone on for over 200 years in this country for nothing. There are still a lot of people in government here who will insist on telling the truth, even if they are hounded out of Washington for doing so, and most reporters will go to jail rather than squeal on them because they were faithful to the larger interests of the nation.

Besides, jail for serious reporters, trying to

investigate the corruption of power, in either party, is not the worst thing that can happen to them. There is so much corruption, and they chase it under such unequal circumstances, even to the point of physical exhaustion, that many of them would almost welcome a little relief from the tyranny of the deadline to think and read, even in the pokey.

Besides, the White House and the courts, in this controversy with the press and the television and radio networks over the last couple of years, have made their point and won most of the battles. They have created an atmosphere of anxiety, if not fear, among the Washington civil servants, who are the real source of information in this city. The Nixon administration lost the Pentagon papers case in the Supreme Court, and the Watergate bugging case in the federal district court but they won the Caldwell case, and the word has gone out to the civil servants and the press to be very careful about talking too much or exposing too much. And this is probably the signal the administration wanted to get over in the first place.

But American life and tradition are still too strong to be overwhelmed by intimidation of the civil servants or orders by the Supreme Court to hand over all the information reporters possess about their sources and in their notes. The reporters won't break their promises to their sources, even if they have to go to jail, and most of them won't turn over their notes, though it would be a puzzle to the judges and the juries if they actually did.

ADDRESS OF HON. PETER BLAKER, UNDER SECRETARY OF DEFENSE FOR ARMY OF THE UNITED KINGDOM, DELIVERED AT THE 10TH ANNUAL WEHRKUNDE MEETING IN MUNICH, GERMANY, FEBRUARY 25, 1973

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. STRATTON. Mr. Speaker, last month, in company with the distinguished senior Senator from Texas (Mr. TOWER) and the able gentleman from Indiana (Mr. BRADEMAS) I had the privilege of attending the 10th annual meeting of the Wehrkunde organization in Munich, Germany. "Wehrkunde" is a small private organization whose purpose it is to study the military defense situation in Western Europe, basically within the NATO area. Those attending its sessions are government officials, military men, journalists, diplomats, businessmen, and certain private citizens.

One of the scheduled "papers" at this meeting was presented by the Army Secretary of the United Kingdom, Mr. Peter Blaker. Because I believe that Mr. Blaker's remarks underscore some of the problems which any democracy faces in maintaining a strong defense these days, and also because it points up the realism and the determination of our British allies in carrying through this job—a side we here in this country do not always get a chance to see and to understand—I am happy to bring this fine address to the attention of my colleagues:

THE 10TH INTERNATIONAL WEHRKUNDE-ENCOUNTER IN MUNICH—MAINTAINING MILITARY SECURITY IN AN ERA OF DÉTENTE

(By Peter Blaker)

There are two lines in one of Shakespeare's late and metaphysical sonnets in which the poet addresses his soul:

"Why so large cost, having so short a lease, Does thou upon thy fading mansion spend?" (Sonnet 146)

The feelings of large sectors of the public towards military forces are somewhat similar. If I gauge public opinion correctly, these lines capture rather well what some people are saying to us: "Why are you spending so much money—25 billion dollars in Western Europe alone every year—on a luxury you cannot afford, a luxury which even if you could maintain it in the proper state demanded by its own logic has for many years been irrelevant to the modern world and is becoming increasingly so; you will not be able to evade your responsibilities much longer, because the public will not stand for it: your lease is running out." In this paper I want to examine this mood which makes the job of running the defense machine so much more difficult, looking at how and why the mood makes itself felt. I shall play the Devil's Advocate and develop the sort of case against defense which seems to be in minds of so many people today and which we cannot ignore; placing special emphasis on the the job ofrunning the defence machine so fence activity, let alone increased levels of defence activity, appear incongruous. I then propose to fight back setting out some of the facts and figures of what we are doing and why. I shall admit to the semblance of a paradox but go on to explain it and set out the arguments which I think should be used in countering attacks on defence. Finally, in preparation for our discussion, I shall make a few observations on the problems of getting this message across.

First, I am right in thinking defence unpopular? Some would say that I am not. They would point out that in Britain we are successfully running volunteer armed forces, and that while our recruiting targets, totalling well over 40,000 a year, are by no means met in full every year, nevertheless we do get the great majority of the men we need: that is a sure indication that defence is not regarded with hostility. Or taking the issue a different way, it might be said that serious intellectual discussion of defence has never been so widespread as in recent years. There is informed comment in the media, and many institutes have begun to concentrate on defence issues and to do important research which complements the work of government defence departments. Defence has become an important specialization in the study of international relations. Defence, in fact, enjoys a fair degree of popularity in both practical and academic terms.

I do not deny any of this. We in Britain are proud of our volunteer forces and are encouraged by the level of debate in which we take part on defence issues. But is the public as a whole aware of defence as a fundamental part of national and European endeavour—not defence the provider of jobs or defence the rich seam of academic theses? I cannot escape the feeling that defence is *not* one of those subjects which, like so many economic or industrial issues for example, hold attention in cafes, in schools and university common rooms.

It is more than this. The man in the street shows either complacency or no positive interest. He does not think about defence or security at all, and I feel bound to say that often his attitude is shared by many of his representative in parliament! But younger people show a negative interest in the form sometimes of open hostility. We are all familiar with the manifestations of anti-militarism—demonstrations, and protest meetings, and the semiautomatic championing of the rebel cause often without regard to its justice. Defence authorities, like police authorities, suffer acutely from a common and vocal conviction that Authority is necessarily an oppressor. It is not pacificism—in a violent society honest pacificism has its problems as much as defence does. I think it is more a fear of what is believed to be a mindless and infinitely dangerous defence automaton which is interested only in itself, not in people.

It is interesting, and might be helpful, to speculate how this feeling has come about. It would be accepted, I think, that it is a relatively new feeling, expressed in the main by the post-war generation of about university age, but by no means confined to them—some older sceptics are identifying themselves with the view. Many people in Britain would claim a connexion with the ending of conscription, and the taste of discipline it fed the young, which coincided with the emergence of the new hostility. I would not agree; nor, I think would my NATO colleagues: it is coincidence, nothing more. The reasons are deeper than a simple absence of experience of authority, although one of the main ones is not unconnected: twenty-seven years of peace in Europe. Or at least absence of war. This has led to a belief, not necessarily conscientious, that wars can never be necessary, and that therefore all things military are likewise unnecessary. This belief has been perhaps reinforced by a consciousness of the waning of European power after world war II; by more recent confrontations—Biafra, Bangladesh; and I fear, most dramatically and immediately, by the conflict in Vietnam. War in the abstract, war in which peoples' loyalties are involved only at many removes, has thanks to television been brought into peoples' homes in all its horror. As a result people have not been prepared to analyse the justice of causes, only to revile the destructiveness of warfare and the irrelevance of the political framework that allows it: the concept of "defence".

In addition to this, people have begun to look further into the means and methods of warfare, and have concluded that, even within its own terms, war is wanton and unnecessarily cruel. Incendiary weapons, chemical weapons, biological weapons, nuclear weapons: all catch at the emotions. And simultaneously a welcome altruism is developing in the young's perception of social relations—answer enough to those who think conscription alone could instil a sense of service and responsibility. A conviction that the strong should assist the weak, that the rich should help the poor, as a basic principle of human conduct. In this frame of reference defence is to some the prime example of the strong and rich helping themselves.

I am not suggesting that I have been outlining logical thought processes; only that I have touched on some of the factors—especially the emotive factors—which predispose people to think in one way, rather than another. Nor am I criticizing people for being uncritical. As I shall explain later, my belief is that people draw the wrong conclusions because they are not given the opportunity to know the full picture.

This then is the mood of underlying hostility which dictates the way people, especially young people, regard defence issues. Let me pursue this a little further, narrowing my perspective to concentrate on the way these attitudes could and do take expression as a more thoughtful attack on defence, particularly defence in Europe.

The Devil's Advocate might first ask why we are dong it at all. We cannot seriously believe that he would say there is a risk of

another major conflict. Who would be so foolish? Do we think that if we removed all our forces, and disbanded them, anything would change? The relationships between major powers have now stabilized to the point where there is an excellent understanding between them about the realities of the international balance of interests. The military aspect is irrelevant now: it is an economic burden that creates more problems than it solves. For example, he would not continue NATO, because simply by existing NATO obliges the Warsaw Pact to exist and vice versa. It perpetuates Cold War attitudes—suspicion and distrust—and keeps states apart, where good sense demands they should cooperate together. The very existence of a defence posture indicates a failure of diplomacy, or worse, a conscious desire to wield power at the expense of others. In our alleged desire to show the East we are just as strong as they, we have to rely on weapons of unparalleled destructiveness. To possess the capability of blowing the world apart. By what right do we gamble in this way with the lives of ordinary people? Will the earth itself be able to support the survivors of our holocaust? Will not future generations inherit the scars of our recklessness? And of course, we could always do it by mistake.

To keep up this charade, the critic would argue, we are spending in the West about 3½% of our combined Gross National Products on a counter-productive phantasm. Britain is spending 5½ percent. That money could help the under-privileged, at home and abroad; improve health and education services; and contribute to national prosperity. And in addition we could be said to be commandeering large proportions of national resources to meet our private ends: we are forcing large numbers of men to acquire a taste for violence, and removing them from the productive labour force; we are occupying much industrial productive capacity with the manufacture of defence equipment and depriving the economy of growth.

It is useless to point to weaknesses in the argument in terms of economic or international relations theory. I indicated earlier how this approach is based upon a conditioned emotional response. But its main elements are that defence is worse than unnecessary because it is:

a. destabilizing;
b. highly expensive; and
c. morally wrong.

Our problem is much more acute at a time like the present, when we are entering, in President Nixon's term, an "era of negotiation"; when the public are expecting some tangible signs of thaw in international relationships. The sign they are looking for, naturally enough, is a reduction in defence effort, and the release of resources to other activities. At last, it might be said, statesmen have seen where their best interests lie. Chancellor Brandt's Ostpolitik has led the way; the Russians and Americans have had a certain amount of success in the SALT talks; the Security Conference is being prepared, and so are talks on force reductions. We are urged to do all we can to hurry the process on, so that states can enjoy as soon as possible the benefits of relaxed tensions without the burden of a crippling defence effort. We Defence Ministers are asked to recognise that the only obstacle to a rapid East/West reconciliation is the fact that we are maintaining our armed forces in strength, and our strategic deterrent: how irresponsible it is to jeopardize the chances of a genuine détente by so blatantly showing suspicion and plain disbelief of Eastern intentions! Mr. Brezhnev spoke in Moscow in December ápropos of force reductions: "The strengthening of peace in Europe is a very important and great issue for the fate of all mankind. We are fighting with all our energy and purposefulness so that Europe, which has been an eruptive point, should not be the starting point of another war. We can see clearly that reaction, militarism and revenge-seekers of various hues have not given up their attempts to turn the whole course of affairs in Europe back into the past. But this shall not come true: "To persist in maintaining our military posture in the face of such a Soviet attitude—so runs the accusation—is to be unashamedly provocative. To argue as we have done against making any reductions in force levels and for improving our defence capabilities is to guarantee that progress towards détente will be stymied.

That, I think, is how an argument might run and I hope I have indicated the sort of thinking that might lie beneath it. Now let us shift the frame of reference and examine how governments, and in particular Defence Ministers, perceive these same issues; and see the extent to which our critics are attacking real as opposed to imaginary targets.

Governments, despite what may be claimed to the contrary, are probably as well placed as any to appreciate the unspeakable horrors of war. Let no one accuse Authority of enjoying war as a game. We engage in defence in order to ensure that countries do not have to make a sacrifice. Defence is the price we pay for avoiding war. We engage in détente in order to ensure that that price is as low as possible. We share the aspiration of our critics: a world without armaments, a world without greed, a world in which international cooperation and individual prosperity provide all the security we need. We do not agree with our critics that a world without armaments is necessarily a secure world—yet. We do not think that we are mature enough—yet—to be able to pool our interests and pursue them without the stability given us by a system of alliances based ultimately on the threat of resort to arms to protect our rights to self-determination. We are cynical enough not to pin too much faith in a world without greed. Yet we do believe that the growth of the European Economic community marks one means of progress towards our ultimate common goal. So does the pursuit within that framework of realistic measures of arms control and disarmament.

We therefore welcome *Ostpolitik*. We welcome SALT. We are taking part in the CSCE and MBFR talks. But we must be cautious about détente. We must remember that the political intentions of the East and the present mild international atmosphere could change for the worse a great deal more quickly than we could change our military capabilities to meet a new situation. This rock face is liable to crumble: we must secure every foot-hold before we move into the next. We have already secured the banning of biological weapons. But there is plenty of scope for mistakes. Our American friends have secured the limitation of antiballistic missiles; and now they are examining ways with the Russians of securing permanent agreements on strategic offensive systems. We are making progress.

On the more political side, the preparatory talks for the projected conference on Cooperation and Security in Europe have made an encouraging start. But we must ensure that the Conference really does give us a secure foothold on the route to better understanding: there is a great danger that the Conference might be tempted to make do with impressive but hollow declarations which will delude the public into thinking firm, a hold that will crumble away as soon as any weight is put upon it. Back in the military field, the exploratory consultations in Vienna concerning Mutual and Balanced Force Reduction have made a cautious start. These of course are at the heart of current thinking about détente. It would be encouraging indeed if we could reach an agreement with the East guaranteeing us undiminished security but at a lower level of forces: That would be a giant step forward. Unfortunately it will be a difficult step to make for many good and practical reasons: it is not easy to judge the relative capabilities of forces as disparate as those of NATO or the Warsaw Pact, or to assess what reductions would leave the balance of security unimpaired. The sad fact is that no straightforward reductions can do this. One reason for this is the Warsaw Pact's numerical superiority over NATO: we cannot forget that on the Central Front the Warsaw Pact has at present twice as many men as NATO; 17,000 tanks to NATO's 4,200; and 5,000 pieces of artillery to NATO's 1,800. Another is the Warsaw Pact's geographical advantages of speedy reinforcement as compared to NATO having to move across the Atlantic Ocean. It will be no quick or easy task to unravel the complexities of MBFR and knit them into progress.

Western Governments, I suggest, are firmly committed to the pursuit of détente. Any other policy would be unthinkable. But we must secure the substance of détente, not the shadow. Certainly we see as our long term aim a reduction in the expenditure we allot to defence, to enable resources to be released to further other national priorities which might be of more direct positive benefit to our countries. But only as the result of a long and gradual process. Defence costs, like all other costs, rise. The cost of maintaining any given capability relative to one's adversary tends over a period of time to increase in real terms: Volunteer manpower for example is increasingly expensive—it has to be in order to attract the men to maintain a satisfactory manning position—and attempts to reduce manpower costs by designing equipment which needs fewer men to run it quickly increase an equipment bill which is likely to be escalating independently as a result of the increased subtlety of weapon systems. Reducing forces therefore does not necessarily mean lower defence expenditure if the relative balance of security is to be maintained.

We are left nevertheless with the paradox that, at a time when tensions are relaxing, we are spending more money in the very area which on a superficial view seems most likely to increase tensions. I have observed that this is because we have to maintain the balance of military power and that this process is becoming more and more costly. By way of justification of the paradox, it would be as well to remind ourselves why, in answer to our critics, we consider it necessary to maintain such a level of defence: what we are defending ourselves against; and what tools we are buying to do the job.

What we are buying first of all, is deterrence. NATO's policy is not offensive. But it is based upon a determination to preserve the territorial integrity of its member countries and upon a will to respond to every stage of aggression with an appropriate level of force.

The flexible response strategy, which NATO member Governments re-affirmed only recently, means that we must have the necessary conventional forces to respond appropriately to all levels of aggression. They must be able both to cope with a limited action, perhaps designed to present NATO with a fait accompli, and to defend effectively against a full-scale aggression, to give us time to bring the aggressor to his senses before we have to initiate the use of nuclear weapons to restore the credibility of our deterrent.

We think it necessary to maintain a deterrent posture because, despite the peaceful words of Mr. Brezhnev quoted above, we perceive in the armed forces of the Warsaw Pact a vast potential for destruction which is increasing in effectiveness every year. For their part, the East are certainly not an-

ticipating the outcome of East/West negotiations by any relaxation in defence effort and we can only judge their motives by what they do, not by what they say they will do. Soviet Union defence expenditures, we believe, grew by about 5 percent every year during the 1960's, and are still increasing. Currently her annual defence expenditure probably stands at more than 70 billion dollars. She has been steadily building up her strategic capabiltiy and her convential forces, and has maintained her effort to strengthen the other forces of the Warsaw Pact. And these forces maintain a high state of preparedness.

But why is this a real threat? Why do we interpret these facts in the sense that it is the Warsaw Pact setting the pace for NATO rather than trying to keep up with it? Experience should tell us that the Soviet doctrine of both international relations and internal administration is very different from our own. It depends on rigid central control, rigid adherence to the central line, and a desire to establish and wield power as widely as possible. The established methods of trade and social and intellectual contacts enjoyed by the West are seen as a threat to the effective pursuit of Soviet interests. It is not NATO which threatens the Warsaw Pact: it is the existence of stable and prosperous and different Western society, which the Soviets are not content to live with on normal terms. The Soviet Union is not geared to fight economic battles. Upon those who have fallen beneath her hegemony she imposes by force what she cannot impose by diplomacy and persuasion. We cannot believe that Budapest, Berlin and Prague were aberrations. Nor that the hounding of critics of the regime and rule-breakers within the Soviet Union are administrative errors. We cannot be confident that if there was nothing to stop her she would be less ruthless with those that still enjoy the right of self-determination.

If the armed forces of the Soviet Union and her allies continue steadily to increase in size and strength, and those of the West to reduce, we shall very soon see the West lacking the political will and psychological firmness to stand up to the East; we may even find ourselves unable to act without first taking explicit account of likely Russian reactions.

That is why, so long as the other side maintains armed forces, so must we. While NATO maintains and increases its strength it is a permanent reminder that over-ambition will not pay; that force will be met; and that difficulties in international relationships must be resolved over the conference table, not on the battle field. For if the Soviet Union did press aggression to the limit, there would be no victors in an European war. Our security rests upon our will and ability to deter. Defence is its visible manifestation. It follows that the Soviet Union will seek to pursue spoiling tactics towards Western Europe. If she can cause conflict within the North Atlantic Alliance or delay moves towards political integration within the European Economic Community, her influence will be the greater because our cohesion will be less. This is one of the reasons why practical cooperation is so important especially in matters of defence.

Within the Western Alliance the European countries, in particular, should seek to cooperate more closely on defence and to establish a greater identity of view. In keeping with the sum of its resources, Europe should seek to exert more influence on the major issues affecting Western security and be prepared to assume increased responsibility for its own defence. There is also continuing pressure on all European Governments to make the most effective use of the limited resources available for defence. Bilateral staff talks, collaborative projects for arms procurement and the practical activities of the Eurogroup are already making important contributions. In the communiqué issued after their last meeting in December the Eurogroup Ministers emphasised their commitment to the principles of collaboration. But it will be necessary to extend existing forms of cooperation both in scope and depth if Europe's needs are to be met. That process should be facilitated by the growing European unity symbolised by agreement on the enlargement of the European Economic Community.

The Soviet Union, we fear, will exploit to the full her opportunities to promote divisions by presenting to public opinion—especially uncritical public opinion and opinion conditioned to be hostile—the so-called shortcomings of the western system: its alleged militarism, reaction and unfairness. We must be on our guard against this danger.

The Soviet approach to détente is not likely to correspond very closely with that of the West. The Russians will hope to erode the collective will of the Alliance to deter; to split the Alliance by playing on any detectable policy differences between the allies and by holding out to our publics the promise of a world without arms, without threats and without deterrents. No one can deny these are attractive prospects. But it will be clear from my arguments earlier that Soviet motives will be aimed at preparing the ground for an extension of Russian influence. Détente offers them an easy way of doing this; but we must show the East that, while we are anxious for détente, we can only accept what we feel to be genuine détente, in other words a relaxed international situation in which no side will have gained an advantage relative to the other. That is why we must keep our level of security—and not allow precipitate action to put us at a permanent disadvantage. By keeping up our defence efforts we are not jeopardising détente: we are demonstrating that we take it very seriously: indeed that we are prepared to pay for it.

This means that we must not countenance the notion of unilateral reductions in NATO's strength. In negotiations such as those which lie ahead of us at the moment, bargaining from a position of strength is vital to ensure equity, and experience and history show that this is the way to improve the quality of peace. It would be fatal to undermine our position before we start.

I believe we shall find it increasingly difficult to maintain security if we cannot get across to our publics this message of the risks involved in détente. It has been said many times before that we should give more thought to the public presentation of the problem of defence and foreign policy. At the beginning of this paper I indicated that apathy was no less a problem than hostility. Somehow we must not only argue our case convincingly, but in doing so catch the public imagination: we must tell them more; we must overcome the myth that defence is totally secret business—what could be more a matter of public concern that the essential realities of national security? In the British Ministry of Defence we publish a great deal of information in our annual White Paper—we are the only Department to issue a policy statement of this kind every year. We also publish a short illustrated version of the White Paper for distribution in schools. We must be careful how far we go in the discretion: we risk being branded as promulgators of militarist and warmongering propaganda; but we must take the risk. We must dispel the mood of complacency and hostility which distorts the real problems. We must stimulate the media; promote more defence studies at universities; we must talk to schools about foreign policy; and we must hope that a new Europeanism will follow from the enlargement of the European Community, and prove more receptive to discussion of these vital common issues.

Our news is not without drama, but a great difficulty is that it is not immediate drama. It would be gravely wrong of us to dramatize the issues in the hope of achieving direct emotional appeal. We must I think rely on a more gradual process of widening intellectual and academic interest broadening out into the media. We are doing all we can to encourage this: conferences such as the Wehrkundetagung are of valuable assistance in the process. But we must do more, and do it soon.

It is clearly very tempting for governments—and oppositions—not to make the effort that is required; to allow instead vocal public pressure for reductions in defence effort, or perhaps for neutralism, to build up to unsupportable levels and meekly to lower their defence. To me such action would be to accede to demands for negligence. Irresponsible factions might win easy short term popularity and to their people to explain the true facts of an uncomfortable situation and the paramount importance of defence, and to convince them that it is an era of negotiations for détente, possibly more than at any other time, that military security must be maintained.

DAYS OF "CHEAP FOOD" MAY BE OVER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HUNGATE. Mr. Speaker, the following article from the New York Times, Sunday, March 11, points out facts which farmers have been urging for years. Namely, that the 16 percent of net disposable income is spent on food in the United States, representing the lowest cost for food of any country. Unfortunately, the article also indicates the "honeymoon" may be over:

DAYS OF "CHEAP FOOD" MAY BE OVER

(By Morton I. Sosland)

As food prices continue to soar, Washington officials have been offering relief in the form of promises that prices will decline sharply in the last half of 1973. Such an outcome seems to be predicated on recent changes in Government crop programs.

However, such predictions arise from an oversimplification of what has happened in world commodity markets in the last six months.

The assumption of both the Cost of Living Council and the Department of Agriculture is that record high crop prices—not only in the United States but in practically all other countries—have been caused by demand outpacing supply.

The assumption is that by increasing supply, prices for wheat, corn, soybeans, beef and poultry (the list is endless and not necessarily limited to things grown on farms) will fall back to levels that prevailed early last summer.

While it would be unwise to posit that present price levels will be sustained over a long period time, it is equally foolish, as well as self-deceptive, to hold out hope that recent upward price moves are only an aberration on a long-term trend that assures the availability of "cheap food" ad infinitum.

A case can be made that cheap food in that context is a thing of the past, that the world is moving through a true watershed in food production and demand and that this is an economic development of historic importance all too little appreciated and most dangerous to neglect for any length of time.

In this discussion cheap food is defined as meaning that food costs represent a smaller share of annual family spending than would be the case if true supply and demand forces were allowed to function in a commercial farming situation.

Within that definition, cheap food has prevailed in the United States since the nineteen-thirties. It has been the cornerstone of Britain's economy since the middle of the 19th century and provided a key foundation for Japanese economic growth since World War II.

To a great extent, United States farm programs that began in the nineteen-thirties have been more of a cheap food subsidy to American consumers than their more widely criticized and publicized role as a subsidy to American farmers. Until the price advances that began this last summer, American families on the average spent only about 16 per cent of net disposable income on food, the lowest share of any country.

This was made possible by a farm program that subsidized growers through direct income supplements and payments for withholding land from production that might not, in the long run, have been planted anyway.

American consumers have not been the sole beneficiaries of these policies. Japan and Britain, traditionally the largest food importers, have relied on cheap American food for many years.

The fact that such availability is coming to a swift end has been perceived first by the British. The chairman of a leading British food company declared recently that "the era of cheap food is over." And one of that country's labor leaders said a few days later, "We no longer have the divine right to be cheaply fed."

These dramatic declarations go considerably beyond the impact on British food prices of membership in the European Economic Community. They reflect an appreciation in Britain that fundamental changes have occurred in the world supply-demand situation for food.

Even though this impact may first be recognized in Britain and Japan, where reliance on food imports causes supersensitivity to basic changes, it will be only a matter of time before food prices in the United States will call forth similar realizations.

Two fundamental forces are at work of a dimension that is yet very difficult to measure.

On the demand side is the apparent decision by leaders of the Communist bloc to raise the "standard of eating" of their peoples. That commitment has been an important part of five-year plans for decades.

This year the intent has been made crystal clear by huge purchases by the Soviet Union in world grain market in order to do everything possible to prevent shortages of bread and to sustain rapidly increasing livestock and poultry numbers. In stark contrast with past poor crop years, the Soviet leaders made a very conscious decision to maintain food supplies at tremendous costs.

Now that the Soviet Union has learned how easy it is to buy on the American market and even to fool the capitalists in the bargain, it would be the height of folly not to expect continued takings.

Upgrading of the diet in the Communist-bloc nations poses the need for massive additional quantities of grains that will have reverberations into every American supermarket.

A pronounced multiplier effect comes into operation when consumption patterns shift from grain-based diets to diets of meat and poultry. Each unit of beef production requires eight units of feed. In the case of pork it is a 4-to-1 ratio and for chickens it is 2½ pounds of feed to make one pound of poultry.

If the Soviet Union succeeds in meeting its 1980 goal of raising livestock and poultry consumption by 25 percent (which would still leave that country's consumers with 40 percent less meat than the average American), the Soviet Union and Eastern Europe will require annually at least 75 million more tons of grains than presently utilized.

Industry experts say the Soviet Union can be expected to supply half of that increased need by expanding domestic production. The remainder will have to come from the United States and other suppliers, creating quite a strain in view of the fact that American feed grain exports this year are expected to be 33.2 million tons.

The great uncertainties of Soviet demand are nearly overshadowed by the mystery of potential buying by China. Just consider that one more pound of chicken a year for every Chinese requires slightly more than 900,000 tons of feed grains.

Introducing the Soviet Union and China as potential buyers of unknown dimension on the world food market comes at a time when political and budgetary realities in the United States are dictating a major shift away from old methods of agricultural support.

On the supply side, President Nixon has called for a gradual phasing out of income supplements, the keystone of farm programs for some years. He and his advisers would have the marketplace, not the Government in Washington, tell the farmer how much wheat, corn and soybeans should be planted and how many cattle or broilers should be raised.

He recognizes that farming has become an industry and that the concept of living on a farm as a way of life is past.

But the President has not stated that encouragement of crop and livestock production at a total large enough to satisfy expanding American and usual world needs—much less the explosive potential of buying by the Soviet Union and China—will require continued high prices in the absence of income supplements. Otherwise, the markets will not function as a signal to farmers.

Land suitable for crop production in the United States is limited. Witness the fact that farmers last fall, in response to the highest prices in a quarter of a century, seeded only 1 percent more acres to winter wheat.

Inputs such as fertilizer, insecticides, herbicides and better seeds are, in a very real economic sense, substitutes for land.

In the past, relatively few American farmers have considered land as a cost. Accelerating commercialization of farming will change that attitude. If we are approaching the limits of cropland, then prices very near present high levels will be required to stimulate the inputs that substitute for land.

Much about the present situation heralds expanded corporate participation in farming—perhaps not by national companies but by area and regional business entities. Before such companies will commit the capital inputs required, they will have to look to market returns substantially above the cheap food of the past.

As an economic benchmark of this magnitude is reached, it is important that the national leaders who are making important policy and legislative decisions become aware of these new realities.

For example, farm programs must be structured to allow for the establishment of reserves that will make this country's ability to supply unprecedented business more than an accident, as was the case this year.

The end of the era of cheap food is the price American consumers will pay for an adequate domestic supply and for establishing the United States as a reliable source of food for hundreds of millions of people around the world including new and important customers in the Soviet Union and China.

WASHINGTON RESEARCH PROJECT ANALYSIS OF PROPOSED HEW SOCIAL SERVICE REGULATIONS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DRINAN. Mr. Speaker, on February 16, 1973, the Social and Rehabilitation Service of the Department of Health, Education, and Welfare printed its proposed regulations governing the funding and administration of social service programs. These regulations, slated to go into effect on March 19, will have the result of substantially curtailing many important social services.

These proposed regulations have aroused a storm of controversy. One of the most informative and perceptive commentaries on the proposed regulations was prepared by the Washington research project. I commend this analysis, done in the form of a letter to the Administrator of the Social and Rehabilitation Service of Health, Education, and Welfare, to my colleagues, and urge them to write to the Administrator by March 19, so that these ill-conceived regulations are withdrawn. The text of the Washington research project analysis is as follows:

WASHINGTON RESEARCH PROJECT,
Washington, D.C. March 9, 1973.

To: Administrator
Social and Rehabilitation Service
Department of Health, Education and Welfare
330 Independence Avenue, S.W.
Washington, D.C.

Subject: Proposed Regulations for Service Programs for Families and Children and Aged, Blind, or Disabled Individuals: Titles I, IV (Parts A and B), X, XIV, and XVI of the Social Security Act

The following are comments on and objections to the proposed amendments to 45 CFR Parts 220, 221, 222, and 226 published under a notice of proposed rule making in the Federal Register on February 16, 1973 (Volume 38, Number 32).

The Washington Research Project is a nonprofit, public interest organization concerned with federal programs and policies affecting the poor and minority groups, especially children. Our comments on the proposed regulations are focused particularly on their effects in eliminating services to large numbers of poor and near poor families and in reducing the quality of those services which would continue to be provided on a much more limited basis.

I. GENERAL COMMENTS

The principal effect and apparent intent of the proposed regulations is to limit expenditures for social services far below the amounts intended to be spent by Congress. The history of the social services amendments contained in the 1972 revenue sharing act makes unmistakeably clear that Congress rejected any sweeping cutbacks in the existing social services program, such as those originally proposed by the Senate. Instead, it agreed to preserve the current program, within the confines of a state allocation formula, and with a targeting on certain clearly specified services. Indeed, in response to specific questions on the floor of the House of Representatives as to the effect of the ceiling on current programs, Chairman Wilbur Mills stated that "we have not changed the definition of social services that are avail-

able for those who are recipients of or applicants for welfare," and that Congress intended no restriction on the nature of social services.

The $2.5 billion ceiling was carefully chosen and supported by the Congress, over a lower amount approved by the Senate, because it would not disrupt most of the valuable services currently being provided. Although imposition of the ceiling might require some reordering of expenditures, the states have ample authority and flexibility under existing regulations to make the needed adjustments. This 2.5 billion ceiling plainly was more than an authorization in the traditional sense. The language of the statute says that "the Secretary shall allot" to each state its share of the social services funds. The regulations proposed by the Department therefore go far beyond the Congressional mandate and have the effect of impounding funds which Congress intended should be spent. Preliminary estimates by the states indicate that they will receive $1 to $1.3 billion less under the proposed social services program than they were entitled to receive under Congress's revenue sharing allocations.

Thus, contrary to the suggestion of the Secretary that the proposed regulations represent "the elimination of requirements which are not based on legislative mandates," the Department has clearly exceeded the intent of Congress and the language of the law. Other explanations of the Department are equally misleading and cloud their actual intent.

The Department contends that the regulations would "strengthen the role of state agencies in managing the program," "give states more options in determining services," and "put decision-making closer to the point where services are used." In fact, these regulations would remove the options now available to the states, limit their flexibility in operating programs, and impose new bureaucratic requirements which will hopelessly mire welfare agencies in red-tape and paperwork, at the expense of recipients of the services.

Similarly, the Secretary insists that the proposed regulations give "increased emphasis to services that help people move toward self-sufficiency and employment." In fact, they would so seriously restrict the eligibility for services as to prohibit lasting self-sufficiency and force repeated return to dependency.

Finally, one of the alleged intentions of these regulations is "reducing overlap" with other federally-supported programs. The reality is that there are no alternatives for public support of many of the programs which would be terminated, and in other cases the alternatives which might presently exist are being cut back or terminated by other Administration proposals.

II. ELIGIBILITY FOR SERVICES (221.6 AND 221.7)

The proposed definitions of eligibility and the requirements for constant redetermination of eligibility are too restrictive to accomplish the stated objectives of "self-sufficiency and employment," and they are so cumbersome as to assure the very bureaucratic maze this Administration allegedly seeks to eliminate. In setting a ceiling on social services expenditures and identifying broadly available services, Congress made no effort nor did it indicate any intent to narrow the current definitions of past and potential recipients. The restrictive definitions contained in the proposed regulations administratively eliminate virtually all past and potential recipients from the program, which Congress declined to do.

The limited definition of past recipient to one who has received welfare within the previous three months is too narrow to offer any security or stability to an individual who leaves the welfare rolls, and would in many cases lead to an almost immediate return to dependency. At a minimum, a past recipient should be entitled to services for at least one year, regardless of current income, with the possibility of extending those services for a longer period if they are necessary to avoid renewed dependency.

The definition of potential recipient is even more restrictive. The automatic elimination of services as soon as income exceeds 133-1/3 percent of the state's financial assistance payments level, or when resources exceed permissible levels for financial assistance, would arbitrarily exclude individuals and families before they reach a point of "self-sufficiency" and would result in returns to dependency. In many states, these new definitions would make ineligible for services families with incomes below the federal poverty level and even below the state's own defined standard of need. Further, sole reliance on income to determine eligibility ignores the fact that need for services is an equally significant factor in defining a potential welfare recipient. By identifying in the revenue sharing act those services which should be fully available to potential as well as current recipients (e.g., child care, services for alcoholics and narcotics addicts) Congress intended to deal with problems which, in the absence of services, would lead to dependency regardless of income. A fee schedule for services, reasonably related to income, as provided by current regulations, would assure availability of services according to need, while directing the bulk of federal dollars toward lower income groups.

In requiring frequent redetermination of eligibility—every 90 days for past and current recipients and every six months for potential recipients—the new regulations go far beyond the language of the statute, which provides for review of current recipients' service plans at least once a year, with no required review for past and potentials. The proposal would create an administrative nightmare which, at best, would delay services and would almost certainly deny services to many. They would intensify the movement of recipients in and out of services and reinforce the cycle of dependency caused by the narrow eligibility definitions. Further, they would result in new and unnecessary harrassment of recipients, and can only be interpreted as intended to discourage eligibles from seeking services. States welfare agencies have already indicated that they are incapable of meeting these requirements.

III. PRIVATE SOURCES OF STATE'S SHARE (221.26)

The absolute prohibition against the use of donated private funds or in-kind contributions arbitrarily eliminates an estimated $150 million in social services expenditures and terminates many of the most effective local programs. While improper uses of such funds should be controlled, an attack on the private sources ignores the apparent major causes of abuse in the program—the refinancing of state and local public expenditures. What is more, it contradicts this Administration's emphasis on voluntary action and public/private cooperation. For example, in the area of day care, the Council of State Governments estimates that the prohibition against private funds will eliminate $55 million in services. Such a cut is particularly ironic in view of the President's own expressed deep concern about "too much" public intervention in child care and his stated personal preference for day care provided through private sources (President's Message Accompanying Veto of S. 2007, December 9, 1971).

The importance of private sources of funds was noted by then-Secretary of HEW Eliot Richardson in a letter to Chairman Wilbur Mills of the House Ways and Means Committee, dated October 13, 1972, in which he urged modification of any legislative history to make clear that the "partnership between private donations and public agencies should be encouraged rather than discouraged." Reading that letter into the Congressional Record, Congressman Burke of Massachusetts engaged in a colloquy with colleagues from the Ways and Means Committee, denying "the impression" that Congress intended to restrict private matching and pointing out that Senate Finance Committee provisions to that effect had been dropped in conference on H.R. 1 (Congressional Record, vol. 118, pt. XXVIII, p. 36929).

IV. OPTIONAL SERVICES (221.5(B)(1))

Contrary to the impression presented by the Department that the proposed regulation would increase the state's options in providing social services, the new limited listing of services restricts choices and prohibits state and local-determination of services programs. The Social Security Act requires that a state must provide a program "for such family services . . . as may be necessary in the light of the particular home conditions and other needs . . . in order to assist such child, relative, and individual to attain or retain capability for self-support and care and in order to maintain and strengthen family life and to foster child development." The elimination of certain optional services which have been listed in the regulations in the past plus the removal of authority for the state to provide additional optional services if they are part of their own state plan, prevent the states from carrying out this clear legislative mandate.

For example, according to a special analysis of the Office of Management and Budget, social services outlays for nonemployment-related day care were estimated to be $154 million for fiscal 1974, providing services for 253,000 children. States will no longer have the option to provide such services since such care is no longer listed as an allowable service. Similarly, at least five states have included in their services plans legal services which were clearly allowable under the existing regulations. Since these are no longer included in the list of optional services, such assistance to recipients must be terminated.

Congress clearly did not intend to restrict such services for current recipients, but in fact offered assurances that they would continue (Congressional Record, vol. 118, pt. XXVII, p. 35521). We recommend that the proposed regulations be modifed to include in the list of optional services at least legal services and day care in addition to that defined at 221.9(b)(3), and that a state be permitted to include in its state plan other optional services which clearly meet the needs of eligible individuals. Such plans would continue to be subject to approval by SRS.

V. CHILD CARE

The impact of the eligibility definitions and the elimination of private funds is especially hard felt in the area of day care. Denial of child care to a broader range of past and potential recipients may well be the single most important factor in preventing the "self-dependency" which these regulations purportedly seek. In addition, as noted above, the arbitrary denial of all nonemployment-related day care removes essential services for dependent children and families—denying services to over one-quarter million children, according to OMB's own estimate.

In Califorina, for example, according to State Superintendent of Public Instruction Wilson Riles, these regulations will reduce day care funds in the state by $40 million, terminating services for more than 35,000 children, forcing 5,000 teachers and paraprofessionals out of jobs in child care programs, and ending employment for large numbers of working poor and single parents who may well find themselves back on welfare roles. In New York, the City's Agency for Child Development indicates that more than one-half of the 33,000 children now in its day care programs will no longer be eligible, forcing their parents back on to wel-

fare which costs the city two-and-a-half times the cost of day care. Pennsylvania officials estimate that at least 12,000 children will be out of day care if the regulations go into effect. In Minnesota, 50 to 60 percent of the 24,000 children currently reciving services will no longer be eligible, and the state's funds will be reduced by at least $20 million. In Minneapolis, more than 60 percent of the children receiving services will no longer be eligible, and at least 95% of the $2 million spent for day care will disappear. St. Paul will lose up to $1,212,000 in day care services. Maryland officials predict that half of the 12,000 children presently served will be evicted from day care centers around the state.

Beyond this absolute reduction in the amount of day care provided and the number of children served, the proposed regulations place additional restrictions which will undermine the quality of that care which would be provided for the much narrower group of children who would continue to be eligible. The proposed regulations eliminate all references to federal standards for child care, other than the most inadequate requirements for inhome care. Departmental assurances that federal standards "will apply" at some indeterminate time in the future when "suitable" ones have been written are not sufficient guarantees of program quality for children.

Congress has made it clear that federal standards do apply to all federally-supported child care and that those standards may be "no less comprehensive" than the Federal Interagency Day Care Requirements of 1968. While Congress has recognized the necessity for modifying those requirements from time to time. Chairman Carl Perkins of the House Education and Labor Committee emphasized that the Congressional intent of adding language to the extension of the Economic Opportunity Act in 1972, was to prohibit changes which would reduce the quality of care required by the federal standards, particularly with regard to child-staff ratios (Congressional Record, vol. 118, pt. XXII, p. 29396). We urge that the proposed regulations be clarified to indicate that the Federal Interagency Day Care Requirements of 1968 to apply, as required by law, in order to avoid any confusion on this point.

While the indefinite status of federal standards causes concern about the quality of care to be provided, there are other provisions in the proposed regulations which clearly reduce that quality. By prohibiting federal financial participation for any "subsistence and other maintenance assistance items even when such items are components of a comprehensive program of a service facility" (221.53(j)), and by removing all references to food and food preparation costs as allowable expenditures, the proposed regulations eliminate payments for food and all of the costs associated with preparing and serving food in day care programs. Such language suggests that either day care operators, including operators of family day care homes, will have to pay such costs out of their own resources, or that children in such programs will be required to provide their own food. This would almost certainly deny nutritional meals to children, most of them already in or near poverty, during the time they are in day care programs. This language should be clarified to assure that food and food-related costs in day care programs will continue to be eligible for federal funds.

The proposed regulations also drastically reduce parent involvement in their children's day care programs, contrary to the 1967 Social Security Act Amendments. The President has taken a strong position that federally-supported child care programs must not "diminish . . . parental authority and parental involvement with children" (President's Message Accompanying Veto of S. 2007, December 9, 1971). Yet, current requirements that parents be involved in the choice of care and that the care be suitable to the needs of their children have been eliminated. Further, while day care advisory committees would be retained at the state level, there would no longer be any requirement that one-third of their membership be drawn from the parents of children receiving services. Parent committees have been influential and constructive in a variety of HEW programs, including not only social services but Headstart and Elementary and Secondary Education Act programs as well, and there has been no suggestion by the Congress that they be eliminated.

In addition, states no longer would be required to extend or improve services, to develop alternative sources of services, or to mobilize resources to provide services.

We urge that the regulations be modified to restore parent participation in child care programs and to require and provide incentives to states to expand available sources of day care.

VI. FAIR HEARINGS

Current regulations attempt to protect the rights of recipients of services by making provision for a fair hearing under which applicants or recipients may appeal denial of or exclusion from services, failure to take into account recipient choice of services, or a determination that an individual must participate in a service program. Those rights have been removed by the proposed regulations in violation of both the statutory requirement for fair hearings and the constitutional requirement of due process of law, which applies to the denial of services as well as cash assistance.

THE FEDERAL BUDGET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. PICKLE. Mr. Speaker, in his struggle with Congress over control of the Federal budget, the President has used historical examples to argue that the power of impoundment is his to use as he sees fit.

Unfortunately, while those examples do show that Presidents in earlier times used impoundment as a tool for fiscal responsibility, the circumstances surrounding those uses were substantially different from those that exist today.

Prof. Joseph Cooper of Rice University examined this difference in a letter published by the Washington Post on March 10, and I offer it here for those who did not read it then.

In the letter, Professor Cooper states clearly that the oft-cited Jefferson impoundment of funds in 1803 "provides no precedent for the type of impoundment practiced by the Nixon administration."

We all know that history is a great teacher—from the mistakes and successes of the past we derive wisdom and courage to deal with the present and build for the future. Soon this very struggle between the Executive and the legislature will be history, and much will be learned from it. In the meantime, however, we cannot allow our path to be determined by a distorted interpretation of past political events.

The letter follows:

IMPOUNDMENT: AN ARROGATION OF POWER THAT BELONGS TO THE CONGRESS

The instance administration spokesmen continually cite to demonstrate the historical legitimacy of impoundment as practiced by the Nixon administration derives from an action of President Jefferson's in 1803. In his Third Annual Message to Congress, delivered on October 17, 1803, Jefferson reported that he had not spent $50,000 appropriated the previous February to build 15 gunboats for service on the Mississippi.

Contrary to what administration spokesmen so easily assume, however, this instance provides no precedent for the type of impoundment practiced by the Nixon administration.

Jefferson spent the money within a relatively short period after his October Message. In this message he did not, as the Nixon administration now does, claim a right to impose his own policy judgments on the execution of law, to kill or trim programs in accord with his own policy desires. He merely stated that since the Louisiana Purchase had ended any immediate need for the gunboats, he would not spend the money until he could be sure that the new gunboats would be the best ones possible. And that is exactly what he did, judging both by his Fourth Annual Message to Congress, delivered on November 9, 1804, and the comments of Richard Hildreth in the fifth volume of his "History of the United States" (p. 539). In short, what occurred in 1803 was merely a case of deferred spending which did not destroy or impair the program goals of Congress, rather than an impoundment as now practiced by the Nixon administration.

So much, then, for the notion that President Jefferson acted like President Nixon on impoundment. If we maintain a critical distinction between presidential actions that impound appropriated funds because changed conditions or greater administrative efficiency with reference to specific program goals render expenditure wasteful and presidential actions that impound funds simply because the President personally has other policy preferences or priorities, any impoundments of the latter type made during the course of the 19th century were so isolated that they have since been forgotten.

The modern history of impoundment begins in 1921. In that year Charles Dawes, first director of the Budget Bureau, established a system under which appropriated funds not necessary to accomplish the program goals of laws might be saved or reserved rather than expended. However, as is clear from his writings, Dawes certainly did not believe that the Budget Bureau had authority to do anything more than this by way of impoundment. Indeed, even in the late 1940's the Budget Bureau was so nervous about its legal authority to impound appropriated funds for any reason that it sought and secured statutory authority to establish reserves whenever savings were made possible by changed conditions of greater efficiency of operation (Section 1211 of the General Appropriation Act for 1951).

It is true, of course, that the policy type of impoundment did not commence in the Nixon administration. The chain of events leading to the present crisis began in the administration of Franklin D. Roosevelt. Nonetheless, under Roosevelt such impoundments constituted a novel and illegitimate imposition on the prerogatives of Congress as understood from the earliest days of the Republic and they continue to do so today. What the Nixon administration has added is not only an expansion in scope so large that it threatens Congress' standing as lawmaker, but also unabashed audacity in claiming as a right something that represents simply an arrogation of power.

JOSEPH COOPER.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The March calendar of events follows:

MARCH AT THE SMITHSONIAN

THURSDAY, MARCH 1

Seminar in Neurobiology: *Role of Cyclic AMP in the Nervous System.* Lecturer: Alfred G. Gilman, University of Virginia. Part of a series of graduate level lectures on current research in neurobiology, sponsored jointly by the Consortium of Universities and the Smithsonian Institution Radiation Biology Laboratory. Question and answer period follows each lecture. 7:30 p.m., History and Technology Building auditorium. Future lectures: March 8, 22, 29, April 5, 12, 26, May 3 and 10. The public is welcome.

Free Film Theatre: *The Eskimo: Fight for Life*—a warm, intimate portrayal of the Netsilik Eskimos. 12:30 p.m., Baird Auditorium, Natural History Building.

Exhibition: *When Coal Was King: Breakers & Depots.* Pen and ink drawings by Fred Bartlett of coal breakers and railroad stations in Pennsylvania, West Virginia and Maryland. Hall of Power Machinery, Museum of History and Technology, through April.

SATURDAY, MARCH 3

Illustrated Lecture: *An Ethnic Focus: Spanish-Americans.* Speaker: Richard Ahlborn, Curator, Division of Ethnic and Western Cultural History. 10:30 a.m., History and Technology Building auditorium.

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian*—two plays by Indian authors, performed by the first all-Indian theatre group in America. Drama, music and contemporary dance are used to present a view of the American Indian experience. 8:30 p.m., Baird Auditorium, Natural History Building. $5 general; $4 Resident Associates; $3 students. Sponsored by the Indian Awareness Program of the Smithsonian Division of Performing Arts. For tickets call 381–5395. Repeat performances: March 4 and 5.

SUNDAY, MARCH 4

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian.* See March 3 for details.

MONDAY, MARCH 5

American Indian Theatre Ensemble. *Na Haaz Zan* and *Body Indian.* See March 3 for details.

WEDNESDAY, MARCH 7

Free Film Theatre: *Williamsburg: Story of a Patriot; Williamsburg Restored.* Two films about the city and its restoration. 12:30 p.m., History and Technology Building auditorium (note new location).

THURSDAY, MARCH 8

Creative Screen: *L'oeuf a la coque* (Boiled Egg)—French cartoon about the misadventures of an apparently tipsy and overconfident boiled egg; *Wayne Theibaud*—views of everyday objects, figures and landscapes translated into colorful paintings by this contemporary California artist. 11:45 a.m., 12:30, 1:15 and 2 p.m., The Renwick Gallery.

Free Film Theatre: *Williamsburg: Story of a Patriot; Williamsburg Restored.* Repeat. See March 7 for details.

Seminar in Neurobiology: *Modes of Communication Between Nerve Cells in the Central Nervous System.* Lecturer: John C. Eccles, State University of New York, Buffalo. See March 1 for details.

FRIDAY, MARCH 9

Exhibition: *Art for Public Spaces.* Fifty prize-winning designs from a HUD-sponsored National Community Arts Competition for new ideas in environmental decoration and enrichment. Three categories are represented: designs for interiors, pedestrian areas and cities. National Collection of Fine Arts, through April 22.

Food Demonstration/Lecture: *Earth, Water, Fire, Air.* Barbara Friedlander will speak on natural foods—what they are, what "organic" means, how best to buy, store, and use foods. 1 and 8 p.m., The Renwick Gallery. First of five weekly lecture/demonstrations in conjunction with the Renwick exhibition *Objects for Preparing Food.* Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Exhibition: *Chaim Goldberg's Shtetl.* Paintings, drawings, and prints by the artist on his childhood in a Polish-Jewish community. Sponsored by the Smithsonian's Division of Graphic Arts and the June 1 Gallery of Fine Arts. Museum of History and Technology, through May.

SATURDAY, MARCH 10

Dance: *Saeko Ichinohe and Company.* Contemporary Japanese dancers will perform choreography created by Miss Ichinohe and inspired by both Japanese tradition and her experiences in the West. 8:30 p.m., Baird Auditorium, Natural History Building. $2.50. Call 381–5395 for tickets. Sponsored by the Division of Performing Arts in cooperation with the Japan-America Society.

Illustrated Lecture: *How Pharmacy Museums Developed in This Country and Abroad.* Speaker: Dr. Sami K. Hamarneh, Historian of Pharmacy. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 11

African Sculpture: *African Sculpture and Its Impact on Modern Art.* Warren Robbins, founder and director, Museum of African Art, discusses the difference between the traditional art of Africa and the art of the Western World. First in a three-lecture study of life in Western and Central Africa seen through its sculpture. 11 a.m., Museum of African Art. $3.25 general; $2.50 Associates. Series tickets also available. Remaining lectures March 18 and 25. Sponsored by the Smithsonian Resident Associates. For further information call 381–5157.

Jazz Heritage Concert: *"Sonny" Rollins.* Called the greatest living tenor saxophonist, Rollins is not only a gifted instrumentalist but also a composer, probably best known for his work on the British film *Alfie.* 8 p.m., Baird Auditorium, Natural History Building. $4.50 general, $4 Associates, $3 students. Call 381–5395 for tickets. Sponsored by the Division of Performing Arts.

MONDAY, MARCH 12

Audubon Lecture: *Canada's Mountain Wilderness.* Edgar T. Jones, presents a film depicting wildlife of the Rocky Mountains through many unique close-ups of animals, birds and wildflowers. 5:15 and 8:30 p.m., Baird Auditorium, Natural History Museum. Sponsored by the Audubon Naturalist Society.

Illustrated Lecture: *The Eighteenth Century English Country House,* with Mr. W. R. Dalzell, one of England's great architectural historians. 8 p.m., History and Technology Building auditorium. $3.50 general; $2.50 Associates. Call 381–5157 for tickets. Sponsored by the Smithsonian Resident Associates.

TUESDAY, MARCH 13

Oriental Art Lecture: *Illustrations of the 'Tales of Isle' by Sotatsu and Korin.* Speaker: Professor Miyeko Murase, Columbia University. 8:30 p.m., The Freer Gallery of Art Exhibition galleries of the Freer open at 6:30 p.m. prior to the lecture.

WEDNESDAY, MARCH 14

Lecture: *The Image of the Hero.* Third in the series, *Images of America: Four Themes in 19th Century American Art,* by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts, 4 p.m., Lecture Hall, NCFA. Final lecture will be held March 21.

Free Film Theatre: *The Forth Road Bridge*—a colorful film about Scotland's Firth of Forth Bridge, the longest single-span bridge in Europe. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 15

Free Film Theatre: *The Forth Road Bridge.* Repeat. See March 14 for details.

FRIDAY, MARCH 16

Exhibition: *Contemporary Paintings from India.* Fifty-four oils by 18 artists. Survey of the modern scene in India, organized by the Museum of Contemporary Art in New Delhi and sponsored by the Government of India. Celebrates the 25th anniversary of India's Independence. The Renwick Gallery, through April 15.

Food Demonstration/Lecture: *What America Gave.* James A. Beard, regarded internationally as America's foremost authority on food and drink, will discuss America's contribution to cookery and the part played by the various ethnic groups in the U.S. food scene. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Exhibition: *Tropical Blossoms.* Thirty-five color photographs, by Dr. Edward Ayensu, Chairman of the Smithsonian's Department of Botany and Smithsonian photographer Kjell Sandved. Museum of Natural History.

SATURDAY, MARCH 17

Lecture: *The Practice of Bloodletting.* Speaker: Doris J. Leckie, Research Assistant, Division of Medical Sciences. A brief history of bloodletting from antiquity to the 20th century, including the techniques and various instruments used. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 18

African Sculpture Lecture: *African Art and African Philosophy.* Crispin Davies Chindongo, former Charge d'Affaires of the Malawi Embassy in Washington, will discuss the traditional beliefs of African tribes as reflected in their art. 11 a.m., Museum of African Art. $3.25 general, $2.50 Associates. Sponsored by the Smithsonian Resident Associates. Call 381–5157 for tickets.

MONDAY, MARCH 19

Concert: *Jean Hakes,* soprano, and *Michael Rogers,* piano. Canzonettas and a sonata by Haydn, with a "Mozart piano" of 1788; Liszt songs and Scott Joplin piano rags, using an 1850 Chickering square grand; and contemporary works by Dorothy Klotzman, Robert Helps, Earl Kim and Aaron Copland. 8:30 a.m., History and Technology Building. $3 general, $1 students. For tickets write Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20560, or call 381–5398.

WEDNESDAY, MARCH 21

Lecture: *The Image of Death.* Final lecture in the series, *Images of America: Four Themes in 19th Century American Art,* by Dr. Lois Fink, Coordinator of Research, National Collection of Fine Arts. Dr. Fink will discuss the obsessive attitude towards death as it is expressed in sculpture, popular prints and paintings. 4 p.m., Lecture Hall, NCFA.

Lunchbox Forum: *Apollo 17 Preliminary Results.* An informal discussion led by Farouk El Baz, of the National Air and Space Museum, 12 noon, Room 449, Smithsonian Institute "Castle" Building.

Free Film Theatre: *Future Shock*—A pessimistic but provocative look at our future and the choices confronting us. Based on the book by Alvin Toffler, 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 22

Creative Screen: *Shantinikitan*—a film on the Visva-Bharati University, founded by philosopher Tagore; *Nandlal Bose*—sketches,

paintings and frescoes of one of India's leading artists and inspirational teachers. 11:45 a.m., 12:30, 1:15, and 2 p.m., The Renwick Gallery.

Free Film Theatre: *Future Shock*. Repeat. See March 21 for details.

Seminar in Neurobiology: *The Regulation of Catecholamines and the Effect of Psychoactive Drugs*. Lecturer: Julius Axelrod, National Institute of Mental Health. See March 1 for details.

National Capital Shell Club: Monthly meeting and program. 8 p.m., Room 43, Natural History Building. The public is welcome.

Slide Lecture: *Color and Design, New Directions in Contemporary Rug Making*, by Nell Znamierowski. 7:30 p.m., Baird Auditorium, Natural History Building. $2.50 general, $2 Associates. Call 381–5157. Sponsored by the Smithsonian Resident Associates.

FRIDAY, MARCH 23

Exhibition: *The Eighth Dulin National Print and Drawing Competition*. Some 65 drawings and prints from the eighth annual open competition conducted by the Dulin Gallery of Arts in Knoxville. National Collection of Fine Arts, through April 22.

Food Demonstration: *Trip to China*, Joyce Chen, author of *Joyce Chen Cookbook*, will report on her visit to the People's Republic of China last fall, and will demonstrate the use of Chinese cooking utensils. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Films: *History and Culture of the Middle East*, Parts I and II—Historical development of the Middle East from ancient times through events of the 20th century. *The Sufi Way*—music, art and dance explain the philosophical meanings of Sufism, a system of Moslem mysticism. Sponsored by the American Turkish Association and the Freer Gallery of Art. 8 p.m. Freer Gallery auditorium.

SATURDAY, MARCH 24

American Guitar Concert: *Tiny Grimes*, pioneer in jazz guitar and *Jim Hall*, great lyric artist. 8 p.m., Baird Auditorium, Natural History Building. $3.25 general; $2.75 Associates and students. Sponsored by the Div. of Performing Arts. Call 381–5395.

Lecture: *The History and Development of the Steam Locomotives in the United States*. Speaker: John H. White, Jr., Chairman, Department of Industries. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, MARCH 25

African Sculpture Lecture: *Music and Dance—Their Place in African Life*. Dayo Adeyemi, Education Department, Museum of African Art, will discuss the significance of various kinds of music in day-to-day life in African Society. Musical instruments will be demonstrated. 11 a.m., Museum of African Art. $3.25 general, $2.50 Associates. Sponsored by the Smithsonian Resident Associates. Call 381–5157 for tickets.

MONDAY, MARCH 26

Lecture: *Great Craftsman of Royal Worcester*. Henry Sandon, curator of the Dyson Perrins Museum in Worcester, England, will discuss the painters, gilders and craftsmen who designed the great works of Royal Worcester. 8 p.m., History and Technology Building auditorium. $3.50 general; $2.50 Associates. Call 381–5157 for tickets. Sponsored by the Smithsonian Resident Associates.

TUESDAY, MARCH 27

Demonstration: An all-day demonstration of commercial and non-commercial items from the exhibition, *Objects for Preparing Food*. 11 a.m. to 4 p.m., The Renwick Gallery. Free admission.

WEDNESDAY, MARCH 28

Free Film Theatre: *Moving On*—an exciting history of railroading and the people involved. 12:30 p.m., History and Technology Building auditorium.

THURSDAY, MARCH 29

Free Film Theatre: *Moving On*. Repeat. See March 28 for details.

Concert: *James Weaver*, harpsichord. Bach Partita in B-flat, and Sonata II in d minor, on a Dulcken harpsichord of 1745, Little preludes by Francois Couperin, and a Suite by Louis Couperin, on a Stehlin harpsichord of 1760. 8:30 p.m., History and Technology Building. $3 general; $1 students. For tickets write Division of Musical Instruments, Smithsonian Institution, Washington, D.C. 20360, or call 381–5398.

Seminar in Neurobiology: *The Adrenergic Neuron*. Lecturer: Rita Levi-Montalcini, Washington University. See March 1 for details.

FRIDAY, MARCH 30

Food Demonstration Lecture: *West African Cooking*. Dinah Ayensu, originally from Ghana, will talk on the cookery of Ghana and its neighboring nations. 1 and 8 p.m., The Renwick Gallery. Tickets are free; available in the Renwick Museum Shop. (No phone or mail orders.)

Illustrated Lecture: *The Historical Arms of the Hapsburg Collection*. Dr. Ortwin Gamber, Associate Curator, Imperial Armouries. History Museum of Vienna, Austria, will speak. 8 p.m., History and Technology Building Auditorium. Presented by the Smithsonian Division of Military History.

SATURDAY, MARCH 31

Lecture: *Audio-Visual Design for Exhibits*. Speaker: Ronald K. Chedister, Smithsonian Audio-Visual Designer. 10:30 a.m., History and Technology Building Auditorium.

OTHER EVENTS

(Sponsored by the Smithsonian Associates—For reservations call 381–5157)

Sculpture: The African visage

Lecture series on the sculpture of Western and Central Africa. See March 11, 18 and 25 in Calendar.

New American filmmakers series II

Organized by the Whitney Museum of Art. 5:30 Sundays, History and Technology Building auditorium. March schedule: Films by Artists (Mar. 4); Highlights of the Tenth Ann Arbor Film Festival (Mar. 11); Hildur the Magician (Mar. 18): Film on Film (Mar. 25). $1.25 general, 75 cents Associates.

Day tours

Bethlehem Steel—Sparrows Point Plant, Mar. 6; Winterthur & Odessa, Mar. 24; Hardhat tour of Metro, Mar. 4 or 11; Antiquing in New Market, Mar. 3 or Apr. 14. Behind the Scenes in the Museum of Natural History (for young people), Mar. 30.

Kennedy Center series

Lecture, Mar. 21. $5 general, $4 Associates. Walter Terry, dance critic for *Saturday Review* and *Dance Magazine*. 7:30 p.m., The Freer Gallery of Art auditorium.

Women at work

Women in Science—Dr. Lucille E. St. Hoyme, Associate Curator, Physical Anthropology. Monthly lecture/luncheon series. $12 general; $11 Associates. Advance reservations required.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.–5:30 p.m. Cafeteria, MHT, 11 a.m.–5 p.m.

National Zoo buildings are open from 9 a.m.–4:30 p.m., seven days a week.

Anacostia Neighborhood Museum is open 10 a.m.–6 p.m. weekdays, 1–6 p.m. weekends.

MUSEUM TOURS

Walk-in tours

Highlight of the Museum of History and Technology—weekdays, 10:30 and 11:30 a.m. (1 p.m. by advanced request); weekends, 10:30 a.m., 12 noon, 1:30 and 5 p.m.

First Ladies Gowns—Monday through Wednesday, 10:30 and 11:30 a.m. Thursday and Friday, 10:30, 11:30 a.m. and 1 p.m. Museum of History and Technology.

National Portrait Gallery—Monday through Friday, 11 a.m. and 1 p.m.

The Renwick Gallery—Brazilian Baroque

Tours of this exhibit in either Spanish or English can be arranged by calling 381–6541.

For Group Tours in other museums call:

381–6471—Museum of Natural History, Museum of History and Technology, National Air and Space Museum.

381–0347—National Portrait Gallery.

381–6541—National Collection of Fine Arts.

381–5344—The Freer Gallery of Art.

PUPPET THEATRE

SKAZKI, legendary Russian fables, presented in the new area-style puppet theater in the Arts and Industries Biulding. Two fairy-tales will be performed—*The Loving Dragon*, and *The Tale of Neverwash*. Wednesdays through Fridays: 10:30 and 11:30 a.m. Saturdays and Sundays: 11 a.m., 12:30 and 2:30 p.m. (No holiday performances.) Children $1, adults $1.25 (special group rates available). Call 381–5395 for reservations. Produced by Allan Stevens and Company for the Smithsonian Division of Performing Arts.

STUDY TOURS

Foreign Study Tours—for further details write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

Cave Paintings: April 2–24.

Baroque Tour of Germany and Austria: May 11–June 2.

Russia including Siberia: May 31–June 22.

African Safari: July 17–Aug. 8.

Mexico and Guatemala: Aug. 27–Sept. 14.

International Aerospace Tour: Sept. 17–Oct. 3.

Domestic Study Tours—for further details write Mrs. Kilkenny, Room 106–SI, Smithsonian Institution, Washington, D.C. 20560.

Big Bend National Park, Texas: March 11–17.

Family Weekend: Field trips in and around the Smithsonian. April 13–15.

Folkcraft and Musical Instrument Makers, Kentucky, North Carolina and Virginia: April 23–29.

Vanishing Indian Crafts: May.

Haiti Skin Diving on the Santa Maria site: May 13–23.

Olympic National Park: June 24–July 1.

Alaska Float Trip: July 18–Aug. 1.

California Colonial History: Sept. 22–29.

Acadia National Park: Sept.

Sea and Shore Laboratory: Florida: Oct. 11–18.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM (103.5) from 9–9:30 p.m. The program schedule for March:

4th—Who Really Discovered America?, featuring Mexican historian Edmundo O'Gorman and two Smithsonian staff members, Dr. Wilcomb Washburn and Dr. Melvin Jackson; Exploring "The Hell of the World." Smithsonian archeologist William Trousdale discusses his work in the desolate land of Sistan in southwestern Afghanistan.

11th—Duke Ellington: The Great American Composer, with Martin Williams, Director of the Smithsonian's Jazz Studies Program.

18th—Citizen Apathy and Initiative, featuring Albert Collin, Research Associate of the Bureau of Social Science Research; David Sills, author of The Volunteers; Ben Wattenberg, co-author of The Real Majority; and John Dixon, Director of the Center for a Voluntary Society.

25th—Is the Chesapeake in Danger?, discussion with Dr. Francis Williamson, Director, Smithsonian's Chesapeake Bay Center for Environmental Studies; Baroque Art of Brazil, with Dr. Robert C. Smith, art historian at the University of Pennsylvania.

Radio Smithsonian can also be heard over WAMU–FM (88.5), Fridays at 2 p.m.

The Washington Art Scene—Produced by Radio Smithsonian and radio station WGMS. Benjamin Forgey, art critic for the *Evening Star-Daily News*, hosts the show, with comments on exhibits and other events in the Washington art community and a schedule of openings at public and private galleries in the area. Sundays at 6:30 p.m. WGMS-AM (570); WGMS-FM (103.5).

DEMONSTRATIONS—MUSEUM OF HISTORY AND TECHNOLOGY

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:00 p.m. 2nd floor. As part of this exhibit, films will be shown continuously throughout the day as follows:

Mar. 2–8—Songs of Disney I

Mar. 9–15—Highlights from MGM Musicals

Mar. 16–22—Songs of Disney II

Mar. 23–29—Highlights from MGM Musicals

Mar. 30–April 5—Songs of Disney I

Spinning and Weaving—Tuesday through Thursday, 10 a.m.-2 p.m. 1st floor.

Hand-Set Printing Presses Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk, instruments. Lutes and guitars, Wednesdays, 1:30 p.m. Keyboard demonstrations, Monday and Friday, 1:30 p.m.; Hall of Musical Instruments, 3rd floor.

Steam Engines. Wednesday through Friday, 1–2:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m. 1st floor.

YOUNG PEOPLE'S FESTIVAL OF THE ARTS, ANACOSTIA NEIGHBORHOOD MUSEUM, MARCH 4-30

Drama, dance, gospel music, poetry, panel discussions and many other, varied programs are scheduled throughout the month. Sunday programs are as follows (for a complete listing or information call 678–1200):

Mar. 4—Electric Fuzz jazz and rock concert, 1:15 p.m. Epitaph to a Black Movement (theatre) 3 p.m.

Mar. 11—Electric Fuzz jazz and rock concert, 1:15 p.m. Karate demonstration 1:30 p.m. Ebony Visions 3 p.m.

Mar. 18—Gospel Music, 3 p.m.

Mar. 25—Moving Toward Our Black Selves: poetry by local poets, 4 p.m.

1973 KITE CARNIVAL

Co-sponsored by the Smithsonian Resident Associates and Parks for All Seasons, National Parks.

March 10.—Lecture by Paul Garber, Historian Emeritus of the National Air and Space Museum, on the history and uses of kites, the different types and how to fly them. Free—tickets are required. Call 381–5157. 2 p.m., Baird Auditorium, Natural History Building.

March 17—Kite Fying. Washington Monument Grounds. 12 noon-5 p.m. Free kites will be distributed by Parks for all Seasons. Entertainment at the Sylvan Theatre.

March 24—Kite Competition. Washington Monument Grounds. 12 noon-2 p.m. Competition is divided into three age groups; kites must be home-made by the contestant. Awards will be given at 3 p.m. Raindate: March 25. (Call 381–6481)

Dial-a-Phenomenon—737–8655 for weekly announcements on stars, planets and worldwide occurences of short-lived natural phenomens.

Dial-a-Museum—737–8811 for the daily announcement on new exhibits and special events.

Changes of address and calendar requests: mail to Central Information Desk, Great Hall, Smithsonian Institution Building, Washington, D.C. 20560.

The Smithsonian Monthly Calendar of Events is prepared by the Office of Public Affairs. Editor: Lilas Wiltshire. *Deadline for entire entries in the April Calendar: March 5.*

ADDRESS BY CONGRESSMAN WALTER E. POWELL TO THE DAYTON, OHIO, CHAPTER OF THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ARENDS. Mr. Speaker, my good friend and colleague, Congressman WALTER E. POWELL of Ohio's Eighth District, addressed the Dayton Chapter of the National Security Industrial Association on February 16. His thought-provoking address has been called to my attention.

It is a masterful job. It says a number of things which need saying. It places clearly in perspective one of the most important issues of the times—the peacetime need for a strong national defense.

I commend Congressman POWELL, and I would recommend his address for careful reading and thoughtful study by every member of the House. That address follows:

ADDRESS BY CONGRESSMAN WALTER E. POWELL

I am going to direct my comments this afternoon to the work done by a segment of our society that bears the burden of insuring that America remains strong and vigorous and able to meet its present and future challenges. I am referring, of course, to the so-called "military-industrial complex". The phrase, as you no doubt recall, was first mentioned by President Eisenhower twelve years ago. In his farewell address, Eisenhower reminded the American people that the United States, which until the beginning of the Second World War, had not had an armaments industry was no longer able to risk a temporary, stop-gap approach to our national defense needs. Instead, it had been compelled "to create a permanent armaments industry of vast proportions" in support of a huge defense establishment costing more than the total net income of U.S. corporations. The President stated:

"This conjunction of an immense military establishment and a large arms industry is now in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every State house, every office of the Federal Government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are involved; so is the very structure of our society.

"In the councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the Disastrous rise of misplaced power exists and will persist.

"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted".

During the past few years, due mainly to the Vietnam war, we have witnessed a nationwide concern and interest over the possible "ill-effects" this complex has on our country. In fact, it seems that hardly a day goes by that the phrase "military-industrial complex" is not cited and that the Eisenhower warning is not invoked to drive home some point in current controversy.

I believe the term "military-industrial complex" is a misnomer as it is used today. It has the connotation of being something undesirable. Something that is too big, too influential, too uncontrolled, too war-like and too reckless. Instead, I recommend using the term "industry-government team" since it more closely represents the relationship that actually exists. Generally speaking, by definition "teamwork" implies equal participation in all efforts in which a group of individuals or organizations associate themselves for the purpose of achieving a common goal.

I firmly believe our common goal, our primary national interest, is survival. Of course, there are those who do not agree. They say America needs a "re-ordering of our national priorities" with an emphasis on solving our domestic problems. Certainly, our domestic situation should be a matter of deep concern to all of us, but priorities involve the problems of choice. If as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problems of priorities would not arise. But once we recognize that we face limits and constraints, that we cannot simultaneously satisfy all the legitimate objectives which we set for ourselves, then the necessity of choice arises.

What is the constraint? Survival in the face of possible external aggression. The choice that this consideration would always be our number one priority was made by our founding fathers almost two centuries ago when they established a Federal Government "to provide for the common defense". Unless we can defend our status as a free and independent nation, any other priorities, no matter how good, are meaningless.

The Soviet Union knows this and understands it well. They have strengthened their forces, while we have not. In relative terms, for example, we are weaker today vis-a-vis the Soviet Union than at any other time in the past 25 years. Even more startling is the prospect that, at present growth rates, the Russians will have superior strategic strength in the near future. The $74.6 billion in our current defense budget represents the lowest percentage of our GNP allotted to defense since 1951—about 6.8 percent. Compare that to the Soviet's 15 to 20 percent! And no Soviet warship assigned to a combat role is over 20 years old—while the majority of our fleet exceeds that. Their submarine shipyards are the most modern in the world—with their sub fleet numbering over 350—over 100 of which are nuclear-powered. By 1975, they will have 50 percent more nuclear-powered submarines than we have. Our B–52's are now 17 years old—and they will be more than 25 years old before we can replace them with the B–1 bomber.

Aside from air and naval power, the Soviets have the edge on the defensive side of the strategic picture, far exceeding this nation in the number of air defense radar sites, command and control facilities, and surface-to-air missile launchers.

Among their anti-ballistic missile defenses, they currently have operational a system designed to provide an area of defense for the region surrounding Moscow. Our corresponding safeguard program, on the other hand, which will provide protection for a portion of our retaliatory minuteman forces, will not attain an initial operating capability for at least another two years. And that will happen only if authorizations continue at their current level.

Even while we have been at the negotiating table, the Soviet Union has been at work boosting its military might. When the initial strategic arms limitation talks began, for example, the Soviets had 1,100 strategic systems, both land-based and sea-based. They now have 2,359—a 114% increase in the Soviet threat while the talks have been in progress. Of course, they have been strictly adhering to the terms of the SALT treaty and interim agreement freezing offensive weapons. But it is obvious that, at the same time, they have been doing all that the pacts allow.

SALT II talks are now underway. Let's hope that out of them comes a high degree of

stability in the strategic balance. If stability is not achieved, I am afraid that the warning given by the President's blue ribbon defense panel will come true. The panel stated: "it has come increasingly clear that if observable trends continue, the United States will become a second-rate power, incapable of assuring the future security and freedom of its people."

I mentioned earlier that the "industry-government team" is thought undesirable in the minds of many Americans. They charge that the "team" has become too big, too influential, too uncontrolled, too war-like and too reckless for the good of our country. When viewed objectively, the "team" is none of these.

First, let me put to rest the contention of being "too big". Certainly, the "team" is the Nation's largest single activity. It employs one in every ten Americans, either in service with the military or with its more than 120,000 suppliers. But at the same time it has the Nation's single most important task—insuring the survival of America's 210 million people. Not to mention the protection and support we provide for the rest of the free world.

And, contrary to popular belief, the "team" is not influential as a result of the supposed "excess" profits that it makes. Because these profits simply do not exist, notwithstanding what some of our illustrious senators would have you believe.

Let me explain. Total defense procurement of goods and services from industry (including defense-related items purchased by the Atomic Energy Commission) is about $36 billion in this current fiscal year. This includes the entire national defense program, excluding only pay and cash allowances for personnel. That $36 billion includes procurement both in the United States and overseas: it covers all types of contracting and procurement methods—competitive, non-competitive, off-the-shelf, and any other.

The General Accounting Office, which serves as congressional watchdog of Federal programs and monies, was recently directed to make a study of profits realized on defense contracts. The GAO study covered over half of all defense procurement (and about 60 percent of awards over $10,000) for the four years 1966–69 inclusive. After its lengthy investigation, GAO found that the rates of return on defense work were 4.3 percent of sales before taxes and 2.3 percent of sales after taxes.

Of course, one cannot simply apply this 2.3% profit after taxes to the $36 billion in total defense procurement and conclude that the total profits would amount to $828 million after taxes. We don't know, for example, whether that rate would apply to competitive and off-the-shelf procurements, any more than an individual knows the profits realized when he purchases a car or an appliance. Furthermore, some allowance must be made for sub-contracting and the changes in the tax laws that have been made since the 1966–69 study period.

Nor is the "team" influential because of the two-way traffic in personnel between the military and its contractors. The congress has been quite cautious about this; present conflict-of-interest laws prohibit a retired officer from "selling" anything at all to the branch of service he retired from. However, he may sell to the other branches, but only after a three year waiting period.

Too uncontrolled? Certainly not. From the very beginning, the military has had elaborate and formal contracting procedures. Nobody knows this better than Jack Catton's and Jim Stuart's people at the base. Incidentally, it has been estimated that each contractor must submit as much as a ton of paperwork in the course of a weapons acquisition process. And as the recent testimony of Mr. Rule indicates, the data is thoroughly reviewed. In addition, congress holds extensive hearings and debate on the military budget.

Where cuts should be made, they are defense spending, as a matter of fact, has been falling in recent years. Between the 1968 and 1972 fiscal years, procurement declined by 20 percent, from $45.4 billion to about $36.4 billion of total defense outlays.

And, every time someone mentions the "team" as being too reckless and too war-like, I get the impression that they have seen the movie, "Dr. Strangelove". As you recall, the movie's plot centered around an errant general's command to a SAC bomber squadron to attack the Soviet Union. As the movie goes on we see all the difficulty the Government has in re-establishing contact with the planes and the eventual destruction of part of Moscow. Of course, the movie was a satire—but unfortunately, everyone didn't see it that way.

Actually, history shows that we are a peace-loving Nation that hesitates, sometimes to the point of absurdity, to have an adequate military defense. In both World War I and World War II we were dragged into wars without the industrial capacity or planning to meet immediate military needs. Both times we were saved, not by foresight, but by time provided by the width of the oceans and the armies of our allies who were holding the foe at bay far from our shores.

If America had been in a state of readiness in the late 1930's, it is possible that World War II might never have been fought. There is certainly no question that if we had had the arms and leadership at the beginning of that war that we had only 2 years later, we would have ended it in half the time with tremendous savings.

Today, in an age in which intercontinental ballistic missiles can leap across entire continents in just a few minutes, there would simply be no time to convert from civilian to military production in the event of an all-out war. So, in order to have the military in a constant state of readiness, a large portion of U.S. industry has remained geared to serving military needs.

I say let's not confuse being prepared with being reckless and war-like.

For the most part, I believe these charges are a thing of the past. The Vietnam war is over—our troops are being withdrawn, the prisoners of war are being returned and those missing in action are being accounted for. We owe President Nixon a debt of gratitude for the patience and determination he showed in bringing our Nation an honorable peace.

However, we must be vigilant. American hatred of armed conflict is so deep that now that this war has ended, many people will want to wash their hands of the whole military business because they want no more of it and what it does. Consequently, they will ask that our manpower be dispersed, our weapons dismantled—so that we can be through with war "forever".

No one wants war. But, history shows, unfortunately, that the "forever" the people want is seldom more than 17 years. When the chips are down—like World War II and Vietnam—we again are caught completely unprepared. And the hysteria starts all over again—men must be mobilized and weapons must be improvised and produced at once.

I was pleased to see that President Nixon has foreseen this possibility and made adjustments in his budget to keep us prepared for any eventuality. Under that $81.1 billion budget we are committed to continue development of the Trident ballistic missile system; provide further development of the B–1 strategic bomber; continue conversion of our missiles to the advanced Minutemen III and Poseidon systems; and begin development of a strategic submarine-launched cruise missile.

We must maintain a strong military defense even though our country is moving from an era of confrontation to an era of negotiation with Red China and the Soviet Union. We must maintain our defense to prevent the possibility that Communist countries might mistake our willingness to negotiate for a willingness to give in to their demands. Strong military defense isn't the enemy of peace—it is the guardian of peace.

A BILL TO PERMIT EARLY RETIREMENT OF CUSTOMS AND IMMIGRATION "INSPECTORS"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, I am today introducing a bill to permit the early retirement of Customs and Immigration "inspectors" by including them within the definition of "law enforcement personnel" for retirement purposes. Under the provisions of this bill, final approval of "inspectors'" requests for early retirement would be made by the Civil Service Commission.

Under present statute, Customs and Immigration "inspectors" are not granted this preferential retirement treatment, because they are not considered to be involved primarily in the investigation or apprehension of individuals suspected of criminal activity. However, I believe the activities of the "inspectors" to be of such basic importance to their integrity and enforcement of our Customs and Immigration laws, that we must in fact statutorily acknowledge their "law enforcement" role.

Mr. Speaker, I submit this bill for the careful consideration of the Members.

I include the full text of the bill in the RECORD:

H.R. 5558

To include inspectors of the Immigration and Naturalization Service or the Bureau of Customs within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of certain employees engaged in hazardous occupations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 8336(c) of title 5, United States Code, is amended to read as follows:

"(c) An employee, the duties of whose position are primarily—

(1) the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States;

(2) to perform work as an inspector in the Immigration and Naturalization Service or in the Bureau of Customs; or

(3) to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment;

including an employe engaged in this activity who is transferred to a supervisory or administrative position, who is separated from the service after becoming 50 years of age and completing 20 years of service in the performance of these duties is entitled to an annuity if the head of his agency recommends his retirement and the Civil Service Commission approves that recommendation.".

(b) The third sentence of section 833b(c) of title 5, United States Code, is amended by redesignating the reference "(1)", "(2)", "(3)", and "(4)", as "(A)", "(B)", "(C)", and "(D)", respectively.

CONGRESSMAN DANIELS LAMENTS PASSING OF JERSEY CITY COUNCIL PRESIDENT KELAHER, "THE BEST OF THE BREED"

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, it is with great regret that I announce to the Members of this House, the passing of a good friend of mine and a most able public servant, John J. Kelaher, the president of the Jersey City Council, who passed to his immortal reward on Thursday, March 8, 1973, at the age of 59.

Mr. Kelaher, a longtime civic and political leader, has served continuously since 1961 on the city council, a remarkable record when one considers the twists and turns of the political trail that have marked the last decade in Jersey City.

Mr. Speaker, many newspaper men have noted that Jack Kelaher was a typical representative of the old-school political leader. If this is so, he was the very best of the breed. Charming and gracious, he was loved by all and had the respect of those who differed with him on political issues of the day. I know that I shall miss his big heart, his unfailing sense of kindness, and his dedication to Jersey City.

To his wife, Helen, the former Helen Murphy, and his son, John J., and his daughter, Mary Patrica, I extend my deepest sympathy in their hour of bereavement. Mrs. Daniels, who shared my high regard for Jack, joins me in expressing our condolences.

Mr. Speaker, the Jersey Journal, in its edition of March 9, 1973, editorially noted the passing of Jack Kelaher and I include this editorial following my remarks:

COUNCIL PRESIDENT

Providence accorded John J. Kelaher the dignity of dying while in office. Jersey City's council president passed on as the administration was announcing its choices for the next council and he was not among them. He should not have been among them even if he had lived; physicians had been advising him for the last year to leave public life and conserve his health.

There are not many left like him—the true, old style Jersey City politician with the Gaelic flair which was the mark of Jersey City public life these last two generations, the kind so often described as "courtly gentlemen." These were men of "practical" politics, a style less in favor when theoretical considerations get more notice. The old times—the wakes, the visting, the hat-tipping on election day—are almost gone. If their vogue is past, there is the recollection that the best of those men contributed to the advancement of the city. And John J. Kelaher was among the best of them.

MANUEL JARA TO BE HONORED BY NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WRIGHT. Mr. Speaker, we are all aware, I am sure, of the dedicated and wonderful work done by the National Conference of Christians and Jews. This nationwide organization has worked since 1928 to foster the ideals of brotherhood and respect among individuals, regardless of religion, color, or ethnic origin.

In view of the remarkable record of this organization it is especially pleasing to learn of an announcement by the west Texas region of the National Conference of Christians and Jews that my very good friend, Manuel Jara of Fort Worth, will be this year's recipient of its annual Brotherhood Award.

The award is to be made at the 22d Brotherhood Citation Dinner which is being held at 7 p.m., Thursday, March 29, in the grand ballroom of the Sheraton-Fort Worth Hotel.

Manuel Jara personifies the best in the human spirit, and has devoted his life to the philosophy of brotherhood. Mr. William C. Conner, chairman of this year's NCCJ Brotherhood Citation Dinner in Fort Worth, summed it up when he said:

No one in this community represents these ideals better than Manuel Jara. He is a living example of the attitudes we should express in our relations with others.

Manuel Jara is presently working on many projects with many different organizations in the Fort Worth area. He is president of the Catholic Social Services of Tarrant County, as well as president of the International Good Neighbor Council in Forth Worth.

Mr. Jara also serves in an advisory capacity to such groups as the bilingual advisory board and the Fort Worth Public Schools Human Relations Committee. He is presently involved with more than 20 civic and humanitarian organizations and has in the past served on many more.

On November 18, 1967, the county judge of Tarrant County declared that day as "Manuel Jara Day" in honor of his distinguished humanitarian work. In 1972 he was awarded a certificate of appreciation by President Nixon for 5 years of service to the Selective Service System as an adviser. He was honored in 1967 with an Urban Service award from Sargent Shriver, Director of the Office of Economic Opportunity.

Manuel Jara is a man with a compassionate and unselfish view of the world. His work has benefited not only his fellow Texans of all races and religions but all Americans. By his years of untiring devotion to the principles of brotherhood he has helped make our Nation a better place to live. By the efforts of men like him, and those who will follow his example, perhaps someday we may all see the world as he does. Manuel Jara recognizes the simple similarity of being human and, by being human, of being brothers. He has devoted his life to helping others recognize this simple truth.

I am proud to know Manuel Jara and want to commend the NCCJ for its choice of Manuel for this year's Brotherhood award, and to commend the NCCJ for its years of service to mankind. Through men like Manuel Jara and organizations like the NCCJ, perhaps one day we will really all be brothers, as we should be.

IRVIN R. TCHON, CIVIL LEADER, ACTIVE IN FIELD OF DRUG ABUSE EDUCATION

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANRAHAN. Mr. Speaker, I should like to take this opportunity to publicly acknowledge the work of Mr. Irvin R. Tchon, of Chicago, in the field of drug abuse education. For some time now, Mr. Tchon has been active in helping youths in the Chicago area through drug abuse programs.

In appreciation of his dedicated services on behalf of the community and the youth he has helped, Alderman Laskowski, of Chicago, has proposed a resolution in Mr. Tchon's honor.

The resolution is as follows:

Whereas, Mr. Irvin R. Tchon, of 3218 N. Central Park Avenue, a pharmacist and a well-known Polish-American civic and community leader and resident of the 35th Ward was recently honored by various organizations and associations; and

Whereas, Mr. Tchon was awarded the Distinguished Service Award by the County Superintendent of Schools in grateful recognition of loyal and meritorious service to the people of Cook County through dedicated leadership on advancing the highest ideals of American education; and, also, was awarded the Aladdin Light Education Award by the County School Minority Assistant Superintendent for his participation in Minority and Economic Studies and Environmental Minority Youth Training; and

Whereas, Mr. Tchon, a member of the Retail Druggist Association, has been very active in our City and especially in the 35th Ward youth work concerning drug abuse and education, providing leadership and coordination of education and informative efforts of organizations interested in the area of drug abuse. He assisted in drug abuse education programs and is currently giving of himself wholeheartedly and tirelessly to this cause; now, therefore,

Be It Resolved, That the Mayor and members of the City Council of the City of Chicago, in meeting assembled this 28th day of July, 1971, do hereby express their appreciation for the dedicated labors of Irvin R. Tchon on behalf of the youth and his community, and extend their best wishes for continued success in his efforts and for many years of fruitful and happy life.

It is the work of such men as Mr. Tchon that enables us to conquer many of the social problems in America today.

WE MUST GET TOUGH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. GAYDOS. Mr. Speaker, the need of harsher measures to deal with the addictive drug traffic is recognized by every concerned American.

This Nation never before has faced a crime as degraded and fearsome in its potentialities and, therefore, is ill-prepared under present circumstances to handle it.

Unfortunately, we have judges who, in some instinct for supertolerance and perhaps pity for the victims, have failed to apply even those antinarcotics statutes now on the books.

In far too many cases drug suspects have been convicted and then released after serving minimum sentences only to show up again as pushers or, desperate for money to finance their habit, in other crimes.

The problem cannot be solved by leniency. Neither can it be abated, so we have learned through experience, by supposed understanding of the drug user's plight and programs designed to help him after he becomes hooked.

What is needed is a crackdown with all the force necessary to get this awful thing under control. In view of this, I am gratified to read in news dispatches that the White House is in the process of preparing what is termed a "tough" antidrug bill for submission to this Congress.

My hope is that the bill will include the toughest possible sentences for dope pushers and the means whereby courts will be compelled to hand down such sentences. I tend to agree with New York Governor Nelson Rockefeller in his recommendation to his State's legislature that life imprisonment be given these people with no parole permitted.

Surely, the crime of pushing—the addicting, indeed, of youngsters—is worse in the long run than that of murder itself. A murderer kills in an instant. A drug pusher murders by slow degrees, exacting years of agony from his victim before a sordid death finally takes place.

The drug racket never can be cleaned up as long as the pusher is allowed to spend a brief time in prison and then to hit the streets again. He must be put away for good as a continuing menace. He can be shown no mercy.

Far too many offenders now escape full punishment even after arrest because present laws demand proof of intent to sell hard narcotics—heroin and cocaine, principally—found in their possession. The White House legislation, according to the reports, aims to get around this barrier by making the mere having of a dope supply beyond an addict's own short-term need sufficient evidence in itself of intentions to peddle the stuff. This is a much needed change.

The drug problem is one of the most complex ever to confront us. And yet, as with all man-created problems, is one which can be brought into line by the adoption and application of whatever legal measures are required to get the job done. The ordeal of recent years in which we have tolerated the growth of this crime with its destruction of countless lives, mostly those of young people, certainly has taught us one thing. The problem will not pass away of itself or by our neglect or by public education efforts, commendable as they may appear to be in some instances. It must be smashed. And the enforcement agencies need hard laws and compulsory court help to do so—both the responsibility of Congress in its wisdom to provide.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WHITEHURST. Mr. Speaker, I am inserting the March 5, 1973, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help keep my colleagues informed of events being planned and taking place across the country preparing for the Nation's 200th anniversary in 1976. The bulletin is compiled and written by the staff of the ARBC communications committee. The bulletin follows:

WASHINGTON, D.C.,
March 5, 1973.

The stated goal of the Bicentennial is to forge a new national commitment, a new Spirit of '76, a spirit which vitalizes the ideas for which the Revolution was fought and a spirit which will unite the nation in purpose and in dedication to the advancement of human welfare as it moves into its Third Century.

A Ukrainian National Committee for the Bicentennial has been created by the Ukrainian Congress Committee of America, the central representative body of Ukrainians in the United States. Mr. Taras Szmagala of Cleveland will serve as chairman of the Committee and Mr. Walter Bacad of New York will serve as President. Both men are nationally prominent leaders in the Ukrainian community in the United States. Creation of a broad-based committee representative of all generations of Ukrainians as well as professions and pursuits as planned as one of many ethnic groups around the country to participate in the Bicentennial. As an editorial, by Anthony Dragan who was instrumental in forming the Committee, in *Svoboda* the Ukrainian Daily notes: "It is imperative that we marshall the best of our talent in each and every area of pursuit and that we pool that talent together to sow that we, too, have a "Past to Remember—and a Future to Mold."

On Tuesday, February 27, the eighth installment of Alistair Cooke's series "America" was seen on NBC–TV. Entitled, "Money on the Land," it featured the building of some of America's greatest fortunes, the men who amassed them—and what they did with them. The next episode entitled "The Huddled Masses," provided Cooke with some fascinating research and he was reminded that Vice President Spiro T. Agnew and Sen. Edmund Muskie have something in common even if they sit on opposite sides of the political aisle: cards listing the names of their fathers share a file at the offices of the Immigration and Naturalization Service in New York City, Theodore Anagostopoulos and a Polish tailor named Marcieszewski. The episode will be colorcast on Tuesday, March 13, 10:00 p.m. EST.

More TV viewing: "Strange and Terrible Times," which will dwell on crises that threatened the very existence of the United States but were overcome by the perseverance and determination of the American character, will be presented on "The American Experience," on NBC–TV Friday, April 27, at 9:00 p.m. EST. Chet Huntley is host-narrator for "The American Experience," a series of 10 one-hour dramatic essays keyed to the American Revolution Bicentennial. This special, second in the series, will re-create three precarious periods in U.S. history—the Revolutionary War, the Civil War and the Great Depression—while relating these struggles to the violence and upheaval of the present.

The Institute of Outdoor Drama Newsletter published at the University of North Carolina at Chapel Hill makes note of a number of dramatic presentations with historical backgrounds to be presented in several states. Kermit Hunter's "The Trail of Tears," the story of the Cherokee's hegira from the S.E. United States to the West, will be presented at Tahlequah, Oklahoma June 23 through August 25; "In Freedom We'll Live," based on the battles of Trenton and Princeton in 1776–77, is planned by the New Jersey Historical Drama Association at Princeton and "Ramona," a California romance, will be performed at Hemet, California on April 28–29, May 5–6 and May 12–13. Auditions will be held for "The Cross and the Sword," "The Lost Colony," "The Stephen Foster Story," "Tecumseh!" "Unto These Hills," "The Legend of Daniel Boone," and others on March 10 at the Institute of Outdoor Drama in Chapel Hill.

George Washington to his Troops, 1782: "Notwithstanding the Troops are verging so near perfection, some small improvements may yet be made; to wear the hair cut or tied in the same manner through a whole corps, would still be a very considerable improvement. . . . At general inspection and reviews, two pounds of flour and one-half pound of rendering tallow, per hundred men, may be drawn from the contractors for dressing hair."

The City of North Las Vegas was named the first "Bicentennial City" by members of the Nevada American Revolution Bicentennial Commission meeting recently in Carson City. Included in the proposals submitted to the NARBC for approval is the preservation and restoration of the Kyle Ranch which would provide a "living history" of southern Nevada.

In Virginia, the Hampton Bicentennial Committee has adopted as its theme, "Hampton, Revolutionary Port Town and Home of Virginia's Navy and War Heroes." Projects of the Committee include creation of a "living indoor-outdoor museum;" creation of Hampton Heritage Park and Activity Center; opening of the waterfront for use and public enjoyment; painting of a diorama "Hampton, Revolutionary War Port Town," and creation of "Windows of the Past" in the walls of old and new buildings. Also planned is production of a musical by Al Carmines, a native of Hampton and writer of "A Look at the Fifties," which has been enjoying a hit run at the Arena Stage in Washington, D.C. Many other vital and ambitious projects worthy of emulation are in the works; fife and drum corps, international exchange programs, arts and crafts festivals among them.

From the *Navajo Times*, February 1, 1973. Governor Bruce King speaking to the New Mexico Bicentennial Congress announced the

appointment of Benny Atencio, Chairman of the All Pueblo Council, to the New Mexico Bicentennial Commission. He noted, "It is a special opportunity for our citizens to remember and pay tribute to our own history and traditions." He stressed the multicultural aspects of New Mexico. Emphasis was placed strongly by all attendees at the Congress on the need to actively involve all the many cultures in New Mexico's celebration of the Bicentennial to be held in 1976. Zuni Governor Robert Lewis said in a scheduled address, "80 years before the Pilgrims landed, the Spanish were in contact with my people. There were seven villages, well organized, government-wise and community wise." He said the Zunis are proud of the fact that long before the white men came to America they had an organized civilization complete with community services, government and law and order.

Contact: Duke Zeller, Editor; Barbara Sands (202) 254-8007.

ABOLISH THE DEATH PENALTY

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DRINAN. Mr. Speaker, in an act that can only be called ill-advised and unconscionable, President Nixon has called upon Congress to reinstate the death penalty. In an exceptionally lucid editorial, the New York Times today answered the President's argument that the death penalty is necessary to deter crime. I commend this editorial, the text of which follows, to my colleagues:

THOU SHALT NOT KILL

President Nixon has called on Congress to defeat crime in America by restoring the death penalty. The appeal appears based on a theory as questionable as the proverbial promise to fight fire with fire. Even were moral considerations to be put aside, judicial murder happens not to be a particularly effective way to accomplish the desired end.

Mr. Nixon thinks otherwise. "Contrary to the views of some social theorists," he said in his radio address to the nation, "I am convinced that the death penalty can be an effective deterrent against specific crimes."

This view ignores more than the opinions of "some social theorists." The National Commission on Reform of Federal Criminal Laws in 1971 recommended the abolition of capital punishment. The World Council of Churches called on all nations to ban the death penalty as a violation of "the sanctity of life." A growing number of European and Latin American countries have eliminated capital punishment from their judicial arsenal. The Vatican revoked the death penalty in 1969. And in its latest ruling, the Supreme Court held, although by a disconcertingly narrow majority of 5 to 4, that the death penalty is cruel and unusual punishment in violation of the Eighth Amendment.

But for Mr. Nixon, the issue seems merely part of a simplistic "get tough" answer to what is widely acknowledged to be a serious but also a complex problem of violent crime. He considers the major cause of such crime "soft-headed judges" and a permissive philosophy." The President appears to revert to a variation of the theme that helped him climb to political success in the past. Having once benefited from accusing his opponents of being "soft" on Communism, he now implies that those who disagree with his concept of law and order are "soft" on crime.

The dangerous element of deception in the President's approach is the suggestion that a reluctance "to bring the criminal to justice" is at issue. In fact, of course, there can be no serious disagreement over the need to apprehend, try, convict and punish criminals. The question is whether reliance on the death penalty is either effective or moral.

On the matter of effectiveness, the argument can be simply stated. If the death penalty is mandated for certain crimes, juries will be increasingly reluctant to convict. In addition, a cornered criminal—whether he be caught on a plane in flight or in any other situation endangering the lives of others—is far more likely to drag others along to a fate that for him has become inevitable. If, on the other hand, the death penalty is permitted but not mandatory, it is difficut to see how the Supreme Court's objection to its uneven and unpredictable application could be overcome.

The question of morality should not require either argument or advocacy in a civilized society. One need not be soft on murderers to believe that a criminal's actions do not absolve the government from the strictures of the Sixth Commandment against killing. Clearly, that is the spirit that has prevailed in the United States, where no execution has taken place since 1967. It is difficult to see how the executioner's return would symbolize Mr. Nixon's view of "law and order" as "code words for goodness and decency."

LEGISLATION TO LOWER PRICES FOR BREAD AND OTHER WHEAT PRODUCTS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mrs. GRASSO. Mr. Speaker, with food prices enjoying a stranglehold on the American public, the consumer needs every assistance available to lower the market basket price of food.

For this reason, I am today introducing legislation designed to lower prices for bread and other domestic wheat products by repealing the 75-cent excise tax on each bushel of wheat used to produce these items.

The 75-cent-per-bushel charge which my bill would repeal, commonly known as the bread tax, is imposed under the Agriculture Adjustment Act. The bread tax was enacted in 1962 and has maintained a 75-cent-per-bushel rate since then. The tax is collected from millers, those who turn wheat into flour. The cost to the miller is reflected in higher costs to the baker for flour which are passed on as price increases for bread to the consumer. The revenues collected from the millers are used to pay a portion of the cost of farm subsidy payments.

The bread tax accounts for nearly 2 cents of the price of a 1-pound loaf of bread. Repeal of this unnecessary tax on wheat products would provide some consumer price relief for these important food items.

It is my hope that the House will pass my bill as quickly as possible so that the consumer can look forward to some relief from the frustrations of food shopping.

EIGHT REPUBLICAN SENATORS SPEAK OUT

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. SYMMS. Mr. Speaker, eight Republican Members of the U.S. Senate recently undertook a noteworthy effort to assure that their party does not go tripping down the same sort of primrose path which one of their colleagues recently led the Democratic party. They actually called the hand of the new Republican National Chairman when he appointed as chairman of the party's reform commission the man who led the floor fight at the National Convention to alter the delegate allocation formula so that Southern, Western, and small-population States would be deprived of their rightful voice in party affairs.

I like that sort of frankness and open dialog with respect to political policy and decisionmaking. Given the timidity with which most of the troops tend to receive the dictates of party leaders these days, I applaud these Senators, not only for the position they have taken but for their example in speaking out for their convictions.

I want them to know that I concur in what they did and that I am grateful for the assurances their letter elicited from the national chairman. With them, I shall be watching to be certain those assurances are carried out. I know many of my Republican colleagues in the House and concerned Republicans all around the country will be doing the same.

Mr. Speaker, I include the recent column by Mr. Frank van der Linden, discussing the Senators' letter and the chairman's response, at the conclusion of my remarks. Mr. van der Linden's column is distributed nationally by the United Features Syndicate of New York:

EIGHT REPUBLICAN SENATORS SPEAK OUT

(By Frank van der Linden)

WASHINGTON.—Republican National Chairman George Bush is quietly reassuring suspicious conservatives that he won't reopen the intra-party fight over 1976 convention delegate allotments nor favor any George McGovern-style quotas for minority groups.

Eight Republican Senators—Nebraska's Carl Curtis and Roman Hruska, Wallace Bennett of Utah, Norris Cotton of New Hampshire, Milton Young of North Dakota, Hiram Fong of Hawaii, Clifford Hansen of Wyoming, and Jesse Helms of North Carolina—sent Bush a round-robin letter expressing their "shock" over his appointment of youthful Wisconsin Congressman William Steiger to head a party reform commission.

Only too well, they remembered Steiger's floor fight at Miami Beach last August, in the unsuccessful attempt to give the large Northern states a bigger share of the 1976 convention delegates—a formula which "would have worked to the profound disadvantage of Southern, Western and small states."

Noting that the convention rejected Steiger's stand by a two to one margin, the Senators told Bush, they hoped his choice of Steiger did not indicate a desire to reopen the delegate fight or "to follow the path of

Senator George McGovern and his associates who have done so much to destroy the Democratic Party."

"We believe," they added, "that President Nixon's overwhelming victory in November is proof that the people of the United States will not buy the kind of reforms the McGovernites have advocated nor will the American voter, who each election becomes more sophisticated, accept reforms which seem constructive but which have as a practical consequence the same effect as the McGovern style changes."

The Senator's sharp warning reflected the conservatives' widespread fear that, in his eagerness to bring more young people and minority group voters into the Republican party, as directed by the President, the new chairman would move to the left in the general direction of McGovern-style delegate quotas.

Although he is an oil millionaire and a former Texas Congressman, right-wing Republicans also recall that Bush is a native New Englander, son of the late Connecticut Senator Prescott Bush, and former ambassador to the United Nations—sure signs of incipient Eastern liberalism.

Bush swiftly smoothed the protesting Senators' ruffled feathers by assuring them that neither he nor Bill Steiger had any intention of reopening the delegate question, which the Miami Beach convention had decided, "two to one."

"As chairman, I respect and will support the will of the convention," he wrote. "I can assure you that I will not be a party to permitting—to say nothing of leading—our party down the so-called McGovern course."

In his efforts to elect more Republican members of Congress, the chairman said, he favors welcoming many new voters but "not on a quota basis."

Defending Steiger as "a fair, decent man who will do this job with dedication and maximum integrity," Bush promised that the reform commission would be "broad-based and balanced." He vowed that he would lead the party neither to the left nor to the right. His aim, he said was "to make our party the majority party for the first time in ages."

LEWISTON DAILY SUN'S 80TH BIRTHDAY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. COHEN. Mr. Speaker, the Lewiston Daily Sun, a newspaper that services Maine's Androscoggin, Oxford, and Franklin Counties, has just passed its 80th birthday. Accordingly, I want to express best wishes to the Sun upon entering its 81st year of publication.

Along with the Journal, which the Sun acquired in 1923, the papers have a combined circulation of 48,250 daily newspapers and employ 180 persons. All of us who are regular readers of the Sun have been continually provided with first-rate news service over the years.

Indeed, at a time when the media are increasingly under attack, the Lewiston Daily Sun has exemplified the finest qualities of the journalism profession. Accurate and ethical in its reporting and fair in its editorial reactions, the Sun deserves to be recognized as one of America's great newspapers. To all who are connected with the Sun, I wish them a happy birthday.

MOTOR VEHICLE SAFETY AMENDMENTS OF 1973

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ECKHARDT. Mr. Speaker, I am today joining with the principal sponsor, Representative JOHN E. MOSS, Democrat of California, and Representative HENRY HELSTOSKI, Democrat of New Jersey, to introduce the Motor Vehicle Safety Amendments of 1973. This legislation represents a series of essential improvements to the National Traffic and Motor Vehicle Safety Act of 1966.

Mr. Speaker, 56,300 Americans died in motor vehicle accidents in 1972. This is an increase of more than 1,000 deaths over 1971.

Two million American citizens were injured seriously in motor vehicle accidents in 1972. The National Safety Council estimates the economic loss from such accidents at $17.5 billion a year.

During the decade of the 1970's as many as 600,000 Americans may die on our Nation's highways. This is more deaths than in all the wars that our country has fought in.

While the rate of deaths per mile traveled on the highways has declined slightly in recent years, I believe our Nation can and must take more effective steps to reduce the human carnage and economic loss from motor vehicle accidents. This legislation will be a first step.

A statement by Mr. Moss together with a section-by-section explanation of the bill will be found in the Extensions of Remarks.

The text of the Motor Vehicle Safety Amendments of 1973 is as follows:

H.R. 5529

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1974, 1975, and 1976, to provide for the recall of certain defective motor vehicles without charge to the owners thereof and for other purposes

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Motor Vehicle Safety Amendments of 1973".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $70,000,000 per fiscal year for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years."

SEC. 3. NOTIFICATION AND RECALL.

(a) REMEDY WITHOUT CHARGE TO OWNER.—

(1) Section 113(c) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(c)(1) The notification required by subsection (a) or (e) of this section shall contain a clear description of such failure to comply with applicable motor vehicle safety standards or such defect, an evaluation of the risk to traffic safety reasonably related to such defect, and a statement of the measures to be taken to repair such failure or defect.

"(2) Whenever the Secretary requires the manufacturer to remedy the defect or failure under subsection (h), he shall require the manufacturer (either in the notification required by subsection (a) or (e), or in a subsequent notification) to notify the persons described in subsection (b) of the manufacturer's obligation to so remedy the defect or failure."

(2) Section 113 of such Act is amended by adding the following new subsection at the end theerof:

"(h)(1)(A) Whenever a manufacturer is required under subsection (a) or (e) of this section to furnish notification of a defect in any motor vehicle or item of motor vehicle equipment or of any failure to comply with an applicable Federal motor vehicle safety standard, the Secretary shall (after providing an opportunity, in the proceeding under subsection (e) for the oral and written presentation of views by interested persons) order the manufacturer to remedy such defect or failure in such motor vehicle or item of motor vehicle equipment, without charge to the owner of such motor vehicle or item of motor vehicle equipment and in such manner as is specified by the Secretary; except that where a defect or failure in such motor vehicle or item of motor vehicle equipment cannot be adequately repaired within a reasonable period (which period shall not exceed sixty days after the owner tenders the vehicle or item of equipment for repairs, unless the Secretary extends such period for good cause and publishes his reasons therefor in the Federal Register) the Secretary shall require that the motor vehicle or item of equipment be replaced with a new or equivalent vehicle or item of equipment without charge, or that the purchase price be refunded in full (less a reasonable allowance for depreciation based on actual use if the vehicle or item of equipment has been in the possession of one or more purchasers, excluding any dealer or distributor, for more than one year).

"(B) In any case in which subparagraph (A) applies to a tire, the manufacturer of such tire shall not be required to replace such tire without charge if the tire is presented for remedy more than sixty days after (i) the owner of such tire receives actual notice under subsection (c)(2) of the manufacturer's obligation to remedy the tire or (ii) replacement tires become available, whichever is later.

"(2)(A) If the Secretary determines that the defect or failure to comply with an applicable motor vehicle safety standard is of such inconsequential nature that the purposes of this title and the public interest would not be served by requiring the manufacturer to remedy the defect or failure, the Secretary may exempt such manufacturer from the requirements of paragraph (1) of this subsection.

"(B) Paragraph (1) of this subsection shall not apply to a defect in or failure to comply of a particular motor vehicle or item of motor vehicle equipment to the extent that such vehicle or item of equipment is subject to section 111."

(3) Section 105(a)(1) of such Act is amended by inserting "or 113(h)" after "section 103".

(b) AVAILABILITY OF INFORMATION; PUBLIC PARTICIPATION.—

(1) The second sentence of section 113(d) of such Act is amended to read as follows: Any information which may indicate the existence of a defect which relates to motor vehicle safety or of the failure of a motor vehicle or item of motor vehicle equipment to comply with an applicable Federal motor vehicle safety standard under section 103 shall be public information. The Secretary shall disclose so much of any other information obtained under this subsection or section 112 to the public as he determines will assist the purposes in carrying out this Act; but he shall not (under the authority

of this sentence) make available or disclose to the public any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18, United States Code, unless he determines that it is necessary to carry out the purposes of this Act."

(2) Section 113(e) of such Act is amended by striking out the third and fourth sentences and inserting in lieu thereof the following: "Such notice shall be published in the Federal Register, and may be disseminated by other means if the Secretary deems it necessary for public safety. The information on which such notice is based shall be made available to the public. The Secretary shall afford interested persons an opportunity to present views and evidence in support thereof, as to whether there is a failure of compliance, or the alleged defect affects motor vehicle safety. If after such presentation by interested persons, the Secretary determines that such vehicle or item of equipment does not comply with applicable Federal motor vehicle safety standards, or contains a defect which relates to motor vehicle safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of such motor vehicle or item of motor vehicle equipment as provided in subsections (a) and (b) of this section."

(c) NOTIFICATION TO REGISTERED OWNER.—Section 113(b)(1) of such Act is amended by striking out ", and to any subsequent purchaser to whom has been transferred any warranty on such motor vehicle or motor vehicle equipment" and inserting in lieu thereof "or the failure to comply, and to any other person who is a registered owner (listed in State records available to manufacturers) of the motor vehicle containing such defect or failure or in which equipment containing such defect or failure is installed".

(d) CONFORMING AMENDMENT.—Section 113 (b) of such Act is amended by inserting immediately after "required by subsection (a)" the following: "or (e)".

SEC. 4. ENFORCEMENT.

(a) PROHIBITED ACTS.—

(1) (A) Section 108(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "SEC. 108. (a)", by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and by adding at the end of such subsection the following new paragraph:

"(2) No manufacturer, distributor, dealer, or motor vehicle repair business shall knowingly remove, or render inoperative in whole or part, any device or element of design installed on or in a motor vehicle or item of motor vehicle equipment in compliance with an applicable Federal motor vehicle safety standard, unless such manufacturer, distributor, dealer, or repair business reasonably believes that such vehicle or item of equipment will not be used during the time such device or element of design is removed or rendered inoperative. For purposes of this paragraph, the term 'motor vehicle repair business' means any person who holds himself out to the public as in the business of repairing motor vehicles or motor vehicle equipment for compensation."

(B) Subsection (b) of section 108 of such Act is amended by inserting "(A)" after "Paragraph (1)" in paragraphs (1), (2) and (5) of such subsection and by inserting "(A)" after "paragraph (1)" in paragraph (3) of such subsection.

(2) Section 108(a) of such Act (15 U.S.C. 1397) (as amended by paragraph (1) of this subsection) is amended—

(A) by inserting after the semicolon in paragraph (1) (B) the following: "fail to keep specified records in accordance with such section; or fail or refuse to permit entry, impounding or inspection, as required under section 112(b);" and

(B) by changing the period at the end of paragraph (1) (D) to a semicolon and adding at the end of subsection (a) the following new subparagraphs:

"(E) fail or refuse to comply with an order of the Secretary as required under section 113(h); or

"(F) fail to comply with any rule, regulation or order issued under section 112, 113, or 114."

(b) PENALTIES.—Section 109 of such Act (15 U.S.C. 1398) is amended—

(1) by inserting "(1)" after "SEC. 109. (a)",

(2) by redesignating subsection (b) as paragraph (2) of subsection (a),

(3) by striking out ", or any regulation issued thereunder," in the first and second sentences of subsection (a)(1) (as so redesignated by paragraph (1));

(4) by striking out "$400,000" in the second sentence of such subsection (a)(1) and inserting in lieu thereof "$800,000"; and

(5) by adding at the end of such section 109 the following new subsection:

"(b)(1)(A) Any person who knowingly and willfully violates section 108 of this Act shall be fined not more than $1,000, or shall be imprisoned not more than one year, or both.

"(B) Any person may be fined not more than $1,000 under subparagraph (A) for each motor vehicle or item of motor vehicle equipment with respect to which a violation of section 108 occurred, or for each failure or refusal to allow or perform an act required by such section. A person may not be imprisoned under subparagraph (A) for more than one year with respect to any related series of violations.

"(2) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 108, shall be subject to penalties under this section without regard to any penalties to which that corporation may be subject under paragraph (1) of this subsection."

(c) INJUNCTIONS.—

(1) The first sentence of section 110(a) of such Act (15 U.S.C. 1399) is amended (1) by inserting "(or rules, regulations or orders thereunder)" after "violations of this title", and (2) by inserting immediately after "pursuant to this title," the following: "or to contain a defect (A) which relates to motor vehicle safety and (B) with respect to which notification has been given under section 113(a) or required to be given under section 113(e),".

(2) The next to the last sentence of section 110(a) of such Act is amended by deleting the period at the end thereof and adding the following: "or to remedy the defect.".

SEC. 5. INSPECTION AND RECORDKEEPING.

(a) Subsections (a), (b), and (c) of section 112 of the National Traffic and Motor Vehicle Safety Act of 1966 are amended to read as follows:

"(a)(1) The Secretary is authorized to conduct any inspection or investigation—

"(A) which may be necessary to enforce this title and any rules, regulations, or orders issued thereunder, or

"(B) which relates to the facts, circumstances, conditions, and causes of any motor vehicle accident and which is for the purposes of carrying out his functions under this Act.

The Secretary shall furnish the Attorney General and, when appropriate, the Secretary of the Treasury any information obtained indicating noncompliance with this title or any rules, regulations, or orders issued thereunder, for appropriate action. In making investigations under subparagraph (B), the Secretary shall cooperate with appropriate State and local officials to the greatest extent possible consistent with the purposes of this subsection.

"(2) For purposes of carrying out paragraph (1), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and written notice to the owner, operator, or agent in charge, are authorized, at reasonable times and in a reasonable manner—

"(A) to enter (i) any factory, warehouse, or establishment in which motor vehicles or items of motor vehicle equipment are manufactured, or held for introduction into interstate commerce or are held for sale after such introduction, or (ii) any premises where a motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident is located;

"(B) to impound for a period not to exceed 72 hours, any motor vehicle or item of motor vehicle equipment involved in a motor vehicle accident; and

"(C) to inspect any factory, warehouse, establishment, vehicle, or equipment referred to in subparagraph (A) or (B).

Each inspection under this paragraph shall be commenced and completed with reasonable promptness.

"(3)(A) Whenever, under the authority of paragraph (2)(B), the Secretary inspects or temporarily impounds for the purpose of inspection any motor vehicle (other than a vehicle subject to part II of the Interstate Commerce Act), he shall pay reasonable compensation to the owner of such vehicle to the extent that such inspection or impounding results in the denial of the use of the vehicle to its owner or in the reduction in value of the vehicle.

"(B) As used in this subsection, 'motor vehicle accident' means an occurrence associated with the maintenance, use, or operation of a motor vehicle or item of motor vehicle equipment in or as a result of which any person suffers death or personal injury, or in which there is property damage to a safety related system or item of equipment.

"(b) Every manufacturer of motor vehicles and motor vehicle equipment shall establish and maintain such records, and every manufacturer, dealer, or distributor shall make such reports, as the Secretary may reasonably require to enable him to determine whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations, or orders issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer, dealer, or distributor has acted or is acting in compliance with this title or any rules, regulations ,or orders issued thereunder. Nothing in this subsection shall be construed as imposing recordkeeping requirements on distributors or dealers.

"(c)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

"(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

"(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or

otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

"(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(6)(A) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

"(B) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title."

(b) Section 112(e) of such Act is amended by striking out "subsection (b) or (c)" and inserting in lieu thereof "this title".

SEC. 6. COST INFORMATION.

The National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"SEC. 125. (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by rule or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

"(b) Such cost information together with the Secretary's evaluation thereof, shall be available to the public unless the manufacturer establishes that it contains a trade secret. Notice of the availability of such information shall be published in the Federal Register. If the Secretary determines that any portion of such information contains a trade secret, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret or in such combined or summary form so as not to disclose the identity of any individual manufacturer, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"(c) For purposes of this section 'cost information' means information with respect to alleged cost increases resulting from action by the Secretary, in such a form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

"(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost data under this section.

"(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain or require submission of information under any other provision of this Act."

SEC. 7. AGENCY RESPONSIBILITY.

The National Traffic and Motor Vehicle Safety Act of 1966 (as amended by section 6 of this Act) is amended by adding at the end thereof the following new section:

"SEC. 126. (a) Any interested person may file with the Secretary a petition requesting him (1) to commence and complete a proceeding respecting the issuance, amendment or revocation of an order puruant to Section 103 or 113 of this Act or (2) (in the case of such proceeding commenced before the petition is filed) to complete such proceeding.

"(b) Such petition shall set forth (1) facts which it is claimed establish that an order, amendment, or revocation thereof is necessary, and (2) a brief description of the substance of the order or amendment thereof which it is claimed should be issued by the Secretary.

"(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

"(d) Within one hundred and twenty days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence or complete the proceeding as requested in the petition. If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial.

"(e)(1) If the Secretary denies the petition made under this section (or if he fails to grant or deny such petition within one hundred and twenty days), the petitioner may commence a civil action in a United States district court to compel the Secretary to commence or complete the proceeding (or both) as requested in the petition. Any such action shall be filed by the petitioner within sixty days after the Secretary's denial of the petition or (if the Secretary fails to grant or deny the petition within one hundred and twenty days) within sixty days after the expiration of the one hundred and twenty-day period.

"(2) If the petitioner can demonstrate to the satisfaction of the court, by a preponderance of the evidence in a de novo proceeding before such court, that the motor vehicle or motor vehicle equipment involved presents an unreasonable risk of injury (in the case of a requested proceeding pursuant to section 103) or contains a failure to comply with a standard under section 103 or defect which relates to motor vehicle safety (in the case of a requested proceeding pursuant to section 113) and that the failure of the Secretary to commence or complete the proceeding as requested in the petition unreasonably exposes the petitioner or other consumers to a risk of injury presented by the motor vehicle or motor vehicle equipment, the court shall order the Secretary to commence or complete the proceeding (or both) as requestion in the petition.

"(3) In any action under this subsection, the district court shall have no authority to compel the Secretary to take any action other than the commencement or completion (or both) of a proceeding pursuant to section 103 or section 113.

"(f) The remedies under this section shall be in addition to, and not in lieu of other remedies provided by law."

SEC. 8. NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL.

Section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1393) is amended by inserting "(1)" after "SEC. 104. (a)", and by adding the following new paragraphs at the end of subsection (a):

"(2) For the purposes of this section, the term 'representative of the general public' means an individual who (A) is not in the employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A) (i) or (ii), and (C) is not in any other manner directly or indirectly pecuniarily interested in such a person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public.

"(3) Section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council."

SEC. 9. CONFORMING AMENDMENT.

Section 102(10) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(10) 'Secretary' means the Secretary of Transportation."

SEC. 10. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the sixtieth day after the date of enactment of this Act.

BILL WILSON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. EDWARDS of California. Mr. Speaker, because I cannot be present on March 24, 1973, at the testimonial dinner honoring Mr. William A. "Bill" Wilson, Sr., of Santa Clara, Calif., I would like to recognize him here as an outstanding member of the community and a dedicated friend of education.

For over 50 years, Bill Wilson has been contributing to the civic and community improvement of the city of Santa Clara. Owner of the Jewel Bakery since 1923, he has been active in the Santa Clara Club, a member of the Advisory Board of the Bank of America, president of the board of directors of the Santa Clara Savings & Loan, a member of the board of directors of the San Jose Steel Corp., president of the San Jose Rotary Club, a member of the Santa Clara Planning Commission, and an active participant in many Red Cross projects.

However, the activities enumerated above represent only a small role compared to the tremendous amount of time and energy Mr. Wilson has willingly and tirelessly donated to the schools of Santa Clara. A school board member for over 30 years, William A. Wilson Elementary School was named in his honor in 1955. From 1960–66, he served as president of both the Santa Clara Elementary School District Board and the Santa Clara High School Board. Since that time, he has been a member of the Santa Clara Unified School District. The decisiveness, thoroughness, and dedication that Bill Wilson brings to all his involvements have marked his concern for the welfare of the children of Santa Clara. I can think of no one else who so deserves this testimonial in his honor.

PAUL HOFFMAN OF THE VIRGIN ISLANDS—OLYMPIC SILVER MEDALIST

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DE LUGO. Mr. Speaker, the Virgin Islands is recognized as the home of many fine athletes. It has been a source of pride to us that so many of our people have excelled in athletic pursuits as well as other endeavors. Most notably these achievements are in professional sports, but occasionally widespread recognition is accorded amateurs.

Last summer Virgin Islanders were proud when Paul Hoffman, the son of Municipal Court Judge and Mrs. Louis Hoffman, of Saint Thomas, won a silver medal in rowing at the 1972 Olmpic Games in Munich as coxswain of the U.S. team.

Mr. Speaker, it is my pleasure to now insert in the RECORD a resolution passed by the legislature of the Virgin Islands, December 20, 1972, congratulating Paul on his victory:

RESOLUTION

Whereas Paul Hoffman, born April 21, 1946, is a person who has been closely associated with the Virgin Islands for many years, having moved to the Virgin Islands with his parents at the age of two, been educated through the eighth grade in Virgin Islands schools, and having returned to the Virgin Islands after college graduation as a teacher at the Charlotte Amalie High School and at Gramboko School; and

Whereas Paul Hoffman became interested in the sport of rowing while attending Brianston Prep School in England, where he became a proficient coxswain, which is the position he subsequently held on the rowing crew of Harvard University for four years, culminating with his membership, along with other Harvard crew members, on the 1968 U.S. Olympic Rowing Team; and

Whereas Paul Hoffman continued to take an active part in the sport of rowing after graduation from Harvard and won the position of coxswain on the 1972 U.S. Olympic Rowing Team, thereby participating in the 1972 Olympic Games held in Munich, Germany; and

Whereas Paul Hoffman and his teammates were successful in winning a Silver Medal in Munich, Germany in the "Eight-oared Olympic Crew" the most prestigious of the Olympic rowing events; and

Whereas the Legislature finds that it is appropriate that Paul Hoffman's significant accomplishments in the 1972 Olympic Games, in which the people of the Virgin Islands take considerable pride, be formally recognized; Now, Therefore,

Be it resolved by the Legislature of the Virgin Islands:

Section 1. That Mr. Paul Hoffman is hereby cited and congratulated for his outstanding athletic accomplishment in guiding the 1972 Olympic Rowing Team, as its coxswain, to a second place finish and a Silver Medal in the Eight-oared Olympic Crew event in the 1972 Olympic Games recently held in Munich, Germany.

Section 2. That a copy of this Resolution, immediately upon its passage, be appropriately prepared and presented to Mr. Paul Hoffman by the President of the Legislature or his designee, at a ceremony to be held in his honor.

AT HOME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, the most recent issue of the National Review contained an article by M. Stanton Evans regarding the recent Supreme Court decision on abortion. I submit Mr. Evans' article for the RECORD:

AT HOME

Last month's pro-abortion ruling by the Supreme Court is a shocking inversion of fact and logic which calls for vigorous counteraction.

Reading over the Court's decision, one is struck by its grim Orwellian reversal of the simplest ethical values. In the majority statement, the central issues of life and death are blandly ignored or handled in parentheses, while secondary considerations of utility are pushed to the forefront as crucial matters of discussion. If this decision were all there were to go on, you would scarcely know that what is being talked about is the cold and deliberate extermination of human life.

In the Court's analysis, the issue at stake in abortion is the danger of the operation to the mother, period. When restrictive abortion laws were drafted, says the Court, the operation was considered especially hazardous; now medical science has made it less so. After three months, however, the mortality rate for the mother is as high as or higher than the mortality rate from childbirth, so from this point forward the state may regulate abortions—albeit in a manner (professedly enhancing the "psychological" well-being of the mother) which still amounts to elective abortion.

On this showing, the life of the child in embryo counts for nothing. The child may be killed on demand up to three months and under certain regulations thereafter, strictly to serve the health and/or convenience of the mother—and the moral obtuseness of the Court. The whole question of whether the child has any rights in the matter is settled out of hand without the slightest effort, on the record, to grapple with the complexities of this issue.

The Court majority finesses the issue by saying the drafters of the Fourteenth Amendment didn't believe the child in embryo was a "person" and did not intend to confer the protection of this amendment on the fetus—and far be it from this Court to enlarge upon the purposes of the drafters. But even if true this argument would be irrelevant, since it would merely imply that the Federal Government is not empowered to override laws which *victimize* the fetus. That interpretation would say nothing about laws which *protect* the fetus, conferring or recognizing rights on the initiative of the states. The Fourteenth Amendment merely says that, in certain categories, the state must refrain from abridging rights.

The Court's further treatment of our subject makes it plain, moreover, that this diffident show of strict construction is nothing but a ruse. For, considering the *convenience* of the mother, the Court elaborates an invented "right to privacy" which even the supple intellect of Justice Douglas does not pretend to deduce from the Fourteenth Amendment or the intention of its framers, but simply posits as something the Court in its majesty has decided to protect. Where the life of the child in embryo is at stake, the Court is a model of strict construction and judicial quiescence; but where the mere convenience of the mother is at stake, it is willing to let its imagination roam afar in pursuit of "rights" nowhere envisioned by the drafters of the Constitution.

There is, of course, impressive medical and legal evidence that genetically separable human life begins at conception. As Dr. Arnold Gesell observes, "when the embryo is only four weeks old, there is evidence of behavior patterning; the heart beats. In two more weeks slow back and forth movements of the arms and limbs appear. Before the twelfth week of uterine life the fingers flex in reflex grasps." Similar statements of other authorities have been previously cited here.

Unless the life described by Gesell is to be extinguished in an orgy of permissive abortion, concerned citizens must demand redress. A movement is afoot in Congress and in various state capitals to secure adoption of a constitutional amendment to protect the rights of the unborn. Rep. Lawrence Hogan (R., Md.) is the author of this proposed amendment, which asserts that "neither the United States nor any state shall deprive any human being, from the moment of conception, of life without the due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the law."

The Hogan amendment also deals with the mounting possibility of a drive for euthanasia, which has followed in the wake of permissive abortion in other countries. To date the euthanasia or mercy-killing argument has been relatively subdued in the United States, but it has gained adherents in recent years and the success of the antilife forces in the abortion cases will no doubt embolden the euthanasia drive. In an effort to head off this movement before it grows much further, the Hogan amendment says that "neither the United States nor any state shall deprive any human being of life on account of age, illness, or incapacity."

For those who think the euthanasia danger far-fetched, it is worth observing that serious proposals have been made to this effect in Europe, and that such developments are all too natural once indifference to life has become the vogue. As noted by Notre Dame's Charles Rice: "Anyone who thinks the [Supreme Court's] decision is merely about abortion is mistaken. If the Court can define some human beings as non-persons because they are too young . . . , it can also do it to others because they are too old. Or retarded. Or whatever. We will have euthanasia, unless we adopt the Human Life Amendment."

MANAGEMENT AND LABOR TAKE NOTE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WYMAN. Mr. Speaker, as policy is pondered in this country relative to strike or not to strike, to compromise or not to compromise, it might not be inappropriate to observe that both management and labor in the United States should take note of one of the reasons the Japanese economy is booming and the Japanese yen is up 17 percent over the U.S. dollar in a single year. In Japan workers are both loyal and enthusiastic in their effort. Management is concerned and compassionate. All together both glory in the combined result which is sharply increased productivity.

The following article by Tom Braden in today's Washington Post tells the

story. U.S. management and labor should take note before another round of wage demands and price increases further erode our country's competitive position:

JAPAN: A NATION OF COMPANY MEN

TOKYO.—When William D. Eberle, President Nixon's trade negotiator, turns up here next month to demand trade concessions from the Japanese, he will find them acquiescent. They have already decided to concede. They will import our beef; they will import our oranges; most important of all—and it was a decision taken in anguish—they will import our computers. But one thing they cannot concede. And that may be the one thing which will make a failure out of William D. Eberle.

On paper, Mr. Eberle's problem seems relatively simple. It is to reduce the flow of dollars into Japan and thus strike a balance of trade. Decrease the value of goods Japan sells to the United States; increase the value of goods Japan buys from the United States. Eberle is not a high-protectionist and neither is his boss. The Nixon Administration is aware of the perils of tariff wars and properly cautious about the international recession which tariff wars can bring. Therefore all would seem to be ready for the neat balance which will restore the dollar in comparison to the yen.

But the "thing"—I don't know another short word for it—may ruin all. The "thing" is Japan's system of labor relations. It virtually ensures that Japanese goods will undersell American goods of similar value and comes awkwardly close to ensuring that Japanese goods will be better made than American goods of similar price.

Consider the way the "thing" works by imagining yourself for a moment a Japanese worker, about 24 years of age and looking for a job. You won't have any trouble finding one; there is no unemployment in Japan. But you will choose among various companies and the one you choose will be the company for which you will work until the day, at 55 or 60, you retire. What this means for Mr. Eberle is trouble.

Next to his country and his family, the Japanese feel loyalty to his company. He sings the company song; puts suggestions in the company box; stays after hours to attend the company social; goes on weekends or vacations to the company spa; saves (at an astonishingly high rate of interest) at the company bank; borrows (at an astonishingly low rate of interest) from the company fund. The company buys the land on which he builds his house and sells it to him cheaply over 15 or 20 years. When he retires, the company pays him a substantial pension, and when he is ill, he stays free at the company hospital. Meantime, he is assured that unless he steals the company money or in some other way outrages decency or the law, he will never be fired, laid off or demoted.

The "thing" is simply remarkable. An American who views it for the first time can fall into the error of imagining it as a means by which the rich rob the poor—as the company store of the 19th century sometimes robbed the American workingman. But it is not like that at all. It is cradle-to-the-grave security on the job. And the Japanese worker gives in return his best performance, his total loyalty and his freedom of movement. "You don't quit a job in Japan," a worker at the Panasonic television factory told me. "People would think you were not a nice person."

An American is also likely to scoff at the "thing" as square, unsophisticated, overly sincere."

But it works. And as long as it works, William Eberle and his successors are going to find it very difficult to make American goods compete in the world's market with goods made in Japan.

RETIREMENT CREDITS FOR JAPANESE AMERICANS IN WORLD WAR II INTERNMENT CAMPS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WALDIE. Mr. Speaker, I am introducing today a bill which would give Japanese Americans who are Federal employees and who were interned in camps during World War II retirement credit for the time spent in confinement.

The passage of this bill, and H.R. 1 of last session which gave social security credit for the internship years, would give at least some redress for the suffering and anguish borne by the Japanese Americans who were interned during the war years.

The Federal Government, the employer of these American citizens, was responsible for the unjust tragedy of their internment. Though little can be done to substantially repair the lives thus broken and interrupted, this minor atonement on the part of the Federal Government for the great wrong done these loyal Americans is a small step in that direction.

I submit this bill for the immediate and careful consideration of the Members.

I include the full text of the bill in the RECORD:

H.R. 5555

A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8332 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) (1) Any employee or Member who is a Japanese-American World War II internee shall be allowed credit for the period or periods during which he was detained or interned in a camp or similar facility or installation during World War II as described in paragraph (2) (A) of this subsection (and shall be considered to have performed service creditable for purposes of this subchapter while so detained or interned).

"(2) As used in this subsection—

"(A) the term 'Japanese-American World War II internee' means a United States citizen (or alien lawfully admitted for permanent residence) of Japanese ancestry who was evacuated or excluded by the appropriate military commander from a military or geographic area in the United States (or voluntarily departed from such an area prior to but in anticipation of an order of exclusion therefrom), during World War II, and was detained or interned in a camp or similar facility or installation in accordance with the policy and program of the United States with respect to persons of Japanese ancestry in the interests of the national security during World War II, whether pursuant to Executive Order Numbered 9066, dated February 19, 1942, section 67 of the Act of April 30, 1900, 'Executive Order Numbered 9489, dated October 18, 1944, sections 4067 through 4070 of the Revised Statutes of the United States, or otherwise; and

"(B) the term 'World War II' means the period beginning with September 1, 1940, and ending at the close of July 24, 1947.

"(3) (A) The Commission shall prescribe such regulations and take such actions as may be necessary or appropriate to insure that all Japanese-American World War II internees will be informed of their rights under this subsection and to assist them in submitting (in or with their applications for annuities under this subchapter) the information required to substantiate the performance by them of service referred to in paragraph (1).

"(B) Not withstanding any other provision of this subchapter, any Japanese-American World War II internee who is entitled to an annuity under this subchapter for the month in which this subsection is enacted, or who thereafter becomes so entitled without having taken into account service referred to in paragraph (1), may request in writing (in such manner and form as the Commission shall prescribe) that such service be credited to him in computing his annuity under section 8339; and the Commission shall thereupon recompute such internee's annuity so as to give him credit for such service, effective with the month following the month in which such request is made.

"(4) Any department or agency of the United States which performed functions or presently possesses records relating to the detention or internment of persons of Japanese ancestry during World War II shall, at the request of the Commission, certify to the Commission with respect to any Japanese-American World War II internee such information as the Commission deems necessary to carry out its functions under this subsection."

SEC. 2. (a) Section 8333(a) of title 5, United States Code, is amended by inserting "(not including any service described in section 8332(1))" after "service".

(b) Section 8334(g) of such Code is amended by striking out "or" at the end of paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(6) periods of detention or internment credited under section 8332(1) of this title."

SEC. 3. Except as otherwise provided in the amendments made by this Act, such amendments shall apply with respect to annuities accruing under subchapter III of chapter 83 of title 5, United States Code, for months after the month in which this Act is enacted.

CAUGHT IN THE PINCH

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ZWACH. Mr. Speaker, ever since the first grain from last fall's harvest started going to market, our congressional office has been deluged with requests for help in obtaining railroad cars to move the grain to market.

I had the occasion to read an excellent editorial by Garland Hubin in the Buffalo Lake News, a weekly newspaper in our Minnesota Sixth Congressional District, which explained the problems our producers are having.

Some of our most popular farm programs have been cut off and plans are being made to reduce or phase out others because of the big crop our producers had last year, but as Editor Hubin points out, raising a big crop and getting it to market are two different things.

Mr. Speaker, to give my colleagues an insight into some of the problems our

producers are facing, I would like to insert editor Hubin's editorial in the CONGRESSIONAL RECORD:

CAUGHT IN THE PINCH

Last year, farmers in this area raised an outstanding crop and after looking at the market these days . . . they should be rich . . . but such is not the case!

Farmers are learning that raising a big crop and getting it on the market are two different things! Elevators across the northwest are full and running over and no railroad cars are in sight to move the crop to market.

Not being prepared for an "everything at once" movement of grain, the railroads are choking on the Russian shipment of wheat, port terminals are filled waiting for shipping boats and railroads cars are filling the yards, waiting to be unloaded.

Occasionally a few empty grain cars trickle onto local sidings where elevators fill them the same day and send them on their way.

Further confounding the situation is the fact that the big grain semi-trailers shy away from hauling grain because it takes a half a day to unload at terminals.

Much of our problem can be blamed on the transportation industry . . . but it all ends up hurting the farmer and costing him money when it is no fault of his!

Someone in high government places just wasn't thinking when they made that wheat deal with the Russians and then took the priority to move the grain at the expense of the American farmer!

RESTRUCTURING OF LOCAL OEO PROGRAMS

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. QUIE. Mr. Speaker, I recently saw an editorial in the Reno, Nev., State Journal entitled "Reno Poverty Agency Planning for Future." This editorial states an example of how a local OEO-funded agency plans to continue operating long after OEO ceases to exist.

Contrary to the fears of many, this editorial points out that the poverty program will not be dead after June 30, 1973, and that through good planning, programs which have proven to be successful will continue.

Mr. Speaker, under leave to extend my remarks in the RECORD, I include this editorial and an accompanying article, as follows:

RENO POVERTY AGENCY PLANNING FOR FUTURE

As the funeral march sounded nationally for the Office of Economic Opportunity (OEO), Washoe County's OEO affiliate—the Economic Opportunity Board (EOB)—was speaking of a future of innovate possibilities.

The proposed and probable OEO demise, now being hastened in Washington, seemed light years away last Friday as EOB chairman William Moon and Executive Director Cloyd Phillips spoke with a confidence born of successes.

Programs initiated by the OEO in Washoe County and now administered by the EOB have long since been picked up and funded by other federal government departments. Thus OEO's probable death will have a relatively minor effect on social programs in Washoe County, the officials said.

The EOB now has a $2½ million yearly budget with only $370,000 of that coming from OEO. Such programs as Head Start, Home Start and Meals on Wheels will not be affected by the OEO's death.

The EOB, unlike several similar administrative boards set up to govern OEO programs, has carried out its functions so well its programs have been adopted as basic and necessary. Only the monies for planning, administration, research and the summer Neighborhood Youth Corps still come from the OEO.

And local poverty officials hope that much of this $370,000 loss will be made up for with non-strings-attached grants from special revenue-sharing funds. The officials are presently attempting to contract with local government bodies, offering expertise in poverty affairs for funds.

Even if special revenue sharing funds are not as plentiful as expected, and local governmental entities are not inclined toward EOB approaches, poverty officials feel they have the talents necessary to carry on.

Moon and Phillips say the EOB future is that of a profit-oriented, self-sustaining agency; and that businesses and fund-raising programs are now being planned toward this end.

Successful program implementation of the past must be applauded and innovative ideas of the future should be welcomed and sustained.

It is the Journal's hope that, rather than a restricted federal arm, the EOB will become, as Moon and Phillips want it to be—a locally funded community poverty agency prospering as a result of its own ingenuity and competence.

POVERTY OFFICIALS SEE NEW ERA

Two top officers of the Washoe County Economic Opportunity Board (EOB) have broken stand with fellow anti-poverty workers and issued a statement approving of the dismantling of the Office of Economic Opportunity.

William Moon, chairman of the EOB Board of Directors and Cloyd Phillips, the EOB executive director, said the cutback may prove to be a step into the future.

FEWER STRINGS

They said only a small percentage of federal funds now received by the EOB will be eliminated if the OEO makes its forced exit. Also, proposed special revenue sharing moneys, which are expected to make up for OEO losses, would come with fewer strings attached.

Moon said the new situation would force local and state control over programs for social problems. Under the federal program, he said, there was no room to move where the needs really were.

A proposed special revenue sharing bill would give federal grants to poverty program agencies through local governments without restrictions being placed by the local government, he said.

Phillips said he would prefer to work with local political bodies such as ACOG (the Area Council of Governments) and not the people from the national office.

FUNDS SOUGHT

Moon and Phillips said they would try to get the $116,000 they need to refinance their administration, planning and research branches.

Phillips said, however, the EOB is not asking for charity but is proposing contracts, and offering expertise in social planning program development in return for financial assistance.

Despite the appeals for funding to local governments this year, both Moon and Phillips said the future of the EOB lies in creating a self-sustaining, profit-oriented agency.

Moon refuted criticisms the OEO had been a failure. He said he felt it had lived a full and successful life.

COUPON MISERS SAVE MORE THAN PENNIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. ROSENTHAL. Mr. Speaker, in the face of rapidly rising food prices in the past several years, it is important that every consumer take advantage of each opportunity to reduce his grocery bill. One such opportunity is the vast and ready availability of grocery savings coupons for almost every kind of food product. By wisely redeeming these coupons, a consumer can realize substantial savings when shopping for food.

Farm prices in February 1973 were 22 percent higher than those of February 1972. This rise in the cost of food was expressed in the $37 jump in the annual market basket of food for an American family of three in the past year.

An article by Patricia F. Bode in the current issue of the National Observer presents a series of detailed and valuable suggestions concerning the redemption of food coupons. Consumers would be well advised to use these suggestions in their battle against inflation. Therefore, I am inserting Ms. Bode's article in the RECORD at this point:

COUPON MISERS SAVE MORE THAN PENNIES: SYSTEMATIC COLLECTING WHITTLES DOLLARS FROM FOOD BILLS IF YOU CONCENTRATE ON STAPLES AND AVOID FRILLS

(By Patricia F. Bode)

"Clip us for a quarter." "Let us give you a hand on the price." "Save 10 cents." "Refund." "Get one free!" Such messages on grocery coupons become especially appealing as food prices soar.

Nearly every type of food products can be yours for a few cents less if you systematically redeem manufacturers' coupons. You'll find them printed regularly on the food pages of newspapers and magazines. They also appear on food packaging and sometimes are included with the package contents.

Typically a checkout clerk at a supermarket will give you the face amount of a coupon in cash if you have purchased the item required by the coupon. Sometimes a coupon must be mailed to a manufacturer, usually with several box tops or other evidence of product purchase, for cash refunds of as much as $2. An avid coupon and box-top saver can pick up $3 to $5 a month from mailed refunds.

COUPON SUGAR

Mrs. Sue Allen, a Greenbelt, Md., widow, says she has saved $40 since last August by redeeming coupons while buying groceries for her family of three. "Just last week, I put the money in the bank. Right now it's in my retirement fund, but I'll have it for something special if I want it," she says. To keep track of how much she could save Mrs. Allen filled a sugar bowl with the coins she obtained for her coupons.

Mrs. Allen emphasizes she doesn't purchase unnecessary groceries in order to use all her coupons. She says she never redeems shampoo or tooth-paste coupons because she buys such items on special at a discount store. She continues to buy many products sold under supermarkets' private labels, which often are cheaper than brand-name products with coupon rebates.

"Sometimes I try a new product because I have an introductory coupon," Mrs. Allen admits. "But I probably would try it out any-

way, and with a coupon I don't feel like I'm splurging quite as much."

STAPLES ARE INCLUDED

Obviously you won't cut down your food bill if coupon clipping induces you to buy expensive frozen pastry when you normally would settle for pudding. However, alert collectors can find coupons for staples like flour, sugar, bread, and meat. Cereal is another good coupon item. And if you regularly buy snacks, convenience foods, or brand-name vegetables, there's a coupon for almost every variety.

To save the most money, make coupon clipping an organized project. Don't keep your collection of cut-outs in disarray or you'll waste valuable time and diminish your savings by overlooking coupons. What's more, fellow shoppers may become tempted to run you down with their grocery carts if you stand in a crowded supermarket line fumbling through a handful of tattered coupons.

Some tips on efficient coupon clipping:

Clip newspaper food pages the day of publication. If a particular issue has coupons for many items you want, it may be worthwhile to buy additional copies to get more coupons.

If the product isn't pictured on the coupon, clip part of the ad if it shows a picture that may help you quickly locate the item.

In the store watch for special refund displays and packages with coupons inside. If a manufacturer is temporarily promoting an item you regularly use, buy more than one package.

Sort coupons and paper-clip items in categories such as dairy products, soap, paper goods, and pet foods. Make index tabs to clip to each bundle and store them in a recipe file or small box.

Check for time limits on redemption and put dated coupons in a separate category. Place in order of expiration date and make an effort to spend them before undated coupons.

Group coupons for the same product with the largest redemption value on top. Redeem a coupon for 20 cents off before one for 5 cents off.

If you can't find a product, talk to the manager or check other supermarkets.

Promptly return unused coupons to your file after shopping to avoid losing or damaging them.

Don't hold undated coupons indefinitely; the product may be discontinued.

Trade coupons for items you don't use to friends who do.

Save labels and proof-of-purchase marks on packages to send in when manufacturers offer refunds.

AMERICANS OPPOSE AID TO NORTH VIETNAM; WHY SHOULD THEY SUPPORT AID TO THE UNITED NATIONS?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RARICK. Mr. Speaker, I continue to receive widespread disapproval from my constituency over the administration's apparent commitment to give foreign aid to North Vietnam as a lever to achieve peace in that area.

I am reminded of the selling technique used by those internationalists who support lopsided U.S. contributions to the U.N. They point out that the U.N. per capita costs amount to only about $2.13 for every man, woman, and child in the United States. Using a similar argument for aid to North Vietnam, the cost would come to $12.19 for every living American. If dissatisfaction comes because we are aiding the murderers and butchers of American men and our allies, why has there not been similar dissatisfaction for our aid to other enemies of the free world who sit in New York City with diplomatic immunity and honorable titles as Ambassadors of the U.N.?

If the American taxpayers are to be asked to support the U.N., which is controlled by the Russians and the Red Chinese why is the opposition limited to aid to devastated North Vietnam, which is to be made an international showcase of communism at the expense of the American taxpayers?

TRIBUTE TO SEWANHAKA HIGH SCHOOL STUDENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues a project that has been undertaken by several high school students in my district who are members of the Future Business Leaders of America chapter at Sewanhaka High School in Floral Park, N.Y. A group of 10 students from the FBLA chapter at Sewanhaka have for the last few months given up more than 12 hours of their free time each week in order to tutor elementary school children with learning disabilities. Working with third graders in four elementary schools in the area, these high school students have devoted a significant portion of their afterschool hours to helping these children improve their reading skills.

Mr. Speaker, I feel that these 10 students should be commended and recognized for their unselfish dedication and initiative in undertaking this project. As one who has worked on several fronts to improve and enhance programs geared toward aiding children with learning problems, I am deeply aware of the need to which these Sewanhaka students have responded, and I am deeply encouraged that their efforts may set an example for other students to follow. Too often today, people are quick to criticize the "younger generation" for being selfishly unaware of the needs and concerns of others; yet more and more often, I am encountering young people like these FBLA members at Sewanhaka who not only recognize the problems in our society but actively pitch in, lending their time and talents for the good of others. I am pleased to pay this special tribute to these 10 high school students and want them to know that we are proud of their efforts to help many younger students to overcome their learning problems.

SELECT COMMITTEE ON INDIAN AFFAIRS IS NEEDED

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KOCH. Mr. Speaker, once again the problem of Indian affairs has come to national attention through the occupation of Wounded Knee, S. Dak. The incident, at the very least, symbolizes the Indians' deep frustration with their lives as affected by the Federal Government. The House of Representatives, through its committees and through its Members, many of whom are privileged to have native Americans for constituents, is responsible for some abuses that the American Indian has experienced. I believe that we can best aid native Americans through analyzing our own institution.

A significant dispute over the jurisdiction of the Bureau of Indian Affairs has continued for some time. It has, at various times, been recommended that this jurisdiction be shifted to HEW or that the Bureau be established as an Executive agency. The reason for the dispute arises from the nature of the Indian existence—living on land reserved by the Indian tribes from land granted to the United States through treaties. Thus, arises a sometime dilemma between the protection of the resources of the reservation by the Federal Government as trustee and the delivery of services to meet the needs of Indians apart from the needs of the land.

Recently, too, there have been complaints involving the competence of the BIA and its responsiveness to the problems of native Americans. Willingness to alter the jurisdiction of the BIA has been hindered by many factors, and an investigation of it should immediately be held to evaluate its response to the issues.

I am also proposing that we evaluate the workings of our own committee response to the problem. Jurisdiction over Indian affairs is granted to the Interior Committee and its Indian Affairs Subcommittee. The Interior Committee passes on many measures which have great importance to Indians and for which the committee has considerable expertise and knowledge. These are basically areas involving land, resources, and the environment.

However, often bills arise that affect Indians but are the concern of other committees as well. For instance, the Indian Education Act involved both the Interior and the Education and Labor Committees; various measures dealing with Federal and State jurisdiction for Indian offenses or other legal issues are properly under the purview of the Judiciary Committee.

A case in point is the welfare reform bill, H.R. 1 of last session, which was under the jurisdiction of the Ways and Means Committee. That bill, you will remember, provided for the disposition of some assets of an individual before he or she would be eligible for welfare grants

and various factors were to be taken into consideration in determining eligibility and in allocating the Federal share to be paid to the States.

Obviously, this bill was of prime concern to poor people everywhere and to thousands of impoverished Indians. Yet, neither the Ways and Means Committee nor the Interior Committee called one witness, or asked HEW or the Department of the Interior for one statement or any native American's views on the important provisions of the bill as it would pertain to them.

Of course, this bill would have affected thousands of Indians on reservations and in our urban areas. It would have affected the Bureau of Indian Affairs' own welfare department, HEW's administration of the act, the status of Indian assets such as land, grazing, hunting and fishing rights, per capita payments from the Indian Claims Commission, employment programs and many other vital matters.

Fortunately, at the last moment, Senator RIBICOFF introduced amendments in the Senate Finance Committee, but these also were not subject to hearings. Native Americans everywhere can legitimately ask whether Congress is acting as befits their trustee.

Mr. Speaker, what I am proposing today is the establishment of a Select Committee on Indian Affairs. This committee will act to identify serious issues affecting native Americans and to insure consideration of Indian interests from the relevant House committees.

This Select Committee would be responsible for evaluating legislation such as welfare, housing, education, health, civil rights, the Federal criminal code, resource management, and environmental measures as effects native Americans. This committee will also bring to the attention of the relevant committee or committees the particular interests that the status of Indians under our constitution and treaties demands. And, this committee could hold hearings on the responsiveness of the Bureau of Indian Affairs.

This committee would not take jurisdiction away from the Interior Committee nor any other committee. It would provide an institutional commitment on our part to insure that all future legislation would adequately consider the interests of native Americans.

I urge our colleagues to support the resolution I am introducing today to establish a Select Committee on Indian Affairs and, I would hope that a similar committee would be established in the Senate.

Everyone today recalls that in our history we have treated the Indian population in a shoddy way. It is time that we redress these grievances.

INTERVIEW WITH THE CALIFORNIA DIRECTOR OF OEO

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DEL CLAWSON. Mr. Speaker, the Sacramento Bee of February 4, 1973, contained an interview with the California Director of OEO, Mr. Robert B. Hawkins, Jr. Mr. Hawkins has worked in the State OEO program for 3 years. During the current attempts to evaluate the effectiveness of the various antipoverty programs it should be helpful to have an appraisal from another level of government. In that spirit, at this point in the CONGRESSIONAL RECORD I am inserting the article for the information of my colleagues.

HAWKINS ON OEO: MORE FAILURES THAN SUCCESSES

(By Lee Fremstad)

(EDITOR'S NOTE.—State OEO Director Robert Hawkins Jr. is the son of Mr. and Mrs. Robert Hawkins of Cooper School Road. The 31-year-old Ph.D. attended the rural Cooper School, then Monte Vista and Vacaville High Schools before finishing his high school education at the New Mexico Military Institute. He is a graduate of San Francisco State University. He joined the State OEO in 1970 and in late 1971 was named state director. The following interview concerning the success of the antipoverty program in California is reprinted from the Sacramento Bee.)

President Nixon's dismantling of the war on poverty prompted an advance obituary of the program in California during an interview with the state antipoverty chief, Robert B. Hawkins Jr.

His verdict: More failures than successes. Plus a prediction that almost all of the 40-some local outposts of that war, the community action agencies (CAAs), are doomed to a certain death in competition for city and county support.

Moreover, adds the 31-year-old Ph.D. whose rhetoric ranges effortlessly from academic abstractions to the earthy four-letter level, there will be few to mourn the CAAs.

Hawkins' judgment in sum: The war on poverty promised much but had no way to measure what it produced, failed to create permanent institutions to serve the poor, failed even to really involve them, and created a "plantation system" that will collapse once federal money stops.

It is Nixon's intention to cut off that money on July 1, shifting some of the Office of Economic Opportunity (OEO) programs like Head Start, Indian services, migrant services, health and community development to other agencies.

"As far as the CAAs are concerned, they are going to have to become competitors in their local government economies," said Hawkins.

"OEO has been saying for four years—and the CAAs have been mouthing it but not believing it—that the CAAs should develop good working relationships with city hall.

WHICH WILL SURVIVE?

"Their survival rate is going to be in relation to which of them have good relationships with their local governments. The Fresno and San Mateo County programs are likely to survive because they have very good working relationships with their city fathers. San Francisco probably will and Oakland might."

"Head Start is going to Health, Education and Welfare. Going through the CAAs was really a formality anyway. The Indians get their money as before, through the Intertribal council—it merely means they are going to receive federal funds from another agency.

"What the President is doing is an excellent move because it will produce an environment in which community action agencies must compete in order to survive."

APPOINTED BY REAGAN

Hawkins, an appointee of Gov. Ronald Reagan, took over directorship of the embattled State OEO in 1971 after the departure of Lewis K. Uhler. Under Uhler the state office—federally funded but under Reagan administration control—had been in frequent public conflict with the local agencies and deep in controversy because of Uhler's efforts to kill California Rural Legal Assistance.

OEO efforts since Lyndon B. Johnson declared war on poverty have at least given local governments an awareness of the problems of the poor, Hawkins feels.

"The awareness of poverty has been well-established," he said. "The willingness of city and county governments to take over these programs indicates that local government is not adverse to the interests of the poor."

PUBLIC FACTOR

One of the plus factors of the antipoverty effort, Hawkins believes, was to provide a steppingstone for numbers of bright, aggressive young blacks and other minorities who went to work for the programs.

"In the early '60s it was an excellent mobility mechanism for qualified minorities," he said. "It gave them administrative experience and an education on how the system works. Most of them stayed no more than two years before being grabbed up by the business sector or moving into government jobs.

"It had value too in bringing into focus for the minority community the fact that one is never free when he is dependent for his total existence on the government.

"I think one of the greatest forces in creating the black nationalist movement has been the poverty program. A lot of bright young blacks spent a few years in the program and saw that their communities have become more dependent, rather than less. They find they have to build their community from within.

In a sense what we've developed in the OEO program is the plantation system.

To use the colonial metaphor, the program has failed to build institutions. The British in India built a legal system, courts, communications — institutions that survived when they pulled out.

"You pull the federal money out of any of these poverty programs and it just isn't going to be sustained by the community because the institutions haven't been built."

OAKLAND EXAMPLE

Hawkins pulled out a 1971 opinion research study conducted in Oakland in the heart of that city's community action agency target area. It showed few of the poor—3 per cent—were even aware of the agency as a force to speak for poor people. The Black Panthers and NAACP were more frequently named.

"Only 11 per cent could identify the director (Percy Moore), who saw himself as being very charismatic," Hawkins said smiling.

"The majority of poor people did not participate.

"If you went to Watts and asked the man on the street, chances are he had never heard of the program, and yet they were spending $60 million a year there."

REGIONAL OFFICES

Hawkins also blames OEO regional internal conflicts for some of the shortcomings of the aborted war.

"The thing that has killed the CAAs has been the regional (federal) offices," said Hawkins. "The problem was in all these civil servants who came to the war on poverty as young zealots in 1964 and '65, many of them from the Peace Corps, who have basically been a government-bloc in our society.

"The problem is, all their theory is wrong. The problem is, there are no people in the country who have less latent capability to become a group.

POOR'S ASPIRATIONS

"Every study has shown that low-income people have the same diverse aspirations as any other people. Our Okaland study showed, for instance, that those in the target areas were much stronger on law and order than the middle class.

"The only thing that you can really note is the fact that he — the low-income man —

doesn't have enough money to realize the things that are important to him.

"One of the most insidious parts of the antipoverty program is to make us think of poor people as a class. The poor have attitudes and aspirations as varied as any other group.

"The zealous 'exiles' worked on the conflict model—that you have to confront and bowl the establishment over. They see power as something to be taken away from someone else rather than to be generated by creating institutions.

"The 'exiles' never made any real demands on (CAA) programs. Those agencies who merely followed the party line of the regional office were refunded year after year.

"The people who have suffered in this have been the poor. They've just been ripped off."

TOWARD INCREASED VOTER REGISTRATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. RANGEL. Mr. Speaker, David N. Dinkins, president of the New York City Board of Elections, is one of the many State election officials who support voter registration reforms. Mr. Dinkins recently attended the press conference in New York City where I announced the introduction of my Voter Registration Rights Act of 1973 (H.R. 4846) in the House of Representatives.

Herewith is the prepared statement of Mr. Dinkins endorsing the proposal of voter registration through the use of the postal service:

I am very pleased to associate myself with the effort of Congressman Charles Rangel in the area of voter registration, and I wholeheartedly endorse his National Voter Registration Rights Act of 1973 and will work with him to assure its passage into law.

The following is a statement made by me on February 2, 1973 concerning voter registration at a hearing converged by Attorney General Louis J. Lefkowitz.

It is my contention that participation in the electoral process is an absolute right—not a privilege bestowed by government.

Basic to the guarantee of that right is the adoption and implementation of the philosophy that the ability to cast a ballot is an easy and convenient fashion is a public governmental obligation. The individual citizen should not have that burden—it is a public obligation, not a private obligation.

Our law requires that in order to vote one must first register to vote. To this end, it must be recognized that registration should not be used as a means of restricting the number of persons that vote. That was once the apparent purpose of registration and although it is no longer so intended, such restriction is often the effect of our system of registration.

In the 1968 Presidential Election, only 59.1% of the New York State voting population actually went to the polls. This number was even less than the national figure of 60.1%. In the 1972 election, with about 139 million Americans potentially eligible to vote, less than 76,200,000 actually voted, or 76% of the approximately one hundred million who are registered nationally. Note that this 76% of those who are registered represents only 54.5% of the total potentially eligible voting population. New York's statistics for the 1972 presidential election are as low as the National average.

Non-registration is an acknowledged national scandal in a country possessing a great national heritage as a participatory democracy. Recent elections in Europe have turned out 72% of the qualified electorate in Britain (considered low there); 75% in Ireland; 76% in Canada; 80% in France; 87% in Sweden and Denmark. We in the United States and particularly we in the Empire State, suffer greatly by comparison.

Since most persons who register vote, the problem of low voter turnout is in effect the problem of low voter registration.

The difficulties involved in registering to vote would appear to explain the discrepancies between voter turnout in the United States and Europe. As was stated by Charlotte Rae Kemble, Executive Director of Frontlash, Inc., in the "McGee Hearings", *"In most free European countries, registration is not a burden placed on the individual citizen, but a public responsibility.* Government agencies periodically conduct the enrollment of all qualified electors, and voter turnouts of 75 to 90 percent are the norm. In Canada the government appoints a bi-partisan team of enumerators in each election district who canvass every household and publicly post the lists of qualified voters. A *recent spot check showed that the registration level is 98% of the voting age population.*

While many believe that so-called voter apathy is mainly responsible for lack of greater voter participation, I do not agree. May I quote from remarks made by U.S. Senator Gale W. McGee of Wyoming, Chairman of the Senate Committee on Post Office and Civil Service, as he opened hearings on a series of bills focusing on voter registration—he said in part:

"It also seems somewhat hypocritical to me for these who hold the privilege of political office or influence to call, on the one hand, for feasible participation by all citizens in the affairs of state while, on the other hand, retaining barriers which restrict and in some cases prevent voting.

"A Gallup poll taken in December, 1969, concluded that it was not a lack of interest but rather the residency and other registration qualifications that proved to be the greatest barrier to wider voter participation in our nation."

Senator McGee went on to point out that in 1896 when the States first began to adopt strict registration systems, about 80 percent of qualified Americans voted.

He stated that:

"By 1924, when the last of the States had finally adopted stringent registration requirements, the voter turnout had dropped to but 48%. . . . These historic facts would certainly lead one to believe that Gallup is correct and that difficult registration operations have had a negative impact on our pursuit of an improved democracy."

In New York City, fire-house and mobile registration efforts, and the use of volunteer inspectors or registrars in the communities of our city, conceived and implemented by the late great Maurice J. O'Rourke, and the volunteer or community registration continued even now by the Board of Elections headed until last July by Commissioner William F. Larkin, and now by me, have produced great increases in the number of registered voters. Last year, we registered 453,000 in this fashion. But this is not a satisfactory system. We can do much better. It is possible to reach most of the potentially eligible voters by a system of mail registration.

I propose a system of mail registration on a very simple card form that will be easily available, at each office of the Board of Elections, at public buildings such as the offices of Social Service Department, and Post Office; at private commercial places such as banks, utilities and telephone company offices. This form could as well be included in public or governmental mailings, and private mailings, including mailings of income tax returns, welfare checks, telephone and utility bills.

This form would be mailed to any office of the Board of Elections for processing by teams of employees who meet the bi-partisan requirement of our State Constitution. Enrollment, that is, designation by the registrant of a party, could be handled on the same form.

Such a system would be no more susceptible to fraud than the system we now employ. Use could be made of electronic processes in order to check against some currently available objective information bank, such as the rolls of the Social Security System. Available also is the current mail check.

Incidentally, in the past there has been proposed Federal legislation roughly along these lines as well as the proposal that would make registration automatic through use of the Social Security registration process. Congressman Charles Rangel will make public some proposals in this area in the very near future. Some such form of registration (if indeed there need be registration) is critically essential if we are in fact to be a democracy.

I am pleased to report that the Joint Legislative Committee on Election Law, chaired by Assemblyman Peter Biondo, seems inclined to recommend a bill that would permit a registered voter who moved his residence, to effect a transfer of his registration by mail.

At all events, every effort must be made by government to make the voting process simple, easy and convenient. It is my belief that the proposals I shall now enumerate will tend to accomplish this while admittedly leaving much to be desired.

TODAY HE WAS MAYOR . . .

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. REID. Mr. Speaker, in this day and age we read so much about the alienation of youth and the problems of the generation gap, we tend to forget that the great majority of our young people are decent, upstanding Americans working towards a meaningful participation in our society. It is with great pleasure that I read the following story of one such youth, Paul Voight. Also, I noted with special warmth that it was written by a very talented and accomplished reporter, Peggy Voight, who just happens to be Paul's mother. I know that my colleagues will join me in thanking both of the Voights and I include the reprint from the White Plains Reporter Dispatch in the RECORD:

TODAY, HE WAS MAYOR . . .

(By Peggy Voight)

SCARSDALE.—The Mayor strode into Village Hall Monday morning—his blonde, shoulder length hair flowing—eager to take charge.

The mayor?

Shoulder-length blonde hair?

No. It wasn't Richard W. Darrow, the real mayor.

In this country that brags that any boy can grow up to be president, on Monday, Feb. 5—Boy Scout Government Day—the mayor of Scarsdale (for-a-day) was none other than Paul Voight, my 17-year-old Eagle Scout.

It was an honor he achieved by virtue of the fact that as a member of Hartsdale Troop 67, he was elected chairman of the Senior Scout Council for 19 Boy Scout Troops in the Cohawney District of the Washington

Irving Council, Boy Scouts of America. Other scouts took over other village officials' roles for the day—and in most cases their real-life counterparts were there to show them the ropes.

It's not quite president of the United States, but mayor of Scarsdale,—it's the stuff that inspires a boy's parents to a modest swelling of pride. The kid can't be all bad.

The experience was not without its educational benefits for Paul.

He learned, for example that mayors, even real ones, can't close the schools. Nor, if they are hockey nuts can they commandeer a field and produce an instant skating rink (though Scarsdale now has one in the works).

He didn't gavel any important laws into existence, or take any action that would perpetuate. "The American Way of Life."

What he did find out, he says, is that village government is largely concerned with garbage collection and disposal.

It was ever thus—as I can remember from the five years Scarsdale happened to be my "beat" on the newspaper.

Which makes me, if not an expert, at least a diligent watcher of the last four or five mayors of Scarsdale.

Without exception, they have been a courteous, conscientious, savvy lot as they go about the gentlemanly task of preserving Scarsdale as an oasis in the metropolitan sprawl.

I'd say Paul was in good company.

One difference.

I've never had to worry before about whether the mayor would turn up looking appropriate to the stature of the job.

I needn't have worried. His spotless scout uniform, with its sash of medals, his shined shoes. It was one of those moments mothers can't quite believe.

He was beautiful—shoulder-length blonde hair and all.

THE UNITED STATES AND THE MIDDLE EAST: 1973

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. O'NEILL. Mr. Speaker, I am submitting for the RECORD a report compiled by the New England Leadership Conference concerning the United States and its relationship to the Middle East. As this report deals with two current issues of intense interest, the energy crisis and the apparent settlement of the war in Indochina, and their effect upon the Middle East situation, I recommend that all Members review this material. In addition, I am including a resolution adopted by the New England Leadership Conference pertaining to trade agreements with the Soviet Union.

The material follows:

THE UNITED STATES AND THE MIDDLE EAST: 1973

The past two years have seen America's vital interests in the Middle East, the Mediterranean and in Europe, defended and advanced by a Middle East policy that is realistic, positive—and highly successful.

Nevertheless, it is once again becoming fashionable to call for the intrusion of Great Power initiatives into the Middle East situation. This renewed drive is based largely on two false assumptions: (1) that what has been achieved in Indo-China can or should be imitated in the Middle East; and (2) that the "energy crisis" demands a re-orientation of U.S. policy in the Middle East.

(1) *The Indo-China Parallel*

A glance at the conditions in Indo-China and the Middle East, two dissimilar regions, shows the error of this assumption, and points up the fact that many of the aims sought by the peace moves in Indo-China had long been achieved in the Middle East. The Indo-China situation is not a peace, but a cease-fire—not yet fully effective. In the Middle East an effective cease-fire has been in existence since August, 1970.

In South East Asia the cease-fire was designed to extricate U.S. forces directly involved in the fighting and to obtain the release of American P.O.W.'s. In the Middle East, no involvement of U.S. fighting men has existed or is in prospect. Moreover, whatever dangers of direct U.S.-Soviet confrontation may have existed have diminished considerably with the pullout of Soviet fighting men from the Suez Canal zone.

Moreover, because of the direct involvement of American fighting men in South East Asia and deep concern over those held as P.O.W.'s, the U.S. felt that it had to make agreements without the full participation and approbation of its ally on the spot. In the Middle East, however, America's friends are defending themselves solely with their own forces, and any attempt to negotiate arrangements behind their backs, or to impose a settlement, would be impractical, counter-productive and politically absurd.

This does not mean that the situation now prevailing in either of the two areas is necessarily stable over a long period of time, or that nothing further is required. It does mean, however, that the now-fashionable concept of the Middle East being next in line for the kind of international treatment extended to South East Asia is based on profound misconception of the realities in the two areas.

(2) *Middle East Policy and the "Energy Crisis"*

Spokesmen for some of the major oil companies and the oil industry lobby have launched a campaign which consciously exaggerates and distorts the true nature and dimension of our energy problems. Past masters at confusing private corporate interests with the public interest, they are exploiting fears of an "energy crisis" to promote government policies and public outlays that will provide an enormous economic windfall for the major oil-importing companies at the expense of the American consumer and taxpayer, and America's vital interests.

Incidental to their major campaign, whose purpose is to convince the American public and policy-makers that only with vastly increased imports of Middle East oil can we meet the "energy crisis", they have renewed their old and discredited scare-talk. They urge moves to appease belligerent Arab interests at the expense of Israel, on the premise that otherwise unnamed Middle East countries might withhold their oil and threaten our economic and defense potential. Although these old arguments are always presented in the guise of a cold calculation of our national interest, they lack both logic and accuracy. Indeed, the ever-ready obeisance of international oil companies to the cause of militant Arab propaganda is transparent.

First, however the "energy crisis" is defined, it has developed for reasons that have no connection whatever with U.S. Middle East policy. If Israel did not exist, the problem and the prospects relating to energy sources for America would be precisely what they are today. Second, while certain powerful oil interests may find it politic, for their own benefit, to urge appeasement of Arab belligerents, the policies they advocate for America have serious negative consequences from political, economic, defense and environmental standpoints.

Finally, the "energy crisis" they proclaim, although real, is only temporary. It results from mistaken economic and political policies of the past and is not due to any inherent shortage in energy sources. It can best be met by development of domestic supplies which are more than adequate for our needs now and into the indefinite future.

The comprehensive study, "The Energy Crisis and the U.S. Middle East Policy," prepared for the New England Leadership Conference and available separately, details the factual, statistical and analytical background of the issue. Its major points should be noted:

1. The U.S. is blessed with enormous energy reserves. For example, recent findings of the National Petroleum Council show that even with the increasing demands projected, energy sources within the U.S. are sufficient for more than 200 years of *complete* energy supply: oil reserves sufficient to meet demand for more than 65 years; gas reserves sufficient for more than 50 years; accessible coal reserves equivalent to more than 300 years supply; uranium reserves for 25 years of electric power; and shale oil reserves sufficient to meet requirements for at least 35 years. (In addition, potential supplies from Canada and Latin America vastly increase the total potential energy sources available to the U.S.)

2. Research and technology are rapidly advancing toward safe nuclear power development through fusion as well as fission; liquification of coal, sulphur-free, into oil; gassification of coal for natural gas; de-sulphurization of coal into a pollutant-free solid fuel; and economic shale-oil production.

3. In spite of adequate energy resources, a temporary shortage exists—largely because additional domestic sources of supply have been allowed to remain undeveloped in order to keep oil prices artificially high, and as a result of private investment emphasis on developing cheaper, more advantageous foreign sources of oil and gas.

4. Domestic production can be significantly increased by allowing domestic producers to operate near 100% of capacity, rather than the 70–80% normally fixed by the Texas Railway Commission. In addition, appropriate incentives and controls can induce more efficient design of appliances, engines, heating systems, structures and other energy consuming elements, while an inevitable increase in fuel prices will induce more conservation and less waste of energy.

The extent of the "energy crisis" depends on the commitment and speed with which domestic sources are developed, the use we make of available supplies, and the volume of imports we are willing to accept.

5. Vastly improved oil imports from the Middle East, as proposed by some oil spokesmen, are neither possible nor desirable:

a. Paying for that oil would result in a balance of payments deficit that would grow from the present $2.7 billion annually to $20–30 billion, depending upon price increases.

b. To transport that oil would require a tanker fleet of no less than 350 ships, each of a quarter million ton dead weight—equal to over 50% of the present world tanker fleet—with deep water ports developed to accommodate vessels of 60–80 feet draft. Conservative estimates based on current costs would be $50 million for each tanker and $150 million for dredging each potential port—a multi-billion total.

Also, the dangers of environmental damage through the rupture of even a single one of these super-tankers would be considerably increased.

To face what, at worst, may be a 5–10 year shortage period, the oil companies are urging a decision to invest billions of dollars and risk major environmental damage.

c. The energy policy they propose, calling for a vastly increased investment in and de-

pendence on Middle East oil (60% of our total supply by 1985), could invite precisely the kind of political and economic blackmail that the oil-importing companies now urge us to avoid by pre-emptive appeasement, i.e., a turn away from dependable friends like Israel and Iran, toward an expedient policy that might assuage the militant extremists of the Arab world. Such a turn, however, would have a directly de-stabilizing political effect on the region, and greatly increase the potential for chaos in the international oil industry.

6. The major oil-importing companies are urging increased oil imports as the primary solution to our energy shortage because that is their route to maximum profits. Pricing, leasing and labor cost differentials between foreign and domestic oil production have been so great as to strongly favor foreign investment over domestic, but the situation is now changing rapidly. Middle East oil taxes have risen sharply and oil-producing countries are demanding ownership shares. By 1976 all contracts with Arab nations will have expired, and it is expected that 51%—control—of all foreign companies will be in Arab hands by 1983. The companies are pressing therefore to get as much oil and as much profit out of the Middle East as they can in the years immediately ahead.

Although the new pattern of ownership-control of oil sources represents a potential boon rather than a burden for the oil-consuming world, through the inevitable development of more effective international competition for markets as well as supplies, the individual oil companies of course are concerned with their own short-term interests. But in terms of energy sources and needs, and the practical advantages of alternative policy possibilities, it should be abundantly clear that the U.S. remains free to base its Middle East policy on broad national interest, on principle rather than fear.

THE ROAD TO STABILITY AND PEACE

There is no reason to suspect that U.S. policy makers do not fully understand these basic realities.

U.S. Middle East policy, in the past two years, recognized that outside powers can be helpful in stimulating the process of peacemaking by discouraging the notion that there is any feasible alternative to a peace agreement, freely negotiated among the parties themselves. It recognized that outside powers cannot and should not attempt to prejudge or spell out in any way what the territorial, juridicial or demographic outcome of an agreement between the parties should be; that negotiations between the parties must remain free and untrammeled, and that there must be no implication or appearance of pressure for imposition.

U.S. policy has been positive. It has afforded America's friends and allies in the area, specifically Israel, the type of sophisticated military assistance essential to defend themselves effectively in accordance with the Nixon doctrine. America has maintained a strong, determined and credible posture, orchestrated in a manner that has deterred the U.S.S.R. from military adventures in the area.

This policy has made possible a process which is essential to the ultimate attainment of peace and to American national interests. It should not be interrupted.

One by-product of this process has been the weakening of the Soviet position in the Mediterranean through the exacerbation of conflicts of interest between the U.S.S.R. and its clients. No less important has been the gradual realization impressed on Arab thought that no dictates of outside powers can rescue Arab regimes from their self-induced catastrophies, without their having to meet the requirements of real peace. Indeed, the past two years have marked the first period in more than two decades in which Arab leaders have had to confront the prospect of truly negotiating their differences with Israel and of recognizing Israel's right to exist as a sovereign nation.

There also is now underway in the West Bank and the Gaza Strip a most important and promising process, albeit gradual, of symbiosis between Israelis and Palestinian Arabs in such vital fields as commerce, public service, communication and tourism. The astonishing fact of life in these territories today is the reality of peace which no document drafted by the most utopian of peacemakers would have dared to envisage. Trade and commerce between Israel and Arab countries go freely both ways across the Jordan River. Last summer alone, 150,000 Arabs, mostly citizens of these countries, visited their relatives in the West Bank, frequented the beaches of Netanya, and the zoo in Tel Aviv, and obtained treatment in the medical clinics and hospitals of Israel. Under a whole generation of armistice agreements between Israel and her neighbors between 1947 and 1967, the two peoples were hermetically sealed off from one another. Since 1967, without a formal peace or armistice agreement, and under a mere cease-fire, there is intermingling, and even fraternization, unknown heretofore between Jew and Arab.

These are the factors which create, slowly but surely, the essential preconditions for the eventual conclusion of a more formal peace to be freely and directly negotiated between the parties themselves. The interruption of this ongoing process through the interposition of third parties, however well-meaning, will do nothing except reawaken old illusions among Arab leaders that the reality of Israel need not be faced directly, thus making it more difficult for the ordinary Arab man or woman to continue his own specific accommodation with this reality. Thus an illusory peace proposal among statesmen may sabotage a very real process of peace among the people.

The fact is that the Arab governments, so called "revolutionary" as well as conservative, who must ultimately be party to any formal Middle East peace, are authoritarian military dictatorships, feudal or semi-feudal monarchies, dominated by their military establishments in ruling oligarchies that have proven to be unable or unwilling to improve the lot of their people.

Moreover, none of these Arab countries has solved the problem of orderly and peaceful succession to power. Assassination, coup and counter-coup constitute the routine method of transferring power from one ruling group to another. Nor does the historical record provide any basis to expect that a new ruling group will accept or honor the commitments of their deposed predecessors. This instability casts great doubt on the durability of any pro-forma agreement, until and unless the necessary preconditions exist in the form of broader public support, based on the very kind of intermingling now underway between Israel and the Arabs in the territories under Israel control.

Focusing world attention once more upon the Middle East as a "number one crisis area", at this moment of hope and relative quiet, would constitute an open invitation to local militants to heat up the situation as a way of bringing about the outside intervention upon which some Arab leaders still place their hopes. Renewed war-talk in Egypt and Syria, and the current flurry of diplomatic activity by Egypt's emissaries in the major capitals of the world, represent one more desperate effort to induce outside intervention rather than face the facts of international life.

As long as Arab leaders are encouraged to expect outside intervention, they will continue to nourish the hope of eradicating the State of Israel. This attitude is exemplified in the public statements of one of the most influential spokesmen in the Arab world, Mr. Heykal, editor of Cairo's *Al Anram*:

"Egypt risks nothing by attempting first of all to solve the first phase by political means."—Aug. 2, 1970

"There are only two specific Arab goals at this stage. 1. Elimination of consequences of the '67 aggression through Israel's withdrawal from all lands it occupied that year. 2. Elimination of the 1948 aggression through the eradication of Israel . . ."—Feb. 26, 1971

". . . there is no conflict between us and Israel over borders, but over existence . . ."—March 10, 1972

Many outsiders to the conflict find it convenient to ascribe the implicit destructiveness and horror of such statements to "Arab rhetoric". But repeated attempts since 1948 to implement those sentiments were thwarted only by Israel's determination and ability to resist. It is time that full credence be placed in such statements because they represent, not domestic propaganda, but a clear and sober statement of the intentions of Arab leaders who obdurately refuse to recognize Israel's right to exist.

Finally, it should be clear that the underlying conflict in the region is not over territory or refugees. The Arab aggressions in 1956 and 1967 took place when Israel did not hold the Golan Heights, the West Bank or Gaza, and the Old City of Jerusalem was still in Jordanian control. Heykal's statement, quoted above, succinctly makes the point. Nor were there any "refugees" in 1947 and 1948, when the Arab states began their invasion and first war of annihilation against Israel. Certainly, too, any thoughtful observer knows that any complete amelioration of the refugee problems—Jewish as well as Arab—can come only as part of a total peace arrangement between the parties and not before.

The real issue is and always has been the refusal by the Arab oligarchies to recognize the Jewish people's right to national self-determination in their historic homeland.

The greatest threat to the process of real peace-making in the Middle East resides in the renewed intervention of outside forces, pursuing their own interests, which would surely interrupt the ongoing development of those practical accommodations between Arabs and Jews that are among the essential preconditions for lasting peace.

RESOLUTION ON THE MIDDLE EAST

The cause of true and lasting peace in the Middle East has been advanced in the last two years by a U.S. policy that is realistic, positive—and highly successful. There is no valid reason to depart from this policy which so well serves America's vital interests.

We therefore:

1. vigorously endorse and support the Middle East policy pursued by the U.S. and supported by the Congress during the past two years. We urge that U.S. diplomacy continue to conform to that policy, and reject all pressures for the renewed intrusion of outside initiatives, however well-meaning, into the Middle East situation.

2. strongly urge the Big Powers and the U.S. Secretariat to desist from activities and statements that will revive false hopes that outside intervention will eliminate the need for direct, free and untrammelled negotiations between the Arabs and Israel, which alone can bring the Middle East to the threshold of genuine peace.

3. call upon all people of good will to encourage and support the ongoing process of accommodation between Arabs and Jews in the West Bank and Gaza, in such fields as commerce, public service, communication and tourism, which is helping to create, slowly but surely, the essential preconditions for peace and reconciliation.

RESOLUTION ON TRADE AGREEMENTS WITH THE SOVIET UNION

Whereas, the right to emigrate is a fundamental human right, affirmed by the Universal Declaration of Human Rights which was adopted unanimously by the United Nations General Assembly, and

Whereas, the Soviet Union and nations bound to the Soviet Union continue to deprive their citizens of this right in direct defiance of the Universal Declaration; and

Whereas, the American commitment to human rights is in the highest American traditions and,

Whereas, the Congress of the United States can give concrete expression to this commitment.

Be it resolved, that the New England Leadership Conference strongly endorses the Jackson-Mills-Vanik legislation to deny most-favored-nation treatment and U.S. credits to the Soviet Union and other nonmarket economy countries which deny their citizens the right or opportunity to emigrate; and

Be it further resolved that copies of this resolution be transmitted to Senator Henry M. Jackson, to Congressmen Wilbur Mills and Charles Vanik, to each member of the New England delegation in the U.S. Congress.

MEDICAL EVIDENCE ON ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, today I would like to insert excerpts of medical evidence from the Massachusetts criminal abortion trial Commonwealth against Brunelle. It is tragic that the U.S. Supreme Court assumed the task of deciding such a grave constitutional issue in the Texas and Georgia abortion cases with an incomplete record. The trial court hearings in the Texas and Georgia cases consisted only of oral arguments; no medical experts testified and no depositions were taken by the trial courts.

I commend this testimony to the attention of our colleagues:

DIRECT EXAMINATION OF HEBERT RATNER, M.D., BY MR. IRWIN

Q (by Mr. Irwin) Now, sir, as part of your study of abortion as it pertains to public health, have you made a determination or do you have an opinion as to when in the process of the growth of a fetus it becomes a human being?

A (Dr. Ratner) A physician who is an anthropologic physician, as opposed to a veterinarian, has as patients human beings. It is a necessity when he practices medicine that he recognize his patient; in terms of medical science he distinguishes human beings from nonhuman beings, and that is how he comes to take care of human beings as opposed to goats, and so forth.

In determining who is a human being, you can only appeal to your senses—sight and other various senses—and other various scientific observations that you can make.

The observations that you make about a baby that is born is that it is a human being. It is the same baby three minutes before it was born, a month before it was born; three months before it was born; and as you can go back, tracing at what point it is not a human being, you come to the point prior to fertilization. It is at the point of fertilization that you have to ask yourself the crucial question, to answer the question, namely, is the fertilized egg a part of another organism, or whether it is a distinct or separate organism; whether it is a part or a whole? At that point, all your biological principles indicate that the zygote is not part of the male, as the sperm is and—that the zygote is not part of the mother, as the unfertilized egg is. But that it is its own separate organism, controlled by its own genetic pattern and not by the mother's. It is now an individual organism, a human being that is in residence in the womb of the mother from whom he gets his nourishment and warmth while he proceeds with his independent existence as an organism.

Q Doctor, are you familiar with a physician known as Dr. Robert Hall?

A I am.

Q And are you aware, sir, that he testified in connection with this particular hearing?

A I am.

Q All right. Doctor, have you heard Dr. Hall use the phrase, "potential human being"?

A I have heard him use this phrase.

Q And would you tell us whether or not, based upon your experience in this particular field, as well as based upon your education and your training, whether or not the phrase "potential human being" is an accepted medical term by medical standards for describing a fetus?

A It is not an accepted medical term. I would say when you talk about "potential human being," that is a metaphysical term which contradicts what "human being" means. You are either a human being or not a human being, and there is no such thing as a potential human being, unless you are talking about sperm or eggs, which are not human beings, which have a future possibility of becoming human beings, but there is no adding or subtracting from what the concept of a human being is. Whether you have arms or no arms, or hearing or no hearing, or sight or blindness, you still remain a human being, whether you are conscious or in coma.

DIRECT EXAMINATION OF GARRETT HARDIN, PH.D., BY MR. OTERI

Q. (by Mr. Oteri) Doctor, would you define for us the science of biology?

A. (Dr. Hardin) Biology is the science that deals with the structure, functioning and activity of living objects, both plant and animal.

Q. Do you have an opinion based upon your education, training and experience, as to when life begins in animals?

A. Life is passed on from one cell to another and from one organism to another, and, in fact it never, in our experience, begins. Spermatozoa is alive; the egg is alive; the zygote that results from it is alive.

And if you go back before the spermatozoa, you find that the mother cell that gave rise to spermatozoa is alive and the egg cell that gave rise to the egg is alive; and as far back as you go, all the cells and organisms are alive, until practically three billion years ago, when scientists believe life begins.

THE COURT. I believe that is too far back. We have all we can do to deal with the present.

Q. In the study of biology, is the *Homo sapiens*, the human being, included in the studies of animals as far as biology is concerned?

A. Yes, it is.

Q. So what you have been talking about as to the beginning of life applies to *Homo sapiens*, is that correct?

A. Indeed, yes.

Q. Are you familiar with the biological term "zygote"?

A. Yes.

Q. Would you describe for us the biological characteristics of a zygote and their function?

A. By the union of a living sperm with a living egg, the zygote is formed. This zygote is just barely visible to the naked eye under favorable conditions of illumination. It apparently has very little structure through the ordinary microscope and even the electron microscope. However, biologists are sure, on the basis of a vast body of evidence, that in fact there is in this apparently structureless thing quite elaborate structure at the sub-microscopic level; that it contains in it material which tells the zygote how to develop into a mature human being, given the right circumstances.

* * * * *

Q. And can you describe for us briefly, with particular attention to the time that certain biological development steps occur in this embryo?

A. Yes. In the development, I should say that there is more than merely cell division and cell differentiation. There is also a great deal of cell death. Many of the individual cells, having served a temporary purpose, die and are liquidated. There is not only formation of new material: there is destruction of old material, in the complex process of development. Various organs are formed one after another, and simultaneously. . . . By the 12th week, some spontaneous movement takes place. These are not detectable by the mother; they are too tiny, too small.

But by the 16th week, they usually are detectable, and it is this age which is called the time of quickening. This is the time it used to be thought that life began. This is quite a mistake. The embryo is always alive, but it used to be thought that the time of awakening was the time that life began.

* * * * *

Q. In your opinion, what is the earliest possible age in the development of an embryo that it could sustain life, should it be born at that point?

A. This is clearly related to the state of technology. It used to be we thought seven months—28 weeks—was the earliest stage.

With the development of medical science, this has now been pushed back to 20 weeks when it could be sustained. It is risky; it often does not work, and if you do succeed in sustaining life, it may be the life of a mentally defective child or a blind child, if you dont adjust your apparatus exactly right, but it can be sustained from the 20th week on, with the present technology.

CROSS EXAMINATION OF GARRETT HARDIN, PH.D. BY MR. IRWIN

Q (by Mr. Irwin) Now, with reference to the point of conception, of fertilization, is it not at that moment that every human being who eventually survives this human process has once and for all the hereditary factors assigned to his life?

A (Dr. Hardin) Approximately correct. I put in the slight qualification because it is possible for a mutation to take place later during the development. This is a rather rare event, but it does happen.

Normally, most characteristics are determined at the moment of fertilization.

Q So, to that extent, at the point of fertilization we have some bit of humanness about this particular zygote, do we not?

A At that point we can say that the zygote is a member of the species, *Homo sapiens*. Whether you call it human or not involves nonscientific issues.

Q But it is a *Homo sapiens* at that point?

A That's right.

Q Which, if allowed to grow or continue to grow, except in those instances that you have related of spontaneous abortion, or clinical abortion, will mature into a human being; is that correct?

A. Yes, that is correct.

Q Is it your testimony, Professor, that there is no human being until the mother delivers the child?

A I am not capable of answering this question, because it involves non-scientific issues; namely, how do you define a "human being." This is not a scientific issue; it is a theological or metaphysical . . .

Q What is growing in the mother's womb is physical?

A Yes.

Q It can be seen

A Yes.

Q It can be touched?

A Yes.

Q And felt. Is that metaphysical or physical?

A Physical.

Q Your testimony is that through all these hundreds of years of medical science, medicine hasn't been able to label what that physical thing is; is that correct?

A No, you raised the issue of human . . .

Q Isn't that what you said?

Mr. OTERI. Let him answer.

THE WITNESS. . . . You raised the issue of human, and I said there is no definition of human that you will find in a medical or scientific book.

Q What is your definition of "human"?

A Society defines what is human, and some societies define it differently. The majority of societies do not define an individual as human until the time of christening, which usually takes place several weeks after birth and before the individual is taken to be christened, it is not human.

Q What societies are those?

A This is essentially that of the Jewish society. It is also that of innumerable societies that we call primitive, almost beyond number, and the idea of christening is a very widespread idea, and this marks the time beyond which the individual has rights of being a member of the community.

Before christening, it has no such rights.

Q Do you subscribe to that, scientifically?

A This is not a scientific issue.

Q When a thing becomes a human being is not a scientific issue?

A Precisely.

Q You are aware, are you not, of the use of electrocardiograms?

A Yes.

Q Is it a fact that a fetus, tracings of a fetus, of the heart in a fetus can be made at 12 weeks by the use of an electrocardiogram?

A Yes.

Q Does that indicate the presence of life to you?

A Life has been there from the very beginning. This is nothing new. This is just a particular manifestation of life.

Q You can see it is life?

A It is always life.

Q Right?

A It is always alive.

Q At what point does it become human?

A Again we are back to that question, which is not a scientific question.

Q This is the one area of medical science which nobody has been able to pin down—is that what you are telling us?

A It is not an area of medical science. This is an area of metaphysics, theology, and law.

Q You are an advocate of abortion on demand?

A I am against compulsory pregnancy.

Q Are you an advocate of abortion on demand?

A When I say I am against compulsory pregnancy, I am against compelling a woman to be pregnant against her wishes.

Q Did you deliver a speech entitled "The Case for Abortion"?

A Yes.

Q When you were a professor of biology?

A That's right.

Q And were you quoted in there, in that particular speech, as saying: "Any woman, at any time"—"At any time"—"should be able to procure a legal abortion without even giving a reason"?

A Yes.

Q Now, is that a fair statement of your position on abortion?

A Not now.

Q Have you changed that?

A This was 1963, when I gave that speech. I no longer word it that way, because the phrase "abortion on demand" is seen as a threatening one by the medical profession, who do not want to be demanded to do anything, and this is why I insist on saying that I am against compulsory pregnancy; and I ask those in favor of compulsory pregnancy to say why they want the pregnancy to be compulsory.

I have changed the words that I had used. The consequences are the same.

Q Professor Hardin, did you just this past May deliver a speech to the California Convention on Abortion, on May 11, 1969?

A I think that's right.

Q And there were you quoted as saying—and again I quote: "Total circumstances are such that a child born at a point of time and under certain circumstances that will not receive"—and these are your words—"a fair shake in life, then the mother should feel in her bones that she has no right to continue the pregnancy." Are those your words, in that speech in California?

A Yes, they are.

Q Were these your additional words in California, on May 11, 1969: "It may seem like a cold-hearted thing to say, but we should make abortion available to keep down taxes"?

A Yes, sir, I said that.

Q Is that a fair statement of your position on abortion today, or have you changed since May?

A No, this is a fair statement of part of my position. This has a background which you did not read.

CROSS EXAMINATION OF FRANK J. AYD, JR., M.D., BY MR. OTERI

Q (by Mr. Oteri) Now, Doctor, you tell us that in your opinion that the zygote is a human being, is that right?

A (Dr. Ayd) Fertilized ovum is a human being.

Q Is that known as a zygote?

A That's correct.

Q And you tell us that it becomes human at the moment of—you used the term "conception"?

A That's right. Fertilization.

Q You tell us this is so because the genetic plans for the future are laid in the zygote at that time, is that correct?

A Not only that, but the ovum was a human ovum and the sperm was a human sperm.

Q Now, Doctor, does the zygote at the moment of conception have the capacity to sustain life, if it were passed out of the mother right at that moment?

A No.

Q At one week does it have the capacity?

A No.

Q What is the earliest time that you are aware of when this embryo or fetus is capable of sustaining life when it leaves the mother?

A It depends on where the mother is.

Q Let's say in America.

A It depends if it is in a hospital in America; if there are facilities to provide care for premature infants, it may survive as early as 20 weeks.

Q As early as 20 weeks?

A Yes.

Q That is the earliest time you would say?

A That's correct.

Q During the 20 week period, it does not have the capacity to sustain independent life?

A Nor does a newborn child.

Q Nor does a newborn child. That is part of your answer, is that correct?

A A newborn child has to be fed by somebody. It can't sustain—it can't feed itself. A newborn child is incapable of sustaining itself.

Q This particular zygote of a few days' duration—let's say three days old?

A Yes.

Q It has a genetic package, does it not?

A Yes.

Q And this package, of course, is a blueprint for what this child or this human being will be after it is born; it has the color of the eyes? It has the size of the frame, and all the rest?

A Yes.

Q But this zygote, with this package, this blueprint in it, does not and cannot, without the intercession of the mother and all the biological systems of the mother's body supporting it, cannot develop into a human being as we know, as a live, viable person?

A At this moment, no, but in the future.

Q At the moment.

A At this moment, no.

Q When you say it is a human being, is that a medical term or a metaphysical term?

A It is a medical term.

Q The human being is a medical term?

A Yes.

Q Would you name for me one textbook, obstetrical and gynecological textbook that uses "the human being" to describe the fetus or the embryo?

A The medical textbooks usually refer to "human zygote" or "human fetus." "Human embryo," to distinguish it from a nonhuman.

Q Is it fair to say that the term "human being" involves a metaphysical distinction as opposed to medical opinion?

A It is not just a metaphysical one.

Q The embryo in the womb of the mother at, let's say, one week—what is the difference between the embyro in the womb of the woman and the embryo in the womb of a female rhesus monkey at one week?

A You have a difference in genetic composition. Point No. 2, the embryo in the monkey, rhesus monkey, came from the sperm of monkeys and—sperm of a monkey and an ovum of a monkey, in contradistinction to the fact that the human embryo came from a human sperm and a human ovum. And I guess the third one, I should think quite obvious: One is in the womb of a monkey and the other is in the womb of a human.

Q Could you tell us, if delivered a week old zygote of a—could you tell us whether it was a human zygote or a monkey zygote?

A I personally could not, and geneticists and embryologists can. They do tissue studies so they know the genetic composition of the human.

Q They can tell you *Homo sapiens* as opposed to the rhesus monkey?

A Yes.

Q Doesn't the term "human being" involve for you a distinction between—what is the distinction medically between a human being and an animal? A monkey? There is something which distinguishes us from animals. Will you tell us what that is?

A From the purely biological basis, it is a genetic make-up.

Q That is what you base all your decisions on—purely biological distinctions?

A The human being goes through a continuous stage of evolution, as does every other living organism, from its inception or conception until its death. You are a potential person and I am a potential person. You are not the same man now as you were yesterday, and I am not the same man now as I was yesterday, and you have a continuous biological evolution from the moment of conception until death; you have a con-

tinuous evolution of personality, you have a continuous evolution of intelligence.

Q Does the zygote of one week have a personality?

A It has intelligence *in potentia*. The intelligence is there, but it cannot manifest itself.

Q Does it have it?

A Yes. It has the necessary genetic make-up. There is no human way at this particular time to measure, but the mere fact we cannot measure does not disprove its existence.

Q Nor does it prove its existence?

A Yes.

Q What do you base your conclusion that the zygote has intelligence at one day?

A Because of its genetic make-up.

Q Is there any scientific publication of which you are aware that substantiates your position that there is an active intelligence in the one day old zygote?

A I didn't say there was an active intelligence.

Q Are you familiar with anencephalic children?

A Yes.

Q That is children who have no cerebrum in their brain?

A Yes.

Q And they can't think when they are born live?

A Let's put it this way: They cannot verbalize.

Q Is there any way of measuring whether a person without a cerebrum can think?

A Only at this moment, because of lack of refined tools to do so.

CONTROVERSY OVER EPA POLLUTION CONTROL PROPOSALS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BROWN of California. Mr. Speaker, a great deal of controversy has erupted in Southern California over a recent proposal by the Environmental Protection Agency to reduce pollution in that area. Last Thursday, March 8, I testified before a hearing held by the EPA regarding this proposal, and I enter that testimony into the RECORD for the benefit of those who have asked my views on this proposal:

TESTIMONY ON THE EPA IMPLEMENTATION PLAN FOR THE CLEAN AIR ACT

(By Representative GEORGE E. BROWN, JR.)

Mr. Chairman, these hearings will bring out many reservations as to the necessity, practicality and desirability of the Implementation Plan now before us. Many, if not most, of these reservations will be expressed by those who have had the power to control air pollution for many years, and who have failed to exercise that power. The various levels of government; industry, especially the automobile industry; and large segments of the population at large; all have not only failed to control air pollution, but rather in many cases have aggravated the problem.

These failures led the Congress to write the legislation which has led to this plan. The Clean Air Act amendments set a strict timetable for the achievement of clean air, giving state and local governments the responsibility—and opportunity—to devise a plan which would meet specific standards within the set time. State and local authorities still did not act, despite the fact that the congressionally mandated ambient air quality standards, based upon extension medical evidence, are as lenient as the health interests of our citizens will permit. I might point out here that the EPA, required by the law to intervene at this stage, did not do so until taken to court by the cities of Riverside and San Bernardino. Now that the EPA has drawn up a plan which will meet the requirements of the law, it should not offer the protests of those who refused to act when they had the power as a rationalization for further delay in the achievement of clean air.

This particular proposal can probably be improved upon, and I have heard many suggestions that merit further investigation. But we cannot escape the fact that the consistent failure of industry and local governments to control air pollution makes federal involvement and strict enforcement of the current law mandatory. The EPA should recognize this and it should not recommend that the standards or the deadlines be changed. If gasoline rationing is necessary to achieve the ambient air quality standards, then it should be implemented to the extent necessary. I do not see gasoline rationing as a solution to the air pollution problem, although the commitment to utilize it will contribute to the solutions. But if this commitment to achieve clean air is abandoned, the search for solutions that this proposal has stimulated may also be abandoned.

Alternatives to gasoline rationing as a means of reducing the amount of vehicle miles traveled exist. The proposed regulation as written is flexible enough to accommodate these alternate methods (The proposed regulation states that "the amount of gasoline to be controlled shall be determined by the Administrator no later than 30 days prior to the effective date of the control period. This determination shall be based on the hydrocarbon emission reduction required for the attainment and maintenance of the national standard for photochemical oxidants in Metropolitan Los Angeles Intra-State AQCR."). The EPA should not lead people to believe that the present law and the proposed regulation are inflexible as to the approaches that could be taken. The amount of gasoline rationing is not fixed by this proposed rule, and other measures to reduce air pollution that might be taken will reduce the amount of gasoline control that will be necessary. As to the alternatives to rationing, many of them can't be immediately implemented. However, there are numerous proposals that could be included in this implementation plan that would partially solve the problem. The Clean Air Act itself says that implementation plans should include "emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard including, but not limited to, land-use and transportation controls."

Mr. Ruckelshaus, when he announced the proposed regulation, stated that there are numerous means of reducing the amount of vehicle miles traveled, but that gasoline rationing was the only sure-fire method that the EPA knew of. This may be the case, but the other means should not be ignored; they should be fostered by the EPA, even if they provide no guaranteed reduction in emissions. Among those alternatives cited by Mr. Ruckelshaus are increased use of mass transit, increased car pooling, vehicle free zones, increasing the cost of motor vehicle use, limiting the number of automobiles and motorcycles registered, and land use controls.

My main concern is that these alternate means of solving the air pollution problem will be bogged down by the same process that has failed to meet the air pollution crisis over the years. There is no air basin wide pollution control agency. There is no air basin wide transportation agency. There is, in fact, virtually no basin wide planning, particularly in the area of land-use.

Nor is there any consideration or concern for energy conservation. All we have is a basin-wide air pollution problem. The overlapping levels and agencies of government and the division of concern have created a hopelessly fragmented approach to these problems. One level is often working against the other levels, frequently with none of them working on the best overall solutions. We need a regional agency that will combine the functions and duties of air pollution control, transportation controls, land use controls and energy conservation. This regional agency should have the ultimate power to enforce air pollution laws, set priorities for transportation spending, determine major land use questions, and try to develop a system that has maximum conservation of energy. The EPA presently has the power to do much of this, and where it does not, it should ask the Congress to provide it with that power. I am not suggesting that the federal government take over the functions of local governments. In the Clean Air Act, the states were given the primary responsibility, but the law gave the federal government the responsibility to step in if the states failed to act. I firmly believe that the federal government should provide the standards, the leadership and the power to guarantee healthy environments to all its citizens.

The federal government is not guiltless in this problem of having different levels and agencies of government working against each other. One glaring example is the Highway Trust Fund, which encourages more highways, which encourage more cars, which waste more energy; while the federal government sets clean air standards that cannot be met if these other trends are continued. These problems must be faced and long range solutions, should be attempted. We should not continue to aggravate problems by continuing the current policies. There should be a moratorium on all major construction in this air basin, until all policies and assumptions are reevaluated to meet the needs of an ecologically sound environment. The Environmental Protection Agency should be a leader in this regional approach and use the power and incentives at its disposal to make this approach work.

CARDINAL MEDEIROS' ELEVATION

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. STUDDS. Mr. Speaker, on March 5 in Rome, Humberto S. Medeiros was presented with a cardinal's red hat, culminating his rise from a poor Portuguese immigrant to a Prince of the Roman Catholic Church. His life, from studying English in night school to his many good works in the communities which he served, can stand as an example not only to the pious but to the millions of immigrants who seek a new and better life in the United States.

I commend for your further information the following front page editorial from the Diario De Noticias, of New Bedford, Mass., America's only daily newspaper published in Portuguese:

OUR VIEWPOINT

Today we would like to pay tribute to a Man of God who has brought much credit to his native Fall River and to New Bedford—Humberto Cardinal Medeiros.

Born in Arrifes, a village adjoining Ponta Delgada, principal city of St. Michael in the

Azores, he has risen from a poor immigrant to a Prince of the Roman Catholic Church. Even as a boy, the new Cardinal showed an intelligence that foretold of promising opportunities. At the age of 8 he was able to balance his grandfather's accounts.

At 12, he was employed by a wholesale grocer in Ponta Delgada, walking two miles each way daily. He attended school days and worked at night, taking special courses to learn English. In 1937 he was graduated from Fall River's B.M.C. Dufree High School among the top four in a class of 651. And at that, he completed the four-year course in two years!

He then attended Catholic University in Washington, D.C. He became an American citizen in 1940. He furthered his studies in Rome. He was ordained in St. Mary's Cathedral, Fall River, June 16, 1946, by the late Most Reverend James Edwin Cassidy. He offered his first Solemn High Mass the next day in St. Michael Church, Fall River.

We salute His Eminence Humberto Cardinal Medeiros because he has earned and continues to earn the highest praise that can be given to anyone: He is a good man. He also is a great man.

His New Bedford affiliation is associated with Our Lady of Mount Carmel Church on Rivet Street in the South End, where he served as a curate in early 1949. So New Bedford shares in the great honor that has come to a humble, sincere Servant of the Lord.

Many friends of the new Cardinal from both New Bedford and Fall River joined the pilgrimage to Rome for the consistory at which Pope Paul VI officially elevated Bishop Medeiros to the Sacred College of Cardinals. Nearly 200 were with the Right Reverend Monsignor Anthony M. Gomes on the flight to Rome. All members of the Cardinal's immediate family shared in his day of joy, including two brothers and a sister.

From this corner, we again salute Humberto Cardinal Medeiros and wish him well in carrying the high honors bestowed on him and the responsibilities that now are his.

NEIGHBORHOOD LEGAL SERVICE PROGRAMS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HEINZ. Mr. Speaker, championing the rights of America's underprivileged is the exclusive province of neither conservatives nor liberals. It is both morally and constitutionally correct. What is fundamentally American is that all our citizens, regardless of income level, race, or creed, are equal before the law. In this vein, the operation of neighborhood legal service programs across this land, is evidence that we guarantee the rights to legal representation to those Americans who cannot pay the costs of their day in court.

To better inform my colleagues of the broad-based support for community legal services, I am asking permission to include in the RECORD a letter I received from Robert Stokes, and an editorial describing his activities as president of the local neighborhood legal services. Mr. Stokes is an attorney and a distinguished public servant. He is described in an editorial in the Pittsburgh Post Gazette as a conservative, yet there is no question where he stands in championing the rights of the indigent through continuation of community legal services. What follows is the text of his letter and the editorial:

CLAIRTON, PA., *February 26, 1973.*

As you will recall, I have for several years served on the Board of Directors of the Neighborhood Legal Services program of Allegheny County and for the past two years have been its president. I believe it is very important that all of our citizens be given the opportunity to have their rights recognized and that the Legal Services programs have effectively provided this opportunity to hundreds of thousands of poor people.

The Allegheny County Legal Services program of thirty full-time staff attorneys is not nearly large enough to meet the basic needs for legal services of the County's low-income residents. Yet it appears that the program is in grave danger of being forced to curtail, if not terminate, its operations because of cut backs in funding.

Approximately 60% of the program's funding comes from OEO. The President has proposed that this funding continue through a public legal services corporation which he will ask Congress to create. From our past conversations, I know that you strongly support the creation of a legal services corporation which will insure the independence of legal services attorneys from political influence and permit full representation of the interests of the poor. It is important that such legislation be enacted as soon as possible because uncertainties as to the future of the Legal Services program will result in the more experienced attorneys going elsewhere.

Our most immediate problem, however—and the reason for this letter—is to request your help in securing the modification of proposed regulations of HEW that will drastically affect the Legal Services programs of Pennsylvania, including our Allegheny County program. For the remaining 40% of our funding we are dependent on a 75% match provided by HEW Title IV Social Service funds. These funds are provided under HEW regulations which presently list legal services as an optional social service which the State may provide. The proposed regulations (approved 2/13/73 and contained at p. 4608, F.R. Vol. 38, No. 32, 2/16/73) no longer list legal services as an optional social service for which Title IV funds may be used.

It is essential to our Allegheny County legal services program (as well as most Legal Services programs in Pennsylvania) that these proposed regulations not take effect. We are hopeful that the regulation will be amended to again list legal services as an optional social service which the State may provide to all persons on welfare, including AFDC recipients. Alternatively, we request that general language be added to the regulations which would permit the States to use social services funds for any type of social services provided in the past. And as a last resort we ask that the regulation contain a grandfather clause protecting those Legal Services programs which are now using Title IV funds.

I can see no reason to exclude legal services as an optional social service. Its exclusion will not result in the substantial savings of Federal funds because presently only four states (Pennsylvania, Maryland, Georgia and Montana) receive Title IV funds for legal services and the total contribution by HEW for legal services is less than five million dollars per year. Also since legal services is an optional service, these funds are used only in those States which favor the expansion of legal services programs. In keeping with the Administration's philosophy that the States should be given more opportunity to decide how Federal funds are to be spent, the proposed regulations should be modified to give the States the opportunity to use social services funds for legal services.

I will appreciate your help in this matter. Incidentially, I am enclosing a very favorable editorial which appeared in the February 21st issue of the Pittsburgh Post-Gazette in support of legal services.

Sincerely,

ROBERT F. STOKES.

THE ASSAULT ON LEGAL SERVICES

Among the prime casualties of President Nixon's plan to dismantle the Office of Economic Opportunity apparently would be the controversial Legal Services program. Poverty lawyers in 300 communities throughout the nation have distinguished themselves by their zeal and championing the rights of the indigent and pressing for essential law reform.

Opponents of the Legal Services program contend that litigation in behalf of minority groups which hampers the functions of elected officials is undemocratic in that it contravenes the will of the majority. Most galling to enemies of the federal legal services program has been its success in challenging rulings of federal, state and local agencies which deprive the uninformed poor of basic rights.

President Nixon has assured supporters of the Legal Services program that he will shortly offer legislation calling for creation of a public corporation designed to carry on the functions of the agency without political interference. Believers in the Legal Services program would be less apprehensive if the President had not appointed a sworn enemy of the Legal Services program to preside over the summary liquidation of the OEO.

Howard J. Phillips, acting director of the OEO, has expressed his distaste for the wide-ranging activities of the nation's 2,500 poverty lawyers: "I think Legal Services is rotten and it will be destroyed."

In Allegheny County, Robert F. Stokes, president of the local Neighborhood Legal Services, has revealed his determination to fight dissolution of the legal services program. Mr. Stokes, Republican candidate for County Commissioner in 1971, is especially disturbed at rumors that the government may forbid local legal services agencies to use donated money as the local match for federal funds. The conservative Mr. Stokes, who regards the program as a means of drawing the disadvantaged back into the mainstream, remains skeptical that it can be reconstituted as an effective force once the OEO has been dissolved.

Not only is the right of the poorest citizen to contest an unjust governmental or business action a democratic safeguard, but the opportunity for legal redress is an indispensable safety valve for social discontent. A democratic means for the orderly expression of protest must not be casually discarded.

ABORTION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HOGAN. Mr. Speaker, I would like to submit the following reply to a WCBS–TV editorial on February 16, 1973, by Pastor Lester Messerschmidt. Pastor Messerschmidt is the interfaith coordinator of the New York Right to Life Committee and has been active in the fight to overturn the January 22 de-

cision of the Supreme Court to legalize abortion.

The text of this speech maintains the viewpoint expressed in a constitutional amendment, House Joint Resolution 261, that I proposed on January 30 of this year. I would, therefore, like to call this speech to the attention of my colleagues:

ABORTION DECISION

(Replying to a WCBS–TV editorial on the Supreme Court decision on abortion, here is Lutheran Pastor Lester Messerschmidt, Interfaith Coordinator of the New York State Right to Life Committee.)

Describing the Supreme Court's abortion decision, WCBS–TV said the "ruling wisely refrained from defining when life begins." But is this really wise? We think not. All relevant medical authority quite clearly states that human life begins at conception. Even medical authorities that favor abortion have acknowledged this. The official journal of the California Medical Association, for example, has stated it is "a scientific fact, which everyone really knows, that human life begins at conception."

Even if we were to disregard such medical testimony—as the court obviously did—we still could not regard the court's ruling as wise. By asserting that they do not know when life begins, the court is implicity acknowledging that the fetus really might be a living human being. Surely it is not wise but indefensibly presumptuous to legalize abortion when—in the court's own thinking—it may involve the destruction of a human being. Would it be wise to demolish a building that might be inhabited? Yet the court has made abortion legal for virtually any reason in virtually any of the nine months of pregnancy.

For those who are shocked at his decision, do not despair. Birthright projects are now helping pregnant women solve their problems without abortions. Concerned people are moving to prevent the precedent of this decision from menacing the retarded, the infirm, and the elderly. And history tells us that the court's ruling may be overruled; just as the Dred Scott Decision was eventually overturned so that owning a slave ceased to be a citizen's private matter, so too we hope that the abortion ruling may be upset and unborn children may be granted the legal protection they deserve.

ZPG—IS IT RELEVANT?

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. BLATNIK. Mr. Speaker, an editorial published in the Minneapolis Tribune, focuses on one aspect of what I believe to be the greatest challenge to the Nation in the coming quarter century—population growth and, more important, population distribution; and the need to plan for both at the national level.

While the population growth rate is dropping—to the point where we can actually begin talking about the arrival of zero population growth and the resultant changes in consumer trends, population maldistribution—its concentration in urban areas—will continue to nullify many benefits of lower total growth rates.

For instance, a national growth rate of less than 2.1 children per family is meaningless if one-sixth of our total population is already concentrated between Boston and Washington, and that trend continues; and if areas like the Washington-Baltimore complex continue to grow by 34 percent per decade as it did between 1960 and 1970.

The Nation should be concerned with the implications of net population growth, or its lack thereof, because it will have a tremendous impact on how the Nation allocates its total resources over the next three decades and more.

But we must also develop a national growth policy related to distribution of population and the elements of economic growth, so that those Americans who prefer to live in less-crowded nonmetropolitan areas will be able to find the satisfying work, comforts, and conveniences as well as health and educational necessities they must presently seek in the metropolitan areas alone.

Our House Public Works Committee will be holding hearings on this subject in the near future, and I invite the ideas of my colleagues as well as of all concerned with the implications of population growth and distribution, and with the factors that determine economic growth throughout the Nation.

Believing as I do that the Minneapolis Tribune editorial contains vital insight into an aspect of Minnesota life which is reflected in the majority of States not included in the Nation's megalopolises, I wish to make it available to all the people of the United States:

POPULATION TRENDS

In the statistics that have showered down upon them—from the tonnage of bombs dropped on Indochina to the costs of the proposed Minneapolis domed stadium—Minnesotans can be excused if they missed two that might be of more significance than all the rest. In 1972, the state's birth rate dropped to new low of 14.4 babies per 1,000 residents. Also, in 1972, for the first time ever, the U.S. fertility rate dropped below the 2.1 children per family necessary for the population simply to replace itself.

The importance of these little figures is not so much in their sizes, but in what they represent. What they point to, in effect, is the distinct possibility that one day, possibly as soon as 80 years from now, America may have a stable, rather than a booming, population, or what is sometimes called zero population growth.

Statistics are risky things to play with, but they do provide the sociologists, scientists, businessmen, legislators and others who are responsible for planning the future with something more than just guidelines. Failure to follow the trends these figures indicate often can lead to serious problems such as that now faces Minnesota's colleges and schools where there are hundreds of empty dormitory beds and classrooms. A more accurate—and less growth-oriented—evaluation of birth statistics might have helped save the state's taxpayers a heap of money that could have been spent on other needs.

But the figures alone are not enough. They have to be clothed with meaning, and trying to do that often raises more questions than can be answered. One of the biggest of those questions is: What will life in America be like if the predictions of a stable population come true? Newsweek, not long ago, put together some of the answers it had gleaned from the experts. Here are some of their very tentative conclusions, short-term and long-term:

Old people will become relatively more numerous, more significant an economic force and more powerful politically. Industries that cater to the old—health facilities, retirement villages and the like—will enjoy a growing boom. By the same token, companies keyed to the young, particularly to infants, face a relative decline. The one-family dwelling will give way more and more to the smaller suburban apartment. Automobiles will probably grow smaller. And, with per-capita income rising, families will have more money to spend and may well tend to spend it on service industries—entertainment, travel and other leisure-time activities—rather than on material goods.

Perhaps most fundamental, the Newsweek summary said, is that "Americans will have to abandon the old expansionist mentality that sees growth as the source of social mobility and economic betterment for the poor. Without a 'rising tide' to raise all the boats, the nation will have to confront its social problems more directly. The only conclusion is that, with a stable population, these woes may be less immense." Many of the changes Newsweek contemplates already, in one way or another, are making their presence known. How Americans think about them today will set the pattern for the future. If life in America is, indeed, following this pattern, it could well mean that Americans are beginning to learn to reduce their scale of living while improving its style. That would be both constructive and enriching.

JOHN DOWNEY SEES HIS MOTHER

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mrs. GRASSO. Mr. Speaker, the long and lonely night is over for John Downey, for his courageous family, and for friends in his hometown of New Britain in my congressional district and throughout Connecticut.

John Downey is now at the bedside of his mother. But for more than 20 years of his life, he had been a prisoner in China. No words can fully express the relief and thanksgiving all of us feel who have worked and prayed for John Downey's release for so long. We rejoice that the People's Republic of China has responded to the request that Mr. Downey be allowed to come home.

The special sense of joy on this occasion is understandably tempered by the knowledge that Mr. Downey's early release was initiated by the news that his brave and determined mother is severely ill. Throughout the long vigil, Mrs. Mary Downey's staunch spirit matched that of her imprisoned son. Their communion of love and shared hopes over the years make this reunion a testimony to their splendid strength of character.

It is my earnest hope that all Americans will pray for Mrs. Downey's complete recovery so that she will now be able to experience happiness and contentment which has eluded her for so many years. As for her newly freed son,

we say "Welcome Home, John Downey, Welcome Home."

LITHUANIA LIVES ON AS "A NATION" AT BALZEKAS MUSEUM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. DERWINSKI. Mr. Speaker, in our preoccupation with many personal problems, we often take for granted the blessings which we enjoy as Americans. One of the points that, in my judgment, does not receive enough attention is the great contribution that was made to the development of our country by the immigrants who came from many lands to find opportunities here in the United States. These Americans make a great contribution to the progress of our country and properly maintain a pride and knowledge of the heritage of the land of their forefathers.

A very special undertaking in the Chicago area is the Balzekas Museum of Lithuanian Culture which is featured in an article in the Stickney-Life of Wednesday, March 7, 1973, by that paper's ace reporter, Miss Judy Topinka. I am pleased to insert this very timely and impressive article into the RECORD:

LITHUANIA LIVES ON AS "A NATION" AT BALZEKAS MUSEUM

(By Judy Topinka)

Lithuania may be smothered by the Iron Curtain but its culture goes on in its descendants in Chicago, especially at the Balzekas Museum of Lithuanian Culture, 4012 Archer ave.

Stanley Balzekas, owner of Balzekas Motors, 4030 Archer ave., Chicago, grew up in basically an American home, but his Lithuanian heritage was an accepted part of life. Always a history buff, he collected armor and antique weapons. From that he began reading up on his parents' native land and started collecting other items of the Lithuanian past. The next logical step was to put it all somewhere, and hence, the Balzekas Museum took form.

When the museum opened on June 22, 1966, Balzekas' various collections found a home. Now, with 22 departments expanded to include Lithuanian items, items related to Lithuania culture or items made by Lithuanians, Balzekas is no longer the sole contributor.

"We find many of the older folks die, and their children do not know what to do with old textiles, handicrafts and other items. Yet, they do not want to throw them out. We serve as a good outlet and the community is now making available to us a number of interesting exhibits," said Balzekas who continues to be the museum's angel.

"There was a definite need for a Lithuanian ethnic museum, library and archives," the second generation Lithuanian-American founder said. "In fact, every ethnic group needs one. Our museum, one of the most active and professional in the country, has had other ethnic groups studying it in order that they too can open up similar ones. A Yugoslav museum modeled on ours has already opened in Pennsylvania, and a Belgian one is now operating in Des Moines.

"We should serve as a prototype, too," he continues, "because we followed in the footsteps of all the big museums in the country, getting the best voluntary help possible to operate our departments and doing things professionally."

Running on an operational budget of $30,000 a year, the museum survives because of membership dues and donations. About half the membership is not of Lithuanian descent, "but that is understandable since we have opened various exhibits appealing to all ethnic groups, provide classes in music and art, and cover a broad historical spectrum," Balzekas said.

The museum, open seven days a week at no admission, offers an easter egg decorating class every year which draws a large response from Luthuanians and other nationalities. For the last four years, Mrs. Ursula Astra has come from Grand Rapids, Mich., to show how etchings can be used on Easter eggs following an old Lithuanian custom. She draws more than 600 people a year in two classes, one from 10 a.m. to noon and one from 1 p.m. to 3 p.m., this year starting April 7.

In another exhibit, the art of Belgian lace making was demonstrated, while another featured Polish customs.

"What we are trying to create is a non-chauvinistic atmosphere here. Many of the people of Chicago have lost their parents' language and ways and are Americanized. We want to show Lithuanian culture, but not to the point where we become segregated. We want everyone to enjoy the museum," he said.

Because of the Communist takeover of Lithuania, one cannot get native Lithuanian artifacts anymore, Balzekas pointed out—especially those made before 1945. Although many of the articles on display are not priceless, they are irreplaceable. The oldest exhibit features coins from the 13th century, and also shown are costumes, eastern European maps, dolls, arts and artifacts of old Chicago homes, and folk art.

The library and archives have become so large that it now fulfills requests for information from colleges, universities, scholars and private individuals. Some of the volumes date back to the 16th century. The Baltramaitis collection of art contains more than 5,000 items on all facets of Lithuanian art in addition to information on individual artists.

To meet an apparent need for information concerning Lithuanian genealogy, archives have been created to compile background data relating to families of Lithuanian descent, and a newly formed theater and drama archives will house memorabilia from every part of the world.

EDA AND THE OZARKS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr HAMMERSCHMIDT. Mr. Speaker, the House will consider this week legislation to extend for 1 year the Public Works and Economic Development Act of 1965. In view of this, I think it appropriate to call to the attention of my colleagues a timely article appearing in the March 11 Sunday Washington Post.

It presents a good account of a region in the country substandard in economy and heavy out-migration for several decades. As depicted in the article, this situation has now reversed.

Many factors, no doubt, are involved in turning the trend upward. I am convinced that a major contribution has been the Economic Development Administration and the important role of EDA planning districts serving the region.

The EDA concept has exhibited an ideal Federal-local partnership whereby governmental investment yields a substantial return through accelerated receipt of taxes which avail from the multiple economic factors of seed capital. EDA has proven itself as a responsible vehicle for delivering the Federal dollar to meet local needs, with grassroot input determining spending priorities. In depicting Federal-local partnership at work, the article speaks for itself.

The article follows:

END OF OZARKS' OUT-MIGRATION MAY SIGNAL NATIONAL TREND

(By George C. Wilson)

TIMBO, ARK.—Jimmy Driftwood, the balladeer of the Ozarks, is telling about the big decision his parents had to make one summer night when he was a boy growing up in this northwest section of Arkansas.

As he talks, cows heavy with spring calves bawl in the pasture out back. A kettle hisses on the stove inside the wood-plank kitchen of the farmhouse.

"One summer, Mr. Leander Carter came over to our place and said, 'Jimmy, I'd like to hire you for the summer to do everything there is to do on the farm—plow corn, cut sprouts with the hoe, whatever. If you bring your dinner, I'll give you 50 cents a day. If I feed you, I'll give you 40 cents a day.'

"That night," Jimmy continues in a voice tinged with reverence, "my Momma and Dad talked a long time about what would be the most economical thing to do. They finally decided for me to eat with him. They felt like what I would take to eat would be worth more than the difference."

So Jimmy Morris—his stage name of Driftwood came much later, after his country songs had won a national following—worked for Mr. Carter in the summer of 1923. He was happy to be the only boy around with a paying job.

THINGS ARE BETTER

Today, after lots more summers with few jobs, things are much better in Arkansas. So much better, in fact, that Chairman John L. McClellan (D-Ark.) of the Senate Appropriations Committee and others argue that the Arkansas experience is the way to stem the national exodus from farm to city—a migration that continues to empty out the Great Plains as people pile up in urban areas.

McClellan and—by last year's count anyway—at least 39 other senators are pushing a bill (S-10) to give more federal aid to the countryside to hold the people there, away from the cities. That concept is at the heart of the current budget battle as President Nixon moves to eliminate several programs designed to revitalize rural areas.

Beyond the political fight, and probably more important, lies the question of whether what is happening in the Ozarks is the leading edge of a new national trend—people with a choice opting for quality of life even if it means fewer material possessions.

"There was a major reversal of former population losses in a non-metropolitan area extending over northern and western Arkansas, eastern Oklahoma and southwestern Missouri," notes Calvin L. Beale, Agriculture Department specialist in population trends, in examining what happened between 1960 and 1970.

Rural areas in the lower Tennessee Valley, West Central Kentucky, Pacific Coast of Washington, western slope of the Rockies in Colorado and the northern half of Michigan's

Lower Peninsula also made comebacks in the 1960s in terms of holding people in the countryside.

Reasons for this changing tide vary by area, of course, but the Arkansas experience—to examine one dramatic example—suggests that young people will indeed stay "down on the farm" if they can find a job other than farming.

Census Bureau figures for Arkansas show that:

The state's total population dropped from 1,949,387 in 1940 to 1,909,511 in 1950 to 1,786,272 in 1960 as people went looking elsewhere for work. But in 1970 the population climbed to 1,923,295—an increase of 7.7 per cent.

Also, the biggest single jump between 1960 and 1970 was in young people, as the number of people aged 20 to 24 increased from 99,852 to 143,039—a gain of 43.3 per cent. The older population increased substantially, too, as thousands retired to Arkansas—attracted by its low-cost living and pleasant environment.

On a county-by-county basis, 46 of them gained population, 28 lost and one stayed the same between 1960 and 1970. In 1960, only six of the counties gained people over the previous census and 69 lost them.

Personal income climbed sharply, even though many people in Arkansas are still in poverty.

In 1959, 14.2 per cent of the families in the state had incomes of less than $1,000 a year. This percentage was cut by two-thirds by 1969, to 4.4 per cent.

Looked at another way, the median (halfway point between the highest and lowest) income for males in Arkansas over 14 years old was $2,159 in 1959 and $4,026 in 1969. This compares to $3,837 and $5,918 for those two years for the District of Columbia.

THE MINI-BOOM

The biggest single reason for this miniboom in Arkansas is the industries which have moved into the state, according to the specialists. Close behind is the income from tourists and retirement people. And state leaders see further economic uplift coming rrom the McClellan-Kerr Arkansas River Navigation System—providing a water highway from the Mississippi to Tulsa. Tonnage on the 448-mile waterway increased 45 per cent between 1971 and 1972.

Between 1960 and today, when the population flow reversed, an additional 142,492 jobs were created in Arkansas, according to the Arkansas Industrial Development Commission. Of that total, 75,138 jobs were created by new industry which located in the state since 1960 and the rest were from expansion of existing companies in Arkansas.

The Development Commission said that 754 companies were newcomers to Arkansas, with the largest in terms of employees including American Greeting Corp., Emerson Electric Georgia-Pacific Corp., International Paper, Levi-Strauss, Singer Co., Teletype Corp., Timex, Ward Furniture and Warwick Electronics.

Arkansas' congressional delegation; former Republican Gov. Winthrop Rockefeller; Democratic Gov. Orval Faubus; the Development Agency, and the federal assistance through the Economic Development Administration, Farmers Home Administration and Ozarks Regional Council all are credited with the state's economic advancement.

The Ozarks themselves—and land of steep hills and clear rivers—provided an economic boost as a growing number of tourists came into the state. State leaders are making a concerted effort to draw in more tourists, with the Ozarks Folk Center in Mountain View a prime example.

Rep. Mills, when Mountain View was in his district, championed the folk center which opens next month with performances by the Rackensack Society fiddlers, banjo players and country singers. The $3.39 million center was built under an Economic Development administration grant which paid for 80 per cent of the cost.

LESSON FOR ALL

There is a lesson in all this for the rest of the United States, according to Arkansas' two most powerful Democratic politicians, Chairman McClellan of Senate Appropriations Committee and Wilbur Mills of House Ways and Means Committee—leaders President Nixon must heed if he hopes to get his legislative program through Congress.

The lesson, McClellan and Mills state, is that there is a relatively unexploited middleground between the jobless countryside and overcrowded cities.

"The family farms are gone," says the 77-year-old McClellan who has studied the problem for decades. "There is not going to be any more family farms.

"But," he adds, "if we get industry to locate out in these rural areas, then we can keep the people there. The man who likes the outdoors can still do a little farming for himself. He stays. He knows he's got a regular job to depend on."

"Industry, labor and government should study what has happened in Arkansas," Mills said.

"In the long run it will be better for the country if we can get industry to diversify," Mills says. He pushed for numerous small plants for Arkansas in preference to large defense industries which lay off thousands of workers once a contract runs out. Mills contends labor leaders' fears about losing their grip over workers in Arkansas' small plants have not materialized.

Both McClellan and Mills say they agree with Mr. Nixon that federal spending must be held down but that eliminating the Economic Development Administration and Farmers Home Administration is not the way to do it. They are fighting those White House recommendations. Revenue sharing cannot work as a substitute, they argue.

"These little rural communities have to put down the waterlines to attract industry in the first place" McClellan says. "They just don't have the money and they can't borrow it. They can't borrow on some promise that maybe they are going to get some revenue sharing funds from the government. The communities must have these grants and loans. It's much cheaper for the government than trying to rebuild slums where there are not enough jobs for the people who live there."

While jobs are the big factor in holding native Arkansans on the land at long last, other people are coming into the state in pursuit of quality of life—of a better environment for themselves and children.

John C. Johnson is one. At age 46, he quit a well-paying white collar job and a house in the suburbs for a 290-acre farm he bought in the hills outside of Mountain Home, Ark. for about $40,000.

NO SACRIFICE

So far, he does not look upon his new life as an economic sacrifice—not when you figure it out. "I probably made a mistake by not moving here in 1965," he says during a respite from putting in fencing for the beef cattle he has ordered.

"The cost of living has been going up so much since 1965 that there was nothing left of the paychecks I used to get anyhow. You can't earn enough to keep up—at least in the business I was in."

Johnson was senior electrical engineer for the Motorola plant in Phoenix, Ariz. He made close to $20,000 a year, on that job, worked on the communications for the Apollo spaceship and lived in the suburb of Scottsdale.

As he talks of the frustrations of engineering, his wife, Dee, pours some sassafras tea she made in her new role as country wife.

"Ninety-nine per cent of my work in the last 10 years has not been intellectually stimulating," Johnson says. "You're not making big technical breakthroughs working for the electronics industry. You can easily learn all the facts you need to know."

So now Johnson plans to buy 20 pregnant cows for $400 a head, or a total of $8,000; sell the calves next year for $300 ahead, or a total of $6,000, to get most of his initial investment back; then start making a profit with the next bunch of calves from the same cows.

"Back in Scottsdale," Mrs. Johnson says, "it was a big deal when my son, Danny, could fish in the itty-bitty pond in the park. Now he fishes in our own stream out back. This is an answer to a prayer for me."

The Johnsons chose Arkansas because the land, besides being beautiful, is cheaper than in Colorado, taxes are lower and the climate is milder than that of the Great Plains where Johnson grew up.

The conversation in the Johnson living room touches on some of the drawbacks of living in the Ozarks. One of the children needs special schooling but there is none near Mountain View; ice on the roads sometimes cuts off the family from town; stores are sometimes unable to fill even such simple needs as a length of two-by-four, and social life is sparse because "when it gets dark around here, people go to bed."

But on balance, the Johnsons say they are happy they moved to Arkansas last summer. They intend to stay. As a final word on their new life, they bring out a placard presented in farewell by Johnson's fellow employees at Motorola. It concludes: "All in all, we sure envy you."

But the Ozarks certainly are not for everybody. Testifying to this is a nurse interviewed in a glistening corridor of Boone County Hospital in Harrison, Ark.—population 7,239 according to the sign on the highway.

"If I were single, I'd never come here," says Mrs. John Hagen, 25. She says she and her husband moved here from the Erie, Pa., area "because of the unpolluted lakes and country living.

NOT FOR SINGLES

"But," she adds, "this is for young marrieds and retired people—not single gals." She and her husband are looking for farm property but have found prices rising sharply. "People want the growth to stop. They want it the way it is."

Lewis W. Spencer, administrator of the 133-bed Boone County Hospital, readily admits that single nurses are not eager to come to Harrison. "She'd find darn few single young men when she came to Harrison," he says. How she would meet them if she did come is another question. There are no bars in Harrison—part of a dry county—and almost no other gathering places for young singles.

In spite of, or because of, this low-key life in Harrison, Spencer has little trouble in recruiting doctors for his modern hospital in the Ozarks. They come for the quality of life, he says.

"Wherever he goes, a doctor knows he is going to make a good living. We can offer him a fine place to raise a family." The "fine place" includes nearby rivers and lakes; a new ski slope and ice skating rink at the Dogpatch tourist complex outside of town, and mountains for hunting.

Spencer's sales pitch works. He says there are 24 doctors in Harrison now and three more on the way. With 27 doctors to serve a county population of 19,073, this works out to one physician for every 706 people. The national average is one doctor for every 612 people.

The availability of medical care in Harrison and in the Little Rock Medical Center 140 miles to the south is, of course, comforting to people moving to the Ozarks, especially

the retirees. The same is true of lower hospital costs—$32 a day for a semi-private and $42 a day for a private room in Boone County Hospital. For comparison Sibley Hospital in the District of Columbia charges $61 a day for a semi-private and $70 for a private room.

Floating down the Buffalo is indeed a delight—at least in March when the water is high. The river is clear with a sand and gravel bottom, and smallmouth bass dart away from the canoe's shadow. On our trip, a flock of wild turkeys flew out of a green glade along the swift water.

The sudden growth of the Ozarks and the changes it is bringing, like turning the Buffalo River into a national park, is not universally applauded, of course. Fred Dirst, who lives in a trailer along the river at Rush, does not mind saying so.

CHANGE LAMENTED

"You from the Park Service?" he asks a visitor, who replies in the negative.

"Good, then it's not open season on you." Dirst tells of how much he hated to give up his riverside farm, but he concedes tourists will soon be coming down the Buffalo in such numbers that the land will be too crowded for his comfort anyway. How about buying another farm somewhere else?

"I'm 72," Dirst says drily, "If you got any farming to do at that age, you should of done it already."

Time after time in interviews with new arrivals in the Ozarks, one hears complaints of muggings, pollution and the general raspiness in the cities they left. Beneath these complaints lies one that is seldom volunteered right away. Lots of people are settling in the lily-white Ozarks of northwest Arkansas to get away from blacks and the strife they associate with them.

"I'm being very honest with you," says a retired life insurance salesman who moved from Chicago with his wife to Mountain Home. "What was left for us back in Chicago? You couldn't go into the city at night without worrying about getting robbed. All that is left back there is a bunch of boos"—short for "jigaboos," a derogatory term for blacks.

A more polite expression is heard frequently in the Ozarks. "You know, we don't have that black-white problem around here."

Native Arkansans when asked about the lack of blacks in the hills say it is from lack of jobs rather than from prejudice. "What in the world would they find to do around here?"

In the eyes of former city dwellers and suburbanites seeking a better quality of life in the Ozarks, one big fear is that growth will mean an end to the beauty they came here to find.

"We would have moved to Washington, D.C., if we could have found some place secure to live. We didn't have that kind of money," says Donald Troyer, 30, a biology major who worked at Washington's Junior Village before moving to Mountain View.

"I like the out-of-doors and the folk setting. But the more people that come here, the more diluted it all becomes."

Political leaders assert they are well aware of such fears about the Arkansas environment.

ORDERLY GROWTH

"We're trying to keep this growth orderly within the city limits of Harrison," says Mayor Hugh Ashley. "But both the counties and small towns better go on with their planning or else there will be a lapse" in controlling the growth.

"We have no county planning yet that we can enforce," says Boone County Judge James Roy Eoff, 51, whose job is really that of county manager rather than magistrate.

"Until we get our plans for the county drawn, we can't do much. We like to see this growth but we don't like to feel these growing pains. We're probably growing faster than old timers would like to see it. But there aren't many old timers.

"As a person, I got all the standing in line I wanted when I was in the service. Personally, I would like to see this growth level off.

"But many people would like to see it keep growing like it is now. . . . The money-hungry people are going to win."

Donald R. Raney, as executive director of the Northwest Arkansas Economic Development District, is charged with worrying full time about the growth problem troubling Judge Eoff and others.

The development district helps officials in nine northwest counties of Arkansas plan their future, and Republican Rep. John Paul Hammerschmidt says its operation should be a model for meshing federal assistance with local needs. The technique is to apply for all available federal and state money for the nine counties and then work up plans with local officials for spending it.

FEARS NOT SHARED

Raney, himself a native Arkansan, does not share Eoff's fears about the future. He believes planning is far enough along to preserve the woods and waters of the Ozarks even as job-providing growth continues.

Ask Raney for a one-word reason for this new prosperity in his jurisdiction and he answers, "Water." Loans and giants financed waterlines for industry, the U.S. Army Corps of Engineers built dams in his northwest district at three places on the White River—Beaver, Bull Shoals and Norfolk—providing attractive recreation spots, flood control, and drinking water.

Now, says Raney, if Arkansas would just change its state constitution to allow realistic taxation to finance such improvements as roads—and if the federal government would continue to make grants for providing and cleaning up water—the new prosperity of the Ozarks will keep spreading at a rapid rate.

THOUGHTS ON AMNESTY AND RECONCILIATION

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. KOCH. Mr. Speaker, with the current discussion about giving aid to the rebuilding of North Vietnam, we should not neglect those men who left this country because they did not agree with the war and now want to come home. I cannot understand how we can justify such magnanimity toward our former enemy while being so unyielding with our own people who left the country because they had legitimate and deep differences with our Vietnam policy. The Reverend Dr. Robert V. Moss, president of the United Church of Christ, delivered a speech on amnesty on February 5, 1973. I recommend Dr. Moss' speech to my colleagues for their thoughtful consideration:

FOR THE HEALING OF THE NATION

(By Rev. Dr. Robert V. Moss)

Now that the hostilities have ceased in Vietnam and the way is open for peace in Southeast Asia, I want to speak of the need for reconciliation at home and to suggest ways of achieving it. To heal America's wounds in the wake of the Vietnam war we dare not try to hide our differences; rather we must recognize those differences and face them squarely. It is in this context that we speak of reconciliation.

I want particularly to speak about amnesty for those who have resisted this war. But resisters are only one of a number of groups who have been damaged by the war.

There are first the men who have died in this war, and their families. There are the disabled. The wives, the parents and the children of those who were crippled or who gave their lives want desperately to believe that their sons and husbands have not sacrificed in vain. What can we say to these people, to ease their deep grief? Certainly there is no glib answer. They did die or were wounded in the service of their country. For many this may be enough. But for those who believe that the war was unjust this may not be an adequate understanding. I know that among those whose sons will never come home there are parents who say their sons did not die in vain . . . because they died in a war that was so despised that there may never be another. I can only pray that that is so. But I suggest that it is the responsibility of the religious community to wrestle with the question of the meaning of the sacrifice which these men have made. It may very well be that we shall not find that meaning until we consider their sacrifice in the context of that which Vietnamese young men made in devotion to their own native land. We are dealing not just with a national tragedy but a human tragedy with world dimensions.

Other victims of the war include the men who have been taken prisoner and their families. Thank God they are now on the way home. It is clear that the military and the government recognize our special responsibility to them.

Then there are the more than six million veterans of the Vietnam era. One in four of these veterans hasn't even a high school diploma. Yet, only about fifteen percent of the non-graduates make use of the G. I. Bill to further their education. The rest have little to offer the job market.

Why aren't Vietnam era veterans using the G. I. Bill, as did veterans of World War II and Korea? Possibly because the present bill offers too little help. Another reason, according to Richard Killmer of the National Council of Churches, is that colleges and universities have been slow in responding to the special needs of veterans. Until recently, few institutions had developed preparatory programs or changed admissions requirements, set up counselling programs or hired tutors for the veterans.

Reflecting their mistrust of government and other established institutions, veterans have made far less use of the Veterans Administration than did those of past wars. The Veterans Administration is looked upon as more of the same old "army game," and they have had their fill of games.

Until 1972 the unemployment rate for Vietnam veterans was substantially higher than for non-veterans of the same age. But as a result of efforts made by the federal government, the states and business and industry the jobless rate among veterans has fallen substantially and is now below that of non-veterans of the same age. But for blacks and other minority veterans the problem persists, with unemployment greater than that of non-veterans of the same age group.

Estimates of the number of Vietnam era veterans addicted to heroin range from 60,000 to as high as 100,000. Most of these men were not using drugs before they went to Vietnam. Some turned to heroin to fight boredom. Others used it to blot out the agony of war. Now it is the major factor in their daily lives.

Most federal agencies have not dealt with the problems of veterans on drugs. Senator

Cranston and other congressmen have accused the Veterans Administration and other agencies of dealing inadequately with the addicted veteran. There are waiting lists for methadone treatment at Veteran Administration hospitals in New York City, with only some 50 beds available.

But drug abuse is only the symptom of the veteran's problem. Psychiatrists working with veterans have identified what is now called the "post Vietnam syndrome"—which includes guilt feelings, frustration at having been made a scapegoat for the country's failures; rage at having been duped and manipulated; a feeling of having been brutalized by combat; alienation from oneself and from society; an inability to think well of oneself, and thus to love others and accept love in return.

The veteran cannot understand why he is rejected by the society he thought he was fighting for. Even worse, rather than expressing outright hostility toward the veteran, our society is even more prone simply to ignore him.

One problem, of course, is that a high proportion of veterans are black, Puerto Rican, Chicano, or from another minority. Some of these men actually thought they could win freedom and respect by going to Vietnam. Imagine their rage and frustration upon their return home to nothing but apathy, rejection and unemployment.

If we are really to meet their needs we are going to have to return to our domestic priorities. We have lost the vision of America's greatness and we need badly to recover it and to move toward it. Essentially the responsibility is going to lie with the President and the Congress, but particularly with the President and much will depend upon the kind of leadership that he offers during the next four years. I hope he will give us a reconciling kind of leadership as we face the future perils and problems.

But in addition to the men who have died in combat, the disabled, those taken prisoner, and the millions of discharged veterans, others have been victimized by this war. They include the draft resisters who have fled into exile, those who have gone underground, and those who have deserted the armed forces. The Seventh General Synod of the United Church of Christ, meeting in Boston in the summer of 1969, recognized the plight of these men when it urged the President to grant "at the earliest possible opportunity, amnesty and pardon for those who, for actions witnessing to their beliefs, have been incarcerated, deprived of the rights of citizenship, or led by their conscience into exile. . . . We urge these bold actions because this nation needs, and is strong enough to embrace, both those who have engaged in the Vietnam conflict and those who have opposed it."

As a result of this action, I was asked in the fall of 1969 to serve on the team of church leaders who, representing the National Council of Churches, met in Windsor, Ontario, with representatives of the Canadian Council of Churches, and with representatives of the draft exile community there, to determine what ministry the churches could perform. We reported to the Assembly of the National Council in December, 1969, recommending that the Canadian Council of Churches engage in a ministry to the deserters and draft exiles in Canada, and that the National Council in this country concentrate on a ministry to the families of those men.

I was able to do this without question, largely because of the action taken by our General Synod. It fell to me as executive officer to move forward, carrying out that resolution in ways that seemed appropriate.

And, of course, the United Church of Christ was not alone. Strong pleas for amnesty have been made by the General Assembly of the United Presbyterian Church in the USA; by the United States Catholic Conference; the National Council of Catholic Bishops; the American Baptist Convention; the United Methodist General Conference; the Lutheran Council in the USA, and others. The National Council of Churches, through its General Board, recommended in December, 1972, amnesty for:

Draft resisters and deserters who have exiled themselves to other countries:

Those currently in prison or military stockades, those on probation, those who have served their sentences, and those who are subject to prosecution for violations of the draft or military law;

Draft resisters and deserters who have gone underground to avoid prosecution;

Vietnam era veterans with less than honorable discharges; and those who have committed civilian acts of resistance to the war or are being prosecuted upon allegations of the same.

One of the most moving pleas for amnesty came from Cardinal Cushing of Boston, in his Easter message of 1970: "Would it be too much," he asked, "to suggest that we empty our jails of all the protesters—the guilty and the innocent—without judging them, call back over the border and around the world the young men who are called deserters, drop the cases that are still awaiting judgment on our college youth? . . . Could we not do all this in the name of life, and with life hope . . . ?"

In my denomination questions were raised, of course, by people who felt these men were traitors. But in trying to answer the questions, we were able to establish a dialogue within the church. Out of that dialogue came the realization that many families in our churches, particularly in Ohio and Pennsylvania, would not be in the United States if their grandparents had not fled Germany in the nineteenth century, at a time when conscription was imposed on the men. Many of the exiles themselves recogniezd that they were carrying on a family tradition.

After the events of the Spring of 1970, I proposed that some of the same people who had been in Windsor, Ontario, go to Vietnam. Dr. Robert J. Marshall, president of the Lutheran Church in America, Dr. William P. Thompson, stated clerk of the United Presbyterian Church in the USA and I were finally able to get clearance through the Chiefs of Chaplains, and we spent a week in Vietnam, talking to over 200 chaplains.

The point we tried to make in those two visits—one to Canada, one to Vietnam—was that the church must be concerned for all human beings, regardless of the positions they may have taken. Although we may not be able to sympathize with, or even understand their positions or actions, we recognize that they are children of God and created in his image. The church provides a chaplain for men in prison, even—or especially—for convicted criminals. On that basis we were able to convince some of our people of the need for a ministry to resisters, deserters and exiles. But the time has come to move beyond ministry to amnesty.

In his press conference last week, President Nixon stressed the fact that amnesty means forgiveness. In this, I suggest, he is mistaken. Indeed, in this view he misunderstands what has been tearing this country apart. On the one hand, there are those who cry for the law's vengeance, while on the other hand there are those who say they were right to resist the war, and that there is nothing to forgive.

It is precisely in such a situation that a sovereign government may exercise its healing power by stating that it simply will not raise the question of criminality for a class of political offenders who do not regard themselves as such.

Amnesty, of course, does not mean forgiveness. Its root word is related to amnesia, and it means "to forget." Amnesty concerns the law's ability to undo what it has done in the past. To forgive a violation is to pardon. But amnesty is a legal action: to forget, to erase, to blot out in recognition of a greater interest—in this case the reconciliation of a nation.

Forgiveness implies guilt, and this is highly offensive to all potential recipients of amnesty. They admit to *illegal* acts, but not to *immoral* acts. Amnesty has to do with the legality of the act. One of the points that impressed me in our discussions in Windsor was a statement of one of the exiles, who said, "We're not particularly interested in amnesty—we're really interested in adequate draft counselling. We worry about our younger brothers and others who will go through this. Many of us would not have been here if we had known all the alternatives open to us."

Many of the Canadian exiles have become landed immigrants, some have become Canadian citizens. But even they want the right to travel back and forth to their homeland.

In this war, a total of from 350,000 to 400,000 deserve some sort of amnesty. Such a large group could not be dealt with on a case-by-case basis. What is needed is a class action that would include everyone mentioned in the National Council of Churches policy statement that I quoted before. That statement recognizes that "genuine reconciliation demands that amnesty be granted to all who are in legal jeopardy because of the war in Indochina."

Amnesty is really a new beginning. In ancient Israel a year of jubilee was celebrated when slaves were freed, the poor were restored to ancestral homes they were forced to sell, the land was permitted to lie fallow. It marked a blotting out of the past and a new beginning for a whole nation.

America needs such a new beginning. I cannot believe that a president who made a great journey to Peking in an effort to wipe out all past misunderstandings and to embark on a new beginning; that a president who travelled to Moscow to reunite the East and the West; that a president who sends Dr. Kissinger to Hanoi to seek ways to help the people who were fighting our armies only last month, cannot find the way for us to be reconciled with our own sons.

President Nixon frequently cites great Amercian presidents. I am sure he knows that he will not be the first American president to grant amnesty after a prolonged war.

Deserters from our army in the Revolutionary War were not punished. Shortly after the new republic was founded, President Washington proclaimed amnesty for participants in the Whiskey Rebellion. Abraham Lincoln not only granted amnesty to draft resisters and deserters, but extended it to men who had done far worse in legal terms—committed treason and borne arms against their own countrymen.

Lincoln faced a nation torn in two, as we do, but he granted this broad amnesty out of compassion, understanding, and a desire to bring our people together. Presidents Harding, Coolidge, and Truman granted amnesty in varying ways. America is no stranger to amnesty.

A year ago the President, when asked about amnesty said that this nation can afford to be generous in time of peace. Only a few weeks later he began his historic journey for peace. In a spirit of reconciliation he set in motion what could result in the ending of the Cold War and of a hostility that has dominated the lives of all Americans for one-quarter of a century.

It was natural to hope that once the President achieved a ceasefire he would show the same kind of reconciling leadership. Certainly his announcement of the agreement encouraged that hope. What,

then, has led him to a stand that makes it appear he will not offer that kind of leadership?

I find it almost beyond belief that at the same time he expresses opposition to amnesty for deserters and draft evaders, the President announces that Dr. Kissinger is going to Hanoi to discuss the rebuilding of North Vietnam. Apparently, we can more easily be generous to our enemies in war than to our own sons who have had visited upon them the sins of their fathers.

When the parents of sons who died or were disabled in Vietnam—and I am one of them—and the families of prisoners of war, and the disabled veterans themselves, begin to ask for amnesty—and I am convinced they will—the President will discover how generous this nation really is.

The issue of amnesty will be with us—and dividing us—until it is resolved. There are simply too many people on each side of the neverending dispute over the morality of the Vietnam War. There are too many other problems facing us to continue to be at each other's throats over an issue which now belongs to the historians.

The men who have voluntarily suffered the dreadful ordeal of prison or the awful loneliness and hardship of exile have suffered enough for their convictions—right or wrong. So have their wives, their parents, their children. They have not taken an easy way. It has *not* been easy. There has been an end to war—let there be an end to suffering.

We applaud the peace the President has achieved and his decision to commit our resources to rebuilding war-ravaged Vietnam, both North and South.

But we must rebuild and heal in this country, as well. We must have amnesty for those men who, in an earnest expression of the demands of their conscience, refused to participate. Only history will decide whether those who waged the war or those who refused to participate were right, but we must have peace and unity at home and only a general amnesty can make us a whole people once again. This is a time for prayer, for reappraisal, for unity. Let churches and synagogues of this country exert their moral leadership for a lasting peace at home as well as abroad. It is to be hoped, prayerfully and devoutly, that the President, too, will lead us in that direction.

DOLLAR DEVALUATION

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1973

Mr. HANNA. Mr. Speaker, I know I need not repeat to this body the critical state of imbalance in the U.S. international trade posture. The administration has recently engaged in various exercises allegedly directed toward an immediate resolution of this imbalance. To cite two examples, we have been told that our domestic inflation is a major contributor, that our overvalued dollar has a direct and immediate cause and effect relationship to this imbalance.

Last Tuesday, the Honorable Paul Volcker, Under Secretary of the Treasury for Monetary Affairs, testified before the Subcommittee on International Finance of the Banking and Currency Committee on the administration's dollar devaluation legislation. At that time I took up in some detail with Mr. Volcker the role of inflation in our trade imbalance. I pointed out to the Under Secretary that the relative domestic strength of a nation's currency is not a significant factor in that nation's trade balance: Germany, France, England, and Japan all suffer from much more severe inflations than the United States, yet are precisely contra in their balance-of-trade posture.

Following that exchange, I read in last Thursday's Wall Street Journal an authoritative exposition on the probable lack of measurable impact by the dollar devaluation on our trade imbalance. Parenthetically, it was interesting to note that the strength of our domestic economy was listed as one of the reasons why the devaluation would have little, if any, immediate effect

I remain, therefore, firm in my conclusion earlier placed before this body that the necessary remedy can only be an aggressive trade policy to which all the actors in our domestic economy would be completely committed.

As I noted to Mr. Volcker, perhaps we need a goal, while less prosaic than the late President Kennedy's to put a man on the moon in 10 years but nevertheless potentially more comprehensively rewarding to all Americans, of doubling in the next 10 years that percentage of our GNP which today goes to exports. I want to join with all those voices which say that the country has to move in such a direction and that it must do so soon.

I commend to my colleagues the aforementioned Wall Street Journal article and include it at this point in the RECORD:

THE DOLLAR DEVALUATION IS NOT LIKELY TO SPUR EXPORTS OF U.S. GOODS—SOME FIRMS DON'T BOTHER TO PUSH OVERSEAS SALES; SOME OTHERS LIFT PRICES—TRACTORS AND FROZEN CHICKENS

(By Ralph E. Winter)

When prices go down, sales rise.

That's basic economics. And since devaluation of the dollar makes U.S. exports cheaper abroad, foreign sales of American-made products should jump.

Perhaps, but not as fast or as high as you might think. The laws of economics get a whole lot more complex when applied to international trade instead of to a department-store sale. Talks with exporters and economists indicate that over the long run, the latest round of currency revaluations will indeed make U.S.-made products more competitive in foreign markets. But there probably will be only a modest impact on export totals this year.

Producers of exports ranging from bulldozers to air conditioners cite a number of reasons devaluation won't produce any spurt in their oveseas sales. Probably most important, the U.S. economy is gaining strength so rapidly that many companies have their hands full just meeting domestic demand. There's no strong incentive to capitalize on devaluation to expand export sales.

MANY REASONS

Partly for this reason, not all export prices will decline by the full amount of the change in currency vaues. If U.S. exporters hold dollar prices level, local currency prices of their products would decline 10% or so, depending on the country involved. But, figuring they'd have a hard time filling higher orders anyway, some companies will partially offset effects of devaluation by raising dollar prices, increasing profit margins on what they do sell abroad.

Also, many U.S. exports aren't particularly sensitive to changes in price. Wheat exports, for example, are more affected by drought in the Soviet Union than by the value of the dollar. Foreigners' import restrictions control sales levels of other U.S. exports.

On some products, too, there is a substantial time lag between a decision to buy and actual shipment, delaying any sales increase from devaluation. On other items where foreign competition is stiffening, devaluation may merely prevent a decline in U.S. exports. Finally, there are many categories where U.S.-made goods are so much more costly that a 10% devaluation won't make them competitive with those made abroad.

All this doesn't mean there won't be some increase in exports this year. U.S. exports have been rising practically every year and will very likely rise again in 1973. Exports last year totaled $49.21 billion, up from $43.55 billion in 1971 and more than double the $20.99 billion of 10 years earlier. The trouble is that imports rose faster, hitting $55.56 billion last year and producing a negative balance in merchandise trade of $6.35 billion. Ten years earlier, by contrast, imports totaled only $16.33 billion, and the nation had a $4.52 billion surplus from merchandise transactions. As recently as 1970 there was a $2.71 billion surplus.

NO OVERNIGHT CHANGES

The latest devaluation of the dollar, like the devaluation of 1971, was designed to boost U.S. exports and reduce imports, helping to correct that imbalance. Over the longer pull, it may well work, economists believe. But international trade doesn't turn around in a day.

"The short-term effects of currency revaluations are going to be difficult to discern," says J. J. Gavin Jr., vice president for finance of Borg-Warner Corp. in Chicago. "The whole concept of a devalued dollar is new to U.S. business people, and it is going to take a little time before currency considerations and relationships really get cranked into marketing strategy and planning."

One problem in obtaining maximum advantage from the currency revaluations is that U.S. manufacturers aren't as export oriented as their competitors in Europe and Japan. Many small companies don't seek foreign business at all, and even some large companies don't give exports a high priority.

That lack of export motivation is compounded in a boom year like this. "There is a tendency for the U.S. producer to look at the domstic market as his base," says I. Barry Thompson, vice president and manager of the international division of Central National Bank of Cleveland. "When that base shrinks, as it did during the recession, he tries to supplement it with foreign sales. But when domestic demand is good many tend to forget about exports, making an occasional deal if it comes their way but not really working at developing foreign sales."

TAKING ADVANTAGE

Quite a number of companies right now say they don't have capacity to handle any foreign orders, so they aren't exploring overseas markets to see if devaluation makes their products more competitive. "We're going to be knee deep in business to meet our own domestic needs," says George M. Steinbrenner III, chairman of American Ship Building Co. in Cleveland. "With this energy crisis, our Tampa yard will be busy with tankers, and we have the biggest backlog in our history at the towboat and barge facility at Nashville." Adds an official of a major steel company, "We're under such severe demand pressure here at home that there won't be any great incentive to increase exports this year; we just can't spare much steel to ship overseas."

Some companies are taking advantage of this strong demand situation by increasing

dollar prices on overseas sales to fatten profit margains a bit. This is especially true of large deals, where prices are arrived at by negotiation rather than quoting from a standard list. It will result in some increase in dollar receipts from abroad, of course, but price rises partially negate effects of devaluation.

"Our U.S.-made tractors will sell for the same number of French francs or German marks, which will mean a mild increase in dollar receipts from exports," says a Deere & Co. official. "With the brisk demand for our products, we aren't really in position to try to capture a larger market share" by reducing prices.

"We normally write contracts and sell in local currencies, and we don't intend to change those prices," says a man at Dow Chemical Co. in Midland, Mich., which last year exported $275 million of plastics and chemicals. "We think we have a good share of market and don't think we'd improve it that much by cutting prices. Also, in some cases our profit margin on exports has been lower than on domestic sales."

"The bulk of U.S. exports aren't price sensitive," says A. Gary Shilling, first vice president and economist at White Weld & Co. in New York. "They are things like agricultural products, where the volume of exports depends on Russian crop failures, and aircraft and computers where people have to buy from us if they want certain technology." Price reductions on such products have little influence on sales.

Even where U.S.-made products gain some price advantage against foreign competitors, there won't always be an immediate sales increase. For some products, such as frozen chickens, there are extensive import restrictions in many countries that will limit sales gains. Some nations likewise limit imports of auto parts, or place prohibitive taxes on U.S. cars. The Nixon administration intends to try to negotiate away such barriers to U.S. exports, and the recent currency crisis may give U.S. negotiators added persuasiveness. But in any event, the barriers won't drop immediately. In fact, negotiations are likely to be very prolonged and only partially successful.

BUY NOW, DELIVER LATER

Sometimes the nature of the product itself will produce delays in benefiting from the currency revaluations. "Many of the products we export are fairly highly engineered items where buying decisions aren't made in a short period of time," says Borg-Warner's Mr. Gavin. "For instance, if some foreign manufacturer were going to use our air-conditioning compressor on an automobile, they would have to plan to put it on a model at least a year ahead of production."

Makers of complicated production machinery also normally have a substantial lag between order and shipment. And that lead time is longer now than it was a year ago because many U.S. capital-goods plants have substantial order backlogs. Besides delaying sales, these lengthening lead times are costing U.S. producers some sales in competition with European plants that have less business on their books and therefore can deliver more quickly.

Stiffer foreign competition in some product areas also tends to limit U.S. export gains from devaluation. "Our exports will go up as a result of devaluation, but only modestly," says Robert J. McMenamin, manager of marketing for International Harvester Co.'s overseas division. The 1971 dollar devaluation permitted Harvester to remain competitive on some products that were about to be knocked out of competition by the increased availability of construction machinery and heavy trucks from foreign plants, he says. A good part of the price advantage obtained from the latest devaluation also will be required for such market defense, he says, though there should be some new improvement in export sales.

SOME PLANT CONSTRUCTION

Finally, there are a number of manufactured products where foreign producers had a 25% or greater price advantage. A 10% devaluation of the dollar just isn't enough to put the U.S.-made product back into competition. For many of these items, U.S. producers long ago built foreign plants that serve overseas markets, and the latest currency revaluation won't make them switch to a U.S. source. They export mainly specialized machines not available from their overseas facilities.

"Devaluation isn't going to help our foreign sales very much, mainly because exports haven't been very high from our U.S. plants for quite a while," says an official of Warner & Swasey Co., a Cleveland-based producer of machine tools, construction machinery and textile equipment. "As machinery became available at lower prices from producers in Europe and Japan, we began producing overseas to meet competitors on their home ground. We have pretty substantial exports from our British factory, for example, but it would take a few more devaluations before we could export from the U.S. at prices competitive with those of that plant."

Over the long run, though, dollar devaluation probably will result in some U.S. plant construction to serve foreign markets. Dow Chemical, for example, probably will build more domestic capacity to meet growing demand at home and abroad, facilities that might have been built overseas if the U.S. competitive situation hadn't been improved through devaluation.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is spirit and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God, our Father, gracious and compassionate, draw us unto Thyself that we may worship Thee in spirit and in truth. As we pray, do Thou make our hearts channels for Thy spirit in our world that being subdued by Thy love we may be loving, being supported by Thy patience we may be patient, being sustained by Thy strength we may be strong to labor diligently for the welfare of our people.

Help us to walk with Thee through life bearing no ill will, forgiving malice, carrying no resentment, and growing ever more like Thee—great in goodness and good in greatness. So may our Nation be blest with gracious and genuine leadership.

In the spirit of Christ we pray. 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.

THE HONORABLE DONALD E. YOUNG OF ALASKA

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska, Mr. DONALD E. YOUNG, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONALD E. YOUNG appeared at the bar of the House and took the oath of office.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 305) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That Don Young of Alaska be, and he is hereby, elected a member of the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs; and Committee on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENTS AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

MARCH 1, 1973.

The HON. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 194 of Title 14 of the United States Code, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1973.

The Honorable JOHN M. MURPHY of New York.

The Honorable PAUL S. SARBANES of Maryland.

The Honorable WILLIAM S. COHEN of Maine.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

LEONOR K. SULLIVAN,
Chairman.

HOUSING SUBCOMMITTEE HEARING ON HUD MORATORIUM

(Mr. BARRETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)