

SENATE—Tuesday, January 22, 1974

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, set us free from all that obstructs doing Thy will. Grant to us who labor here the wisdom and grace to serve Thee with our whole heart and mind and soul and strength that we fail neither our generation nor Thee. Walk with us and work through us Thy holy will for this Nation.

We pray in His name who taught us to serve rather than be served. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 21, 1974, may be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. GEORGE D. AIKEN, a Senator from the State of Vermont, Hon. NORRIS COTTON, a Senator from the State of New Hampshire, Hon. BOB DOLE, a Senator from the State of Kansas, Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, Hon. ROBERT T. STAFFORD, a Senator from the State of Vermont, and Hon. TED STEVENS, a Senator from the State of Alaska, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TEAPOT DOME AND SENATOR THOMAS J. WALSH, OF MONTANA

Mr. MANSFIELD. Mr. President, in last Sunday's Washington Star-News, under date of January 20, 1974, is an article by Mr. Stephen W. Stathis and Mr. Lee Roderick entitled "Fearless Tom Walsh—One-Man Terror in That Earlier Scandal."

Tom Walsh, in my opinion, was one of the truly great Senators in the entire history of this Republic. I feel honored that in the line of succession, I occupy the seat once held by Tom Walsh, of Montana. I am delighted that this outstanding American's memory has been

revived and his accomplishments enumerated once again.

I ask unanimous consent that the article referred to be incorporated at an appropriate point in the RECORD.

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

[From the Washington Star-News, Jan. 20, 1974]

FEARLESS TOM WALSH—ONE-MAN TERROR IN THAT EARLIER SCANDAL

(By Stephen W. Stathis and Lee Roderick)

Ironically, in the great scandals of American political history what is maintained in the public memory is the catchy title awarded to them by the press and the names of those whose lives became enmeshed in their web. People rarely remember those who labored long to expose the accused.

Among the various scandals, Teapot Dome is unique in that its exposure was largely the work of one man. While we remember Albert B. Fall, Edward L. Doheny and Harry F. Sinclair, who remembers that almost single-handedly the late Senator Thomas J. Walsh unearthed the basic facts of the oil lease scandal that came to symbolize much of the corruption in the Harding administration?

Acting virtually alone for the first year and a half of the oil lease investigation, which began in April 1922, Walsh, like a bloodhound, early caught the scent of corruption and pursued it through briar patch after briar patch until he had his quarry treed. Only then did an apathetic press and public and a reluctant Congress acknowledge that something indeed was rotten out there on the Wyoming prairie at an oil field called Teapot Dome.

Prior to the investigation, Walsh was practically unknown outside his adopted Montana, or in the Senate, where he had an enviable reputation as one of that body's keenest legal minds, and an unenviable reputation as one of its driest.

"No cynical jest, no paradox, no fling at any of the ridiculous contradictions of life, ever passes his lips," wrote a contemporary observer of Walsh. "He demonstrates to us all over again that a solemn Irishman is God's most solemn creation."

Walsh's iron-willed independence and incorruptible character were fashioned early in life. A son of Irish parents who immigrated to America and settled in Wisconsin in 1850—nine years before Thomas J. was born—the future senator had a heritage and a history of swimming against the tide long before he went to Washington.

His father, Felix, was reared a Roman Catholic among the Protestant Orangemen of Northern Ireland. When the elder Walsh arrived in Wisconsin he passed up two nearby Irish settlements to establish himself at the village of Two Rivers, Manitowoc County, which was predominantly German. The Irish family which included Felix's future wife, Bridget Comer, followed suit.

Although devout Catholics, the Walshes sent their children, including Tom, to the public school rather than the local parochial school. The youth was graduated at 16 and immediately became a rural school teacher. From here his ambition prodded him into long hours and intense study. At 21 he achieved—by passing a state examination—a permanent teaching certificate.

SELF-MADE LAWYER

Armed with his certificate of proficiency, Tom Walsh became a high school principal. For the next three years, whatever leisure hours his teaching duties afforded were de-

voted to the study of law. Then, in 1883 and without having set foot in a college or university, he entered law school at the University of Wisconsin where he was immediately enrolled in the senior year of preparation for the bar—an unusual achievement even then.

Admitted to the bar the next year, Walsh and his brother, Henry, formed a partnership and, following the custom of the day, headed west. They alighted in the town of Redfield, now in South Dakota, and hung their shingle.

Six years later, in 1890, Tom Walsh again moved west, this time to the capital of Helena, Montana, from where he was to launch his political career. He took with him a reputation as a very able lawyer, a wife, and a baby daughter, all acquired in South Dakota.

Montana was a fertile field for an ambitious young attorney willing to school himself in the intricacies of mining law, which was far from a settled system of jurisprudence. The stakes were high: Mining was the state's principal industry and litigation between the small miners and the giant copper companies flourished.

Walsh characteristically submerged himself in an effort to tie together loose threads of the developing law, made himself its master, and, over the next two decades, gained prominence in the legal world for his learning and ability as a mining lawyer as well as an expert on the Constitution.

In at least one instance, an opposing counsel, after listening to Walsh cite case after case from memory to bolster his arguments, complained to the judge that he obviously didn't have a chance against "an encyclopedia of law like that."

Walsh was first and foremost his own man. When the largest corporation in Montana, the Anaconda Copper Co., offered him the position of company attorney at a liberal salary, Walsh turned it down, saying he could not try a case if justice lay on the other side. The decision was to have important political consequences.

Although Walsh at times had represented Anaconda as well as other large copper interests, he came to be known as the champion of the small and struggling miners. The reputation was gained, however, at the cost of incurring the enmity of Anaconda, whose support was generally deemed vital to any serious political aspirant in Montana.

Walsh's first try at elective office came in 1906 when, with popular Republican Theodore Roosevelt occupying the White House, he was easily defeated for the House of Representatives.

"ROBBED" OF VICTORY

Four years later Walsh was the Democratic candidate for the U.S. Senate. Despite the opposition of powerful financial interests, his vigorous campaign was successful and the Democratic Party gained control of the Montana legislature by a narrow margin.

Although it was not then bound by law, under ordinary circumstances the legislature would have met and declared Walsh the winner. However, 12 delegates, ignoring the will of the voters, refused to assemble for the balloting. A deadlock ensued and the Senate seat finally went to a man who hadn't even been a candidate.

"I am not greatly troubled . . . but I am no hypocrite," Walsh wrote following the outcome. "I feel that I have been robbed of this honor when I honestly and laboriously earned it and there was no just cause for withholding it. . . ."

The bitter experience remained with Walsh always and served to strengthen his commitment to justice after he was elected

to the Senate two years later, in 1912. This time, in an unprecedented action and perhaps in recompense for 1910, Walsh received every vote cast in both houses.

The junior senator proved as unbending in Washington as he had been in Montana. "The implacability of Walsh stands him in relief among his fellows," wrote one contemporary. "Senators, as a rule, are amiable chaps, full-bodied, easygoing, sparing of effort, tender of amenities, tolerant of their adversaries. Through this comfortable aggregation Walsh stalks, grandly serious; always in earnest. There is something suggestive of . . . the Inquisition about him; a consciousness of rectitude, unblemished by any concern with the feelings of those on the rack."

His first decade in the Senate was distinguished. He personally led the confirmation fight for Justice Louis D. Brandeis's appointment to the Supreme Court in 1916. He faced the cruelties and injustices of Attorney General A. Mitchell Palmer and the Department of Justice in the so-called "red scares" at the close of World War I.

He helped draft the constitutional amendments which provided for woman's suffrage and prohibition. Largely through his efforts the abominable working conditions in the steel industry became a national concern, he was one of the first senators to insist on federal regulation of excessive stock exchange speculation.

"Thus in the Senate, among his fellow senators," one writer aptly noted: "Mr. Walsh rightfully gained the reputation of being one of the Senate's deepest minds; and thus for the occupants of the press gallery, who could not put disquisitions on the Constitution into their news stories, Mr. Walsh remained a total loss."

LIKE TRAILING MOSSES

During more than a decade of service in the Senate, the biggest stir Walsh had created in the press gallery was on the day he clipped his fierce walrus mustache, which one reporter said had previously "descended from the ends of his upper lip to the sides of his chin, like trailing mosses on a sad swamp pine."

This incorruptible son of Irish parents seemed singularly destined to go largely unnoticed by history. However, fate juxtaposed his path with that of a brewing scandal which would soon become part of our American folklore. His exhaustive investigation of the Teapot Dome scandal magnified the very traits that had kept Walsh out of the public eye and propelled him to national esteem.

Teapot Dome, located 50 miles north of Casper, Wyoming, was one of three oil fields reserved by previous presidents for possible emergency use of the Navy. During the early months of the Harding administration, however, Interior Secretary Albert B. Fall of New Mexico had the jurisdiction over the reserves transferred from the Navy to his own department, and proceeded to secretly award private leases at Teapot Dome and Elk Hills, California.

Harry F. Sinclair's Mammoth Oil Co. got the Wyoming lease, with Elk Hills going to multimillionaire oil operator Edward L. Doheny, a friend of Fall's dating back to when they prospected the West together. Ironically, Doheny, a quiet little man, also had had a lifelong friendship with Walsh.

Walsh became involved in the oil lease investigation reluctantly, semi-officially, and only after prodding by fellow Democratic senators. His role in the probe began by virtue of membership on the Senate Committee on Public Lands and Surveys which conducted the investigation.

The committee's GOP chairman and majority members obviously were not anxious to embarrass their own administration, and the leadership role quickly passed to Walsh by default.

In its resolution ordering the investigation, the Senate also directed Fall to forward all

documents and other information relevant to the probe. His response was to send the committee a tremendous pile of papers.

If one listens carefully, he can almost hear Fall chuckling as he dictates the letter of transmittal: "My casual estimate of the number of pages being forwarded you is that the aggregate will be between 10 and 15,000 pages . . . these documents number approximately 2,300. I think that upon examination you will agree with me that every possible paper, or scrap of paper, that could refer to any of the matters . . . (has) been obtained and (is) included. . . ."

Skeptics have argued that Fall's mountainous barrage was intended to swamp the committee and, in fact, the panel's official probe was postponed a year and a half while the papers were being examined.

Whether or not the mass of documents—mostly technical in nature—was intended to dissuade members of the committee, it had that precise effect. With one exception: Walsh. The Montanan had at last met a legal challenge worthy of his skills. Grimly determined, he began mining the papers, sifting them carefully for 16 months during which he found few gems but did succeed in making himself an expert on leasing policy.

NATIONAL SECURITY

Secretary Fall maintained that oil seepage at Teapot Dome and Elk Hills as well as overriding considerations of "national security" justified both the exploitation of the reserves and the secrecy. Walsh, however, became convinced that beneath the questions of propriety lay graft. It was a position to which he clung tenaciously long after most others had lost interest in the case.

Before the committee finally had begun its hearings in October 1923, Fall resigned from the Cabinet to go to work for Sinclair.

Following his last Cabinet meeting, Fall remarked to reporters, "I have tried to impress upon my friends and associates that my leaving Washington is not a case of saying 'goodbye,' but 'until we meet again.'"

His words proved prophetic when the former Interior head appeared on October 24 as a leadoff witness in the investigation.

The probe appeared headed nowhere from the outset and most members of Congress, like the press and public at large, showed little interest in the proceedings. Walsh, however, remained a thorn in the sides of witnesses, who included a flood of naval officers, geological experts and, finally, Doheny and Sinclair.

The Montanan's persistence was not without cost. He was labeled a character assassin and scandal monger. His phones were tapped, his past life investigated, his mail opened, his life threatened. Walsh's daughter, while strolling his infant granddaughter, was stopped by a stranger who threatened harm if she didn't persuade her father to drop the investigation.

Meanwhile, it became known that Fall had recently and mysteriously come into wealth, and had made major improvements on his heavily mortgaged ranch in New Mexico.

It was also discovered that Sinclair had visited Fall's ranch at about the same time and had sent him several head of fine Holstein cattle and two prize hogs.

(The livestock later provided the basis for the only levy of the investigation—however short-lived—when Archibald Roosevelt, son of the late President and a vice president of a subsidiary firm owned by Sinclair, voluntarily took the stand to testify. Roosevelt stated he had overheard Sinclair's private secretary, Gustav Wahlberg, say that his boss had "advanced" \$68,000 to the foreman of Fall's ranch. Walsh placed Wahlberg on the stand where he insisted incredulously that what Roosevelt had actually overheard was that phrase "six to eight cows," not "sixty-eight thous'.")

Fall, back at his ranch, was ordered to

reappear before the committee to explain the source of his new-found gain. Although he returned to Washington, he secluded himself in a hotel, pleading ill health, and instead sent the committee a letter claiming he had been loaned \$100,000 by Edward McLean, playboy owner of the Washington Post.

McLean, vacationing in Palm Beach, corroborated Fall's assertion, but refused to travel to the capital to testify under oath. Whereupon Walsh went to Florida to take McLean's testimony. "I was dumbfounded when McLean . . . frankly admitted that he never did loan the money to Fall. . . ." Walsh wrote later. McLean claimed his involvement was the result of "going down the line for a friend."

Perhaps Walsh's sternest test came when his old friend Doheny rushed to Washington and volunteered to the committee that the \$100,000 "loan" to Fall, which was delivered in cash in a black bag, had actually come from him.

FALL'S DOWNFALL

He proceeded relentlessly to question Doheny as well as later witnesses who disclosed that Harry Sinclair had been even more generous to Fall, lining his bank account with \$304,000, including \$233,000 in Liberty Bonds that Sinclair said was payment for one-third interest in Fall's ranch.

Shortly thereafter under the terms of a Walsh-sponsored resolution, two special prosecutors, subject to the advice and consent of the Senate, were appointed by President Coolidge to conduct the legal phase of the investigation. Subsequently in 1927 the courts vacated the contracts made by Fall with Sinclair and Doheny.

In 1930, however, after a series of trials and appeals, the case ended illogically: Fall was convicted of accepting a bribe from Doheny, but both Doheny and Sinclair were acquitted of offering bribes. A year later, Fall became the first cabinet officer to be imprisoned for a felony committed while in office.

Although Teapot Dome made Senator Walsh a national hero, he failed to harvest political fruit from his fame.

His candidacy for the Democratic presidential nomination in 1928 was short-lived and prompted from him a rare public display of pique. In withdrawing from the race, Walsh, an outspoken supporter of prohibition, said he regretted nothing except the fact that there was a "multitude who put booze above every other question, national and international."

During the 1928 campaign, one reporter probably came close to the mark when he wrote about Walsh: "If he ever reached the White House, he would be as aggressive as Roosevelt, as judicial as Taft, as self-sufficient as Wilson, and as isolated as Coolidge—and as stubborn as all of them put together."

When Franklin D. Roosevelt was elected President in 1932, he unhesitatingly chose Walsh as his attorney general. Accepting reluctantly, Walsh said, "From the point of glory, the Cabinet is possibly the greatest, but from point of service there is nothing higher than a seat in the Senate except the presidential chair itself."

Walsh's nomination to the Cabinet was greeted with praise by newspapers of all major parties. Praise turned to mourning, however, when Senator Walsh, at 73, died suddenly on the eve of the inauguration.

His death spurred a flood of eulogues. One of them, in *The Nation* magazine, summarized particularly well the meaning of Walsh's life to the current national situation:

"In these days when the tendency is widespread to cite 'the times,' 'conditions,' 'changing standards,' in extenuation of the weaknesses and betrayals both of public servants and of men in high positions of private trust, the record of Thomas J. Walsh offers a shining example of what a public servant in a democracy may be, and what, single-handed, he may achieve."

FIRST ANNIVERSARY OF DEATH OF PRESIDENT LYNDON B. JOHNSON

Mr. MANSFIELD. Mr. President, today marks the first anniversary of the death of our late President Lyndon B. Johnson. I had the honor to serve with President Johnson in the House and in the Senate and to work closely with him while he was the President of the United States.

Lyndon Johnson was a man of action and vitality. He wanted things done, and he got them done. While we had some differences, I think history will record that, of all the Presidents of the United States, Lyndon Johnson did as much for his Nation than any combination of Presidents that one can think of; particularly concerning the welfare, health and well-being of her citizens.

He has left behind him shining monuments in the area of civil rights and in the area of education from the elementary through the college grades. He did much in the field of health, and every aspect of the domestic scene was covered and covered completely by this man, who was so tireless, who was so devoted, and who loved his country so much. His deep concern was especially manifested in those areas that had suffered long neglect. For the first time in our history, for example, Lyndon Johnson sought directly to enhance opportunities for the poor and the deprived. The "war on poverty" was a monumental task in both its scope and ambition. The war against crime was similarly given enormous impetus with Lyndon Johnson's Omnibus Crime Control and Safe Streets Act.

It is with regret that I note this first anniversary of the death of a friend and a President, a man who contributed so much to his State and to the Nation, and a man who will be remembered for many decades to come because of the many fine things he did for the American people. The legacy he has left behind in his outstanding achievements will never be forgotten. It was produced with enormous quantities of personal energy and foresight and with a great love for America, for her people, and her institutions.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Michigan desire recognition?

Mr. GRIFFIN. No, Mr. President.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD VACATED

The PRESIDENT pro tempore. Under the previous order, the Senator from Oregon (Mr. PACKWOOD) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon, I ask that this order be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will not be a

period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with statements therein limited to 3 minutes.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m. tomorrow.

The PRESIDING OFFICER (Mr. METZENBAUM). Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE DEATH OF LEWIS L. STRAUSS

Mr. HARRY F. BYRD, JR. Mr. President, the United States and Virginia lost one of its outstanding citizens yesterday in the death of Lewis L. Strauss at his home in Brandy Station, Va.

Admiral Strauss, in my judgment, was one of the most dedicated Americans. He served his Nation with deep patriotism and with great ability. He was a close and devoted friend, and one for whom I had great affection and great admiration.

I do not think that I have ever met a more unselfish person than Lewis Strauss. He not only served his country in public office as Chairman of the Atomic Energy Commission, but he also served his fellow citizens in many philanthropic capacities.

Admiral Strauss will be greatly missed. I feel that the country owes him a great debt for the many years that he devoted to the welfare and advancement of our Nation.

EFFECTS OF ENERGY CRISIS ON THE AMERICAN PEOPLE

Mr. HUGHES. Mr. President, recent reports on the substantial energy savings achieved on a voluntary basis by the American people have been most heartening. At the same time, however, hundreds of Iowans have written me of their concern for knowing the truth about these current shortages; whether the crisis is real or manufactured; whether the shortages we are suffering not only

in Iowa, but throughout the Nation are the result of kinks in the distribution system or the result of monopolistic practices by the big oil companies. These are fundamental questions which Americans are asking and to which they have a right to expect answers.

Recently, I received a letter from Mr. Donald C. Kramer, of Des Moines, Iowa. His letter expresses so well the sense of frustration which more and more Americans are feeling in the wake of weeks of uncertainty and indecision about the energy crisis—what caused it and what is being done about it.

Mr. President, I ask unanimous consent that the text of the letter from Mr. Kramer be printed in the RECORD following my remarks so that my colleagues may get some sense of the depth and extent of the feelings of millions of Americans about the energy crisis.

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

(See exhibit 1.)

Mr. HUGHES. Mr. President, Mr. Kramer's letter symbolizes so well the extreme frustrations of the personal family life of this one family that I thought my colleagues should share in what I thought was a well-thought-out and well-written expression of the total frustration of one American family in my home State.

EXHIBIT 1

DES MOINES, IOWA,

January 6, 1974.

U.S. Senator HAROLD HUGHES,
U.S. Senate Office Building,
Washington, D.C.

DEAR SIR: As a tax paying resident of the state of Iowa I have tried very hard not to have too many complaints, but after most of my 43 yrs. as a resident of this state I have come to the point I feel I can no longer hold back anymore.

I have been married since 1952 and have a family of 4 children 19, 17, 13, and 5. It takes my wife and myself holding fulltime jobs plus a small dog boarding kennel business, and myself doing the work on the house, car, kennel, and every other odd job to keep things in a halfway tolerable living condition. Now because some fat oil executive decides that his stockholders aren't making enough profits, my kennel business, which I have been trying to build up for over the last 7½ yrs. stands to go down the drain, because of the so called energy crisis. As I depend on traveling people boarding their dogs, and I also heat with oil in the winter months. But with gas prices going out of site and a so called shortage and other price rises everytime you turn around I stand to loose one of my sources of income, and from the looks of things it won't be very long till it happens.

Its about time some of these highway robbers who like to kick the unfortunate little guy when he's down had better start realizing that it's the \$10-\$15,000 a year man who help keep Big Business Big. But it seems he's always the one who gets the worse of it anytime somebody feels they aren't making enough profit. Nothing ever seems to be said about excess profits, outrageous price raises in food, clothing, or just plain basic needs. No, the working man or the Union are always blamed for it. Well if it weren't for either, this country would be in a hell of a lot worse shape than its in. It would no longer be the United States of America. We would not only have an "Energy Czar," but the name of the country could also be changed to USSA, "The Union of Socialist States of America." As I see it its about time the voice of the little people is heard not

just a select fat few who don't know what the hell it is to work 7 days a week and have to scrimp and scrape to feed, cloth, and educate a family.

Every day you hear somebody talking about surcharge on excess use of natural gas, electricity, and gasoline. It appears that the \$10-\$15,000 a year people are not carrying enough of the load yet, with exise taxes on tires, telephones, and jewelry, now Big Brother wants more blood from the little guy. I say its time we turn the leaches on the leaches for some of their own blood, if that's what they have in their veins. Take tires for example. They have had excise tax on them ever since World War II. Why? If I recall correctly it was to discourage the use of rubber for civilian usage so that the military had enough. This I can understand and can go along with. What I don't understand and can't go along with is why after 30 years we still have this tax? From what I have heard and the only answer the so called experts can give is that if not this tax, something else would have to be taxed. Fine. I'd like to make a few suggestions. (1) Tax the HELL out of these businesses who set on their profits for years and create situations like we have now. I'm specifically talking about oil companies who have sat for 3 yrs. and not built anymore refineries and have cut back on production so prices could be raised so only the elite are able to afford it. (2) Get rid of the tax dodges and loopholes that allow people who make millions to pay only a couple of hundred dollars tax on it while the poor little guy who doesn't make enough to be able to take advantage of these loopholes is the one who carries not only his share but Mr. Bigs also. (3) The same should apply to the automakers who have created these "Gross Gas Guzzling Tanks." (4) Make our so called Non-Profit Universities, Colleges, and Churches, that are multi-million dollar tax exempt corporations pay their share of the taxes on the properties they own other than the Campus or church buildings themselves. They are supposed to be non-profit organizations. The government and community support these institutions with tax dollars and tax free services. Owning outside property for extra income in my eyes does not constitute a function of a non-profit organization and the property should not be tax exempt.

Now to get down to the reason I have taken the time to sit down and write. The so called fuel shortage. I can't quite swallow it. If there is one then how come the damn Air National Guard is still flying? They fly F100's, which were retrieved from the scrapyard in Arizona, are unable to fly safely without falling apart, and have more mishaps than any other type of aircraft landing or taking off at the Des Moines Municipal airport. If its for security reasons I quite frankly feel more secure with a ball bat and a handful of rocks. That's just about what it would be like trying to defend any attack by sending them up. If they need the training so damn bad why aren't they mobilized and trained in modern aircraft instead of wasting time, money and especially fuel on these antiquated, limping, junkpiles?

For years the auto industry has built and brainwashed the public into buying these "Gas Hogs". The oil companies haven't done too bad of a job either. As I can remember back when I was still in High School a person in the town that I lived in developed a carburetor for a 1948 Buick that would give him 35mpg. on that particular car. It was never marketed, as a major oil company bought up the carburetor the plans and details. The person was given a substantial amount of money and was made to sign papers stating he would never again design, manufacture, or tell anyone who from or how much he has received in payment. These companies still haven't come up with a car that can get over 17mpg., and apparently don't want to. Of coarse if they did Mr. Nexxon, Mr. Exxon, Mr. Phillips, and Mr. Stand-

ard might have to take a few more years to make three millions instead of instant millions like they are. Well let it be known as of this date myself as a working individual in the \$10-\$15,000 a year class I intend to fight in any way I can. I don't intend to stand still for all this crap. I have been working for quite a few years and I still don't have my first million so I guess I'll start being crooked and start on my second, maybe it will be faster and easier. It appears anymore the crookeder you are the faster you make it and the more lenient the penalty if caught, so it appears that's the way to go.

To further add insult to injury and add to the so called shortage I am told by some educated expert that by slowing down to 55 mph. I can save gas. Bull. I got rid of my "Detroit Hog" several months ago for a car that would get me my money's worth on a gallon of gas and get me from here to there and just as fast, and as comfortably. Now some educated idiot takes a "Detroit Millionaire Maker" and says drive 50 it improves your mileage from 9 to 11. Fine. Now let me tell this Boob and his slide rule that there is getting to be a bigger percentage of smaller vehicles on the roads, and they get 3 times the mileage at 70 mph., because that's what they are designed to do. Now it seems somebody else has finally realized that these little cars are beating the system so up go the gas prices again. At 70 mph. my car and others just like it get about 26 mpg. and around 20 mpg. or less at 50 mph. I can substantiate these facts as I keep track of every gallon of gas I have used for many years. Now if this is conservation of fuel, then elephants can fly and the moon is made of green cheese. It seems Detroit's best effort so far has been 17 mpg. on a car about the same size as mine and the only way they can get them on the streets is by giving them away on the "Boob Tube" every day. But still you hear the Hustlers saying, "Be American, Buy American". Bull.

Now Mr. Simon says 35 gallons of gas per month. According to Mr. Simon we are supposed to stay home another day a week. Well if this be the case, I hope Mr. Simon can find a way with my schedule so that I won't feel unpatriotic. I am going to give Mr. Simon my work schedule and my wife's, maybe some educated idiot with his slide rule can do better than I. I work Wed 5PM-1AM, Thurs. and Fri. 2:40 to 10:40PM, Sat. 5:30-PM-1:30AM, Sun. 5PM-1AM. Now this schedule is subject to change any time my company takes it in its mind to do so, so that they don't have to pay overtime, of these hours by the way include holidays. My wife works Monday thru Friday 8AM to 4:30PM. I live 5 miles from my job and my wife 3 miles. We live approximately 1 mile from the bus stop. Bus service ends at 6PM on weekdays and NO Sunday service whatsoever. Now what does Mr. Simon have to say about that? If Mr. Simon will walk to the bus in 0 degree or below weather down a 4 lane highway with 45mph traffic and no sidewalks, good for him. I value my life.

In the last 19 years I have had very few Sat. or Sun. off. It has been 12 years since I have taken a vacation that the family and I have gone any place. It has been months since I have had either the time or money to go to see my mother or my wives relation who live just 100 miles from Des Moines. This year would have been the first year since 1961 that we would have been able to go on vacation but because Mr Oil Company decides to get richer, it probably will be another 12 years or more before I get to take a real vacation, not just take a couple of weeks off to stay home and work some more. It makes me DAMN MAD. Firstly I think of a game every pre-schooler has played as far back as I can remember everytime I read or hear the phrase "Simon Says". Is this what our government thinks of the people? That we are a bunch of pre-Schoolers who don't have the intelligence to think for our-

selves that we have to have Simon to say I can do and I can't do? I think it was summed up quite well in just a few words in the Marshalltown Times-Republican "In a communist country, everything is either forbidden or compulsory."

The biggest share of the law makers don't know what the hell it is to live in Midwest weather, and its doubtful most of them would for very long. But there are people who are unfortunate enough to not be able to go to Florida or California or Arizona for the winter and do have to stay home and WORK for a living. I think its about time some politicians wake up to the fact that just because the Federal Government stops working on Holidays and takes long weekends and recesses, that the rest of the people can't do the same thing. This is a working country, where people DO work 24 hours a day, 7 days a week, 365 days a year, to make Mr Fat Cat fatter so King Richard and King Big Business don't loose face and prestige in the eyes of the rest of the world where we play Big Brother, all at the expense of the working peoples sweat and sacrifice. Then everytime a crisis exists labor is asked to do more for King and Country.

Maybe better yet their offices should be moved to Des Moines, Iowa for the months of November, December, January and February so they can find out what 68 degrees feels like when the thermometer gets down to -10°. Like an article in the newspaper said the other day, "Yesterday was when a child came indoors to get warm." Maybe a few of the smirky smiles would bend the other way. What the hell does somebody sitting in 75 and 80° Florida or California know about Iowa or Minnesota, or the Dakota winters? Not too much other than what some so called expert tells them. It seems funny to me that now that everybody has moved out away from their jobs and Big Business has gobbled-up all the little neighborhood stores, bus and train service has shut down to practically nothing, all of a sudden there is a crisis. This country and Big Business have asked for it. They weren't happy to let the little guy make a living. Somebody was afraid of a little competition and the Greedy Monster reared its ugly head. All the Doctors, lawyers, and Professionals were not happy with their \$40-\$50,000 a year jobs in the city they had to go out and buy up a lot of little farms and these people had to move to the cities adding to the city peoples problems. They've got enough of their own. What in the world do they know about farming?

The most of them don't know the difference between a Bull or a heifer. They think milk comes from a bottle delivered by a truck and pork chops come from a package in a meat case in a store. Maybe these problems don't exist in Washington, D.C., so maybe somebody should tell the King and his court that a country does exist West of the Potomac and East of the Rockies. Its not a vast wasteland where Indians still go on the warpath every morning and we go out before breakfast and hunt one just to get a little exercise and keep the population down. It provides its share and then some for Big Brother and it is still part of the USA whether he wants to admit it or not.

One other thing I resent very strongly is these oil companies branching off into other unrelated businesses such as Exxon bragging on TV about their going into the mining of Uranium to help the so called energy crisis, and God only knows what other unrelated industries they have branched off into. What in the world are they trying to do, get a monopoly on the energy market like Northwestern Bell has on Communications business, and IBM on Computers and associated Electronics field? Then the FCC has the gall to complain about newspapers owning radio and TV stations by calling it a monopoly on advertising and news. Well I'll make this observation, you at least have a choice when it comes to newspapers and

radio and TV, you can either turn it off, change stations or wrap the garbage in it. But when it comes to fuel and electricity you don't have too many options, you either use it, starve, freeze, or both. I would like to make a strong suggestion that the government take a long hard look at Big Business for a change and stop trying to squeeze out the little guy like it has in the past. Maybe it would be a good thing for this country to do as Japan does and throw out all its patent rights and the fittest survive in the industrial world. Maybe that way you could buy a decent product that would outlast the payments before it is worn out.

Lastly, I have a small child 5 years old, last winter he spent 10 days in the hospital due to ear infection and a cold developing into pneumonia. The hospital tried for 4 days to find an antibiotic, that he wasn't allergic to. With the result that only 2 of the many available did any good or he wasn't allergic to. Now because some pompous ass and his money hungry stockholders who don't have enough in their Swiss bank accounts, decide to gouge the public some more I can look forward to another winter of ear problems. Well be it known and forewarned that if anything happens to him, somebody is going to pay and pay dearly. As God is my witness if it takes me the rest of my life and my last breath on this earth somebody will pay. If money means more to people any more than human life, then God help us all.

In my personal opinion I think its about time someone started showing some leadership instead of dragging the country and the people down farther than it is now. If this country wants peace so bad and we are going to be independent by 1980 as Mr. Nixon preaches, how come we are not a neutral country like some others? Instead of preaching peace all over the world like a hippocrit with a hand of friendship extended while the other one is holding a A-bomb behind his back. As the fellow says, "Don't make much sense do it?" Instead of always being first to stick our noses into somebody else problems, why not devote a little more effort into solving some of our own that exist here and now in this country?

If after reading this letter you think I am bitter, you had better believe it. I am just a small voice, but I am sure there are many many more just as bitter as myself. The only difference is that I feel bad that my name was not on the "White House Enemies" list, well maybe this will be at least get me on the bottom of the list.

In closing I would like to lay forward a challenge to any Politician or czar or anybody in government to come and live in my house for one month and find out what it is like to live on \$10- \$15,000 a year. The rules are simple. 1. No \$200 suits. 2. No chauffeured Cadillacs or Continentals. 3. He or she eats the same spaghetti and hamburger my family eats. 4. It has to be in the month of January or February so he gets the same benefits of the weather as all other midwesterners do. 5. He or she keeps the same working hours and other benefits I am so privileged to have as a working man, for the good of King and country.

Sincerely,

DONALD C. KRAMER.

LEWIS L. STRAUSS

Mr. GRIFFIN. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from Virginia concerning the death of a very fine American, Lewis Strauss.

It is most appropriate, I suggest, that note be taken in this body of his passing because it was in this body where, perhaps, the greatest disappointment of his life came to Lewis Strauss. I refer to his

rejection by the Senate of his nomination as Secretary of Commerce in the Eisenhower administration.

Although I did not serve in the Senate then, I studied the circumstances surrounding that incident at the time when Mr. Fortas was nominated to be Chief Justice of the U.S. Supreme Court.

The action of the Senate with respect to Lewis Strauss was most unfortunate, in my view, because, as nearly as I could determine, Mr. Strauss was rejected not because of a lack of qualifications, not because of any problems concerning impropriety or anything of that kind, but primarily because there were many in this body who did not agree with his philosophy.

That was a sad episode in the life of Mr. Strauss, and I suggest that it was an unfortunate episode in the history of the Senate.

Along with the distinguished Senator from Virginia, I regarded Mr. Strauss as a most able, most capable and dedicated public servant, who contributed a great deal to this Nation. I join the Senator from Virginia in extending condolences to those he leaves behind.

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR THE PRINTING OF EULOGIES TO THE LATE SENATOR ALLEN ELLENDER AS A SENATE DOCUMENT

Mr. ROBERT C. BYRD. Mr. President, the period for the delivery of eulogies for Senator Allen Ellender, through some inadvertent oversight, was never closed, and the authorization for the printing of those eulogies was never granted. I ask unanimous consent that the period for the delivery of eulogies for our late colleague, Senator Ellender of Louisiana, be closed, and that the eulogies be printed in a bound volume as a Senate document.

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

THE AMERICAN ROLE IN MIDDLE EAST NEGOTIATIONS

Mr. ROBERT C. BYRD. Mr. President, the agreement between Egypt and Israel to realign their military forces along the Suez Canal and the Sinai is a significant development in the quest for a permanent peace in the Middle East.

Though this agreement is only the first step down what may be long road of negotiation, it marks the first time that Egypt and Israel have been able to reach an agreement on anything other than a cease-fire. Though Egypt is only one of the Arab nations involved in the troubled Middle East situation, Premier Sadat's willingness to negotiate with the Israel Government is a hopeful sign that the

other Arab countries will follow suit. Already, President Hafez al-Assad of Syria has made proposals for beginning troop separation talks with Israel.

Secretary of State Kissinger has described the Syrian President's overtures to Israel as "very constructive," on both the troop disengagement talks and on a final peace settlement. For the first time since the 6-day war, it appears that there are reasons for genuine optimism that the Middle East impasse will be broken, and that the governments of the countries concerned may be replacing emotional intransigence by constructive pragmatism.

If subsequent negotiations proceed as smoothly as have the initial stages, an appreciable share of the credit must go to the efforts that have been made by the Government of the United States in bringing the opposing interests together. The President, Secretary of State Kissinger and his staff, are to be commended for their untiring dedication toward helping bring about a solution of a problem that has international as well as local implications.

If and when a permanent peace settlement is arrived at in the Middle East—and with that settlement there is removed one of the most dangerous threats to peace in the world—President Nixon, Secretary Kissinger, and American diplomacy in general will have reason to be proud of the parts they have played.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 2874. A bill to extend the volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second class and third class bulk mailings applicable to certain nonprofit organizations. Referred to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

S. 2875. A bill to amend the State and Local Fiscal Assistance Act of 1972 to exempt any unit of local government which receives not more than \$5,000 for the entitlement period from the requirement that reports of use of funds be published in a newspaper. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEALL:

S. 2874. A bill to extend the volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second class and third class bulk mailings applicable to certain nonprofit organizations. Referred to the Committee on Post Office and Civil Service.

Mr. BEALL. Mr. President, I am pleased to introduce legislation today which would extend to volunteer fire companies and volunteer ambulance and rescue companies the rates of postage on second-class and third-class bulk mailings applicable to certain nonprofit organizations. This measure, which was also offered by me during the 92d Congress, would substantially ease the heavy financial burdens now facing volunteer organizations throughout the country, and I urge the Senate to give this bill its swift and favorable consideration.

I, like all of my colleagues in this body, greatly admire the dedicated and unselfish service rendered the communities of the Nation by volunteer firemen and volunteer ambulance and rescue personnel. Certainly Congress must do all it can to assist them in the performance of this valuable service.

The Senate has already taken a significant step to help volunteer fire companies with the passage on November 2, 1973 of S. 1769, the Federal Fire Prevention and Control Act, which I was proud to cosponsor. The legislation will establish a coordinated program for fire prevention and control, under the administration of a new Assistant Secretary of Commerce for Fire Prevention and Control, which will reinforce and support the efforts of volunteer organizations and of State and local governments. I strongly hope that the House of Representatives will give this much-needed legislation its quick attention.

One of the greatest problems facing volunteer fire, rescue and ambulance companies is financing. Regularly, these organizations must solicit, largely by mail, the funds which are so necessary to maintain quality service. However, too much of the money which is acquired in this manner is immediately swallowed up by postal charges. As a result, more and more money which could go to the purchase of urgently needed equipment is drained away by excessively high mailing costs.

I believe Congress must rectify this situation. Volunteer fire personnel, who daily risk their lives for others, deserve our full support. This bill will signify to them, and to the millions of Americans who are served by volunteer companies, that the Federal Government stands ready to help these organizations to reduce their costs, and thus provide better fire protection. I urge its passage.

By Mr. HATHAWAY:

S. 2875. A bill to amend the State and Local Fiscal Assistance Act of 1972 to exempt any unit of local government which receives not more than \$5,000 for the entitlement period from the requirement that reports of use of funds be published in a newspaper. Referred to the Committee on Finance.

Mr. HATHAWAY. Mr. President, this is a bill to remedy a problem which is besetting many of the smaller towns of Maine that are eligible for revenue sharing, and which, I am sure, is also a problem for such towns in other States.

Section 121 of the State and Local Fiscal Assistance Act of 1972 requires a local unit of government which is receiving funds to publish in a local newspaper

both a report indicating its intentions for the use of such funds, and a later report indicating how those funds actually were used. This section of the act was conceived of as a protection for the public, but for many of the smaller towns, the amount of funds received is so small, and the cost of publication so great, that the latter consumes a fair portion of the former, and the public loses out.

The bill I am introducing today would simply exempt towns which receive less than \$5,000 from the requirement of publishing their reports in the newspapers and enable them, instead, to publish these reports by posting them in the local post offices. This would relieve them of the burden of unduly heavy publication costs, while preserving the intent of the original statute, that of protecting the public against a possible misuse of the allocated funds.

ADDITIONAL COSPONSORS OF BILLS

S. 1326

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 1326, the Hemophilia Act of 1973.

S. 2599

At the request of Mr. HATFIELD, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 2599, to repeal the Economic Stabilization Act of 1970.

S. 2657

At the request of Mr. MOSS, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2657, to provide scholarships for the dependent children of public safety officers who are victims of homicide while performing their official duties, and for other purposes.

S. 2782

At the request of Mr. NELSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2782, to establish a national energy information system, to authorize the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes.

S. 2801

At the request of Mr. PROXMIRE, and by unanimous consent, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of S. 2801, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes.

S. 2871

At the request of Mr. MCGOVERN, the Senator from Washington (Mr. JACKSON), and the Senator from Massachusetts (Mr. BROOKE) were added as cosponsors of S. 2871, to amend the Food Stamp Act of 1964, as amended, and for other purposes.

ANNOUNCEMENT OF HEARING ON AMERICANS MISSING IN ACTION

Mr. FULBRIGHT. Mr. President, I wish to announce that the Committee on Foreign Relations will hold a public hearing on Monday, January 28, at 10 a.m. in room 4221 of the Dirksen Senate Office Building in order to review the

status of efforts to account for Americans missing in action in Southeast Asia.

Almost 1 year ago, on January 27, 1973, the United States and other participants in the Southeast Asia conflict signed the "Agreement on Ending the War and Restoring the Peace in Vietnam." Within 2 months of the signing of the Paris accords some 600 American prisoners of war were returned. Today, however, another 1,300 American military and civilian personnel remain unaccounted for, some 60 servicemen are still carried on Department of Defense rolls as prisoners of war, and none of the remains of those who died in captivity has been returned.

The committee has invited the Secretary of State to testify at this hearing in order to obtain his views on the past and prospective efforts of our Government to resolve the problem of the missing in action. Members of the National League of Families of American Prisoners and Missing in Southeast Asia are being invited to present the views of the families of the missing servicemen.

The committee is keenly aware of the agonizing consequences of the continuing uncertainty surrounding the fate of the Americans missing in Southeast Asia. It is hoped that this hearing will call national attention to this problem and provide fresh insights regarding the possibilities for its resolution.

ANNOUNCEMENT OF HEARINGS ON THE ENERGY CRISIS

Mr. MUSKIE. Mr. President, on Monday, January 28, 1974, the Subcommittee on Intergovernmental Relations, Committee on Government Operations, will continue hearings on the impact of the energy crisis on the States and localities.

The hearing will be held in room 3302, Dirksen Senate Office Building, beginning at 9:30 a.m. Any person wishing additional information or to submit a statement for the RECORD should contact Mrs. L. T. Dennis, chief clerk of the subcommittee, 225-4718.

ADDITIONAL STATEMENTS

CRACKDOWN ON WELFARE FRAUD

Mr. BUCKLEY. Mr. President, the American welfare system has grown like Topsy in recent years. The resulting inequities have outraged many Americans who are more than willing to see some of their tax money go to help the truly needy but cannot see why we tolerate massive fraud at their expense.

It is therefore most encouraging to see many States and localities cracking down on welfare fraud. In doing so they are acting in the interests of the taxpayer, the program they administer and those truly in need.

I would like to call the attention of my colleagues to a recent crackdown in New York City as reported recently on the news media. Overpayments and outright fraud were discovered in more than 600 cases during the largest crackdown in city history.

New York officials deserve congratulations for this effort and have through their diligence contributed to the stabilization of a system that while perhaps

necessary can be extremely costly and is subject to terrible abuse.

U.S. NEWS & WORLD REPORT EDITORIAL IS BUILT MAINLY ON SPEECH BY SENATOR ROBERT C. BYRD

Mr. RANDOLPH. Mr. President, the U.S. News & World Report issue of January 7, 1974, contains an editorial by Editor Howard Fieger, entitled "Resolution, 1974." At the outset, Editor Fieger noted that "This is the turn-over-a-new-leaf season, daybreak of a new year," and he commented that "A worthwhile resolution for the new year would be to get more concerned about the state of the Nation; you're part of the action, not part of the audience."

Then, the U.S. News & World Report editor referred to a speech by our distinguished West Virginia Senator ROBERT C. BYRD, the industrious and effective assistant majority leader of this body. The remainder of the editorial is built around our able colleague's thought-provoking speech which was made to the National Association of Food Chains in Washington last October 17.

"That speech," the editor wrote, "wasn't about politics and it wasn't about food prices, which were dominating the news then. So the text was tucked away and gradually covered by other papers that seemed more urgent. Now—a period when we all resolve to do better—is an appropriate time to reread the Senator's speech and think about what he said. He said plenty."

At this point, Mr. President, I request unanimous consent to have printed in the RECORD the editorial quotes from Senator BYRD's speech, and the editor's summation.

There being no objection, the portion of the editorial quoting from Senator ROBERT C. BYRD's October 17, 1973 speech to the National Association of Food Chains in Washington, D.C., and the editor's summation are ordered to be printed in the RECORD, as follows:

RESOLUTION, 1974

(By Howard Fieger)

"One of the most prevalent and frightening attitudes in America today is that of being complacent, apathetic and noncommittal—the absence of deep convictions on anything. . . .

"We can condemn—and we do—the intellectual shortcomings of television and newspapers; we can decry—as we should—those who abuse the protection of the Fifth Amendment; we can deplore—as we do—the vicious and senseless criminality that pervades our social structure.

"But how often do we hear our leading citizens, in all walks of life, stand up in public and declare themselves unequivocally on matters of real principle and consequence?"

"Ethics cannot thrive in a neutral mind, and the most dangerous enemies to our way of life are not only those who loudly threaten to overthrow the system; equally dangerous to our freedoms are those who say they don't much care, one way or the other."

The Senator wasn't speaking just of public affairs. He found faults in most of us. To single out just two of his examples:

So long as regular dividends keep coming in, too many stockholders don't care what a corporation's management is, how it does business, or with whom.

So long as pay raises come along, the

workweek gets shorter and an extra holiday is declared now and then, too many union members don't want to be bothered if somebody discovers that the leaders occasionally dip into the till.

The findings of a recent Harris poll, commissioned by a Senate subcommittee, disagree with the Senator's charge of public apathy. But Louis Harris, the poll director, testified that the results show a great disquiet in America. In his words: "The public has not lost faith, but it has lost confidence." People feel they have been cut off.

The late Dr. Albert Schweitzer once defined "ethics" in these words:

"In a general sense, ethics is the name we give to our concern for good behavior. We feel an obligation to consider not only our own personal well-being but also that of others and of human society as a whole."

Which is to say: Anybody's misdeed is everybody's business.

To Senator Byrd, strength of character and dedication to principle are the foundations on which this nation was built. It would be sound wisdom—if not, in fact, urgent necessity—to re-examine those foundations right now and shore them up before it is too late.

FORTHRIGHT ANSWERS FROM A KEY OIL EXECUTIVE: JOHN SWEARINGEN

Mr. PERCY. Mr. President, the Congress and much of the world are seeking answers to some difficult questions about the fuel oil crisis and how it can be resolved. Some forthright answers to those questions have been provided this week by one of the most respected executives in the oil industry, John E. Swearingen, board chairman of Standard Oil of Indiana. Mr. Swearingen's remarks appear in a two-part interview in the Chicago Tribune. The interview was conducted by the Tribune's environmental editor, Casey Bukro.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

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

"WE HAVEN'T SCRATCHED SURFACE": SPEED UP OFFSHORE OIL SEARCH, SWEARINGEN URGES

(By Casey Bukro)

QUESTION AND ANSWER

(The oil industry believes it is maligned and misunderstood in the controversy over the oil shortage. This is the first part of an exclusive interview with John Swearingen, chairman of the board of Standard Oil Co. of Indiana.)

A lot of oil and natural gas is still waiting to be discovered off the coast of the United States, the broad-shouldered man who heads Standard Oil Co. of Indiana said.

John E. Swearingen leans back in his chair in his carpeted Chicago office on the 19th floor of the new Standard Oil Building overlooking Lake Michigan. He speaks with a trace of his native South Carolina drawl in a leisurely way that suggests confidence and command.

"We have not begun to scratch the surface in exploring for oil and gas off the coast of the United States," Swearingen said with a sleepy expression on his face. He sits in front of a modernistic painting that suggests a cross section of the earth with oil dripping and oozing in the underground realms.

"That is the first thing our country should do—accelerate the exploration effort around the coasts of the United States. By this I mean the Gulf Coast, Florida, California, Alaska, and the East Coast as well.

"We might be lucky. We might find some

large supplies that could be brought to market in four or five years."

At age 54, Swearingen looks every inch like an oil man. He also thinks and acts like one. With sales last year of \$5.2 billion and assets of \$6.1 billion, Standard of Indiana is the sixth largest oil company and the 15th largest industrial company in the United States.

Swearingen is chairman of the board of Indiana Standards. Much of what he says echoes what other oilmen say and think about the oil shortage. They often blame consumers and the federal government for the shortage, while avoiding giving details of their business. They are openly contemptuous of the judgment of anyone not in the oil industry.

In an exclusive interview with The Tribune, Swearingen's answers show how an oil man typically responds to questions about the oil shortage:

Question. Let me ask the question the man on the street is asking. Did the major oil companies cause the fuel shortage?

Answer. No. The answer is no.

Question. President Nixon has said all of us must share responsibility for the energy crisis and the fuel shortage. What part of the responsibility does the oil industry share? What did this company do or not do that contributed to the oil shortage?

Answer. Our business is producing, transporting, refining, and selling oil. We've done our level best to supply our customers with everything they want and need. The demand by customers is increasing year by year, and it has now turned into a situation where the supplies are inadequate to meet demand of customers. We're continuing major efforts to enlarge the supplies we have, but it is not wholly under our control.

Question. Your answer indicates you have no direct responsibility for the shortage; that it is demand that caused the shortage.

Answer. I didn't say that.

Question. Then what is the oil industry's share of the responsibility for the oil shortage?

Answer. The oil industry's share is that we don't have enough to satisfy every requirement that every customer thinks he wants.

Question. Not every industry in the United States is short of the product it sells, but yours is. What explains that?

Answer. There is inadequate supply to meet demand. [In a lengthy reply, Swearingen named the life span of oil wells, failure of the federal government to lease offshore areas for drilling, and environmental protection regulations as factors that caused the United States to turn to foreign countries for part of its oil supplies.]

Question. Frank Ikard, president of the American Petroleum Institute, has said one of the reasons for the shortage is that . . . enough oil refineries in the last 10 years.

Answer. I wouldn't agree with that statement.

Question. Figures supplied by Standard of Indiana, your company, show that demand for petroleum products in the United States outpaced refinery capacity back in 1965.

Answer. May I see them?

Question. Certainly.

Answer. Since the 1950s, cheap crude oil and very cheap refined products were available from the Middle East, North Africa, Nigeria, Venezuela, Indonesia, and the rest. Talking today or 10 years in the past, there was no reason to expand refinery capacity in this country when [foreign] products could be obtained to satisfy the market more cheaply than from sources built in this country.

Question. That raises the question of the U.S. Oil Import Quota system, which was imposed in 1957 at the request of the oil industry to keep cheap foreign crude oil and

oil products out of the country. [It was lifted early in 1973.]

Answer. Who alleges this? Here's one of our problems. All kinds of allegations are made without any support in fact or knowledge of the subject. This is one of the troubles our industry has with the public and the press.

Question. Your own top economist, Theodore [Ted] Eck, chief economist of Standard of Indians, said it was the import quota system that kept crude oil out of this country and restricted refinery building in this country.

Answer. The President of the United States found that for national security reasons, it was inappropriate to have the United States become dependent on foreign sources of oil to an unreasonable degree and quota limits were set on the amount of crude oil and amount of refined products that could be brought into the United States.

*** program had not been established, there is very little doubt that exploration for new sources of oil and gas in the United States would have been greatly diminished, much more than actually took place in fact.

Question. Will higher prices for petroleum products in the United States result in more oil for the American public? Some economists argue that the supply of oil is relatively fixed, and higher prices will only encourage marginal and high-cost wells that will increase supplies only slightly.

Answer. Those economists, if they are true economists and know what they are talking about, are absolutely wrong.

Question. Then your answer is that higher prices will result in more oil?

Answer. Substantial additional quantities of oil and gas.

Question. How high do you expect petroleum product prices to go in 1974?

Answer. I would expect to see the price of gasoline in this country go up by a factor of 10 to 15 cents a gallon at the retail pump. The same range of increases would also apply to heating oil, diesel fuel, and jet fuel. When I say that, I also make the assumption that there are going to be no further tax increases by the federal government, state government, and local taxing authorities.

Question. Are oil companies making excess profits?

Answer. No.

Question. Then you believe profits being made by the oil industry are justified?

Answer. I didn't say that. You asked me if they were excess profits and I said no. The job to supply the oil and gas to the citizens of the United States is going to take enormous sums of money.

Question. Chase Manhattan Bank sets the figure at \$1 trillion worldwide.

Answer. I think that is the right order of magnitude.

Question. Members of Congress are talking about imposing an excess profits tax on the oil industry so they must think there is justification for it.

Answer. There are a lot of people in this country who feel that making any kind of profit is something that is, if not illegal, certainly immoral. Let me point out one thing. Last year, our company made \$375 million, which to the man on the street is a lot of money. But that \$375 million from everything we do represents a profit of something less than three cents a gallon on every gallon of product we produce and sell.

Question. Then how do you explain the large profit increases announced by the American oil industry in 1973?

Answer. You've got to ask compared with what. The profits of the industry for the first nine months of 1973 were higher than they were in the first nine months of 1972.

Question. By how much?

Answer. The figures showed an increase on the average for about 30 or 40 of the largest companies of about 35 to 40 per cent. I think you'll find that many of the

individual companies in the first part of 1973 were only just getting back to the level of earnings they attained in 1969. From 1970, 1971, and 1972, many of the major companies in the industry were in a declining trend in earnings. When you look at the measure of return on capital, I think you will find most of the industry has a relatively modest return on capital.

(NOTE.—Business Week reported that third quarter profits in 1973 for the U.S. oil industry were up 63 per cent, making it one of the leaders in 1973 profitmakers.)

SWEARINGEN INTERVIEW: OVERSEAS TAX LOOPHOLES NOT CAUSING FUEL CRISIS: OIL CHIEF

(By Casey Bukro)

QUESTION AND ANSWER

(The oil industry believes it is maligned and misunderstood in the controversy over the oil shortage. This is the second of two parts of an exclusive interview with John Swearingen, chairman of the board of Standard Oil Co. of Indiana.)

Did tax loopholes allowing major oil companies to prosper overseas cause the fuel shortage in the United States?

Some critics of United States oil policies say yes, that the major oil companies spent their exploration and development money in Europe and the Middle East in the 1960s while the American taxpayer footed a big part of the bill.

John E. Swearingen takes a dim view of that argument.

The giant oil industry needs more tax and price advantages if it is expected to attack the energy crisis, according to the chairman of the board of Standard Oil Co. of Indiana.

Oil and gas is still waiting to be found off the coast of the United States, he says. Higher prices for the petroleum products will give the industry the capital it needs to drill more wells and find more oil and natural gas.

Higher prices, which Swearingen said will mean an extra 10 to 15 cents a gallon for most fuels in 1974, will result in more fuel, he says.

Following are questions and answers from an exclusive interview with Swearingen:

Question. One of the arguments heard today is that American oil industries went overseas in the mid-1960s to develop foreign oil production and refineries at the expense of U.S. development because of tax havens and tax advantages overseas. In that way, the American public subsidized the oil industry overseas.

Answers. The American taxpayers have not subsidized American oil companies in going abroad any more or any less than they subsidized automobile companies or computer manufacturers that have gone abroad.

Question. Figures from Standard of Indiana show that 80 per cent of the oil you produce and refine overseas stays in overseas markets. Some people believe that if American oil companies tried selling some of *** country, we would be better off.

Answer. I'll answer by asking you what you think the Italian government would do if we decided we were going to take the entire output or a substantial part of our output of our refinery in Italy out of the Italian market and moved it to the United States.

Question. Some people believe that the refinery was built with the aid of United States tax incentives and, therefore, the American public would be entitled to that oil.

Answer. That is an erroneous statement of fact. The United States has tax treaties with most countries around the world which give credit against taxes payable in the United States for taxes paid in a foreign country; so there is no double taxation of profits by more than one government. As a consequence of taxes paid there, there are no taxes payable on those profits in the United States, or a very low rate of taxes paid in the United States.

Question. Some people see that as a tax advantage which encourages going overseas at the sacrifice of domestic oil production in the United States.

Answer. The charge has been made, but I do not believe it will stand up under examination.

Question. You say higher prices are needed by the major American oil companies to encourage oil and gas exploration and development. The Oil and Gas Journal has reported that independent wildcatters account for 75 per cent of the new oil finds in the United States, while the majors confine most of their drilling to development wells in known oil fields.

Answer. That is an oft-repeated shibboleth that is no longer true. It has not been true for a great many years.

Question. What do you say to the criticism of Prof. Alfred E. Kahn, professor of economics at Cornell University, who says that the more money you give to the oil industry, the more it wastes thru marginal ventures? He said the oil industry makes costs rise to price, rather than the other way around.

Answer. Mr. Kahn is obviously not an oil man.

Question. What is the markup on petroleum products? How much does it cost you to lift crude oil from the ground, say, in Iran? How do you decide the cost of petroleum products?

Answer. To produce this oil and lift it out of the ground and get it to shore is a relatively inexpensive figure. It is nothing like the figure of 10 cents a barrel. That is often bandied about as the cost of oil in the Middle East.

Question. You are not telling me the markup.

Answer. I'm not going to. I'm not going to disclose to you a set of Iranian oil that is only part of and a very small part of the overall cost of producing oil in Iran.

Question. Then give me a companywide average on the cost of getting oil out of the ground.

Answer. I don't know that I have a companywide average figure I can give you.

Question. People are interested in what figure we start with in determining the price of gasoline or heating oil. I have figures from the federal government showing the cost of lifting oil from the ground in Arab countries to be 3 to 5 cents a barrel.

Answer. I don't think the figures are that low. The figures on lifting oil from the largest oil field in Kuwait and Saudi Arabia are something on the order of 10 cents a barrel.

This figure is not typical of lifting oil in the United States nor does it recognize all of the overhead and other costs of being successful in the business.

Question. It has been alleged that when the Arabs raised their prices, the American oil companies that share in Arab oil field production also profited by that price hike. Is that right?

Answer. There may have been some temporary benefit. The price and tax regime established in the middle of the year in 1973 perhaps gave a higher margin of profit for several months. But I believe the regime established for the first of January, 1974, is going to reduce those margins and take them back to figures more like the historic level.

Question. How can you justify asking for higher prices for petroleum products in the United States when you already have made higher profits overseas thru the hike in crude oil prices in the Arab countries?

Answer. You must recognize that we have refineries in the United States that are short of crude oil. We are unable to get any more crude oil in the United States. If we are going to supply these refineries and customer demand, we are going to have to buy the oil from outside the United States.

Question. Are the price hikes we are seeing in Arab countries tied in any way to

increases in operating costs? (Standard of Indiana has producing oil fields in the Persian Gulf and refineries abroad.)

Answer. In the Arab countries?

Question. In the Arab countries.

Answer. No.

Question. It is strictly arbitrary?

Answer. (Swearingen nods head in affirmation.)

Question. What needs to be done over the next 10 years to make us self-sufficient in energy and perhaps make it possible for the oil industry to operate effectively?

Answer. The government must establish a policy of what they want to do. We can't drill a well off the coast of the United States without getting a permit. We can't explore in Alaska without getting a permit from the federal government. We've got to establish national policies and priorities and then see to it we have a price and tax regime that enables private industry to get about the business. We do not need the government to whip the industry into doing this. Nor do I believe the government must do the job itself because private industry can't or won't do it.

Question. I sense from your answer that the federal government is a barrier to doing what the oil industry wants done.

Answer. That is a broad and loaded question.

Question. Do you agree with the viewpoint that all the easy oil has been found in the United States?

Answer. I don't know that all the easy oil has been found. There are many areas, particularly offshore United States and the State of Alaska, that have never been touched by a drill. And there is no way of knowing if there is oil or gas there until you go out and drill a well to see.

Question. Do you agree that the era of cheap oil is over?

Answer. I think the Arabs are going to see to that.

Question. What do you say to charges that a world petroleum cartel exists to stifle competition and keep oil prices up?

Answer. I've heard it many times. If there is such a thing in existence, which there isn't, but if there were, it would be reflected in extravagant rates of profits because a cartel did exist. I don't believe you'll find in the records of any of the big companies any kind of margin of profit like this.

If it were all that profitable, I presume there would be a heck of a lot of people trying to get into the business, but I don't see anybody trying to knock the door down.

Question. Do you believe the U.S. oil industry is open to prosecution on antitrust charges because of its involvement in competing energy sources?

Answer. Here again you've phrased a loaded question. These charges have been leveled many, many times. I don't think they've ever been proved and I don't believe in this fishing expedition [by the Federal Trade Commission in restraint of trade practices by the major oil companies]. They will find nothing different from what they found on previous occasions. The industry is not a cartel and not a conspiracy.

Question. Is there anything you want the American public to know about the oil industry?

Answer. There is an underlying current I've seen time and time again of distrust of big companies and big operations and there seems to be a design to try to pull them down or cut them up into mince meat. But I ask you, Who is going to build a billion dollar shale plant? It has to be someone who can raise a billion dollars.

There are some jobs in this country, offshore drilling is another one, that take organization and big resources and a high level of technological expertise to do the job.

It is automatically assumed that we are liars and connivers instead of trying to be

decent citizens like newspaper people and senators are.

A SAFEGUARD AGAINST OVERPAYMENT OF INCOME TAXES BY THE ELDERLY

Mr. CHILES. Mr. President, the Senate Committee on Aging is concerned with the whole gamut of problems and challenges facing aged and aging Americans: Income, health, housing, transportation, and now the energy crisis.

But one of the most crucial concerns—and certainly one of the most timely—is the impact of taxation upon the elderly.

As a member of the Committee on Aging, I consider this subject to be at the top of my priorities for older Americans.

Low income in retirement is, of course, the most serious problem confronting the aged. However, a substantial number of older Americans still have a sufficient amount of income to file a Federal income tax return.

For taxable year 1971—the latest date that complete information is available—nearly 9 million persons 65 or older filed tax returns.

Unfortunately many of these individuals may overpay their taxes, primarily because they are uninformed about tax relief measures which can result in significant savings for them.

A hearing conducted by the Senate Committee on Aging on "Income Tax Overpayments by the Older Americans" made this point abundantly clear. Some witnesses at that hearing estimated that perhaps one-half of all elderly may be paying more income taxes than the law requires.

To help protect aged persons from needlessly overpaying their income taxes, the committee each year publishes a checklist of possible deductions for individuals who itemize their expenditures—such as medical expenses, interest, charitable contributions, taxes, and others—on schedule A.

This summary, it seems to me, can be extraordinarily helpful for taxpayers who will prepare their Federal income tax returns during the next few weeks.

For these reasons, Mr. President, I ask unanimous consent that the Committee on Aging's checklist of allowable deductions for schedule A be printed in the RECORD.

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

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A—FORM 1040

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses are deductible to the extent that they exceed 3% of a taxpayer's adjusted gross income (line 15, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to \$150) without regard to the 3% limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3% rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3% rule) but only to extent exceeding 1% of adjusted gross income (line 15, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expense (subject to 3% limitation):

Abdominal supports, Ambulance hire, Anesthetist, Arch supports, Artificial limbs and teeth, Back Supports, and Braces.

Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditures exceeds the increase in value to your home because of the capital expenditure. Taxpayers should have an independent appraisal made to reflect clearly the increase in value.

Cardiographs, Chiroprapist, Chiropractor, Christian Science practitioner, authorized Convalescent home (for medical treatment only), Crutches, Dental services (e.g., cleaning teeth, X-rays, filling teeth), Dentures, Dermatologist, Eyeglasses, Gynecologist, Hearing aids and batteries, Hospital expenses, and Insulin treatment.

Invalid chair, Lab tests, Lip reading lessons (designed to overcome a handicap), Neurologist, Nursing services (for medical care), Ophthalmologist, Optician, Optometrist, Oral surgery, Osteopath, licensed Podiatrist, and Physical examinations.

Physician, Physiotherapist, Podiatrist, Psychiatrist, Psychoanalyst, Psychologist, Psychotherapy, Radium Therapy, Sacroiliac belt, Seeing-eye dog and maintenance, and Splints.

Supplementary Medical Insurance (Part B) under Medicare.

Surgeon.

Transportation expenses for medical purposes (6c per mile plus parking and tolls or actual fares for taxi, buses, etc.).

Vaccines.

Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs, Whirlpool baths for medical purposes, and X-rays.

TAXES

Real estate, State and local gasoline, General sales, State and local income, and Personal property.

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of 5 classes of items: automobiles, airplanes, boats, mobile homes and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security or Railroad Retirement Annuities).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 15, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, state or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g. clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 6c per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g. postage, sta-

tionery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to \$50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.).

Bank credit card—can deduct the finance charge as interest if no part is for service charges or loan fees, credit investigation reports. If classified as service charge, may still deduct 8 percent of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) limited to the portion of the total fee or service charge allocable to the year.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g. VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

CASUALTY OR THEFT LOSSES

Casualty (e.g. tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the \$100 limitation. You may use Form 4684 for computing your personal casualty loss.

CHILD AND DISABLED DEPENDENT CARE EXPENSES

The deduction for child dependent care expenses for employment related purposes has been expanded substantially. Now a taxpayer who maintains a household may claim a deduction for employment-related expenses incurred in obtaining care for a (1) dependent who is under 15, (2) physically or mentally disabled dependent, or (3) disabled spouse. The maximum allowable deduction is \$400 a month (\$4,800 a year). As a general rule, employment-related expenses are deductible only if incurred for services for a qualifying individual in the taxpayer's household. However, an exception exists for child care expenses (as distinguished from a disabled dependent or a disabled spouse). In this case, expenses outside the household (e.g., day care expenditures) are deductible, but the maximum deduction is \$200 per month for one child, \$300 per month for 2 children, and \$400 per month for 3 or more children.

When a taxpayer's adjusted gross income (line 15, Form 1040) exceeds \$18,000, his deduction is reduced by \$1 for each \$2 of income above this amount. For further information about child and dependent care deductions, see Publication 503, Child Care and Disabled Dependent Care, available free at Internal Revenue offices.

MISCELLANEOUS

Alimony and separate maintenance (periodic payments).

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.

Campaign contributions (up to \$100 for joint returns and \$50 for single persons).

Union dues.
Cost of preparation of income tax return.
Cost of tools for employee (depreciated over the useful life of the tools).

Dues for Chamber of Commerce (if as a business expense).

Rental cost of a safe-deposit box for income producing property.

Fees paid to investment counselors.
Subscriptions to business publications.

Telephone and postage in connection with investments.

Uniforms required for employment and not generally wearable off the job.

Maintenance of uniforms required for employment.

Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).

Business entertainment expenses.
Business gift expenses not exceeding \$25 per recipient.

Employment agency fees for securing employment.

Cost of a periodic physical examination if required by employer.

Cost of installation and maintenance of a telephone required by the taxpayer's employment (deduction based on business use).

Cost of bond if required for employment.

Expenses of an office in your home if employment requires it.

Payments made by a teacher to a substitute.

Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions: Taxpayers may now claim either a deduction (line 33, Schedule A, Form 1040) or a credit (line 52, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) state committee of a national political party, or (4) local committee of a national political party. The maximum deduction is \$50 (\$100 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a \$12.50 ceiling (\$25 for couples filing jointly).

Presidential Election Campaign Fund: Additionally, taxpayers may voluntarily earmark \$1 of their taxes (\$2 on joint returns), to help defray the costs of the 1976 presidential election campaign. If you fail to earmark \$1 of your 1972 taxes (\$2 on joint returns) to help defray the cost of the 1976 presidential election campaign, you may do so in the space provided above the signature line on your 1973 tax return.

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES FOR OLDER AMERICANS
Filing status: Required to file a tax return if gross income is at least:

Single (under age 65) ----- \$2,050
Single (age 65 or older) ----- 2,800
Married couple (both spouses under 65) filing jointly ----- 2,800
Married couple (1 spouse 65 or older) filing jointly ----- 3,550
Married couple (both spouses 65 or older) filing jointly ----- 4,300
Married filing separately ----- 750

Additional Personal Exemption for Age: In addition to the regular \$750 exemption al-

lowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of \$750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1974, you will be entitled to the additional \$750 personal exemption because of age for your 1973 Federal income tax return.

Multiple Support Agreement: In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) Gross Income, (3) Member of Household or Relationship, (4) Citizenship, and (5) Separate Return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support.

However, it still may be possible for one of the individuals to be entitled to a \$750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10 percent of the mutual dependent's support, but only one of them, may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers: A taxpayer may elect to exclude from gross income part, or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least five years within the eight-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is \$20,000 or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds \$20,000, an election may be made to exclude part of the gain based on a ratio of \$20,000 over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within one year before or one year after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales prices of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Retirement Income Credit: To qualify for the retirement income credit, you must (a) be a U.S. citizen or resident, (b) have received earned income in excess of \$600 in each of any 10 calendar years before 1973, and (c) have certain types of qualifying "retirement income." Five types of income—pensions, annuities, interest, and dividends included on line 15, Form 1040, and gross rents from Schedule E, Part II, column (b)—qualify for the retirement income credit.

The credit is 15 percent of the lesser of:

1. A taxpayer's qualifying retirement income, or

2. \$1,524 (\$2,286 for a joint return where both taxpayers are 65 or older) minus the

total of nontaxable pensions (such as Social Security benefits or Railroad Retirement annuities) and earned income (depending upon the taxpayer's age and the amount of any earnings he may have).

If the taxpayer is under 62, he must reduce the \$1,524 figure by the amount of earned income in excess of \$900. For persons at least 62 years old but less than 72, this amount is reduced by one-half of the earned income in excess of \$1,200 up to \$1,700, plus the total amount over \$1,700. Persons 72 and over are not subject to the earned income limitation.

Schedule R is used for taxpayers who claim the retirement income credit.

The Internal Revenue Service will also compute the retirement income credit for a taxpayer if he has requested that IRS compute his tax and he answers the questions for Columns A and B and completes lines 2 and 5 on Schedule R—relating to the amount of his Social Security benefits, Railroad Retirement annuities, earned income, and qualifying retirement income (pensions, annuities, interest, dividends, and rents). The taxpayers should also write "RIC" on line 17, Form 1040.

COMMONSENSE ON EDUCATION

Mr. BUCKLEY. Mr. President, with the possible exception of politics, no subject matter is the victim of more nonsensical theorizing than education. It is, therefore, a rare and happy event when someone who is well versed in both politics and education has uncommonly commonsense views about the role of the Federal Government in education. In the "Annual Education Review" of the New York Times, January 16, 1974, Representative EDITH GREEN, of Oregon, has written the most succinct, well-documented, well-reasoned critique of Federal follies in the field of education I have ever had the pleasure of reading. Representative GREEN's eloquence speaks for itself so without further ado, I ask unanimous consent that the full text of Representative GREEN's article be printed in the RECORD:

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

BACKER OF FEDERAL AID ASKS, "WHAT WENT WRONG?"

(By Edith Green)

As a long-time supporter of Federal financial aid for education, I have come to realize with much pain that many billions of Federal tax dollars have not brought the significant improvement we anticipated. There are even signs that we may be losing ground.

What has gone wrong? I believe that several unanticipated problems must be understood before we can take positive steps toward achieving the goals we have set for ourselves.

First, it seems that whenever a new problem arises, well-meaning people immediately suggest that the Federal Government should provide a solution. If the state or local school district has turned down a proposal because there are other items of higher priority, surely in the inexhaustible Federal budget money can be found. Since there is no end to the number and variety of problems in education, there has been no end to the Federal programs that have developed over the years.

The structure constantly grows and usually at the hands of people whose motive is to help.

In hearings last year, Dr. Sidney P. Marland Jr., former Commissioner of Education and Assistant Secretary for Education in the Department of Health, Education, and Wel-

fare until his resignation last September, said:

"O. E. sprang very swiftly from a relatively small office in 1965 to an office with some \$5-billion in its responsibilities and some 104 different laws and programs to administer in a relatively short period of time. . . . The whole substance of proliferation of programs in the Office of Education has reached the point where it is causing almost impossible management to keep the lines of communication, the avoidance of duplication, the infinite volumes of paper work surrounding categorical programs."

A peculiar feature of all this is that programs never seem to phase out, even after the problem has been solved or after the program has shown very disappointing results. It is almost impossible to reverse an initiative. It is also next to impossible to change formulas for allocation of funds because the decision of each Congressman is too often based on the very pragmatic question: "Will my Congressional district (or state) gain or lose?"

So, in 1974, we are still using 1960 census figures despite evidence that some districts have thousands of new students and other districts are being paid for students who departed years ago.

Second, Federal education programs suffer from a terrible lack of coherence. To begin with, several Congressmen have several different proposals for solving any particular problem. By the time the appropriate subcommittee has agreed on a draft bill, the process of political compromise may have done away with the internal unity of the new program before it is even started.

The full committee then does its work on the bill, followed by the House as a whole—a process that has a complete analog on the Senate side (usually uncoordinated with the House). A Senate-House conference then alters the bill yet further, with the result that the program lacks integral wholeness.

It may really please no one; the original author may reject it entirely; the academic community may "buy" it not because they like it, but because it promises more dollars. Ineffective responses to real needs only compound distrust in Government.

Many Congressional committees and agencies start programs unilaterally. It is always with the intent of "doing good." This results in more overlapping and duplication of effort. If the Federal Government's objective is to meet a short-range goal, the goal may well be achieved in this way. Multiagency programs, planned unilaterally, do not, however, promote long-range over-all planning. Categorical programs preclude an integrated approach to the provision of services.

BEYOND TEXTBOOK DESCRIPTION

The third problem is one that goes beyond textbook description. We have been taught in school that Congress legislates the people's will and the executive branch carries out the Congressional will. This is often far from the truth. The executive branch has grown to immense proportions and has developed its own set of plans and programs. Sometimes the plans for the executive branch and Congress coincide. But time and time again, we have found the Office of Education planning, announcing and implementing programs never contemplated in the Congressional legislation.

Often it seems that the Office of Education considers the year's appropriations to be a giant pool from which their people can transfer funds or draw, as they wish, for whatever programs they have decided to carry out. The Renewal Site program of 1972 is but one example.

Elliot L. Richardson, then Secretary of Health, Education and Welfare, testified that the \$363-million would be addressed to "reform and innovation." One of the Federal deputies in the Office of Education said,

"After the needs assessment, the training program will be used to install new curriculum and to retrain staff to meet the cultural and knowledge revolution that is upon us."

One irate Congressman demanded of Secretary Richardson:

"Who told you that you can use E.P.D.A. to go out across the United States and make a needs assessment to determine what the most important needs of the schools of the country are? Who told you you had the authority to install a new curriculum?"

These and other discretionary funds are often used to do an "end run" around Congress. The impoundment of other funds for the programs is also used to thwart the will of Congress.

Fourth, if the execution is bad, even the best program is doomed. When he was the Senate majority leader, the late Lyndon B. Johnson said, "Legislation should not be examined in the light of benefits it will convey if properly administered, but by wrongs it would cause if improperly administered."

A Federal agency consists of an upper echelon of political appointees whose life spans in office are very short and a vast underlay of permanent Civil Service bureaucrats. The top people rarely get a chance to get a real grasp on the agency before moving on. As a result, the lower level bureaucracy runs the show.

In practice, this means that regulations and guidelines are issued, laws are "interpreted," contracts are let and grants are made, by third-rank and fourth-rank officials who are remote from the college or the local school district and immune from constituency complaints. In fact, Civil Service manages to protect all who come within its purview from any serious restraint on their freedom except in rare cases of extreme malfeasance.

In addition to problems arising from the inherent isolation of centralized bureaucracy, there are the usual problems of corruption and inefficiency. Corruption wears many faces. Outright thievery or collusion is relatively rare. Far more prevalent are such practices as bypassing regulations, ignoring uncomfortable restrictions, bestowing benefits on friends or colleagues and all the known forms of logrolling.

Frequently, when officials leave Government service, they are rewarded with positions in the private sectors where they have had the most contacts—and they often receive Government contracts or grants (called "graduation presents" in the corridors of the Department of Health, Education and Welfare) to help them along. Repeated agency promises to tighten up management practices have produced little if any change.

THE ADMINISTRATIVE MONSTER

Finally, each new program spawns at least one new administrative unit within the Government. This involves new office space, new staff of many ranks, new organization charts, new regulations. Administrative growth is a galloping cancer. Many listed as new state or city employes are there solely because of Federal funds or Federal requirements.

Out of the \$5.6-billion for 1973, the Office of Education had more than \$89 million in "discretionary funds." These funds amount to more than twice the total appropriations the agency had for all of its programs in 1960. This is spent in contracts and grants, research and evaluation.

Two years ago, my office did a study of O.E. contracts and grants. What we found was appalling. The General Accounting Office said the department was in absolute chaos. No one knew to whom the grants were given, for what purpose, or what were the results. More than 90 per cent of all contracts and grants from 1967 to 1972 were awarded on a noncompetitive basis.

Last year, Dr. Marland testified that there

were more than 50,000 contracts and grants that required some degree of monitoring. An official of the Contracts and Grants Division estimated that 9,000 contracts and grants in the O.E. headquarters and 4,000 in regional offices had not been closed out. The closing of some has been delayed for as long as eight years.

Besides the 13,000 closeouts now outstanding, another 6,000 award files will probably never be closed out because they were in storage but cannot be located.

Who knows, then, whether the Federal dollars have been spent wisely? What are the results of the research? What kind of an evaluation was ever made? What dissemination was ever made of information gained?

Now the National Institute of Education has been established where research is to be centered. One of Oregon's leading educators says:

"Instead of finding out what's working in various states, they have to discover it all over again. There appears to be an intention to replot previously studied areas. There appears to be an intention to go for 'splashy' projects [like the NASA satellite program for Appalachia] as opposed to focusing on the 'here and now' problems of students, classroom teachers and school administrators."

It seems to me that the time has come for an "agonizing reappraisal." We can no longer afford another new program for each new problem, or another new agency for each old agency that has lost its vitality. We cannot tolerate more centralization and Federal control. We cannot afford to enlarge, or even to continue with, a huge administrative apparatus that operates out of public view and beyond public control.

The enormous Federal influence has not yet really entrenched itself, either structurally or philosophically, in the American experience. It is by no means too late to cut discretionary funds to a justifiable and manageable amount, and to do away with the myriad categorical programs. To the extent that financial assistance is required for education programs, such assistance can be supplied through outright block grants with minimum restrictions on how or for what they are spent, once a basic over-all need has been established. *Decentralization* and *general aid* are key concepts in the rehabilitation of our educational system; they and they alone permit each locality to determine its own priorities, plans and objectives—to focus on its own particular educational problems.

A LESSON ABOUT LABELS

My experience with Federal education programs over the years has taught me a profound lesson about political labels. Time was when it was easy to identify a "liberal" and a "conservative." The liberal supported increased Federal aid to education, and the conservative opposed it. But then matters got more complicated.

The liberals became those who supported assistance to certain programs, such as environmental studies or consumer education or the twentieth program for child development, but opposed assistance to the "wrong" programs, such as R.O.T.C. or block grants or funds for Federally forced busing to achieve a certain ratio, depending solely on pigmentation of skin. Conservatives became those who favored local control in certain areas, such as school districts in the South, but opposed local control in the community schools of New York.

We have come to the point where the old labels are as meaningless as the old simple formulas for political cures. If we could quit arguing about "liberal" or "conservative" and find out which programs work, children would be the beneficiaries. We have matured greatly in the past years, since Sputnik jarred our awareness. From a purely pragmatic standpoint, we should be eager to end

unsuccessful programs and rid ourselves of the waste they engender. The essential lesson we have learned is that the financial resources of the Federal Government are necessary to our educational system, but the preservation of local control over priorities, plans and objectives is *equally* necessary. To the extent that this recognition becomes part of the national consciousness and is translated into action, we will be able to save our schools from mutilation and maintain their role as the preservers of a free, independent and enlightened citizenry.

CONFIDENCE IN GOVERNMENT

Mr. MUSKIE. Mr. President, early last month the Subcommittee on Intergovernmental Relations published the results of a public opinion survey conducted for it by Louis Harris & Associates on the state of citizen regard for and involvement in government at all levels. The study, which showed a disquieting public isolation from Government and a strong desire for greater citizen participation in public affairs, has provoked a great deal of comment in the press and substantial interest from citizens, scholars, and Members of Congress.

Two commentaries made last month deserve wider circulation. One was the column by James J. Kilpatrick in which he called the survey "must reading" and observed, in relation to its findings:

Some entirely new forms of education, have to be developed. Public officials tend to communicate, and public relations may communicate through the media, by mail, by individual conversations, by giving speeches, even by going to funerals. Plainly this isn't enough. If three quarters of the people feel they don't know what's going on in state government, someone in state government—and some of us in the media—are doing an inadequate job.

In a lengthy television discussion of some of the survey's findings, the noted anthropologist Dr. Margaret Mead said that Americans' loss of confidence reflects "distrust based on a desire for trust." Dr. Mead speaks of a world in "extreme transition," of "a failure to change when change was due" and of an America which has not yet recognized its new needs. Her comments are extremely provocative and worth our consideration. I ask unanimous consent that Mr. Kilpatrick's column and a transcript of Dr. Mead's talk with Martin Agronsky be printed in the RECORD.

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

[From the Washington Star-News,
Dec. 14, 1973]

CRUSHING VERDICT ON WATERGATE (By James J. Kilpatrick)

Several months ago, a Senate subcommittee retained Louis Harris Associates to make a massive study addressed to this question: How do the American people perceive their government? Last week the answers were in: The people perceive their government poorly.

Their disenchantment extends not only to government, but to other institutions also. By a substantial margin, the people believe the whole "quality of life" in America has decreased in the past 10 years. Their sense of alienation gets worse, not better.

For any person interested in public affairs, this Harris survey has to rank as must reading. It is not pleasant reading. Those

who have responsibilities in government, in education, and in the media will read this report in dismay. At the White House, they will read it in shock.

The study provides a crushing verdict on the damage done by Watergate. Asked to express an opinion on 22 American institutions, the people ranked the White House dead last: Only 18 percent of the respondents voiced a "great deal of confidence" in the President. Their disenchantment reached to the federal government generally: More than half the people—57 percent—said they have less confidence in federal agencies today than they had five years ago.

The Harris pollsters have been measuring these attitudes for some years. Their findings must be accepted as reasonably accurate reflections of opinions that are widely held. Seven years ago, only 26 percent of the respondents agreed with the test statement that "people running the country don't really care what happens to you." Today that figure has soared to 55 percent. Seven years ago fewer than half the people (45 percent) accepted the cynical observation that "The rich get richer and the poor get poorer." Now that belief is voiced by 76 percent. Compared to 1966, three times as many Americans now feel "left out of things going on around you."

Among the most distressing aspects of the survey is the disclosure that millions of adult Americans know little about the people and the institutions that make up our government. While nine out of 10 respondents could name their state governor, only 59 percent could name one of their U.S. Senators and only 39 percent could name both. Astonishingly, only 62 percent knew that Congress is composed of the Senate and the House. One fifth of them—one fifth!—had the foggy notion that Congress includes the U.S. Supreme Court as well.

What emerges from this disturbing survey, among other things, is the urgent need for better communications between government agencies and the people they serve. Only 40 percent of the people feel reasonably up to date on what is going on in federal and local government; only 27 percent feel well informed on state government. Perhaps as a consequence, they regard government at every level with increasing mistrust.

Public officials themselves, who also were sampled by the Harris survey in a companion study, are convinced that they are doing a steadily better job. They know, as best they can know these things, that the quality of public servants in state and local government is better than it was some years ago. They are mystified that the people do not perceive the improvements around them.

How can confidence be restored? Some entirely new forms of education, communication, and public relations may have to be developed. Public officials tend to communicate through the media, by mail, by individual conversations, by giving speeches, even by going to funerals. Plainly this isn't enough. If three quarters of the people feel they don't know what's going on in state government, someone in state government—and some of us in the media—are doing an inadequate job.

I offer no easy answers. The loss of confidence is so deep, and so pervasive, that only a sustained and dedicated effort will reverse the trend. Such an effort will have to be made across the board—in business and industry, in the media, in the churches, in our institutions of higher learning, in organized labor, in every significant part of society.

Such an effort, properly mounted, would not fail. As the Harris survey makes clear, the people still have hope; overwhelmingly they believe that government "can" solve the problems that afflict us. The disenchantment

is not irreversible. But hope is a tender flower, needing constant care, and this hope has gone untended far too long.

TRANSCRIPT OF TELEVISED INTERVIEW OF DR. MARGARET MEAD BY MR. MARTIN AGRONSKY, ON "EVENING EDITION," OF THE EASTERN EDUCATIONAL NETWORK, BROADCAST BY WETA-TV, CHANNEL 26, WASHINGTON, D.C., DECEMBER 13, 1973.

MR. AGRONSKY. Good Evening. A recent Lou Harris Poll says that Americans have lost confidence not only in their government leaders but in the fields of medicine, education and organized religion. Our government is racked with scandals and the country faces an energy crisis, rising unemployment and inflation. It's hard these days to do anything viewing our times through a glass darkly. But is everything really that bad?

Well, tonight our evening edition is a discussion of the state of society with a distinguished anthropologist, Dr. Margaret Mead. Dr. Mead has studied seven primitive societies and written over eighteen books and she is currently possessor of the formidable title of Curator Emeritus of Ethnology of the American Museum of Natural History and eminently qualified to provide some perspective on where we are and where we're going. . . . Dr. Mead, we've had such a steady diet of politics and problems, I'm delighted to welcome an anthropologist to see if we can get a different kind of perspective on where we are and where we're going. I'd like to begin with that wonderful stick you came to the studios with that I found very intriguing and I think the audience would like to hear about it. Can you tell me about it?

DR. MEAD. Well, the only thing anthropological about this stick is that when I didn't like American canes I was willing to go and get one somewhere else.

AGRONSKY. Where did it come from?

MEAD. I bought it in London. It was made for big farmers. English type farmers, you know. Who stand around and watch other people work.

AGRONSKY. And what do you call it?

MEAD. It's called a thumbstick. You just put your thumb in it. I use it as a "V" though to hang 60 pounds on when I have to stand somewhere.

AGRONSKY. I thought it might have come from Ireland, say St. Patrick may have used it to get snakes or something.

MEAD. Probably he did.

AGRONSKY. Probably did. Dr. Mead, what do you make of a society according to one Harris Poll which places garbage collectors at the highest point in public esteem as related to lawyers, doctors, Senators, Members of the House, Presidents?

MEAD. Well, that garbage collector point was created by the poll not by the American public, and I think its very important to realize that. It was a trick, nothing but a trick. After we've said that we have to consider what has happened to this society, how totally corrupt it was becoming from top to bottom? And one of the things we don't know, but it's possible, is that the only way to get rid of this degree of corruption was to have it come out at the top. That is one way in which you may get rid of it.

AGRONSKY. Don't you feel that the polls have demonstrated, if you want to accept the polls, that Americans are losing faith in just about everything?

MEAD. I think Americans have been living a life that was exceedingly selfish, devoted to their own private enjoyment, independent of what was happening to the rest of the world, and I think that the amount of corruption in this country has been dreadful. You have supermarkets that would rather have two million dollars worth of stuff stolen than have three more people work to help

somebody find something. You have an insurance business that never bothered to study thefts, just pay them off and then if you had too many things stolen they took your insurance away from you. At every point in this country, we've had people who would rather spend money than care about human beings and were pretty careless about the way they were spending it.

AGRONSKY. Then you feel that public corruption, if you like, as we have now seen it demonstrated, political corruption, is a mirror in which we can see the face of our society?

MEAD. Well, I think that in the last twenty years this country has been specializing in a way of life that at every point it did not beget any kind of confidence in anyone. And then we've found embezzlers come out of the church, embezzlers come out of medicine. Think of a country where you have to pass a law that permits a doctor to treat a sick person, because he is so likely to have a malpractice suit against him if he does—brought by the legal profession that is there to protect justice. Now, that is a sample of where we'd be.

AGRONSKY. What do you think has happened to our society to bring all this about aside from these points that you make of the selfishness of a—sort of pervasive lack of morality—if you like, an unwillingness to do anything with vision that is constructive? What is it? What's happened to us?

MEAD. I think—you know—first we had a terribly dull era after the war, and countries do after a war; they put forth a great deal of effort, industry put forth tremendous efforts to end the war. To hear them talk now it would take them 10 years to turn around, when in the war they would have turned around in 3 months. We were tired, and people went back to their own private affairs, and we had no sense of urgency or danger and everybody got married and got a station wagon and moved to the suburbs if they could, and those were the Eisenhower years.

Then when Kennedy was elected, there was a lift, and people began to feel maybe we were going to do something at last. And then of course when he was assassinated, that downed the hopes of the young people very much. Because they had an idea that Kennedy was about 20; and then, of course, came the Vietnam War, a war we should never have fought and a war that couldn't possibly put the country back up. And to have a war that you're not back of, that people don't believe is right is the worst thing you can do to a country.

And then came the increasing corruption and the increasing change and then with the President's second term, we were more or less faced with the possibility of everything we've built up since the New Deal being torn down.

AGRONSKY. How do you see that?

MEAD. Well, look what has happened to the country. Housing, any new housing was dead. The President was impounding funds that Congress voted to clear up water pollution for instance. After all the years where we've had an Administration that proposed and Congress cut the funds you know and got pennywise or over-political, we had a Congress that had been elected specifically to deal with some of these issues and at the time of the election we made Congress more liberal, hopefully more responsible to the country, and then the President was just disregarding everything they wanted and he reversed it. They proposed things, and he said, "I won't."

AGRONSKY. Yes, but you can't exactly take the blame off the shoulders of the Congress. For example, in the last nine bills of this Congress that were vetoed, they only passed one of the nine over the President's veto and that was the War Powers Act.

MEAD. I'm not taking any blame off the Congress. All I'm saying was that when you say what's happened that we've got a situation which was a reversal of what we were used to and we got presidential policies that apparently were going to go headlong, disregarding anything anybody wanted. You know, I'm not saying what Congress wanted was fine, I'm just saying they were used to having a little bit of power and it has all been taken away from them.

AGRONSKY. Dr. Mead, I'm appealing to you for a little illumination, many of us are puzzled about what went wrong. Where did that worm get into the apple of our society?

What happened? I want to try to induce you to carry us outside the sort of contemporary events and give us a little perspective, historic perspective. Do you think one is available?—A moral perspective. Do you think that matters?

MEAD. I don't think that the world has ever faced the present situation. We have faced over and over again societies that haven't the will to save themselves, that weren't able to read the signs of times that didn't see what they were doing and fell.

AGRONSKY. But what happens, why does it happen in a society? You know one studies Gibbon's classic, "The Decline and Fall of the Roman Empire"; one can see the decadence set in, one can see the selfishness, if you like, the absolute disregard for the masses of the people. The aristocracy that took advantage of everything that was there. But we don't see that kind of an analogy in this society do we?

MEAD. I don't think the analogy to Rome is worth much except plumbing. We are both preoccupied with plumbing, but Rome was an Empire with barbarians all around . . . but if you leave that out we have a situation that the world's never had before, and I wouldn't say decadence so much as obsolescence. . . . This country is totally obsolescent at the moment. It was one of the first countries to develop a democratic form of government. Seems the agrarian era doesn't suit us now. First country to have public education throughout, look at our schools; first country to develop mass production and look at us, we can't even produce a car to new specifications. This was one of the first countries with a great railroad system, we've let it go to pieces. We had great cities in this country, we've let them rot.

AGRONSKY. These are observations, I want reasons.

MEAD. Now wait a minute—Obsolescence always occurs to the people who start things first. Look at British industry and look what state it was in the 20's. That was the first country to industrialize and it got stuck. Getting stuck in one's previous inventions is one of the commonest things that countries do.

AGRONSKY. The inventor of the industrial society that today its Prime Minister had to come to the House of Commons and say that they've got to go on a three-day work week, predict that it would cause enormous unemployment. What's happened there? What's wrong with our society?

MEAD. Obsolescence again. A failure to change when change was due. Germany was bombed to bits and had to start over. They're getting along much better and so . . .

They've got problems of inflation—we knocked the Japanese out. They have enormous problems of inflation. We can produce but we can't control it, any of us.

None of them have yet discovered that we are living in one world from the standpoint of energy, from everything that we are connected with. We're in a period of extreme transition, and one of the things we are suffering from is the fact that we haven't recognized it yet. But another thing that we are suffering from is that we are obsolescent. We let ourselves build a society entirely on the motor car, and it depends on oil, and now

we are stuck. We let our railroads go to pieces; we let our public transport go to pieces; and we've wrecked our cities.

AGRONSKY. Well, but there's a defect, I think, in that argument, in that, quite right, we built our civilization on oil; we have too many automobiles; we've used too much oil, all that is true, but at the same time, had we chosen to use our vision, our industrial vision, had we chosen to use our brains in a scientific capacity all those substitutes for oil were always available and there were energy substitutes always available, there was a lack of vision really, I mean. Granted we made a mistake in the beginning, it's all correctable, don't you think?

MEAD. It is correctable. What we need now is some vision. The hope is we never worked in this country. We never work without a crisis, and most countries don't really pull themselves together nationally without a grave danger. Mostly they pull themselves together for war.

AGRONSKY. Is that a defect of our system?

MEAD. No, I think that is a fact about countries, about nation-states, that only when something they care about is deeply in danger, that when you feel you are attacked, have they been willing, have people been willing to give up their private lives for the public good.

AGRONSKY. Have we arrived at that point yet?

MEAD. Well, we've arrived, but we don't know it yet. You see we are working on the silly little Christmas tree lights and remarks about "Just cut down your Sunday driving, and don't visit your mother-in-law so often"—we haven't faced the fact that we are in a worldwide situation where life has to be transformed. You know, you talk about the unemployment we're facing—if we get to work and build decent railroads again, freight cars, decent cars, we could transform our society. We wouldn't have to put all of those people out of work. At present we're dealing with nothing but cheap policies, we're saying we won't ration. Nobody wants the political onus of rationing. So what are we going to get?

The oil states put severance taxes on their oil wells and tax the rest of the country. We can't meet this unless we meet it first as a national crisis and then a recognition that this notion that we are going to be independent of the Arabs. . . . We ought to be independent of the kind of society we've built, independent enough so we could build another one.

AGRONSKY. So what you are really asking is for a fundamental change in our philosophy. You ask for fundamental change in our values, you ask for a fundamental change in our whole concept of what we want out of life. Is it possible?

MEAD. No, I don't think so. I think the reason is that when you get a poll of the American people they still have their fundamental values when they're pushed to the wall. The rest of the time, they aren't noticing. And they still do believe there ought to be leadership.

They still believe that they ought to be able to trust the medical profession. They still believe these things. What they are registering is distrust based on a desire for trust.

AGRONSKY. You've always been deeply concerned about youth—what's happened to youth in our society? You know youth is not merely young people, like youth on campuses. Those who are supposedly in training now to take over the leadership when the older generation steps aside are not very visible today. They don't seem to be involved. Some people say they're apathetic; some people say they don't care; some people say that they have different values; some people say that they've changed their minds about whether they can do anything about

government. They don't want to try anymore; they don't want to go into the streets. What's happened to youth? What do you see?

MEAD. Well, I think what happened was that when we had these big explosions, these were the oldest members of the new generation and they arrived on the campus and looked at what a mess we were making of the world. And they said "Goodness, we have to do something about this, this minute, and there's nobody but us." So we had all this instant solution—confrontations. Now the oldest members of the post-war generation are 27. They are out in society. They are the people that started the public law firms and the public advocacy firms. They are the people who tried to revive the whole medical profession. They are the people who are working out in the free clinics. They are in every high school in this country. So that youngsters coming on the campus today don't feel they have to do it now. There are people out ahead of them, and they also have discovered that it didn't do much good. It did some good—shook the colleges up a bit, but the real job is out in the world and you can only do it if you've learned something.

AGRONSKY. Well, then you see in the attitude of youth, a positive and a constructive hope for the future if I understand you correctly.

MEAD. Yes I do. If they have some leadership. But you see I think one of the things that depressed them enormously, was to realize that no matter what they did or said or thought, the President of the United States had said he was not going to be influenced. And he didn't care what they thought. Under the Johnson Administration when they were doing most of their highest amount of demonstrating, they found that people did care what they thought. So that kind of behavior just wasn't getting them anywhere and so they're taking a more long-term view. But their goals are the same and their ideas are the same, they are not apathetic.

AGRONSKY. Do you think they are better than the generations that preceded them?

MEAD. Well I think they're every bit as good and they are going to be a lot better trained because they are going to have time to learn something.

AGRONSKY. Do you think they are more aware?

MEAD. They have more radical ideas and they understand . . .

AGRONSKY. How do you define radical ideas?

MEAD. Well, radical ideas in the sense they indeed think that our society needs transforming, absolutely transforming.

AGRONSKY. How will they go about it?

MEAD. Well, they are there now with an 18-year-old vote for anyone who can take national leadership and talk about what this energy crisis really is and what we've got to do and will have the courage to say this is a time of transition, its a time when we are going to learn how to live differently from the way we've been living now.

AGRONSKY. Don't you think that might cut through every spectrum, the whole spectrum of our society, and every segment of society?

MEAD. Yes, but you see, at present you have vast amounts of people who don't vote, who don't participate, people who are in despair, people who are disgusted, and it isn't until we get some national leadership on this whole thing that you are going to cut through that.

AGRONSKY. Well, how do we get it?

MEAD. Well, we get it by demanding it. We get it by your discussing it on this program. The way we get things in the United States is by talking enough, getting the issues clear enough so the people begin to demand all over the country that something be done.

AGRONSKY. Dr. Mead, do you think that we've arrived at a point where people are so

aware that the next time we have an opportunity, a crack at national leadership that we will have first class people?

MEAD. The first class people haven't emerged in this crisis yet.

AGRONSKY. That's what I want to know. Where are they?

MEAD. Well, you know, we've got two hundred million people. Now I can't believe that we haven't got, among that 200 million, people who will be capable of leading us. It's nonsense to think that we haven't got them. But we've had a sort of society where nobody wanted that role. And where there was very slight opportunity really. We were dragging through a war that nobody wanted; we were dragging through slow inflation. I think there wasn't anybody who really said completely what could be done. Now we are in the same situation we were in when FDR took over in the Depression.

AGRONSKY. Do you see our new Vice President as a potential leader?

MEAD. I don't think that we have any indication yet.

AGRONSKY. What do you think is going to happen in the election?

MEAD. I don't know what is going to happen in the election. Because what's going to happen in the election is not the real issue right now. The election is quite a way off. The energy crisis is far greater, and it is going to hit us in all sorts of ways long before the election.

AGRONSKY. What our leadership has already demonstrated, they weren't able to anticipate the crisis. What reasons do you have to believe that they would be able to overcome the crisis?

MEAD. Well, I haven't the slightest hope that our present leadership is going to do this.

AGRONSKY. Well, we have our present leadership—we have a democracy.

MEAD. We have plenty of chance for people to emerge who can interpret this.

AGRONSKY. Where are they, Dr. Mead?

MEAD. They haven't emerged. I mean where was FDR when Hoover was having his fling at not saving the country? The leaders come when they get deserved. Now the real question is when the American people are going to deserve a leader.

AGRONSKY. Do we deserve a leader?

MEAD. I think so. Every country gets the leadership it deserves. You know when we have a chance to vote.

AGRONSKY. You demonstrate a rather low opinion of the country.

MEAD. I think the country has been in a very low state. Terribly low state. The utterly unmindful—they've been warned—everybody was warned that this crisis was going to come. They did nothing. They kept driving around in their big cars, one person per car. We watched our cities rot, we watched corruption run through every aspect of the country, and we did nothing.

AGRONSKY. Well, if you feel all this has happened, I wonder where do you get your optimism, your hope that it will be changed?

MEAD. Because of what this country has been able to do before. I mean look at the end of World War II—just before World War II—this country was still in a pretty low state. Half pulled out of the Depression; youth was supposed to be absolutely ruined. You ought to read the things we said about youth then. They would never fight again; they would never do anything for anyone; they had no conscience; they wouldn't sacrifice; nobody would do anything. And then came the war, and we pulled ourselves together.

We did things in three months that we now think would take thirty years to do and I don't think this country pulls itself together unless the whole country faces a common emergency.

AGRONSKY. Do you think that the country now has—one speaks of the country, how do

you speak of a country?—Do you think that there is a consensus in the country today that things have gotten so bad that they are no longer tolerable, that they will do something about it?

MEAD. Well, I don't think they would have done a thing without the energy crisis. But, this brings it home to every single person, every household in this country and we either are going to set everybody against everybody else and pilots will have a strike and wreck the airlines. This is the only thing they can think up to do. The truckers block the highways. One State is against another. Now at present we have not sensed that this is a national emergency.

AGRONSKY. How would you evaluate the collective intelligence of the American people? You know, I have in mind that extremely cynical and sardonic observation that H. L. Mencken once made—"Nobody ever lost a nickel underestimating the intelligence of the American public."

AGRONSKY. How do you feel about that? Are we different?

MEAD. We're one of the most intelligent publics in the world, we're one of the best educated. If you compare the American voter in 1940 with the American voter now, he's had far more education. We've got the media where we never had them before. People are 100 times better informed than they were in 1940, and I think the American public, the American people, have everything they ever had. Now this is the real question . . .

AGRONSKY. I can only think of the old ad, you know. If everything is so good and they understand so well, why is everything so bad?

MEAD. Well, because we never act except in a crisis, and we haven't had a crisis, we've just had creeping corruptions, and creeping inflation and creeping trouble and rotted our cities, and each person has been trying to do what they thought was best for their families.

AGRONSKY. So, if you were to view the world or at least our society and our knowledge and our concept of what's wrong on a graph, you see it go up and down like that. We just never go like that. We've got to be down before we go up.

MEAD. Well, so far. Now this is a new situation. It isn't the war. It isn't a depression. It isn't a physical disaster, which is what we might have had, you know. We might have had an inversion and killed a million people before we woke up. Instead, we've had an oil shortage to wake people up which I think is much better. It doesn't kill people, and it's going to wake them up.

AGRONSKY. You end as an optimist, Dr. Mead.

MEAD. Yes.

AGRONSKY. Thank you very much for a very interesting insight into the problems of our times. Good night for Evening Edition.

SUPREME COURT ABORTION DECISION AND FREEDOM OF CONSCIENCE

Mr. PACKWOOD. Mr. President, today marks 1 year since the Supreme Court issued its decision in two cases which made the legal option of abortion possible across the United States. The debate on the ethical and moral issues regarding abortion have continued unceasingly, and to some this has been a sign that the decisions were ill advised and should be reversed.

I submit that the continuing debate is evidence, rather, of the wisdom of the Supreme Court action, for we have here an issue highly complex and emotional, and one on which there is no consensus among the theologians, ethicists, and others who deal with values in our so-

ciety. With the Supreme Court decision, that State has taken a neutral stand on the theological questions, while acting to protect the health and welfare of its citizens, their right to privacy, and the right of physicians to make medical decisions according to their best judgments.

Many of those who ask that all abortions be banned by law or constitutional amendment are deeply religious and moral people. They are moved to act out of their concern for life. We have been quite aware of their voices this past year, and will hear them speaking with special vigor during this week.

We sometimes tend to forget that there are also millions of deeply religious and moral people sincerely concerned with the preciousness of life, who just as fervently hold an entirely different view of how best to deal with the issue of abortion. Such voices are not pro-abortion, even as I am not pro-abortion. They simply feel that the decision should rightly be dictated by individual conscience, not the State.

The legal prohibition of abortion except to save the life of the mother has been tried in our country, as elsewhere. These laws did not stop abortion, but they were the cause of maimed and dead women, of families devastated, of suffering children, of broken laws and broken lives. I would ask those who seek to turn back to a system which tries to enforce the bearing of children by means of criminal penalties, I would ask them to remember these tragic events, and to ask themselves if that is truly the way to uphold sanctity of life?

In facing these questions, the general conference of the United Methodist Church in 1972 expressed its conclusions in these words:

Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy.

In continuity with past Christian teaching, we recognize tragic conflicts of life with life that may justify abortion. . . . We support removal of abortion from the criminal code, placing it instead under laws relating to other procedures of medical practice. A decision concerning abortion should be made after thorough and thoughtful consideration by the parties involved, with medical and pastoral counsel.

Other groups similarly deciding that the question of abortion belongs not in criminal law, but with individual conscience, to be decided by a woman and her doctor, include:

THE LIST OF GROUPS RELIGIOUS

Unitarian Universalist Association, 1968.
American Baptist Convention, 1968.
American Jewish Congress, 1968.
Unitarian Universalist Women's Federation, 1968.
National Council of Jewish Women, 1969.
American Friends Service Committee, 1969.
Connecticut Council of Churches, 1969 & 1972.
Church Women United, 1970.
United Methodist Church, 1970.
Lutheran Church in America, 1970.
Moravian Church in America, Northern Province, 1970.
United Presbyterian Church in the USA, 1970.

Episcopal Church Women, 1970.
Capital Area Council of Churches, 1970.
Federation of Protestant Welfare Agencies, Inc., 1970.

National Women's League of the United Synagogue of America, 1970.
United Church of Christ, 1971.
Connecticut Conference of the United Church of Christ, 1971.

West Virginia Council of Churches, 1971.
Council of Churches of the Mohawk Valley Area, Inc., 1971.

United Church of Canada, General Council, 1972.

Church Women United of Connecticut, 1972.

Catholics for a Free Choice, 1973.
Pennsylvania Council of Churches, 1973.

MEDICAL

Medical Committee for Human Rights, 1967.

American Public Health Association, 1968.
American Medical Women's Association, 1969.

American Psychiatric Association, 1969.
New York Academy of Medicine, 1969.
Group for the Advancement of Psychiatry, 1969.

American Protestant Hospital Assoc., 1970.
American Psychoanalytic Association, 1970.
American Medical Association, 1970.

National Council of Obstetrics-Gynecology, 1970.
Student American Medical Association, 1970.

American College of Obstetricians and Gynecologists, 1970.

California Medical Association, 1970.
American College of Nurse-Midwives, 1971.
Michigan Nurses Association, 1971.

National Medical Association, 1971.
American Association of Maternal and Child Health, 1973.

Physicians Forum, 1973.

OTHER

American Civil Liberties Union, 1968.
Citizens Advisory Council on Status of Women, 1968.

Planned Parenthood Association, 1968.
Planned Parenthood-World Population, 1969.

American Ethical Union, 1969.
American Humanist Association, 1969.
National Council of Women of the United States, 1969.

American Psychological Association, 1969.
YWCA 1970.

American Society of Mammalogists, 1970.
The Izaak Walton League of America, 1970.
Chicago Child Care Society, 1970.

National Organization for Women, 1970.
President's Task Force on the Mentally Handicapped, 1970.

Urban League, 1970.
White House Conference on Children and Youth, 1970.

American Association of University Women, 1971.

American Home Economics Association, 1971.
National Association of Social Workers, 1971.

National Council on Family Relations, 1971.
National Welfare Rights Organization, 1971.

Community Service Society, 1972.
American Bar Association, 1972.

A number of these leading religious organizations, and others which similarly have concluded that helping women and their families through these difficult situations can best be done when abortion is not dealt with by criminal law, have formed a religious coalition on abortion rights. Members include the board of church and society and the women's division of the Board of Global Ministries

of the United Methodist Church; Division of Social Ministries of the American Baptist Churches; B'nai B'rith Women; the Washington office of the Church of the Brethren; Catholics for a Free Choice; Union of American Hebrew Congregations; Unitarian-Universalist Association; National Council of Jewish Women; Board of Homeland Ministries of the United Church of Christ; Council for Christian Social Action of the United Church of Christ; Church and Society Unit of the United Presbyterian Church, U.S.A.; Women's Program Unit, United Presbyterian Church, U.S.A.; National Federation of Temple Sisterhoods; and the Unitarian-Universalists Women's Federation.

The express purpose of the coalition is to encourage and coordinate support for safeguarding the legal option of abortion, to insure the right of individuals to make decisions concerning abortion in accordance with their consciences, and to oppose efforts to deny this right of conscience through constitutional amendment, or restrictive Federal or State legislation.

I believe one paragraph of the rationale which explains the formation of this group gives voice to the basic reason for welcoming the Supreme Court decisions:

It is vital to build public awareness of the principle that in a pluralistic society the State should not embody in law one particular religious or moral viewpoint on which widely differing views are held by substantial sections of the religious community. All those concerned with religious liberty can join in opposing any attempt by constitutional amendment or legislation to take us back to the era of criminal abortion which legally denied to all, but in practice particularly denied to the poor, the right and responsibility to make their own decisions.

I believe today is a time to express quiet thankfulness that freedom of conscience is still safeguarded in our pluralistic society. An alternative once available only to the well-to-do and those with power in society is now equally a possible choice for all. In the present situation, no one is compelled to have an abortion, or perform one, or participate in any way. Each parent, teacher, and religious body is free to teach their own values on this matter as vigorously as they desire.

Clearly, Mr. President, we would all welcome a time in which abortion is a thing of the past, truly a medical rarity. With adequate family planning information and services for all who want, but do not currently have access to them, we could virtually eliminate the need for abortions. I had fervently hoped that following the Supreme Court's decision, opponents of legalized abortion would begin to work with us to make family planning services available to all, so that abortions might one day not be necessary. Unfortunately, however we find today some opponents of legalized abortion are choosing to pursue other courses—designed to override the Supreme Court and impose new restrictive regulations on Federal programs—rather than the far more constructive approach of helping to prevent unwanted pregnancies.

In addition to our ability—our virtual

mandate—to provide adequate family planning services and effective contraception to all who want them I must add that perhaps our most important responsibility is to make possible a true social and economic equality to all women and to all minorities in society.

Meanwhile, the abortion decisions of the Supreme Court last January have given clear and renewed evidence that freedom of conscience is alive and well—in practice as well as in theory—in our highly varied society, and for that, Mr. President, we should all today give heartfelt thanks.

ALEXANDER SOLZHENITSYN

Mr. JACKSON. Mr. President, the publication of Alexander Solzhenitsyn's "Gulag Archipelago, 1918-56," has attracted as much international attention as any cultural event in recent memory. The book is a milestone in 20th century Russian culture, for it will compel all those who become familiar with it—whether in the Soviet Union or the West—to understand the Soviet present in terms of the Soviet past.

Solzhenitsyn himself has pointed out that the recounting of Soviet history can serve only to improve international relations over the long run:

The one who speaks about crimes committed does not harm peace and good relations between peoples and nations. The one who committed them does that.

Moreover, said Solzhenitsyn addressing the Soviet Government:

If we openly admit our terror-filled past and severely condemn it—not just in empty words—then that will only strengthen trust in our country throughout the whole world.

As the Soviet campaign of intimidation and vilification directed against Solzhenitsyn continues to mount, we should remember that the worldwide support he and other Soviet humanitarians like Andrei Sakharov have received is, in Solzhenitsyn's phrase, "priceless." "We are still safe and alive, only thanks to it," he says.

Mr. President, during the recent congressional recess, there was considerable editorial and interpretive comment on the issues raised by Solzhenitsyn's latest work. I ask unanimous consent that some of that comment be printed in the RECORD. I also ask unanimous consent that the three-part New York Times digest of excerpts from "The Gulag Archipelago, 1918-56," and the text of Solzhenitsyn's statement of January 18 be printed in the RECORD.

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

[From the Washington Post, Dec. 31, 1973]

MR. SOLZHENITSYN'S BOOK

"For many Soviet dissidents," the British scholar Peter Reddaway wrote a couple of years ago, "the career of Alexander Solzhenitsyn has come to symbolize the resistance of uncompromising moral integrity to the forces of reaction." He has come to be a person of great political importance in his own country, and that fact will doubtless control what happens next. In the publication of his book "The Gulag Archipelago," he has made another move in his desperate struggle for the

conscience of the Russian people. He takes the view that a people unaware of its own history is like a psychiatric patient who has undergone a lobotomy operation in which the surgeons destroyed some of the central connections of the brain. The result is a mind more cheerful, less troubled, and a great deal less capable of knowing itself and managing itself.

Readers in the West need to understand that they are not the author's audience. Nor is it his primary purpose to influence relations between the Soviet government and ours. Publication in the West is necessary because it ensures the survival of the book and, equally desirable, it becomes an event which is reported by the news broadcasts that an incalculable number of Russians hear. They will learn that Mr. Solzhenitsyn is still at work and is now telling the terrible story of internal oppression and terror in the four decades following the Revolution. The author cannot put the book into the hands of many of his countrymen, but he can tell them that it exists and convey, in this roundabout fashion, some idea of its substance.

The manuscript has already acquired a sinister history. It was completed some years ago, but Mr. Solzhenitsyn withheld it from publication to protect the people named in it. Unlike his earlier books, this one contained no element of fiction. Last August the Soviet police arrested a woman who had a hidden copy and subjected her to a prolonged and brutal interrogation. At length, as anyone must, she told the inquisition what it wanted to know. Released, she hanged herself. The author decided that, with one copy already in the hands of the government, it was far better to let it appear throughout the world. Americans who pick up the book may wish to reflect upon the price already paid for it.

Various literary and political movements of dissidence seemed to be spreading in the Soviet Union during the early 1960s. But they have now entered a new glacial age. Most of the known dissidents are confined either in prisons or mental hospitals. Those still at liberty seem to be the very few who have three characteristics in common: They are outstanding in their professional fields. They are widely known and admired within the Soviet Union. And they are even more widely respected in the rest of the world. Beside Mr. Solzhenitsyn there are the physicist Andrei Sakharov, the cellist Mstislav Rostropovich, and not many more. The Soviet government obviously has the power to suppress even these figures. There are after all, no Chinese Solzhenitsyns. Unlike the Chinese, the Russians have a certain qualified concern for public opinion. But a book as specific as "The Gulag Archipelago," and as disruptive to official ideology, must be profoundly threatening to the kind of men who now run the Soviet Union.

Their countermove will indicate to the rest of the world how the balance now stands in Moscow between the people who worry about internal security and those who worry about foreign reactions. For Americans, in a time of detente, the book itself and the circumstances surrounding its appearance are a salutary reminder of the realities of Soviet life. If detente means only learning to live peacefully with the vast political differences between our two countries, then it is useful. But no one can afford to believe that those differences are diminishing.

[From the Christian Science Monitor, Dec. 31, 1973]

SOLZHENITSYN'S LATEST DARING . . .

So great is the risk that Soviet dissidents like writer Alexander Solzhenitsyn take in openly analyzing Soviet Government actions that their supporters abroad half wish they would take refuge in another country. Like the crowd below, we are anxious for the men on the high wire between their safe stations.

So the West does not yet know what to say of Mr. Solzhenitsyn's latest daring act—publication in Paris last week of "The Gulag Archipelago, 1918-1956," a study of the Soviet prison system and secret police from Lenin until Khrushchev's anti-Stalin speeches.

On one level the book presents in documentary form, but with the Nobel novelist's powerful literary and moral voice, an indictment of the Soviet penal and police system he had already treated in his novels. It is believed he finished the work of a quarter-million words in 1968 when his novel "The Cancer Ward" was published. But "The Gulag Archipelago" is made up of dates and names and first-hand accounts of persons who suffered under Soviet spying and repression, and in this it constitutes a more particularized offense to Soviet authorities.

There is speculation over why Solzhenitsyn had the work published at this time. The work had been secreted by him in the hands of fellow Soviet citizens, one of whom, a woman, reportedly was forced by torture to reveal where her portion of the text was hidden. By his permitting publishing of the work, the Soviet secret police may perhaps now be drawn off the trail of its sequesters. Also, by having it published before the first of the year, Mr. Solzhenitsyn may be seeking to beat out new Soviet copyright policy which would enable Soviet officials to prosecute citizens who publish abroad without government consent.

Whatever his reasons, Mr. Solzhenitsyn has apparently set aside his earlier intent of keeping the book secret until more time had elapsed and fewer persons would have been exposed to official scrutiny and action.

One thesis of "The Gulag Archipelago" is that clandestine police action, assassination, mass campaigns of terror and imprisonment were part of the Soviet system and not simply the projection of Stalin's methods and phobias.

What publication of "The Gulag Archipelago" will mean in personal risk of Mr. Solzhenitsyn or his wife and two young sons is not known. Surely they have the support of the entire free world. It is not in reaction against the Soviet system itself that this support is based. There need be no official Soviet hypersensitivity in this case. Indeed, reprisals against Mr. Solzhenitsyn would have a deadening effect on relations abroad which publication of the book itself would not cause.

It is the enormous moral force of Mr. Solzhenitsyn's literary output that the West and many of his fellow Soviet citizens are moved by. How much better for the Soviet authorities to endure Solzhenitsyn and keep alive Dostoevski's image as the land of Tolstol and Dostoevski, a society of men of deep searching and conscience, than to confront him further and prolong the Soviet reputation for secretiveness and repression.

DETENTE

Solzhenitsyn's latest indictment of the Soviet state police state comes at a time when the Conference on Security and Cooperation in Europe is bogged down over the issue of freer movement of people and ideas between East and West.

It was the Soviets who pushed for this conference in the first place for the purpose of endorsing the existing situation in Europe. Their intention was that the conference would merely approve a set of general guidelines on European security. Quite rightly and properly the West Europeans insisted that the agenda deal with the question of freer contacts between all the European peoples.

Ever since the committee stage of the conference began in Geneva in September, the Soviets have stalled on this humanitarian issue. Some Western diplomats now doubt whether there is any prospect of reaching an agreement on it under present circumstances.

The Soviets are dominated by the fear that a freer flow of information would open the doors of their closed society to subversion from the West.

Solzhenitsyn has had the courage to expose some of the worst aspects of that society. The possible repercussions of his disclosures on the Geneva talks are difficult to estimate. But there is nothing so far to indicate that the Soviets are likely to give any ground at Geneva. They may be tempted to dig in their heels more stubbornly than ever.

AND TORTURE

Solzhenitsyn's account of the use of torture in Soviet prison camps is devastating enough. Incredible though it may seem, torture of political prisoners is actually on the increase in the world today, according to Amnesty International, the private human rights organization, which has just held a conference on the subject of torture in Paris.

A report submitted to the conference named 70 countries where torture is practiced.

Amnesty admits the difficulties of obtaining conclusive evidence. But it rightly believes that exposure is the best means of mobilizing world opinion to bring moral pressure to bear on countries resorting to such outrageous violations of human dignity.

Solzhenitsyn's telling indictment adds a weight of documented evidence to the dreadful record in Amnesty's hands.

[From The New York Times, Jan. 1, 1974]

DARKNESS AT NOON

"Gulag Archipelago," Aleksandr Solzhenitsyn's new history of Soviet police terror and the sub-human prison camp network, is less important for what it says than for what it leaves unsaid. This horrifyingly detailed account of repression in the Soviet Union from 1918 to 1956 takes on its real importance from the suggestion that the police system it describes continues to this day. The infamous network of slave labor camps remains in operation, even if the numbers imprisoned have been vastly reduced since the amnesties granted by the Khrushchev regime.

Although necessarily published abroad, "The Gulag Archipelago, 1918-1956," is primarily intended for a Soviet audience, the "200 million" whom the author vowed to reach while he was still himself a prisoner, long before his novels on the same subject brought him the Nobel Prize. Mr. Solzhenitsyn is surely achieving this objective.

With jamming of most foreign transmitters halted, many millions of Russians by now undoubtedly have heard summary accounts of the new book on Western radio broadcasts. Excerpts and the full manuscript itself probably will circulate underground in the years to come, as do other banned books. One day, Mr. Solzhenitsyn clearly hopes, his account will play a role in bringing the Soviet people to rise up and end the decades of oppression which they have so far accepted with such docility.

That day is unlikely to come soon, as Mr. Solzhenitsyn's own report indicates, for the Soviet secret police is the central vital element—even more perhaps than the Communist party machine—in holding the whole Soviet system together. The network of camps, prisons, communications facilities, transportation systems and spying organizations, Mr. Solzhenitsyn reports, "honeycombs" the length and breadth of the Soviet Union. No Soviet citizen, it appears, is ever more than a short distance from some link of this pervasive apparatus of control that permeates all governmental, party and social organizations. The survival of this infrastructure makes it less significant that the actual prison camp population has fallen from an estimated twelve million in Stalin's day to perhaps one million today.

Much of what Mr. Solzhenitsyn reports has long been known in the West. But this is

the first time that an authoritative Soviet voice of stature has spoken from Moscow itself to inform the Soviet people in detail of their tragedy and to call for punishment of its perpetrators.

Mr. Solzhenitsyn's courageous challenge to the overwhelming power of the police state is a political act without real precedent in the fifty-six years since the Bolshevik Revolution.

The Soviet regime can arrest, imprison, even execute Mr. Solzhenitsyn. But it can no longer suppress his words. It would be far wiser to ease the repression that has increased at home, parallel with détente abroad, in the past year or two, and to permit greater, rather than less, freedom for Soviet dissidents and other thinking citizens.

In the long run, détente may favor such a trend. Meanwhile, the danger of nuclear war makes it a necessity that, as Chancellor Brandt recently said, the West would have to pursue détente even with Stalin, were he alive today. But the pursuit of détente must not blind the world outside the Soviet Union to the continuing grip of totalitarianism on Soviet society.

COMMENTARY BY HOWARD K. SMITH, ABC EVENING NEWS, JANUARY 3, 1974

It is only in myths that a lone individual can fight and subdue huge powers. In reality the individual is nearly helpless, can get things done only by submerging himself in some mass action.

The helplessness of the individual acting alone is true in free societies. It is a thousand times true in regimented Communist societies.

It is all the more astonishing that in the most brutal, tightly controlled tyranny ever, myth is today becoming reality.

One terribly lonely man, Alexander Solzhenitsyn is shaking Soviet tyranny to its roots with his pen and incredible courage.

Despite total surveillance and control, the Soviets were not able to stop him writing, and now so far have not dared punish him for publishing, the most damaging expose ever of the system of torture in Russian society.

The ideology that system is designed to perpetuate is basically one of aggression. However distinguished by temporary maneuvers of detente, it is the one main cause of tensions and threat of war in the world.

Solzhenitsyn's fight is thus for peace and for all of us.

It follows that we who can should mobilize every pressure, short of physical action, to protect and sustain him.

It is a privilege to live at the same time as Solzhenitsyn. We must not let him down.

[From the New York Times, Dec. 29, 1973]

SOLZHENITSYN ON SOVIET PENAL SYSTEM

(By Aleksandr I. Solzhenitsyn)

This I dedicate

*To all those who did not live
to tell of it.*

*And may they please forgive me
for not having seen it all
nor all remembered;*

for not having divined all of it.

For years I have with reluctant heart withheld from publication this already completed book. My obligation to those who are still alive outweighed my obligation to those who are dead. But now that State Security has seized the book anyway I have no alternative but to publish it immediately.

In this book there are no fictional persons, nor fictional events. People and places are named with their own names. If they have been identified by initials instead of names this is out of personal considerations. If they are not named at all then this is because human memory has failed to preserve their names.

But it all took place just as it is here described.

In 1949 some friends and I came upon a news item in the magazine *Priroda* [Nature] of the Academy of Sciences. It reported in tiny letters that in the course of excavations on the Kolyma River a subterranean ice lens, actually a frozen ancient stream, had been discovered—and in it were found frozen specimens of prehistoric fauna some tens of thousands of years old. Whether fish or lizard these were preserved in so fresh a state that those present immediately broke open the ice and devoured them with pleasure on the spot.

As for us, we understood instantly. We could picture the entire scene down to the smallest detail: how those present broke the ice with tense haste; how, flouting the lofty interests of ichthyology and elbowing each other to be first, they tore off pieces of the prehistoric flesh and dragged it over to the bonfire to thaw it and bolt it down.

We understood instantly because we ourselves were the same kind of people as those present at this event. We, too, were from that powerful tribe of "Zeks" [prison camp inmates], unique on the face of the earth, the only kind of people who could devour prehistoric lizard with pleasure.

The Kolyma was the greatest and most famous island, the ferocious extremity of that surprising country of *Gulag* [the Soviet labor camp system], which though in terms of geography scattered out as an archipelago, was in terms of psychology fused into a continent—an almost invisible, almost imperceptible country inhabited by the Zek people.

This archipelago cut across and speckled the country within which it was located like a checkerboard. It carved out enclaves in cities, hovered over streets—and yet there were many who did not even guess at its presence and only those who had been there knew the whole truth.

NOT HISTORY OF ARCHIPELAGO

I would not be so bold as to try to write the history of the archipelago. I have never had the chance to read the documents. And will, in fact, someone someday ever have the chance to read them? Those who do not wish to recall have already had enough time—and there will be more—to destroy all the documents to the very last one.

My own 11 years spent there I have absorbed into myself not as something shameful and not as a nightmare to be cursed; I have almost come to love that deformed world. And now, by a happy turn of events, I have been entrusted with many recent stories and letters.

This book could never have been created by one single person alone. It contains, in addition to what I myself was able to take away from the archipelago—on the skin of my back and in my mind's eye—the material in stories, memoirs, and letters of 227 other human beings.

But the time has not yet come when I dare name them.

The old Solovetsky Islands prisoner Dmitri Petrovich Vitkovsky was to have been the book's editor. But his half a lifetime spent there—indeed his own camp memoirs are entitled "Half a Lifetime"—resulted in untimely paralysis. It was only in a state in which he was deprived of the gift of speech that he was able to read at least several chapters and see for himself that everything would be told.

If freedom does not come to my country for a long time in the future then the very reading and handing from person to person of this book will be very dangerous—so that I am bound to salute future readers as well—on behalf of those others who have perished.

How is it that people get to this clandestine archipelago?

Those who, like you and I, dear reader, go there to die, can get there solely and obligatorily via arrest.

The universe has as many different centers

as there are in it living beings. Each of us is a center of creation, and the universe is shattered when they hiss at you: "You are under arrest."

Arrest is the sharp nighttime ring or the rude knock at the door. It is the insolent entrance of unwiped jackboots of the brassy security operations men. It is the frightened and beaten-down civilian witness behind their backs.

The traditional arrest is also what happens afterward when the poor victim has been taken away. It is the breaking, tearing and tossing from off the walls, the hurling of things onto the floor from wardrobes and desks, the shaking, dumping out, and tearing apart of things.

During the arrest of Inoshin, a locomotive engineer, there stood in his room a coffin containing the body of his child who had just died. The "law officers" threw the child's body out of the coffin and searched it. They shake sick people out of their sickbeds and they unwind bandages to search beneath them.

When in 1937 they wiped out Dr. Kazakov's institute, the "commission" broke up the vessels containing the lysates developed by him, even though patients who had been healed and others in the middle of the healing process begged them to preserve the miraculous medicines. (According to the official version the lysates were supposed to be poisons in which case why should they not have been preserved as material evidence?)

From our greatest expert on Tibet, Vostrikov, they seized valuable ancient Tibetan manuscripts; and it took his pupils 30 years to tear them out of the hands of the K.G.B.! When the Orientalist Nevsky was arrested they seized Tangut manuscripts—and 25 years later the deceased victim was awarded post-humously a Lenin Prize for deciphering them. From Krager they took his archive of the Yenisei Ostvaks and put a veto on the alphabet and vocabulary he had developed for this people—and a small nationality was left without any written language.

"SOMETHING WAS NEVER THERE"

In any intellectual way of speaking it would take a long time to describe all this, but there's a folk saying about search that covers the subject: *They are looking for something that was never put there.*

For those left behind there is the long tail of a wrecked and devastated life. And the attempt to deliver food parcels. But the answer comes from the windows in barking voices: "There is no one here by that name!" "We never heard of him!" Yes, and just to get to that window in the worst days in Leningrad took five days of standing in line. Maybe only after half a year or a year does the arrested person respond at all, or else they toss out: "Deprived of the right to correspond." That means—once and for all: "Deprived of the right to correspond" indicates, almost without fail, "Has been shot."

Arrests are various in their form. Irma Mendel, a Hungarian woman, obtained through the Comintern in 1926 two front row tickets to the Bolshoi Theater. The prosecutor Klegal was courting her and they spent the performance together very affectionately. After this he took her—straight to the Lubyanka.

If on a flowering June day in 1927 on Kuznetsky Most the full-faced red-headed beauty Anna Skrypnikova, who had just bought herself some navy blue cloth for a suit, climbed into a hansom cab with a young man about town, well, it wasn't a lover's rendezvous at all as the cabman understood. It was an arrest.

Do not think that if, for example, you are an employe of the American Embassy by the name of A. D. [Alexander Dolgun] you cannot be arrested in broad daylight on Gorky Street right by the Central Telegraph Office. Your unfamiliar friend calls to you right across the crowd: "Saaasha!" He simply shouts at you: "Hey fellow! Long time no

see! Come on over here, let's step out of the way." And at that moment a Pobeda sedan comes up to the edge of the sidewalk. Several days later Tass will make a wrathful declaration in all papers that competent circles of the Soviet Government allegedly have no information on the disappearance of A. D. What's so unusual about that?

ANYONE CAN ARREST YOU

You are arrested by a religious pilgrim who has stayed "for the sake of Christ" with you overnight. You are arrested by a meterman who has come to read your electric meter. You are arrested by a bicyclist who has run into you on the street, by a railway conductor, a taxi driver, a savings bank employe, a cinema theater administrator. Any one of them can arrest you, and you notice the concealed maroon-colored identification only when it is too late.

In 1937 a woman came to the reception room of the Novocherkassk N.K.V.D. to ask what she should do with the unfed nursing child of her arrested neighbor. They told her: "Sit down, we'll find out." She sat there for two hours; then they took her and tossed her into a cell.

The listing that follows, in which waves of millions of arrested persons are given equal attention with ordinary streamlets consisting of handfuls of people, is quite incomplete, quite sparse and miserly, limited by my own capabilities of penetrating into the past.

In his essay entitled "How to Organize the Competition," published on Jan. 7 and 10, 1918, V. I. Lenin proclaimed the common, united purpose of a "purge of the Russian earth of all harmful insects."

Within the term of *insects* he included not only all class enemies, but also "workers, malingerers at their work," for example, typesetters at the Petrograd party printing plants. The railroads were a particularly important place for there were many insects hidden beneath railway uniforms, and they had to be "jerked out" and some of them "slapped down." And telegraph operators—for some reason, these, in their mass, were inveterate insects.

CLASSIFICATION OF EXECUTIONS

In thinking about the period from 1918 to 1920 we are in difficulties: should we classify among the waves of prisoners all those done in before they even got to the cells? And in what classification should those be put whom the Committees of the Poor took off behind the wing of the village soviet or in the rear of a courtyard, and finished off there?

Besides the repression of the famous rebellions (Yaroslav, Murom, Rybinsk, Arzamas) we know of certain events only by their name—for instance the Kolpino executions of June, 1918. What is it? Who was it? And where should it be classified?

There is also no little difficulty in deciding whether one should classify among the waves of prisoners those tens of thousands of hostages, those people not accused of anything at all personally, those peaceful inhabitants not even listed by name and taken off to destruction only for the sake of terror.

But we can make a note that by the spring of 1918 there had already begun a long-lasting, many-year-long, incessant torrent [of arrest] of "socialist traitors." All these parties—the Social Revolutionaries, the Mensheviks, the Anarchists, the Popular Socialists—had for decades only pretended to be revolutionaries; they had only worn socialism for a mask, and for this they had gone to hard labor.

"We learn of individual arrested groups from the protests of the writer Maxim Gorky. On Sept. 15, 1919, Lenin advised Gorky "not to spend his energy whimpering over rotten intellectuals."

Most of the removals of people from villages in Tambov Province took place in June, 1921. Throughout the province concentration

camps were set up for the families of peasants who took part in the revolts. Open fields were enclosed with barbed wire and for three weeks they held there every family of a suspected rebel. If in three weeks the man of the family did not come in order to buy his family's way out with his own head, they sent the family to exile.

In the spring of 1922 the Extraordinary Commission for Struggle with Counterrevolution and Speculation, the Cheka, just renamed the G.P.U., decided to intervene in church affairs. For this reason the Patriarch Tikhon was arrested and two resounding trials were held with subsequent executions, in Moscow, of the dissemination of the Patriarch's appeal, and in Petrograd, of the Metropolitan Veniamin.

As Tanya Khodekevich wrote:

*You can pray freely
But just so only God can hear.*

And for these verses she received a sentence of 10 years.

Among the wives and daughters of nobility and officers were some women of outstanding personal qualities and attractive appearance. Some offered their services to the Cheka-G.P.U. as informers. Here one can name the last Princess Vyazemskaya, a prominent post revolutionary informer—her son on the Solovetsky Islands was also an informer. Konkordiya Nikolayevna Iosse was a woman, evidently, of brilliant qualities; her husband was an officer who was shot in her presence, and she herself was exiled to the Solovetsky Islands, but she managed to beg her way out and to set up near the Lubyanka a salon that the bosses of this establishment loved to visit. She was arrested again in 1937 with her Yagoda customers.

GRANDIOSE TRIAL PREPARED

Following the trial of the Promparty (the so-called Industrial party) a grandiose trial of the Working Peasants' Party (T.K.P.) was being prepared in 1931. The interrogation apparatus of the G.P.U. was working faultlessly: thousands of defendants had confessed in totality their participation in the criminal plans of the "T.K.P." No fewer than 200,000 "members" had been promised by the G.P.U. All of a sudden Stalin one lovely night *changed his mind*. All the persons who had "confessed" were told they could renounce their confessions. (In 1941 the T.K.P. "resurfaced" when the tortured scientist Nikolai Ivanovich Vavilov was accused of having secretly been its head.)

And then—slowly, it is true, but surely—the turn came for members of the ruling party to spend time in prison!

From 1927 to 1928 there was the issue of the "worker's opposition," in other words the Trotskyites. They numbered, for the time, in the hundreds, and soon there would be thousands.

At the end of 1929 began the famous *gold rush*.

Who was arrested in the "gold" wave? All those who at one time or another time, 15 years before, had had a private "business," had been involved in retail trade, had earned wages at a craft, and *could have*, according to the G.P.U.'s deductions, hoarded gold. All were arrested. It even got to such a state of confusion that men and women were imprisoned in the same cells and went to the toilet in each others' presence. They had one universal method: to feed the prisoners only salty food and not to give water. Whoever coughed up gold got water! One gold piece for a cup of fresh water! But it was a mistake to give up too easily. They would refuse to believe that you had coughed it *all* up. But you'd be wrong to wait too long, you'd end up by kicking the bucket.

"AN ETHNIC CATASTROPHE"

So it was that the waves foamed and rolled—but across all of them there billowed and gushed in 1929-1930 the multimillion wave of "disposed kulaks." It was im-

measurably large and it went straight to the transit prisons and points, onto prisoner transports, into the Gulag country. There was nothing to be compared with it in all Russian history. It was a forced resettlement of a whole people, an ethnic catastrophe.

In this wave from the start they uprooted only whole nests, only whole families; and they even sought jealously to prevent any of the children—14, 10, even 6 years old—from getting away. This was the *first* such experiment, in any case, in modern history. It was subsequently repeated by Hitler with the Jews, and again by Stalin with nationalities that were disloyal to him or suspected by him.

Then the Kirov wave from Leningrad began. It is estimated that one quarter of Leningrad was purged—cleaned out—in 1934-35. Let this estimate be disproven by those who have the exact statistics and who are willing to publish them.

During the last years of Stalin's life a wave of *Jews* began to be noticeable. From 1950 on they were hauled in little by little as *cosmopolitans*. And it was for this that the *doctors' plot* was cooked up. It would seem that Stalin intended to arrange a great massacre of the Jews.

According to Moscow rumors, Stalin's plan was this: at the beginning of March, 1953, the "doctor-murderers" were to be hung on Red Square. The aroused patriots, naturally led by instructors, were to rush off into an anti-Jewish program. And at this point—and here Stalin's character can be divined, don't you agree?—the Government would intervene generously to save the Jews from the wrath of the people, and on that very same night remove them from Moscow to the Far East and Siberia, where barracks were already prepared for them.

However, this became the first plan of his life to fail. God told him to depart from his rib cage.

Paradoxically the entire activity of the police organs was based on solely one section out of 140 sections of the nongeneral division of the Criminal Code of 1926, Section 58.

Point Thirteen, seemingly long out of date, was service in the Czarist secret police—the "okhrana."

There are psychological reasons for suspecting Stalin of having been liable to trial under this point of Section 58. By no means all the documents referring to this type of service survived February, 1917, and became matters of public knowledge. V. F. Dzhunkovskiy, a former inspector of the Police Department, who died on the Kolyma, declared that the hurried burning of police archives in the first days of the February Revolution was a cooperative effort on the part of certain interested persons.

One of Stalin's favorite themes was to ascribe to every arrested Bolshevik, and, in general, to every arrested revolutionary, service in the Czarist okhrana.

Was this merely his intolerant suspiciousness? Or was it an intuition, by analogy?

What scholar of the laws, what criminal historian is going to cite for us verified statistics of the 1937-38 executions? Where is that *special archives* into which we might be able to penetrate in order to read off the figures? There is none. There is none and there never will be. Therefore we dare to repeat merely those figures from rumors quite fresh at the time, in 1939-1940.

The Yezhov men said that during those two years of 1937 and 1938 *half a million* "political prisoners" had been shot throughout the Soviet Union, and in addition 480,000 *blatnye*, habitual thieves. What's so fantastic about that? It is even an understatement! (According to other rumors 1.7 million people were shot by Jan. 1, 1939.)

How many there actually were in the archipelago one cannot know for certain. It is quite believable to think that at any one time there were not more than 12 million (as some departed beneath the sod, the "ma-

chine" kept bringing in replacements). And not more than half of them were political.

Six million? Well, that is the equivalent of a small country, Sweden or Greece.

[From the New York Times, Dec. 30, 1973]
SOLZHENITSYN ON PURGE TRIALS OF THE 1930's,
PART 2

(By Aleksandr I. Solzhenitsyn)

It is not for me to tell the reader but for the reader to tell me just what there was to the notorious "riddle of the Moscow trials of the thirties."

After all, they brought into open trial not the 2,000 dragged into involvement in it, nor even 200 to 300, but only eight persons. It is not so hard to direct a chorus of just eight persons.

So where is the riddle then? How they were worked over? Very simply: do you want to live? (And even those who do not care about themselves, care for their children or grandchildren.) Do you understand that it takes no effort at all to have you shot, without your ever leaving the courtyards of the G.P.U.? But both for you and for us it is useful to have you act out a certain drama. The condition is that you have to carry all our conditions out to the very last! The trial must go on for the good of socialist society.

That is how the public trials were manufactured. Stalin's searching mind once and for all attained its ideal.

People have written about a Tibetan potion that deprives a man of his will, and of the use of hypnosis. Such explanations must not by any means be rejected: if there were such means in the hands of the N.K.V.D. it is clear that *there were no moral rules* to prevent resort to them. Why not weaken or muddle the will. And it is a known fact that in the twenties important hypnotists left off theatrical performances and went into the service of the G.P.U. It is reliably known that in the thirties a school of hypnotists existed in the N.K.V.D. The wife of Kamenev received an appointment with her husband before the trial itself and found him retarded in reactions, not himself. (And she managed to communicate this to others before being arrested herself.)

The party leaders on trial in 1936 to 1938 had had in their revolutionary past short, easy imprisonments, short periods in exile, and they had never even had a whiff of hard labor. Bukharin had many petty arrests on his record, but they amounted to nothing.

Yagoda was an obviously criminal type. This millionaire and murderer simply could not imagine that his superior murderer up on high would not stand up for him, protect him, at the last moment. Just as if Stalin were sitting right there in the hall, Yagoda self-confidently and insistently begged him directly for mercy: "I appeal to you! For you I built two great canals!"

And one who was present recounts that just at that moment through a window on the second floor of the hall, seemingly behind a muslin curtain, in the shadows flared a match and, while it lasted, the outlines of a pipe could be seen.

That person who out of the distance of time seems from among all the disgraced and executed leaders to have been the highest and brightest mind of them all—to whom, evidently, Arthur Koestler dedicated his talented study ("Darkness at Noon")—was N. I. Bukharin. Stalin saw through him too, and Stalin held him in a long death grip and even played with him like a cat with a mouse.

Bukharin did not like Kamenev and Zinoviev, and when they were tried the first time, after the murder of Kirov, had said to those close to him: "Well what? They were such people that maybe there was something to it."

At the December [1937] Plenum of the Central Committee they brought in Pyatakov with teeth knocked out and not a bit like

himself. Behind his back stood mute Chekists (Yagoda men, and Yagoda, after all was being tested out and prepared for a role too).

Pyatakov delivered the most repulsive sort of evidence against Bukharin and Rykov. Ordzhonikidze put his hand up to his ears (he was hard of hearing): "Say here, are you giving all this testimony voluntarily?" (Note that down! Ordzhonikidze will get a bullet of his own!) "Absolutely voluntarily," and Pyatakov swayed on his feet. And in the intermission Rykov said to Bukharin: "Tomsy had will power. He understood back in August and he ended his own life. And you and I, like fools, have gone on living."

"AND BUKHARIN BELIEVED HIM"

Unshaven, thin and wan, already a prisoner in his appearance, Bukharin dragged himself along to the plenum. "Just what were you thinking of?" dear Koba asked him cordially. "Come on now. No one is going to expel you from the party!"

And Bukharin believed him, and revived. But during the course of the plenum Kaganovich and Molotov, impudent fellows they were indeed, paid no attention to Stalin's opinion! Both called Bukharin a fascist hireling and demanded he be shot. (See what a wealth of information we are being deprived of because we are protecting Molotov's noble old age.)

How many wars Russia has been involved in! And were there many traitors in all those wars? Was it ever observed that treason had become deeply rooted in the hearts of Russian soldiers? And then, under the most just social structure in the world, came the most just war of all—and out of nowhere appeared millions of traitors, from among the most simple, ordinary, lowly elements of the population.

How was this to be understood and explained?

Capitalist England fought at our side against Hitler; Marx had eloquently described the poverty and suffering of the working class in this same England. And why was it that among them in this war there was only one single traitor to be found, the businessman, "Lord Haw Haw?" And millions in our country?

Indeed, it is awful to be caught with a mouth wide open, but maybe the heart of the matter is the structure of the state?

The only army in the world which forbids its soldiers to surrender as prisoners is the Red Army. Only our soldiers, renounced by Motherland and degraded to nothing in the eyes of enemies and allies, had to push their way to the swine wall being given out in the backyards of the Third Reich. Only our soldiers had the door shut tight to keep them from returning to their homes, though their young souls tried hard not to believe this.

Escape and return to the Motherland—past the guard ring around the camp, through half of Germany, then through Poland or the Balkans—this led straight to Smersh and prison. They asked: how was it that you escaped when others could not? This smells bad! Come on, you rat, what assignment did they give you? Such was the case with Mikhail Burnatsev, Pavel Bondarenko, and many, many others.

Now and then recruiters came—Russians, usually recent Communist political commissars. White Guards didn't accept this type of employment. These recruiters scheduled a meeting in the camp, condemned the Soviet regime, and appealed to prisoners to enlist in spy schools or in Vlasov units.

HALF-BAKED SPIES

And those of our lads who enlisted to become half-baked spies saw this as the least difficult means of getting out of P.O.W. camp. Almost to a man, they calculated that as soon as the Germans sent them across to the Soviet side, they would turn themselves in to the authorities, turn in their equip-

ment and instructions, and join the benign command in laughing at the stupid Germans. They would then put on their Red Army uniforms and boldly return to fight in their units.

But spy mania was one of the fundamental traits of Stalin's insanity. All the Chinese who lived in the Soviet Far East got spy convictions—Section 58-6. They were taken to the northern camps where they perished. The same fate awaited the Chinese participants in the Soviet Civil War—if they had failed to clear out in good time. Several hundred thousand Koreans were exiled to Kazakhstan, all being likewise suspected spies. And the Latvian riflemen—the most reliable bayonets of the first years of the revolution—were accused of espionage when they were all to a man arrested in 1937.

The only ones who did not expect any mercy and did not expect an amnesty—were the Vlasov men.

Long before our unexpected encounter on prison board bunks I had known of them and had been in a state of perplexity about them.

First there had been leaflets, wet through and dried out many times and lost in the high grass of the frontline strip uncut now for the third year, near Orel.

In the many leaflets there was a photo of General Vlasov and his biography was set forth. Among the corps of newly made generals, many of whom were utterly stupid and inexperienced, Vlasov was one of the most talented. He made his way out of the enormous Kiev circlement and in December, 1941, near Moscow he commanded the 20th Army, which began the successful Soviet counter-offensive for defense of the capital.

He became Deputy Commander of the Volkhov Front (under Meretskov), and received command of the Second Shock Army, at the head of which he began on Jan. 7, 1942, an attempt to break through the Leningrad blockade.

NO REINFORCEMENTS OR SUPPLIES

By February, 1942, he was 75 kilometers deep in the German lines! And from this moment on, even for it, the reckless Stalinist Supreme Command could not find reinforcements in either men or ammunition.

From April on the entire swampy area through which the Second Army had advanced melted into mud, and there were no supply roads, and there was no help from the air. The army turned out to be deprived of food and at the same time Vlasov was refused permission to retreat.

And so it was that Vlasov's Second Shock Army perished.

Now that, of course, was treason to the Motherland! That, of course, was a cruel, egoistic betrayal! But it belonged to Stalin.

After his army had been wiped out Vlasov wandered about the woods and swamps and surrendered as a war prisoner on July 6 in the area of Siverskaya. He was taken to the German staff near Lötzen in East Prussia where several captive generals and a brigade political commissar, G. P. Zilenkov, formerly a successful party official, secretary of one of the Moscow district party committees, were being held. They had already declared their disagreement with the policy of the Stalinist government. But they had no real leader among them. Vlasov became this figure.

In the general disaster (of 1945) Vlasov gathered up his two and a half divisions below Prague at the end of April. S.S. General Steiner was preparing to destroy the Czech capital, so as not to surrender it intact. Vlasov ordered his divisions to the aid of the Czech rebels. All of the hurt, bitterness and anger accumulated against the Germans in the breasts of Russians kept in slavery these cruel and vain three years was released in the attack on the Germans. They were shoved out of Prague from an unexpected direction.

Did all Czechs subsequently realize which Russians had saved their city? Our own history is likewise distorted, claiming that Prague was saved by Soviet armies, though they could not have got there in time.

RETREAT TOWARD AMERICANS

The Vlasov army began to retreat toward Bavaria in the direction of the Americans. But the Americans greeted them with an armed wall and forced them to surrender into Soviet hands, as provided for by the Yalta Conference. That same May in Austria Churchill perpetuated "the same sort of act of a loyal ally." Out of our accustomed modesty we did not publicize it. He turned over to the Soviet command the Cossack corps consisting of 90,000 people.

In their own countries Roosevelt and Churchill are honored as examples of statesmanlike wisdom. To us, in Russian prison discussions, their systematic shortsightedness and stupidity stood out as astonishingly obvious. How could they, in their descent from 1941 to 1945, fail to secure any guarantees whatsoever of the independence of Eastern Europe? How could they, for the laughable toy of a four-zone Berlin, their own future Achilles' heel, give away broad regions of Saxony and Thuringia? And what military or political sense was there in the surrender by them, to death at Stalin's hands, of several hundred of thousands of armed Soviet citizens determined not to surrender?

The term "Vlasov man" in our country has the same sense as the word "sewage." No one dares to utter two or three sentences with the term "Vlasov man" as a subject.

But that is not the way history is written. Right now, a quarter of a century later, when the majority of them have perished in camps, and when those who have survived are living out their lives in the extreme north, I would like, by means of these pages, to issue a reminder that in all of world history this was a totally unheard-of phenomenon: that several hundred thousand young men aged from 20 to 30 took up arms against their own Fatherland in alliance with its most evil enemy.

It is a rare zek who has not been at three to five transit prisons and camps and many remember a dozen or so, and the sons of Gulag can count up to 50 of them without the least difficulty. However, they all get mixed up together in memory because they are so like one another.

Of course, one transit prison is not the equal of another. But which is better and which is worse is something that can't be settled in an argument.

Let us listen to such a discussion for a time:

"Yes, and even if the Ivanovo transit prison is not one of the more famous, my friends, just make inquiries of anyone imprisoned there in the winter of 1937-38. The prison was unheated—and on the upper bunks the prisoners lay there undressed. And they knocked out all the window panes so as not to suffocate. In cell 21 instead of the 20 men the cell was supposed to contain there were 323! Beneath the board bunks was water, and there were boards laid in the water and people lay on these boards. It was right there the frost poured in from the broken windows.

"They distributed rations not to individuals but to units of 10. If anyone of the 10 died the rest shoved his corpse beneath the bunks and kept it there, even when it had begun to smell. They got the corpse's ration.

"Irkutsk, too, was no special transit prison, but in 1938 the doctors did not even dare to look into the cells but would only walk down the corridor while the turnkey shouted through the door: 'Anyone unconscious, come out.'

"If you are talking about the Vladivostok transit prison then in February, 1937, there were no more than 40,000 there.

"People were stuck there for several months at a time. The bedbugs infested the

board bunks like locusts. One half a mug of water a day: there wasn't any more; there was no one to haul it. There was one whole section of Koreans and all of them died from dysentery, every last one. From our own section every morning they took out 100 corpses.

"There were 1,500 ill there. And all the orderlies were blatari, thieves. They used to pull out gold teeth from the corpses. And not only from corpses."

During years when prisoners' case files did not have on them an indication of their destination the transit prisons turned into slave markets. The most desired guests at the transit prisons were the buyers.

Conscientious merchants demanded that the *merchandise* be displayed for them to see alive and bare-skinned. And that was just what they used to say—without smiling—*merchandise*. "Well, what *merchandise* have you brought?" asked a buyer at the Butyrka station, observing and inspecting the female appurtenances of a 17-year-old, Ira Kalina.

Sukhanovka was the most terrible prison the M.G.B. had. They used it to terrify prisoners; and interrogators hissed out its name ominously. Those who had been there weren't subject to further interrogations: they were either insane and talking only disconnected nonsense, or else they were dead.

They stunned the newly arrived prisoner there with a standing punishment cell—so narrow that if the prisoner was no longer able to stand he had to hang there on his propped-up knees.

To be absolutely precise they were 156 cm. by 209 cm. How has that become known? This is a triumph of engineering calculation and of a strong heart, not broken by Sukhanovka. This was calculated by A.D. [Alexander Dolgun.]. He did not permit them to drive him insane or to despair.

On the bottom of the prison bowl he read 10/22 and guessed "10" was the diameter of the bottom and "22" the diameter of the outside edge. From a towel he pulled a thread, made himself a tape measure and measured everything with it. Then he began to invent how to sleep *standing up*, propping himself with his knees against the small chair so that the guard thought his eyes were open.

From Alexandrov, the former head of the Arts Section of V.O.K.S.—the All-Union Society for Cultural Relations with Foreign Countries—who has a broken spinal column that tilts to one side, and who cannot control his tear ducts so as to stop crying, one can learn how Abakumov himself could beat—in 1948.

Yes, yes, Minister of State Security Abakumov himself did not by any means shun menial labor. He was not against taking a rubber truncheon in his hands sometimes. And his deputy Ryumin was all the more willing. He did this at Sukhanovka in the "generals" interrogation office.

CARPET FOR PRISONERS

The office had paneling of imitation walnut, silk portieres and a great Persian rug on the floor. So as not to spoil this beauty, there was rolled out on top of the carpet for a prisoner being beaten a dirty runner all spattered with blood. When Ryumin was doing the beating he was assisted not by some ordinary guard but by a colonel.

"And so," said Ryumin politely, stroking his rubber truncheon, which was an inch and a half thick, "you have survived trial by sleeplessness with honor." (A.D. by cleverness had managed to last for a month without sleep by sleeping while standing up.) "So now we will try the club. Prisoners don't last more than two or three sessions of this. Let down your trousers and lie down on the runner."

The colonel sat down on the prisoner's back. A.D. was going to count the blows. He didn't know yet what a blow with a rubber

truncheon is on the sciatic nerve. The effect is not in the place where the blow is delivered—it blows up inside the head. After the first blow the victim was insane from pain and broke his nails on the carpet. Ryumin beat away. (After the beating the prisoner could not walk and, of course, he was not carried. They just dragged him along the floor. The remnants of his buttocks soon swelled up to the point that he could not button his britches, and yet there were practically no scars. He was hit by a violent case of diarrhea, and, sitting there on the latrine barrel in solitary D, laughed. He went through a second and third session, and his skin burst, and Ryumin went wild, and started to beat him in the stomach and broke through the intestinal wall, in the form of an enormous hernia where his intestines protruded. And the prisoner was taken off to the Butyrka hospital with a case of peritonitis, and for time being the attempts to compel him to commit a foul deed were broken off.)

[From the New York Times, Dec. 31, 1973]

SOLZHENITSYN ON HIS OWN IMPRISONMENT

(By Aleksandr I. Solzhenitsyn)

What would things have been like if every security operations man when he set out at night to make arrests was uncertain whether he would return alive and would have to say his goodbyes to his own family?

Or if during mass arrests—as for example in Leningrad, when they arrested a quarter of the entire city—people had not just sat there growing pale at every banging of the downstairs door and at every step on the staircase but had boldly set up in their entrances ambushes consisting of several persons with axes, hammers and pokers or with whatever else was at hand?

The police organs would very quickly have suffered from a shortage of officers and transport, and notwithstanding all of Stalin's thirst, the cursed machine would have ground to a halt!

If . . . if . . .
We lacked enough love of freedom. And even more—a consciousness of the real situation. We spent ourselves in one unrestrained outburst in 1917, and then we made haste to be submissive. We submitted with pleasure!

I myself had the chance to shout out many times.

On the 11th day after my arrest three Smersh intelligence parasites, burdened down more by four suitcases full of war booty than by me (on me they had come to rely in the course of the long trip) brought me to the Byelorussian Station in Moscow.

PRISONER HELPS HIS GUARDS

Not one of the three knew the city, and it was up to me to pick the shortest route to the prison. I had to conduct them personally to the Lubyanka, where they had never been before—and which I, in fact, confused with the Ministry of Foreign Affairs building across the street from it.

I had been a day in counter-intelligence prison in army headquarters and three days in counter-intelligence prison at the front command where my cellmates had already educated me in the deceits practiced by interrogators, their threats and beatings; in the fact that once a person had been arrested he was never released; and in the inevitability of a "tenner," in other words a 10-year sentence.

So why did I keep my silence? Why did I not undertake to enlighten the deceived crowd during my last minute out in the open?

Every man always has at hand a dozen glib little reasons why he is right, why he does not sacrifice himself.

Some still have hopes of a favorable out-

come of their case and are afraid to ruin their chances for it by an outcry.

As for me, I am silent for one more reason: because these Muscovites who have thronged the steps of the escalators are nonetheless too few for me, *too few!* Here my cry will be heard by 200 or twice 200, and what about the 200 million? In a vague and unclear way I have the vision that some day I will cry out to the 200 million.

I had, probably, the easiest kind of arrest one can imagine. In a pallid European February it took me from our narrow salient on the Baltic Sea where, depending on one's point of view, either we had surrounded the Germans or they had surrounded us—and it deprived me only of my familiar artillery battery and of the scenes of the last three months of the war.

The brigade commander called me to his headquarters, asked for my pistol, and I turned it over without suspecting any evil inventions. Suddenly from a tense, immobile suite of staff officers in the corner two counter-intelligence men stepped forward, crossed the room in several leaps, and with four hands simultaneously grabbed at the star on my cap, my shoulder boards, my officer's belt, my map case, and shouted theatrically:

"You are under arrest!"

Burning and pricking from head to toes, all I could find to exclaim was:

"Me? What for?"

Even though there is no answer to this question, surprisingly I received one. This is worth recalling, because it is so unlike our general custom. Hardly had the Smersh men completed their process of "disemboweling" me and taken from me, along with my map case, my written political thoughts, and—driven by the rattling of the window panes under German shellfire—begun to push me as quickly as possible to the exit, than I heard myself firmly addressed—yes. Across this mute gap created by the falling word "arrested," across this boundary line words of the brigade commander.

"Solzhenitsyn. Come back here."

With a sharp turn I broke from the hands of the Smersh men and stepped back to the brigade commander. I knew him very well.

"You have . . ." he asked weightily, "a friend on the First Ukrainian Front?"

"It's forbidden! You have no right!" the captain and the major of counterintelligence shouted. But I had already understood: I knew I had been arrested for my correspondence with my school friend, and understood from what direction to expect danger.

Zakhar Georgiyevich Travkin could have stopped right there! But no! Continuing his attempt to wipe his slate clean to stand erect in the face of his own conscience he rose from behind his desk—though he had never before stood in front of me—and he reached across the boundary line and gave me his hand—though he would never have reached out his hand to me had I remained a free man. He said fearlessly and precisely: "I wish you happiness, captain!"

Not only was I no longer a captain, but I was an exposed enemy of the people (for among us every person from the moment of arrest is totally exposed).

So he had wished happiness—to an enemy?

GIRLS OF VARIOUS NATIONS

That night the Smersh officers gave up the last hope of being able to make out where we were on the map—in fact, they never had been able to read maps anyway. So they turned it over politely and asked me to tell the driver how to proceed to counter-intelligence at army headquarters. I, therefore, led them and myself to that prison, and in gratitude they immediately put me not in just a simple cell but in a punishment cell.

It was the length of one human body and there was width enough for three to

lie packed in tightly. A fourth person was too much. As it happened I was the fourth, pushed in after midnight. We lay on the crushed straw floor. They slept and I burned.

By morning they awoke, yawned, grunted, pulled up their legs, moved off into various corners and our acquaintance began.

"What did they bring you here for?"

"I haven't the least idea. Do the snakes tell you?"

However, my cellmates—tankmen in soft helmets—didn't hide anything. Theirs were three honest, straightforward soldiers' hearts. All three had been officers.

Their shoulder boards had been viciously torn off, and in some places the cotton stuck out.

Their tank unit had unfortunately arrived for repairs in the village where Smersh counter-intelligence headquarters of the 48th Army was located. Still sweating from battle they had gotten drunk. On the outskirts of the village they broke into a bath where, as they had noticed, two husky wenches had gone to bathe. The girls, half dressed, managed to get away. But it turned out that one was the property of the Chief of Army Counter-Intelligence, no less.

Yes! For three weeks the war had been going on within Germany, and all of us knew very well: if the girls were German they could be raped and then shot and this was almost a battle distinction; if they were Polish girls or our own Russian girls they could at any rate have been chased naked around the garden and slapped on the behind—an amusement, no more. But because this one was the "military campaign wife" of the Chief of Counter-Intelligence, some deep-in-the-rear sergeant viciously tore off from three front-line officers the shoulder boards awarded them by the front command.

Now, new impressions burned into our minds.

"Out for toilet time! Hands behind your backs!" shouted a master sergeant "hard-head."

Around the peasant courtyard had been strung a circle of machine gunners guarding the path, which went around the barn.

Behind the barn was a small square area, in which the snow had been trampled down and not yet melted. It was soiled with human feces, so thickly and chaotically spread that it was difficult to find a place to put down one's two legs and squat. However, we scattered ourselves and did squat down. Two machine gunners grimly set up their machine pistols opposite our lowly positions and the master sergeant before a minute had passed shouted brusquely:

"Well, speed it up! Here with us they do it quickly!"

SMERSH COUNTER-INTELLIGENCE

Not far from me squatted one of the tankmen, a native of Rostov, a tall grim senior lieutenant. His face was blackened by a thin film of metallic dust or smoke, but a big red scar stretching across his cheek stood out.

"What do you mean here with us?" he asked.

"In Smersh counter-intelligence!" proudly shot back the master sergeant (The counter-intelligence men used to love that tastelessly thrown-together word Smersh, manufactured from the initial syllables of "death to spies." They felt it served to frighten.)

"And with us we do it slowly," thoughtfully replied the senior lieutenant. His helmet was pulled back, uncovering the still untrimmed hair on his head. His oaken battle-hardened rear end was lifted toward the pleasant coolish breeze.

"What do you mean—with us?" the master sergeant barked at him more loudly than he needed to.

"In the Red Army," the senior lieutenant replied quietly from his heels, measuring with his look the "hardhead" hefty master sergeant.

Such were my first gulps of prison air.

Looking back on my interrogation from my long subsequent imprisonment I had no reason to be proud of it. I might, of course, have borne myself more firmly; and in all probability I could have maneuvered more skillfully. The only reason these recollections do not torment me with remorse is that, thanks be to God, I avoided getting anyone else arrested. But I came close to it.

Although we were front-line officers Nikolai V. and I, who were involved in the same case, got ourselves into prison with a childish piece of stupidity. He and I corresponded during the war, between two sectors of the front; and though we knew well that there was wartime censorship of letters nonetheless we indulged in nearly outright expression of our political outrage and in derogatory remarks directed at the Wisest of the Wise whom we labelled with the transparently obvious coded nickname, taken from underworld jargon, of the *Big Shot*—in place of Father.

The contents of our letters was sufficient to give quite adequate material, in accordance with the concepts of those times, for sentencing us both. Therefore my interrogator did not have to invent something for me. And he merely tried to cast his noose on all of those to whom I have ever written or who have ever written to me.

My interrogator employed no other means with me than sleeplessness, falsehoods and threats—completely legal methods.

Before becoming an officer I had spent half a year as an oppressed soldier. And it might have seemed that it would have penetrated through my thick hide what it meant to be always ready to obey people who perhaps were not worthy of you, and to do it with a hungry stomach to boot. And so I ought to have mastered the bitterness of service as a soldier of the rank and file and remember how my hide froze on me and how it was flayed from my body. And did I? Not at all. They pinned for consolation two little stars on my shoulder boards, and then a third, and then a fourth. And I forgot every bit of all that!

But had I at least kept my student's love for freedom? But, you see, we had never ever had any such thing. We had instead a love for military organization, a love for marches.

Then the officers' insignia were fastened on our tabs.

I addressed fathers and grandfathers with the intimate personal pronoun—while they addressed me, of course—with the formal pronoun. I sent them out under shellfire to repair several wires just so my superiors should not reproach me. I ate my officers' butter with pastry, without giving a thought as to why I had a right to it, and why the rank and file soldiers did not.

I ascribed to myself unselfish dedication. And yet meanwhile I was a fully prepared executioner. And if I had gotten into an N.K.V.D. school under Yezhov maybe I would have matured just in time for Beria.

So if any reader expects this book to be a political exposé he better slam its covers shut right now.

During prison walks I tried to get into the same pair with Suzi. We talked together in the cell, but we liked to try to speak about the main things here. We did not come together quickly. It took some time. But he had already managed to tell me much. From my childhood on I knew out of somewhere that my life purpose was the history of the Russian Revolution and that nothing else concerned me. For comprehension of the revolution I had long since required nothing except Marxism. Everything else that came up I cut off from myself and turned away from. But here fate brought me together with Suzi. He had had a completely different field of inspiration. Now he was telling me, with fascination, about everything that was his. About Estonia and democracy. Even though I had never expected to become interested previously in Estonia, or bourgeois democracy,

nonetheless I kept listening and listening to his loving stories of 20 free years of that unsensational work-loving small people consisting of big men with their slow, fundamental ways. I listened to the principles of the Estonian Constitution which had been taken from the best of European experience, and how their one-house parliament consisting of 100 members had worked. And it was not clear why, but I began to like it all and all of it began to be stored away in my experience.

SONS TAKEN BY ARMIES

We struck at Estonia in 1940, and again in 1941, and again in 1944. Some of their sons were taken by the Russian Army, and others by the German Army, and still others ran off into the woods. And elderly Tallinn intellectuals discussed how they might manage to break out of that vicious circle, break away somehow and live for themselves by themselves.

Neither Churchill nor Roosevelt cared in the least about them; but "Uncle Joe" had his plans for them all right. As soon as the Soviet armies entered Tallinn, all of these dreamers were seized during the very first nights in their Tallinn apartments. And 15 of them were imprisoned in the Moscow Lubyanka in various cells, one in each, and were being charged under Section 58-2 with a criminal desire for national self-determination.

It was all like a dream. In February, 1963, politely accompanied by a colonel who was also a Communist party organizer, I entered the room with the round colonnade in which, they say, the plenary sessions of the Supreme Court of the U.S.S.R. meet, with an enormous horseshoe-like table, and inside it another round table and seven antique chairs. Seventy officials of the Military Collegium heard me out. I said to them: "What a remarkable day this is! Although I was sentenced first to camp, then to eternal exile, I never saw face to face a single judge. And now I see all of you assembled here together". (And they, for the first time, saw a living zek with eyes which they had rubbed open.)

But it turned out that it had not been they! Yes. Now they said that it was not they. They assured me that those were no longer here. Some had retired on honorable pensions. A few had been removed. (Ulrikh, the most outstanding executioner of all, had been removed, it turned out, back in Stalin's time, in 1950 for, believe it or not, leniency.)

Some of them—there were few of these—had even been tried under Khrushchev, and these had threatened from the bench: "Today you are trying us and tomorrow we will try you, watch out!" But like all the beginnings of Khrushchev this movement too, which had been at first very energetic, was soon forgotten by him and dropped and never got so far as to become an irreversible change, which means that things were left where they had been before.

They vied with each other in telling me things and I kept looking about myself and being astonished. They were people! Really people! They were smiling! They were explaining how they wished only good.

Well, and if things turn about in such a way that once again it is up to them to try me? Right there in that hall—and they were showing me the main hall.

Well, so they will try me.

[From the New York Times, Jan. 19, 1974]

THE TEXT OF SOLZHENITSYN'S STATEMENT

Moscow, January 18.—Following is the text of a statement issued today by Aleksandr I. Solzhenitsyn, as translated by The New York Times:

The full ferocity of the press campaign conceals the main point from the Soviet reader: What is this book about? What is the strange word "Gulag" in its title? Pravda lies: The author "looks with the eyes of those who

hanged revolutionary workers and peasants." No! With the eyes of those whom the N.K.V.D. shot and tortured. Pravda asserts that in our country there has been "uncompromising criticism" of the period up to 1956. Well then, let them show their uncompromising criticism. I have given them a wealth of factual material.

Even today—even today—this path is not closed. And what a purification it would be for the country!

In publishing "The Archipelago," I certainly did not expect that they would repudiate their own previous weak admissions. The line chosen by our propaganda organs is one of animal fear of exposures. It shows how tenaciously they cling here to the bloody past and want to drag it along with them, sealed up, into the future so as not to pronounce a word of moral condemnation, let alone pronounce sentence upon any of the hangmen, inquisitors or informers. It is characteristic that as soon as Deutsche Welle announced that it would read "The Archipelago" for a half hour each day they frantically rushed to jam it: Not one word of this book must penetrate into our country.

As if this will be for long! I am sure that the time will soon come when this book will be widely and even freely read in our country. And there will be people with long memories and curiosity who will set out to inquire: What did the Soviet press say when this book appeared? And who signed the articles? And in the flood of dirty abuse they will not find the real names of those responsible, but only cowardly anonymity and pseudonyms.

CITE THE EXACT PAGES!

That is why they lie so easily and freely, alleging that in my book, "the Hitlerites were benign and kind to the enslaved peoples," and "penal battalions won the battle of Stalingrad." It is all lies, Pravda comrades. Please cite the exact pages! (You will see that they won't cite them.) Or Tass: "In his autobiography, Solzhenitsyn himself admits to hating the Soviet system and the Soviet people." My autobiography, published in the 1970 Nobel Prize handbook, is accessible to the whole world. Check how insolently the Telegraph Agency of the Soviet Union lies. But what can one say, if it had the shamelessness to spit in the closed eyes of all those murdered by maintaining that what was written about their agony and death was written only for money. As Kirill Andreyev said. And is his father living? Or was he shot, too.

But there, too, Tass blundered. The sale price of the book in all languages will be as low as possible, so that it may be read as widely as possible. The price will cover only the costs of translation, printing and paper. And if any royalties are left over, they will go toward honoring the memory of those who fell and aiding the families of political prisoners in the Soviet Union. I ask the publishers to contribute their earnings as well for the same purpose.

And here is Literaturnaya Gazeta's lie: that in my book "the Soviet people are the devil incarnate" and that the essence of the Russian soul "is that a Russian is prepared to sell his mother and father for a loaf of bread." Cite the pages, liars! Why was this written? To enrage my uninformed compatriots against me. Solzhenitsyn "equates Soviet people with the fascist murderers." Just a little juggling of the facts: Yes, I equate the Cheka-G.P.U.N.K.V.D. murderers with the Fascist murderers. But Literaturnaya Gazeta hauls in "all Soviet people" here in order more conveniently to hide our hangmen among them.

PILLAGING IS CHARGED

But what pages do they cite? From what book? For Literaturnaya Gazeta has been caught pillaging and stripping a corpse—it is quoting a confiscated copy, parts four and five of "Archipelago," which have not been

published anywhere yet. It was at the State Security Committee that the suspicious Litterateur copied his notes! When the fourth part appears, you will read this passage: "I have realized the falsehood of all the revolutions in history" (at the end of Chapter 1), and this appraisal is not of Russian man, but of the Soviet power in Chapter 4, with the section titles: "Constant Terror," "Secrecy and Distrust," "Decay of the Spirit," "Falsehood as a Form of Existence."

And still they dare charge that world reactionaries chose the publication date of "Archipelago," to disrupt détente. It was our State Security, which is the chief reactionary force in the world today, that chose the date, chose it by its eagerness to seize the manuscript. If it cherishes international détente, why then did it spend five August days squeezing this manuscript from a poor woman, dragging it out of her? In this act of seizure I saw the hand of God. It meant the time had come. As Macbeth was foretold, Birnham Wood shall come . . .

THE 56TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

Mr. GRIFFIN. Mr. President, this day affords us an opportunity to reflect for a moment on freedom and what it means to people everywhere.

It is the 56th anniversary of the proclamation of Ukrainian independence—an independence which, tragically, lasted only 3 years. However, the spirit which produced the short-lived Ukrainian National Republic has survived the long passage of time.

It lives on in the hearts and minds of Ukrainians and their descendants, many of whom, I am proud to say, are residents of my home State of Michigan. They have held tenaciously to their aspirations for human rights, for independence and freedom for justice in their homeland.

This was reflected in a letter I received recently from Teodor Kwasnycky, chairman of the Flint branch of Ukrainian Congress Committee of America.

After reviewing the subjugation of the Ukrainian people in the aftermath of World War I, Mr. Kwasnycky wrote that the Soviet Government has "subordinated all aspects of Ukrainian life to the rigid control of Moscow."

The letter added:

For the past several years the Kremlin has engaged in a series of arrests, trials and convictions of hundreds of young Ukrainian intellectuals,—poets, writers, literary critics, playwrights, professors, students and others—charging them with anti-Soviet propaganda and agitation. . . .

The fact is that today the Ukraine, with its 48 million people, is more than ever a colony of Communist Russia.

Yet, as the letter indicates, the Ukrainians persevere in their faith and devotion to the ideals of democracy. In that, on this anniversary occasion, there is a lesson for all of us.

THE ENERGY EMERGENCY ACT

Mr. McGEE. Mr. President, I rise in support of the conference report on S. 2589, the Energy Emergency Act. I am confident that all of my colleagues are aware of the necessity for this timely legislation. We must take every possible action to insure that the essential fuel needs of this Nation are met.

The purposes of this act, as set forth in section 101(b), are "to call for proposals for energy emergency rationing and conservation measures" and to authorize specific temporary emergency actions necessary to meet the fuel needs of the United States. I am pleased to note that this must be accomplished "in a manner, which to the fullest extent practicable—maintains vital services necessary to health, safety, and public welfare." I would point out that there are few vital services which touch our constituents as frequently or as regularly as that provided by the U.S. Postal Service—the collection and delivery of some 90 billion pieces of mail each year. This is a vital service necessary to the public welfare, for which we should and, in fact, must provide all necessary fuel supplies.

We addressed a similar subject several weeks ago. During the floor debate on the conference report on the Emergency Petroleum Allocation Act of 1973, I believe you remarked that it was the intention of the committee that the movement of the U.S. mail be included within the vital public service category of that legislation and that the U.S. Postal Service and its contractors should be provided all necessary fuel supplies to carry out their task.

Mr. Chairman, as I understand section 101(b) and its relationship to section 104 entitled "End-Use Rationing" and section 105 entitled "Energy Conservation Plans," any regulations promulgated pursuant to the aforementioned sections, which codify the purposes of this act, must provide to the fullest extent practicable for the maintenance of vital services necessary to health, safety, and the public welfare.

Therefore, in light of our action on the Emergency Petroleum Allocation Act of 1973 and the statements made during the consideration of the conference report on the Senate floor, which specifically included the U.S. mail within the vital public service area, am I correct in assuming that the committee intends that the term "vital services" in section 101(b) of the Energy Emergency Act includes the collection, transportation, and delivery of mail by the U.S. Postal Service, its lessors, contractors, and carriers?

Mr. JACKSON. The distinguished Senator from Wyoming and chairman of the Senate Post Office and Civil Service Committee is absolutely correct. The term "vital services" in section 101(b) of the Energy Emergency Act does include the collection, transportation, and delivery of mail by the U.S. Postal Service, its lessors, contractors, and carriers.

UKRAINIAN INDEPENDENCE DAY

Mr. BUCKLEY. Mr. President, the recent writings of Alexander Solzhenitsyn have brought into sharp focus the inhumanity of Soviet Communist rulers against the Russian people. What the Communists have done to their own people is matched and even surpassed in horror and ferocity by what they have done to captive peoples. Ukrainians have enormously suffered from Soviet domination and terror. On January 22, 1974, the 56th anniversary of Ukrainian independ-

ence, all those who love freedom should commemorate Ukrainians who have been among the chief victims of the brutal repression that has been the historic hallmark of Soviet imperialism.

In the words of one American of Ukrainian ancestry:

The whole history of Soviet Russian-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violation of human rights.

As we know, this persecution has not lessened but merely changed its form in recent years. In place of mass deportations and planned starvation of millions in the thirties, the Communists have adopted new tactics. Poets, writers, professors, students—anyone who can give voice to the yearning for Ukrainian freedom—are currently victims of arrests, trials, and convictions for the alleged crime of "anti-Soviet propaganda and agitation."

I call upon all Members of the Congress and all Americans to pay tribute on January 22 to all Ukrainian people as they continue their struggle to regain the human rights so proudly proclaimed 56 years ago. Ukraine must not be forgotten. In the words of Ukraine's great poet and patriot, Taras Shevchenko:

Our souls shall never perish, freedom knows no dying.

REVISING THE FEDERAL CRIMINAL CODE

Mr. MUSKIE. Mr. President, among the many pieces of legislation this administration considers worthy of priority attention in the 93d Congress, none is more complex and more demanding of careful scrutiny than the 336-page bill it offered as a comprehensive revision of the Federal Criminal Code. S. 1400, the administration bill, and S. 1, the 538-page companion measure offered by the distinguished senior Senator from Arkansas (Mr. McCLELLAN), both present us with scores of important questions about the ways in which our criminal laws are to be codified.

One of those issues is raised and discussed at length in an excellent article published 2 days ago by the Washington Post. The authors, Richard R. Korn and Gregory B. Craig, have discovered that two provisions proposed in S. 1400 would, if adopted, go a long way to immunize Government officials from punishment for criminal behavior they believed to be officially sanctioned. As the article says:

The breadth of the sections is astounding. If an official simply convinces a jury that he "reasonably believed" he was acting legally, his crime would be excused. If he or anyone else "reasonably relies" on an "administrative grant of permission"—even if it turns out to have given permission for crimes—they could be forgiven for breaking the law. And if the private agent of an official obeys orders which he, too, "reasonably believes" to be legal, a criminal case against him could be thrown out.

It takes little sophistication—in a time when national security is too frequently and improperly offered as an excuse for official misconduct—to see the danger of enacting such sweeping provisions into law. But it takes great care—now being

exercised in Senator McCLELLAN's Subcommittee on Criminal Laws and Procedures—to insure that these and other highly questionable proposals do not slip past an inattentive, preoccupied Congress.

The authors of the article are to be commended for calling our attention to one of the issues involved in the proposed full recodification of the criminal code. I urge my colleagues to read their thorough and careful research and to keep it in mind when the full measure is presented to us for debate and decision. I ask unanimous consent that the text of the article, "Making It All Perfectly Legal," from the Washington Post of January 20, 1974, be printed in the RECORD.

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

MAKE IT ALL PERFECTLY LEGAL

(By Richard R. Korn and Gregory B. Craig)

On March 23, 1973, Judge John J. Sirica read a letter from James W. McCord in open court, and the White House cover-up of Watergate began to unravel. Four days later, on March 27, the Nixon administration introduced in the Senate a bill to revise the U.S. criminal laws.

Relatively few took notice of the legislation, which was numbered S. 1400, and fewer still saw any connection between the two events. But there was indeed a connection: Buried in the bill's 340 pages were two brief sections that might do no less than protect public officials and their private agents from being convicted of federal crimes, whether future Watergates or other varieties.

They are truly remarkable, the two passages, descendants of the notorious I-was-just-following-orders and I-was-just-doing-my-duty defenses of Nuremberg, containing language that would make those excuses acceptable defenses for officials facing federal charges. What is also remarkable is that these provisions were not the brainchild of prophetic "plumbers" thinking ahead of ways to stay out of prison, but of well-intentioned academics, lawyers and other members of the outside legal community. Nonetheless, the administration did not object to adopting the outsiders' proposals, though Justice Department lawyers who worked on the bill also say they didn't mean the two sections that way. Almost nobody, it seems meant them that way, and yet there they are.

Section 521, titled "Public Duty," declares: "It is a defense to a prosecution under any federal statute that the defendant reasonably believed that the conduct charged was required or authorized by law to carry out his duty as a public servant, or as a person acting at the direction of a public servant. . . ."

Section 532, titled "Official Misstatement of Law," declares:

"It is an affirmative defense to a prosecution under any federal statute that the defendant's conduct in fact conformed with an official statement of law, afterward determined to be invalid or erroneous, which is contained in . . . an administrative grant of permission to the defendant . . . If the defendant acted in reasonable reliance on such statement . . . and with a good faith belief that his conduct did not constitute an offense."

A LAW AND ORDER CLASSIC

The breadth of the sections is astonishing. If an official simply convinces a jury that he "reasonably believed" he was acting legally, his crime would be excused. If he or anyone else "reasonably relies" on an "ad-

ministrative grant of permission"—even if it turns out to have given permission for crimes—they could be forgiven for breaking the law. And if the private agent of an official obeys orders which he, too, "reasonably believes" to be legal, a criminal case against him could be thrown out.

These must be viewed as the crowning provisions of a bill which is, in many ways, the quintessence of the law-and-order backlash of the 1960s, a period piece of the Mitchell-Agnew era. Democratic Sen. John L. McClellan of Arkansas has introduced his own criminal code reform legislation, which is also predictably tough, but even it cannot match the administration version in seeking more power for the state. Senate Judiciary subcommittee hearings on the measures have been only sporadic so far, with Watergate, ironically enough, a chief cause for the delay. The scandal has not let one attorney general stick around long enough to allow much Justice Department testimony on the bills.

The Nixon bill co-sponsored but not endorsed in every detail by McClellan and Sen. Roman L. Hruska (R-Neb.) attempts to take advantage of everything that confused and frightened Americans in the 1960s—permissiveness, pornography, Dr. Spock, the Chicago conspiracy, Daniel Ellsberg, Abby Hoffman, the Weathermen, pot, LSD, the SDS and more.

TRIVIAL OR ABSURD

For those who worry that mollycoddling judges are shackling law officers, S. 1400 would make it easier to wiretap and entrap suspects. For those who complain that law-breakers are punished too leniently, the bill would set up a presumption against parole and probation and reimpose a mandatory death penalty for certain offenses. For those who fear that too many criminals get off altogether, it would roll back the insanity defense in a way which would, as Prof. Louis B. Schwartz of the University of Pennsylvania Law School puts it, "return the law to a primitive state which it abandoned over a century ago, ignore the moral aspect of guilt, and fly in the face of virtual unanimity painfully achieved in the past decade."

Nor does the bill stop there. For those who would repeal the First Amendment in the name of national security, S. 1400 would repudiate the "clear and present danger" doctrine, declaring it illegal to incite others "to engage in conduct which then or at any future time would facilitate the overthrow or destruction by force of the government." Or, for those concerned about state secrets, the measure would make it a felony for any federal employee to disclose classified information to "unauthorized recipients," no matter how trivial the information or how absurd the classification.

But where S. 1400 truly matches the civil libertarians' worst nightmares is in the two sections allowing public officials to excuse crimes by citing their "public duty" or orders from superiors.

Consider, for example, the criminal charges against former White House aides John D. Ehrlichman and Eglil Krogh, charges stemming from the burglary of Daniel Ellsberg's psychiatrist's office. Before Krogh pleaded guilty, both he and Ehrlichman asked that their cases be dismissed, arguing that they were acting as "officers of the United States." Ehrlichman's lawyer carried the point further, stating: "The President . . . specifically directed Ehrlichman to make known to Krogh, (David) Young and Charles Colson that (the investigation of Ellsberg) was impressed with a national security characteristic."

Ehrlichman's attorney based his argument on the old principle that there can be no crime without a guilty mind, a *mens rea*. He stated: "The essence of the crime of conspiracy is . . . evil intent. The association of

persons with honest intent is not a conspiracy, and the association of Ehrlichman with the others on a presidential assignment cannot be transformed into a criminal conspiracy."

Then consider Adolf Eichmann contending in an Israeli courtroom that he was not guilty of the mass slaughter of Jews because he did not have the requisite evil or criminal intent, that he had merely obeyed superior orders. Or consider the words of Lt. Calley, testifying Feb. 22, 1971, at his court-martial for the Maylai massacre.

"Well, I was ordered to go in there and destroy the enemy. That was my job that day. That was the mission I was given . . . I felt then and I still do that I acted as I was directed and I carried out the orders that I was given, and I do not feel wrong in doing so, sir."

THE SAME PRINCIPLE

This is by no means to suggest that mass murder or massacre are at all comparable to ordering a burglary. Nor is it to suggest that the administration bill would excuse all acts by public officials. An official, after all, would have to persuade a jury that he "reasonably believed" his action was legal. It is difficult to conceive of a presidential assistant succeeding in that, for example, in a murder case, though in the national security area it is not implausible that some juries would suspend all ordinary standards for judging an official's conduct.

But the point is that the same basic principle lies behind the Ehrlichman and Eichmann-Calley defenses—and that the Nixon bill would in part adopt that principle into federal law. Nuremberg surely taught us that a man cannot hide from the law by claiming he is more a machine than a man. Free will and individual choice and personal responsibility are at the heart of our criminal justice system. It would be inconceivable for us to hide them under a cloak of "public duty" or an "administrative grant of permission."

WHAT MIGHT HAVE BEEN

Imagine what might have happened if S. 1400 had already been law when Ehrlichman and Krogh were contemplating a burglary. Ehrlichman need only seek an "administrative grant of permission" from, say a Justice Department confidante, and Krogh need only plan to persuade a jury that he "reasonably believed" the law not only authorized but required him to order the burglary.

Krogh's lawyers could submit a memorandum from the President describing the national security implications of the break-in. Ehrlichman could testify that he told Krogh national security made it all perfectly legal. And Ehrlichman's lawyers could introduce his "administrative grant of permission." Harry Truman's buck would be passed so rapidly from one person to another that, in the end, no criminal would have committed the crime, only public servants doing their duty.

In fact, Edgar Brown, a Justice Department attorney who helped write S. 1400, says that while "we certainly did not intend to provide greater protection for unlawful activity by government officials, you are right—if I were Bud Krogh and this provision were on the books, I would certainly use it in my defense." Brown also acknowledges that the "public duty" section probably would have served as an effective defense for the Cubans arrested in the Watergate complex; they could credibly have claimed ignorance of U.S. law and shown "reasonable reliance" on the words of high government officials.

But "taking this provision out of context and looking at it without reference to its history and purpose makes it look much broader than it was ever intended to be," he remarks.

The history and purpose of S. 1400's "Nur-

bergh" sections are strange and tangled. The provisions have passed through the hands of numerous lawyers, academics and legislators for at least 20 years. For example, one source of perhaps the choicest language was an American Bar Association committee. It was the ABA's Committee on Reform of Federal Criminal law, chaired by Prof. Livingston Hall of the Harvard Law School, which specifically recommended that the "reasonably believed" standard be included for public officials.

"We concluded," says Prof. Hall, "that the exact scope of public duty is so difficult to define that, in matters of criminal liability, the public servant should be given greater freedom of action and the benefit of the doubt. The law is so complex as to the duties and obligations of an official that, after considerable discussion and debate, we concluded that if an individual 'reasonably believed' his duty required certain action, that individual should not be subjected to criminal punishment."

Hall's ABA committee made its recommendation in November, 1972, and it certainly could not have anticipated its application to Watergate. But Prof. Hall says he still does not consider the section improper. "Reasonably believed" is not a subjective standard," he claims. "It is totally objective and it is one easily applied by the jury. It is a simple matter of determining intent. Juries do that every day.

"You've gotten hold of a philosophical dilemma at least 2,000 years old. Governments have to go on. If criminal law is looking over the shoulder of every public official every time that individual could conceivably be guilty of criminal conduct, the government would be paralyzed. . . . If we are to arrange our laws to take account of a time when Herr Hitler comes to power, then we are in a sorry state indeed. I have not seen any good has been accomplished by putting anybody associated with the Watergate in jail, except to make them talk."

A PRIVILEGE OF IGNORANCE?

Is "reasonably believed" a "totally objective" standard? Has no good been accomplished by putting Watergate criminals in jail other than to make them talk? Should public servants "be given greater freedom of action" than the rest of us "in matters of criminal liability?" These positions are, to put it mildly, highly debatable.

Most codes of justice, of course, recognize instances where the hapless or the helpless should not suffer the usual penalties for their crimes. These include acts involving insanity, coercion or duress, self-defense and certain mistakes of fact. But "ignorance of the law"—the other side of the "reasonably believed" coin—is not generally accepted as a justification for crime.

One reason for this, as Justice Oliver Wendell Holmes put it, is that "to admit the excuse at all would be to encourage ignorance." Another is that a reasonable person rarely need rely on someone else's authority to tell him an act is wrong. He has a closer authority at hand: his own conscience.

"No sane defendant has come forward to plead ignorance that the law forbids killing a human being or taking another's property or burning another's house," the legal scholar Jerome Hall has remarked. "In such cases, which include the common law felonies and the more serious misdemeanors, instead of asserting that knowledge of law is presumed, it would be much more significant to assert that knowledge of law (equally, ignorance or mistake of law) is wholly irrelevant."

And the codes certainly do not give those who administer the law the special privilege of claiming ignorance when they break it. If anything, logic suggests that public officials should be held to a higher standard in un-

derstanding and obeying the law, not the lower one suggested by Prof. Hall.

A 20-YEAR HISTORY

Yet it is not Prof. Hall's ABA committee that invented the two S. 1400 sections. Their origins are more intricate than that. They began in a far narrower provision of the Model Penal Code, a legal blueprint published by the American Law Institute in 1953. They then reappeared 18 years later in the 1971 report of the National Commission on Reform of Criminal Laws, a congressionally created panel headed by former California Gov. Edmund G. Brown—only by then the language had been significantly altered. As the Brown Commission commented:

"By virtue of the general requirements of only a reasonable belief . . . the scope of justified or excused action by a public servant is broader here than in the model Penal Code."

The Brown Commission had begun its work in 1966, at the height of the counter-culture and Vietnam, and it, too, obviously could not have foreseen Watergate, Milton Stein, who wrote the commission comment as its special counsel, notes that the commission sections were concerned chiefly with the problems of the police and other law enforcement officials. He also contends that "a jury would expect the public servant to know more, so a 'reasonable belief' that a criminal action was not criminal is less likely in the case of a public servant." But he adds: "The problem you describe was not anticipated, but it is there."

The Justice Department of John Mitchell then used the Brown Commission report as a model for writing many parts of S. 1400. Continuity from the Brown Commission to the Nixon-Mitchell Justice Department was provided in the person of John W. Dean III, who had been associate director of the Brown Commission and became the direct beneficiary of Mitchell's patronage in the administration. It was nearly two years after the Brown Commission report that the ABA specifically recommended including "reasonably believed" in the "public duty" section and that the Justice Department went along.

WHY DO IT AT ALL?

The fundamental question to be asked about the "Nuremberg" provisions—as well as other parts of the bill—is not whether they should be changed, but whether they are needed at all and, if so, whether they should be considered in one massive measure.

The purpose of the bill is to "reform, revise and codify" the U.S. Criminal Code, an impenetrable legal museum in which most ancient monuments are crusted over with layers of precedent. This is certainly a worthy goal. But it has a deceptively mild ring about it. The fact is that in many areas, the bill would in effect create controversial new laws, each of which would normally trigger extensive congressional debate.

Neither the "Nuremberg" provisions nor anything like them, for example, are currently in the criminal code. The sections are based, rather, on scattered court rulings, in line with the intention to codify case law.

But some of the case law, as applied to public servants, has been turned on its head. One source of the "public duty" section, for instance, is an old case involving a prohibition officer who fired two shots at a car he suspected of containing liquor. The court held that the facts at hand would not have persuaded a reasonably prudent man that the car did contain booze and that the agent was not acting within the scope of his duty. Thus a ruling that protected the citizen is now helping to support a proposed general law that would also give greater license to officials.

Much of the "public duty" defense, moreover, comes out of a military context. The

typical case is that of a soldier on guard duty killing an escaping prisoner. The courts have held that such killing is excusable, unless a man of ordinary sense would know that the authority or order under which he acted was clearly illegal. Any order that is not patently illegal should be obeyed, the courts have said, and that order will protect the soldier from criminal liability.

But a "public servant," acting freely, cannot be equated with a soldier acting under the compulsion of strict military discipline. An official can use discretion; a soldier must obey commands. An official can refuse; a soldier could end up in the stockade if he did. An official can resign; a soldier cannot.

As the judge in one of the military cases stated: "To ensure efficiency, any army must be, to a certain extent, a despotism. Each officer, from the general to the corporal, is invested with an arbitrary power over those beneath him, and the soldier who enlists in the army waives, in some particulars, his rights as a civilian, surrenders his personal liberty during the period of his enlistment, and consents to come and go at the will of his superior officers."

The "Official Misstatement of Law" section would also turn the case law topsyturvy as far as public officials are concerned. This provision stems largely from Supreme Court rulings which cleared citizens who relied on official assurances that their acts were legal. Thus, witnesses before the Ohio Un-American Activities Commission in 1954 refused to answer questions after the commission told them of their right not to incriminate themselves. They were later convicted of violating an Ohio statute by refusing to answer, but the high court reversed the conviction.

This section clearly serves an important purpose in protecting citizens. The problem arises when the "administrative grant of permission" is given by one public official to another.

THE LIMITS OF CODIFICATION

Even if both these sections can serve worthwhile purposes in certain circumstances, should Congress adopt them for all circumstances? They were in the Model Penal Code in narrower form, but that was a theoretical document meant to be as comprehensive as possible. As for their appearance in the Brown Commission study, former special counsel Stein remarks, "The reason we needed a provision in the first place was because of our intent to be complete." But that does not mean they should be written into sweeping national law for the next half century or longer. As one of Frederick the Great's chief codifiers wrote:

"I first thought that it would be possible to reduce laws to simple geometric demonstrations so that whoever could read and tie two ideas together would be capable of pronouncing on them. I almost immediately convinced myself that this was an absurd idea."

Congress should similarly recognize that there are limits to codification. Judge Jerome Frank has written: "Codification . . . cannot create a body of rules which will exclude judicial innovation and thereby guarantee complete predictability . . . The idea of regulating, by anticipation, all possible legal relationships is to be abandoned."

If Congress does not kill these sections outright, it should at the very least consider them separately, along with other turn-back-the-clock provisions written in by the Mitchell Justice Department.

It would not be merely "codifying," for example, if it adopts the obscenity section, which would outlaw all material containing "unnecessary" or "inappropriate" close-ups of a human genital. Nor would it be merely "revising" the law by restoring, as the bill would, the "guilt by association" provision of the Smith Act, which the Supreme Court found unconstitutional. The measure would

make it a crime just to "join" or be "an active member" of a group which plans to incite conduct that would "facilitate" the overthrow of the government—"then or at any future time."

And if insanity is no longer to be recognized as a disease by the law; if capital punishment is to be re-established; if leaking classified information is to be punished as a felony,—these cannot be considered little sections of a giant bill. They must receive, one by one, the complete, open and individual debate they demand.

(Justice Robert Jackson in his opening statement at the Nuremberg trials: "One who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of state. These twin principles, working together, have heretofore resulted in immunity for practically everyone concerned in the really great crimes against peace and mankind.")

UKRAINIAN INDEPENDENCE DAY

Mr. YOUNG. Mr. President, today, January 22, is the 55th anniversary of the independence of the Ukraine and the 55th anniversary of the Act of Union which united all Ukrainian lands into one independent and sovereign state. On this important occasion it is a pleasure and privilege to join with others in observing these two significant events.

Dr. Anthony Zukowski, a physician from Steele, N. Dak., and the national vice president of the Ukrainian Congress Committee of America and president of the State branch of the North Dakota UCCA, has written a letter to me in which he very ably outlines the unfortunate treatment to which Ukrainians have been subjected by Soviet Russia for more than half a century.

I share the deep concern of Dr. Zukowsky and the people he represents. Ukrainians have been loyal to the United States of America and our form of government without question. This is especially gratifying and encouraging at a time when many people are expressing dissatisfaction for our form of government.

Mr. President, I ask unanimous consent that Dr. Zukowsky's letter and accompanying historical background be printed in the RECORD.

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

UKRAINIAN CONGRESS COMMITTEE OF AMERICA, INC.,
Steele, N. Dak., January 10, 1974.

HON. MILTON R. YOUNG,
U.S. Senator from North Dakota,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR YOUNG: January 22, 1974 will mark the 56th Anniversary of proclamation of Ukraine's Independence, and the 55th Anniversary of the Act of Union, both of which took place in Kiev on January 22, 1918 and 1919, respectively. By these acts a Ukrainian independent state was officially established on all ethnographical Ukrainian territories.

After several years of continuous invasion and fighting, Ukraine, alone and unaided, succumbed to the numerically superior forces of Communist Russia. The whole history of Soviet Russian-dominated Ukraine is a ghastly record in inhumanity, outright persecution and genocide, Russification and violation of human rights.

For the past several years the Kremlin has engaged in a series of arrests, trials and convictions of Ukrainians, intellectuals—

poets, writers, literary critics, playwrights, professors, students and others—charging them with anti-Soviet propaganda and agitation. Yet, in the United Nations Ukraine is a full-fledged member, and the Kremlin makes much of this fact in its massive propaganda drives throughout the world. The fact is that today Ukraine is a land of inhuman persecution and economic exploitation. Only outside of Ukraine can Ukrainians and their descendants throughout the world speak of freedom and independence.

Many a Westerner may be lulled into a sense of false security by the spurious detente; but there is no detente in the relentless persecution of the Ukrainian people by Communist Russia.

Therefore, we kindly request you to make an appropriate statement on the floor of the Senate in support of the Ukrainian people in their undaunted struggle for human rights and freedom, which are the basic tenets of our modern civilized Society.

Sincerely yours,

DR. ANTHONY ZUKOWSKY,
President, UCCA, State Branch of North
Dakota, National Vice President of
UCCA.

HISTORICAL BACKGROUND

January 22nd will be the 56th anniversary since the Proclamation of Independence of the Ukrainian National Republic and the anniversary of the Act of Union, whereby all Ukrainian territory was united into one independent and sovereign state of Ukraine. The Independence of Ukraine was proclaimed in Kiev, the capital of Ukraine on January 22, 1918 and the Act of Union took place a year later.

The Ukrainian National Republic was recognized by foreign governments including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years the Ukrainian people waged a gallant struggle in defense of their country but it was subdued to a puppet regime of the Soviet Socialist Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During the World War II the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army (UPA) which fought not only against the Soviets but the Nazi regime as well.

The Brezhnev and Kosygin leadership is bent on keeping the Soviet-Russian Empire intact by persecution of Ukrainian intellectuals, professors, poets, writers, scientists and commentators. The international press has been providing a vast amount of documentation on the suppression of the Ukrainian culture.

Briefly, the Kremlin rule in Ukraine can be described as follows: Exploitation of Ukraine's economic resources for the benefit of Moscow and its imperialistic ventures in Asia, Middle-East, Africa, and Latin America. Genocide and systematic deportation of Ukrainians to central Asia. Arrest and trials of Ukrainian patriots including Ukrainian Communists defending freedom of their country.

Persecutions of all religions in Ukraine and enforced Russification aiming at the cultural and linguistic genocide of the Ukrainian people.

All the available evidence of the western observers shows that the ever-increasing tempo of repression has failed to intimidate the Ukrainian people; therefore, the Russian leadership in Kremlin took brutal measures against liberal movement in Czechoslovakia. Since Kremlin leaders were convinced the liberal ideas of Czechoslovakia would help Ukrainian liberals and other captive Nations.

Both the U.S. Congress and the President of the United States have expressed their

concern over captive non-Russian nations in the USSR by enacting the "Captive Nations Week Resolution" in July 1959.

AGRICULTURE

Mr. HRUSKA. Mr. President, agriculture is this Nation's No. 1 business. Certainly, those of us from the so-called farm States have long known this fact. But, I think all Americans have come to recognize just how important the farmer is to our way of life. When the farmer's business suffers, America's business suffers. Likewise, when the farmer's business prospers, America's business prospers.

We are the best-fed Nation in the world. When one considers the demand for our agricultural products on the world market, it is safe to say that agriculture is one of our most successful businesses.

The year 1973 was a most puzzling year for the American farmer. The crops were good; farm income was the best it has ever been. The farmer in 1973 began to share the prosperity that had long since come to many other phases of American society.

It was also a year of frustration for the farmer. The freeze on beef prices imposed last summer was a mistake. The economy today still suffers from the dislocations in the cattle market that resulted from the freeze. Late in the year the fuel crisis began to wreak havoc in the farm industry. We still are not certain what effects the shortages will have on farm economy.

Mr. President, last week my colleague, Senator CARL T. CURTIS, spoke before the National Association of Wheat Growers at their meeting in Omaha, Nebr. Senator CURTIS is one of the ranking members of the Senate Agriculture Committee. He has long been a student of the needs and problems of American agriculture. His speech should be required reading by the Members of this body.

Mr. President, I ask unanimous consent that the text of Senator CURTIS' speech be printed in full in the RECORD.

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

SPEECH OF SENATOR CARL T. CURTIS BEFORE THE NATIONAL ASSOCIATION OF WHEAT GROWERS AT OMAHA, JANUARY 16, 1974

Mr. Chairman, Ladies and Gentlemen:

It is both an opportunity and a privilege to talk to wheat growers of our country. You are a very important sector of American agriculture.

American agriculture is the most successful business operation in the history of the world. Its gains in productive capacity surpass all other endeavors. At the time of the founding of our country one farmer could produce enough food and fiber for himself and three other people. At the turn of the twentieth century one farmer in America could produce enough food and fiber for himself and six other people. At the time of World War I an American farmer could produce enough for himself and seven others. Today one American farmer produces enough for himself and fifty others.

American agriculture has the greatest impact upon our economy, from the standpoint of producing jobs and enterprise, than any other segment of our economy. I could make a long speech about that. Because of the efficiency resulting from knowledge, hard

work, risk-taking, capital investment, and research American agriculture is the bright spot in America's foreign exchange and trade balances.

I just returned from representing our government at the Food and Agriculture Organization which met in Rome, Italy. I went there for one reason and one reason alone. I am interested in the prosperity of American agriculture. Right now the better agriculture prices that we enjoy are linked in no small measure to our foreign exports. I want that to continue. I announced to the American delegation when I arrived in Rome that I expected to view every question that came up on the basis of what is best for the men and women of my state to produce the food that feeds the world.

I realize that our whole economic system is complex. I am fully aware that there are many factors that are necessary to a prosperous agriculture. At the same time, we must regard as important the fact that there are no government-owned stocks of surplus agricultural products hanging over our American economy. Huge government-owned surpluses form a cloud that depresses the prices of all agricultural products. The pressures always come from the non-farm areas of our country, and even from some segments of agriculture, for the release of those stocks for the purpose of depressing prices. And I regret to say that it happens regardless of which political party is in power in Washington.

One of the things that the American Delegation had to resist in Rome was those efforts which would force the United States to resume such a stockpiling role for the whole world. There are even business interests in our own country who favor a stockpiling program to guarantee to them the purchase of farm products at lower prices. That's not the private enterprise way. Let those business interests go into the marketplace and buy for their own stockpiling. This will perk up the market at the time it is starting to lag.

But let me say in passing, the farm prices are not too high. We have lived too many decades in a situation where agriculture was out of step with all other segments of our economy. We have lived during a time when agriculture has been behind all non-agriculture activities in income.

Oh yes, we have some problems and some mistakes have been made. Some very serious mistakes were made in 1973. The price ceiling placed upon beef was not helpful to consumers and it was unfair to producers and it caused dislocations that are creating an economic loss to this very day. The embargo against the exportation of soybeans created doubt in the minds of foreign purchasers and some of them may turn for their long-range supplies to other parts of the world.

It has been my privilege to work with Secretary Butz very closely throughout the months he has served as Secretary of Agriculture. He is an outstanding secretary. He stands today as the farmers' foremost champion. There may be features of proposals that Secretary Butz offers with which you or I might disagree but the fact remains he is a fighter for the farmers of America. Whenever businessmen or union leaders or consumer groups, through misinformation, make an attack upon American agriculture, Secretary Butz stands up and defends the American farmers and defends their right to an adequate price and to a profit and sets the record straight.

Recently a small portion of the leadership of the American Bakers Association attempted to frighten the American consumers by saying that bread would go to a cost of \$1.00 a loaf. They did this in a plea for wheat export controls. Of course, such a statement is outrageous, but in addition, it is very misleading.

I hold in my hand a clipping from one of our daily papers and clear across the top of the page are these words, "Butz Blasts Bakers For Threatening \$1.00 Bread." The Secretary then proceeded to set the record straight.

He pointed out that the average pound-and-a-half loaf now costs 47 cents which is about 13.7 cents more than five years ago and contains just over 7 cents worth of wheat at present prices. Secretary Butz informed the bakers that wheat prices would have to go to \$33 a bushel or six times higher than the present price for us to ever have dollar bread. The clincher of the Secretary's statement was that if the bakers believed what they had charged, they could become millionaires by trading in their wheat futures market.

In my opinion, gasoline, heating oil, diesel fuel and other petroleum products are in short supply. Many months ago before there was any allocation program in operation whatever, my office was devoting a good many man hours every day in assisting farmers, businessmen, householders, dealers and others with their problems arising out of the fact that they could not get certain petroleum products. Some communities were entirely out at times and many a farmer called me in desperation because his irrigation pumps were stopped or about to stop.

There are many factors involved in the shortage. We drive a good many more cars than we used to. Many of these cars have a poorer performance from the standpoint of gasoline mileage. There has been a big movement away from coal in the heating of homes, offices, and other buildings. They have turned to natural gas, propane gas and fuel oil for heating.

Our needs for petroleum are more complex than they were in World War II. Our whole transportation system has changed. Practically all of the nation's transportation now depends on petroleum. It is not only cars, trucks and airplanes but railroad companies who owned vast coal fields have abandoned coal and changed to diesel fuel.

Many industries which used coal have converted to petroleum. This has been brought on in part by the action of some extreme environmentalists. A good example is our electrical generation facilities. Some years ago they were all using coal. Now they are big users of oil. We must keep in mind the rapid growth of our population. The increase in population, the new housing and other factors have caused a great per capita increase in electrical energy use.

Agriculture operates on petroleum. It may be said that the tractor replaced the horse a long time ago, but that is only part of the story. Vast amounts of petroleum are used for pump irrigation and hauling the livestock and grain to market and for grain drying. The use of fertilizer has expanded beyond words. For the most part, fertilizer is petroleum. This is also true of pesticides that farmers need.

There is a whole new ball game in the petroleum industry. The number of products is endless. I cite such things as plastic bags used as food containers in most every household, as well as by the manufacturers and retailers of food.

Our petroleum problems are not caused solely by increased use. We have not moved forward as we should with the exploration and discovery of additional petroleum resources. At the very time that we were approaching the crisis in reference to petroleum the government lessened the incentives for the exploration and discovery of oil and gas. The depreciation allowance was reduced and price controls were placed on natural gas at the wellhead. We move towards self-sufficiency in petroleum when individuals, small and independent oil companies and drilling companies can operate at a profit. The reduction of these incentives was hardest on the wildcaters and independents who were

searching for oil. Our largest oil companies have a source of income from their chain operation of filling stations which sell petroleum products, tires, accessories and other items.

Let us look just at what is happening in Nebraska. I have reliable information concerning two oil wells in Cheyenne County. The production from these wells had dropped to six barrels a day per well. The price received for this oil had been \$3.80 per barrel. These two wells were about to be abandoned. The price of a barrel of oil is now \$8.47. This individual operator spent \$20,000 to get both of these wells back in production and each well is producing 20 barrels a day.

In Kimball, Cheyenne, and Banner Counties there are 100 wells which are producing today which would not be producing if it had not been for the raise in price, and these wells are producing 1,000 barrels of oil a day.

In that area of Nebraska the cost of drilling alone is \$32,000 per well. If they find oil, the additional expense for pipes, pumps, and putting the oil on the line runs the cost to \$100,000 per well. We are talking about wells that produce from 50 to 100 barrels a day. In that area over the last three years, thirteen dry holes have been drilled for each one that was an oil producer. These figures illustrate the role that is played by price and tax incentives in increasing of oil resources in this country.

In recent years we have imported too much foreign oil. The large oil companies had a financial interest in the foreign oil. It was very, very cheap and they joined up with other political groups and fought for and got larger import quotas. The independent oil producers wanted less foreign imports. The only way many of these independents could operate was to receive a higher price by being protected from the flood of foreign oil imports.

As a national policy, we have been slow in developing additional sources of fuel. The Alaska Pipeline has been delayed for five years because of lawsuits by individuals who said that it would ruin the countryside. The use of coal has been banned in many instances. Restrictions have been put on strip mining notwithstanding the fact that it can be done and the land can be restored to beauty and productivity.

The same groups have brought lawsuits and delayed the development of atomic power. Some of our great cities face a real crisis. They are depending upon petroleum and they could have had atomic power plants in operation if they had not been stopped.

Pollution devices have not only increased the consumption but they have made refineries far more expensive. We have not built refineries as we should because of regulations and uncertainty. The offshore drilling for oil in the ocean has been held up in the very months and years that it should have been going full speed ahead.

Perhaps most of us could save on gasoline with our passenger cars. We can make one trip to the market where we have been making two and do a lot of other helpful things. If you cut the available petroleum for agriculture, if irrigation pumps stop or are reduced in operation, and if the use of fertilizers is curtailed it means less food and scarcity which means higher prices. Our transportation system is bad now, but if it is curtailed in the use of fuel, it will be worse.

Thousands of industries, both large and small, are dependent upon petroleum. If they slow down or stop, we have a widespread of unemployment, scarcity of products and higher prices. Many of us can save on fuel in our homes, but there are those who live in hard-to-heat apartments and homes. There are those who, because of age, or infirmities, should not be called upon to be uncomfortable by lack of heat. The whole problem is very complex. I do not think that any company or individual should be per-

mitted to take advantage and reap unconscionable profits in this situation.

I believe our new Attorney General is going to have a sound approach on that. At the same time, some increase in price, particularly in the field of exploration and discovery and production of oil, is absolutely necessary if we are to expand production and do the maximum in meeting the needs of our economy and our people. This whole area of price must be handled with great expertise and wisdom and with an extreme amount of courage. It is no place for the demagogues.

The mandatory allocation program announced on January 15, 1974 gave agriculture 100 percent of current requirements. Our job will be to follow-through and see that we have good administration. Agriculture is the most important means whereby man produces new wealth. The production of our farmers must be processed, transported, packaged, labeled, advertised, wholesaled, retailed, financed, bought and sold and insured. In other words, when a farm commodity is produced, it sets in motion a whole chain of activity that means jobs and business and wages and profits for Americans. The fact that fewer individuals are involved does not lessen the importance of agriculture. It is the foundation of our economy.

Today we live at a time when there are many problems. Watergate was a foolish wrongful third-rate burglary. Every guilty party should be punished. The President was not involved and we should stop tearing our country apart.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the Assistant Counsel to the Ervin Committee. Incidentally, Mr. Edmisten has been employed by Senator Ervin for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

"I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence . . . and, as a lawyer, I agree, too, that no court in the land would admit an iota of it."

It is time for us to think about what is right with America.

There are more things right with our country than are wrong. America is still the greatest place on earth. America is the most kind, benevolent, and helpful nation that ever existed in all history. Our standard of living exceeds the standard of living any place in the world. Our basic liberties are still unimpaired. Thanks to the leadership of our great President, our involvement in the Vietnam War is over. Our combat troops have been brought home. American prisoners of war have been returned. American boys are not being drafted and no American troops are stationed in the Mideast.

As we approach the beginning of 1974, we need to count our blessings and to apply ourselves to the solution of the problems we face. The greatest disservice that responsible people could render, not only to our country but to all mankind, would be to say that the United States is not worth saving and that they were ready to throw in the towel. It is the greatest place on earth and it is worth saving, regardless of the sacrifice that it takes.

LATIN AMERICA

Mr. KENNEDY. Mr. President, in a recent article in Saturday Review/World magazine, Max Lerner perceptively reports on his impressions after a trip through Latin America.

He cites not only the strength of eco-

nomic nationals but warns that the changing role of the military elites must be a major subject of concern, a warning intensified by the Chilean coup and the obvious intentions of the junta to maintain itself in power for some time to come.

Perhaps the element of the article that is most worth underlining is his reminder that the United States still takes the countries of Latin America for granted. The administration has neglected the Republics of Central and South America for 5 years and yet one finds little public criticism of that neglect. He notes that the major institutional concern for Latin America continues to be private corporations engaged in the pursuit of markets and profits.

All too often, the public and the press treat life and events in Latin America as if they were occurring halfway around the globe instead of in our own hemisphere.

While for Europe, the violent military overthrow of the elected Chilean Government and the death of its President were among the top three or four stories of the year, in the United States, that event was not listed among even the top ten.

I have long shared the view expressed by Mr. Lerner in the conclusion of his article. He wrote:

We, too, in the America of the north, will deserve better of our neighbors to the south if we change our perspective: if we value them as more than just a source of profits, a market for products, and an area for capital investment; if we accord them continuing quiet attention for what they do and are every day; if we visit them to see their great ruined cities, their artifacts, their majestic landscapes, and their living cities as well, and become part of their lives when we are there; if we report in our press not only on their kidnappings, coups, changes of government but also on the continuing cultural richness of a continent that produced the Mayan, Aztec, and Inca civilizations and has not lost its creative thrust since.

I ask unanimous consent that the article in its entirety be printed in the RECORD.

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

[From Saturday Review/World, Oct. 23, 1973]
MILITARY RULE—CAN IT SPEAK A NEW LATIN SELF-RELIANCE?

(By Max Lerner)

The generals are on the move in Latin America—that much is certain, on a continent where much else is uncertain. The army overthrow of the Allende regime in Chile, a country with a strong tradition of a non-political soldiery, is added evidence of the sway of the generals. The *golpe*, or coup, has long been part of the landscape in South America, where the democracies are still young, the class gulf wide, the political emotions intense and volatile, and the leaders colorful.

Yet even on this score the changes in climate are becoming evident. The military regimes are no longer run, as they used to be, by a single charismatic tyrant with the nimbus of god or devil around him. The greater likelihood is that the junta members are somewhat anonymous men—professional soldiers, often trained in technical schools, and with little of the personal flair that Latin American dictators used to have. If they are not themselves technocrats in uniform, they seek our technocrats to carry out

the self-imposed mandate the generals have assumed.

This is not the picture that most Americans have of the change or of the other America to the south. But that is because most of us have not really been watching. It bears watching. Speaking to a U.N. group just after the coup that toppled Allende and sent him to his death, whether by his own hand or not, an economist sympathetic to his regime urged the American people to "keep the Chilean drama in mind." It was a plea worth heeding.

The thing that strikes a North American like myself, traveling in Latin America, talking to students, media people, officials, businessmen, military men, is what one might call the paradox of caring. They keep asking why it is that North Americans pay so little attention to Latin America, and they profess not to care about it, one way or another. But the fact that they press the question shows that they do care about the answer.

They care, not because their huge neighbor to the north is rich and powerful—although wealth and power do count in the Latin American mind—but because there is a new awareness in the Americas to the south, a new phase in the centuries-old search for identity, and their self-image today is of immense importance to them. To get at that self-image, they must see themselves in the mirror of others.

Hence their persistent questions: Why do (North) Americans take them for granted? Why do the U.S. papers print Latin American news, only when there is a revolution or a major nationalization of a big American corporation in a Latin American country? Why does the State Department send down what many Latin Americans regard as second-rate diplomats? Why do U.S. Presidents visit Peking and Moscow, London and Paris and Bonn, but not Rio de Janeiro and Buenos Aires and Mexico City? Why do American universities concentrate on Soviet studies, Chinese studies, Asian studies, European studies, Middle East studies, African studies, but leave Latin American studies out in the cold? Why is there a Year of Europe in the strategic lexicon of Richard Nixon and Henry Kissinger, after a decade of Vietnam and Cambodia, but no signs of a Year of Latin America?

And not least, Why do streams of American tourists flow into the tired channels of sight-seeing in Paris, Rome, London, when the more dramatic glories of Palenque, Copán, Mérida, Chichén Itzá, Lake Titicaca, Cuzco, and Machu Picchu get only rivulets of attention?

In form these are questions thrust at convenient visitor targets like myself; in fact they are questions turned inward, self-explorations, tentatives toward a self-image, probings of awareness for a continent. The probings go with the territory. This is a continent settled from Asia, the scene of proud Mayan, Aztec, and Inca empires. Then it was discovered by voyagers from Europe, conquered by Spanish adventurers, and ruled for centuries by Spanish viceroys, landlords, and clerics, liberated by young, swashbuckling idealists, mostly *criollo* aristocrats, only to be conquered again from within by home-grown despots and *caudillos*. Finally Latin America was invaded again by an industrial Goliath, whose military attachés acted as viceroys and whose multinational corporations were proconsuls. What could such a continent do except search for some unifying identity that would give meaning to struggle and survival in the midst of such tragic enactments?

Accordingly, the peoples of the continent sought a symbol of common effort and identity at each phase of their history. First in a common front of enslaved and broken peoples against the Spaniards. Then in following and almost defying the Liberators (Bolívar and San Martín), who were themselves carried along in confusion on the

tumultuous torrent they had set in motion. Then in yielding themselves—sometimes with enthusiasm—to a series of dictators on horseback—Iturbide, Rosas, Gomez, Vargas, Pérez, Jiménez, Trujillo, Perón, Batista, Castro himself. Then in rediscovering the heritage and reality of the Indian, on whose sweat and toil (especially in Central America and the Andean countries) so much of the social superstructure had been erected and whose early communities had possessed an organic character that many of the New Left intellectuals perceived as the road not taken. Then (especially for these intellectuals) in the ideologies of Marxism and the romanticizing of desperate guerrilla bands, whether in the mountains or the cities; finally in the common paths of underdevelopment and the cult of salvation by industrial growth.

Today the quest continues, but there are new directions for Latin American energies, struggles, awareness. The day of the oligarchies is past. They are having to move to the back of the stage, and they are even unable to function behind the scenes, manipulating their puppets.

Everyone is more or less on the Left in Latin America, including the rightists. Whatever the actions may be, the language is liberal, welfarist, progressive, Populist, or Marxist. This applies to the Church, the big family-business corporations, even the military. It would be hard for a conservative—in the Buckley, Kilpatrick, or Kirk sense—to get a teaching post in a university or be a regular commentator in the press: He would have to teach or write as a moderate who is critical of socialism and a planned economy.

The earlier *caudillos* also have had their day. The return of Perón to power in Argentina is a special case of nostalgia for a golden age when wages were high, prices tolerable, welfare benefits bountiful, and the trade unions had a friend in power. Perón today, in his late seventies, is thus a throwback to the past—to the era of his earlier flourishing—and he is unlikely to set a fresh pattern in other countries. The earlier Perón captured power and developed authority; the current Perón returned with authority, and a new tenure of power followed. The most interesting thing about the new Perón is that he himself has become an arena in which the left and right wings of his movement contend for power, each pulling him in its own direction, neither of them able to win power except through him.

The guerrilla movements are also subsiding in importance. They may still be nuisance methods for kidnaping executives of foreign corporations and throwing a fright into the multinationals; but they are not a viable path to power in any country, including Bolivia, Venezuela, Brazil, Argentina, Colombia, even Uruguay, the scene of the American kidnaping that gave Costa-Gavras the film theme for *State of Siege*.

This doesn't mean that the students and young professionals who formed the nucleus of the guerrillas are no longer important but that they are in no sense decisive in the fate of the nation. The armed campus no longer exists anywhere. No military elite would tolerate it and still keep its prestige or self-image.

Even more important, the ideological climate that made possible the machine guns and arms cache on the campus, and the guerrillas with their legion of sympathizers and their "safe houses," has been transformed. Soviet communism has lost the halo it had earlier, and with it has gone the Castro cult, since the Cuban leader is so closely identified with Moscow. In its place has come a trend toward fragmentary "socialist" movements and parties, in part inspired by the "socialism with a human face" of the Czech experiment, before the Soviet tanks crushed it, and in part vaguely Maoist. We still don't know what will come of this trend, given another decade of growth.

For the present the two strongest move-

ments, cutting across all the national variations in regimes, are economic nationalism and the political trend of the military elites.

Economic nationalism is the strong, new battle cry. It has the double merit of rallying the party and nation against a foreign "imperialist" target, thus helping to unify both of them while also providing a loose frame for common sentiment and action among a number of nations that have the same enemy symbol in mind. The United States is of course the enemy symbol, and economic nationalism is thus the newest chapter in the long history of anti-Americanism among the Americas to the south. But it is a shrewder form; it isn't wholly negative; it doesn't depend on Marxist concepts or ideology; it is superior to the earlier "undeveloped nations" theme and the bitterness about the failure of aid, since it stresses not economic dependence but economic independence.

Currently, economic nationalism operates wherever the going rules and arrangements between the particular nation and the United States are felt to need drastic change. This applies to the territorial-waters disputes, in which a number of nations are now claiming a 200-mile fishing limit as against the earlier ones. It applies to the ending of concessions contracts with foreign corporations, on the very solid ground that a sovereign people can reclaim their natural resources even though former regimes have signed them away. It applies to new "participation" agreements, which form the trend with oil agreements and which may be happening soon in Venezuela but may be relevant to other kinds of resources and operations as well. It even applies to nationalization, again because no government can sign away a people's basic sovereignty.

In the past the U.S. government and people have found nationalization more traumatic than any other event, because it touched the sensitive property nerve of Americans. For the future—provided there is some kind of compensation deal—they will have to lump it even if they don't like it. For not only the Marxist and other militant regimes and parties are committed to it but even the centrist Catholic Democratic parties. It is part of the fierce pride of the Latin peoples that they should have the right and power to take this ultimate step toward the holdings of foreign companies. It is a way of meeting their deeply inbred inferiority feeling toward the United States.

Does this mean that all left-of-center regimes are likely to be nationalizing their big corporations and that the ideological differences have been wiped out between the Catholic Democrats (as in Venezuela) and the socially conscious military regimes (as in Peru and Brazil, each in its own way)? No, it doesn't. This was sharply illustrated by a conversation I had with the mines and petroleum minister of the Venezuelan government. He had more than hinted that the government might act to take over the oil companies well before the expiration of the established terminal date. I asked whether he felt the same way about Venezuelan corporations, controlled by a number of affluent and powerful families that support his Catholic Democratic party. No, he shot back; that would be socialism, while the action on the foreign oil companies is merely economic nationalism.

It would have been idle to argue that state socialism and state capitalism are defined by how the industrial apparatus is owned and managed and where the decisions are made and where the profits go, and not by where the capital originally came from. The fact is that economic nationalism suits the present mood, attitude, economic need, and political convenience of Latin America, and it is here to stay.

The second grand theme currently is the role of the military elites. Huey Long once

said that if America ever goes Communist, it will be the fascists who will take it over. This was oversimplistic but with a shrewd grain of truth. One might say (also an oversimplification) that if the Latin American continent moves all the way to socialism in one form or another, it will not be the Castros and Allendes who will do it but the military elites.

What is happening is that the old ideological conflicts are being played out now not in the legislatures and trade unions and universities but in the barracks and military-cadet colleges. When the leftist Goulart regime scared the generals in Brazil, they formed a junta and took over and have remained in power ever since, dealing harshly with political opponents (including, at times, the use of torture), disarming the armed campuses, but also making use of good economic technocrats in dealing with inflation, expanding production, and prosperity. It is a right-of-center military regime, but independent politically and diplomatically, and an economic success story. It is likely to serve as a model for other right-of-center military elites, in a way the Argentinian regime failed to do.

The left-of-center parallel to Brazil is likely to be Peru. It furnishes a striking case history of how an elite entangles itself in coping with an internal enemy and takes over many of the features it has been fighting. One of the acronyms that frightened the possessing classes and the military in Peru from the mid-1920s until the early 1960s was APRA, the populist semi-Marxist party and program of Victor Raúl Haya de la Torre, who went back to the Inca collectivism for his mystique. However, he joined that technique with a modern social consciousness that left its marks on the leaders of the democratic Left of the past quarter-century. Returning from a long exile, Haya de la Torre modified and mellowed his doctrines, won a following, and twice would have become president if the military had not intervened.

But today, on the division of land among the peasants, on the nationalization of foreign corporations, on the control of the press through workers' associations, the Left military regime of Peru owes as much of its old APRISTA enemy as to the Nasser-style socialism that some of the younger officers have cultivated.

The Right-Center military regimes, like Brazil, Bolivia, and Uruguay, are perhaps less caught up in economic nationalism than the Left-Center regimes of Peru and Ecuador, but they too are drawn into its vortex. It was the blunder of Allende's Left civilian regime in Chile to threaten the independent classes—small landowners, small entrepreneurs, shopkeepers, bus and truck owners, large Chilean (not foreign) firms, professional classes—with the specter of state take-over. The result was a situation of economic resistance and chaos, which led to the overthrow of the Allende regime and the take-over of power by a military junta.

However, nationalism in itself, whether economic or military, will not win for the Latin American countries the freedom of action or the self-image they long for. To expatriate a foreign corporation may be a necessary decision, and a viable one if there is a trained native technical and managerial group; but while it adds to the *élan* of the people, it will not in itself solve much. To call in the military may be a way to get some stability of a law-and-order brand, but the people pay a high price even for that; and it solves nothing else. Salvation doesn't come ready made in these packages. There are still obstacles in the way of a decent living standard a humanistic life quality. All the nations share these obstacles: the continuing poverty, the swollen and unchecked birth rates, the unequal land hunger and land use, the one-crop or one-resource imbalance of

the economy, the depressed Indian caste, the lack of a strong middle class, the widespread illiteracy. Above all, there are the shantytowns, by whatever name—*ranchos*, *javelas*, *calampas*, *barriados*, *casas brujas*, *villas miserias*—clinging to the hillsides around the big cities, crowded with peasants whom the rumor of jobs and the lure of a metropolis have uprooted from their villages and brought chasing after strange, false gods.

There are false ways of coping with these obstacles. One is through demonology. Whatever the faults of the North American demonology of communism in the past era of the cold wars, the Latin American demonology of North America is just as crippling and has even less basis in actuality. Another false way is to make a cult of economic growth and use the expectation of foreign aid—usually from the hands of a Goliath demon—as a crutch. Gunnar Myrdal has strongly underscored in his latter-day writings how false an illusion this reliance on foreign aid has been and how unhealthy the whole concept of "underdeveloped countries" is if it becomes a reason for twisting the economic and social organism into unnatural shapes dictated by the industrialization model. Few Latin American countries can do what Mexico and Brazil have done in terms of economic growth, but few have had their resources. The growth-industrialism rat race leaves most of them embittered, with a weakened self-confidence.

The current experiments with a regional Common Market setup—for the Central American republics and the Andean region especially—are far more hopeful. So are the efforts, inside the Organization of American States, to use the Economic Commission for Latin America as a way of achieving economic independence of the United States. The changes in the well-being of the Latin American peoples will come from many diverse directions: from better land tenure, from population control, from Common Market membership; from a better regulated structure of foreign investment, with majority "participation" by the governments from the encouragement of small business and the independent professions as the basis for a middle class; from opening the career ladder to talent through higher education so that the army and the Church will not be the only channels through which a peasant's son can rise.

But more than anything, healthy change will be expedited by a clearer awareness within each nation of its own nature and self-image and the nature of the continent as a whole. This involves discharging the demonologies. A young British Labourite, John Mander, who has written one of the few brilliant books on Latin America in the past decade, *The Revolutionary Society* (Knopf), suggests that anti-Americanism will continue because "the United States is not hated for what she does but for what she is." As long as the United States prospers and remains a giant world power and exudes and exports its overflowing energy everywhere, the hostility will be there.

By the same token, Latin American peoples have a chance to express their rivalry not only in what they do, which will result in more income and power, but also in what they are. It is worth noting that with the considerable roster of Latin American philosophers and writers—on politics, history, national character—there has been little in the way of a philosophy or sociology of values. The daily ritual slaying of the North American father—or big brother—will cease to be much of a pastime when the elites and people to the south achieve the self-confidence needed to go their own way and to be themselves, not through the febrile short-distance urgencies and pantings but through the lonely, awareness of the long-distance runner.

We, too, in the America of the north, will

deserve better of our neighbors to the south if we change our perspective: if we value them as more than just a source of profits, a market for products, and an area for capital investment, if we accord them continuing quiet attention for what they do and are every day; if we visit them to see their great ruined cities, their artifacts, their majestic landscapes, and their living cities as well, and become part of their lives when we are there; if we report in our press not only on their kidnappings, coups, changes of government but also on the continuing cultural richness of a continent that produced the Mayan, Aztec, and Inca civilizations and has not lost its creative thrust since.

THE PRICE OF WHEAT AND THE COST OF BREAD

Mr. YOUNG. Mr. President, with all the propaganda intended to make people believe that a loaf of bread might go as high as \$1, an article appearing in the Washington Evening Star of January 21, 1974, entitled "Spare Us the Bread Panic, Please," is most encouraging.

Mr. Wilson's column is based on factual information not myth, which is so typical of all his columns. I agree with Mr. Wilson that there is no possible chance of \$1 bread. In fact, if there is any increase in the price of bread from what it is now, it undoubtedly will be for reasons other than the price of wheat that goes into a loaf of bread.

Mr. President, I ask that unanimous consent that Mr. Wilson's column be printed in the RECORD as a part of my remarks.

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

Spare Us the Bread Panic, Please (By Richard Wilson)

Excuse me if I don't panic over the prospect of the \$1 loaf of bread. Given any kind of good weather, wheat, which represents only a fraction of the cost of bread, will be clogging the supply lines this fall. Farm state congressmen running for reelection may be clamoring for higher prices.

Panic is the spirit of the time. Everybody is gloomy and grim. Nixon can't govern. Gas is short. Houses are cold. Mornings are dark. Government commits one blunder after another. Hope rests only in Henry Kissinger.

But spare us the bread panic. It's a phony. The Lord willing, the spring and summer of 1974 will bring forth an enormous crop of wheat in response to the new, and maybe temporary, world demand for the bread grain.

Alarm of the American Bakers Association that the nation may run completely out of wheat before the new crop begins to come in late in May has to reflect more than its concern over the price of wheat. Since the wheat in a loaf of bread represents about one-fifth of its cost, maybe there are some other factors such as inefficient operation, extravagant promotion costs and shaky financing which give the bakers cause for thought.

Now it goes without saying that if the traders hadn't sold all that wheat to Russia last year there could not now be any concern over existing supplies of wheat. We would have too much, as usual. The bakers would be getting their flour based on the usual low wheat price and wouldn't have to worry so much about the efficiency and utility of their operations. Let the farmer worry.

A strange kind of logic governs all this. The bakers, with all their loaded-on costs, are pictured as the nation's benefactors denied

the means to provide the hungry with the staff of life at a decent price. The farmer is the avaricious peasant squeezing the dear life out of the helpless urbanite. In between them is the bungling government mismanaging supplies over which it actually has very little control.

This picture is about as false as it could possibly be. In the first place, there is no accepted, reliable estimate that the United States will run out of wheat before the new crop comes in. Even shading the government's estimate that there will be 200 million bushels left over, there would still be enough.

In the second place, wheat would have to double or triple in price (according to one estimate, rise to \$30 per bushel from \$5 plus) to provide any justification for the \$1 loaf of bread.

And in the third place, the Russians have already received most of the wheat they bought last year and are willing to put off taking the rest. They have said they don't plan to buy any U.S. wheat this year and if they do it is not expected to be very much. Meanwhile, if the weather is O.K., we may end up in the fall with 15 percent more wheat than was produced last year.

So what's to panic about? We panic, for one reason, because the United States no longer sits here on a huge supply of wheat which gives the world a continuous glut and makes domestic subsidies necessary. Some argue this is America's responsibility to the world.

We panic because the bakers don't get a comfortable ride on cheap wheat.

We panic because it makes sense to import wheat that might be more cheaply delivered in some sections of the country even if we don't begin to run short.

We panic, in fact, because supply and demand is working in favor of the farmer, for one, and is putting the squeeze on the middleman. And, finally, we panic just because it is in season.

OSTRACIZING CUBA

Mr. McGEE. Mr. President, in yesterday's publication of the Washington Star-News, there appeared an excellent editorial comment on the ridiculousness of the continued U.S. boycott of Cuba.

The editorial writer makes a number of significant points, not the least of which is the fact that the political and economic sanctions against Cuba, adopted in 1964 by the Organization of American States, have rapidly deteriorated in recent years.

Now we find ourselves in another awkward position on the Cuban question. This time it is Argentina. Subsidiaries of the three largest U.S. automobile manufacturers find themselves in the untenable position of being in conflict with U.S. law or Argentine law on the question of selling automobiles to Cuba through their Argentine subsidiaries.

The editorial also echoes a warning I issued nearly a year ago when I noted the continued inflexible U.S. policy toward Cuba could very well end with the isolation of this Nation within the Western Hemisphere, rather than the original intent of isolating Cuba.

A change in U.S. policy toward Cuba is long overdue. I hope that our Government recognizes this reality and makes the necessary policy adjustments.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News, Jan. 21, 1974]

OSTRACIZING CUBA

Recent events have provided additional reasons for changing the United States' policy of economic and political boycott against Cuba. The trade embargo makes particularly little sense these days in the light of our worldwide interests.

Detroit's Big Three automobile manufacturers and their Argentine subsidiaries are wondering how the latter can sell substantial numbers of vehicles to Cuba. If they do, the parent firms violate the American embargo and if they don't they will run afoul of law and political desires of Peron's Argentina, which recognized the Castro government last year and is extending large trade credits to Cuba. Resolution of the problem could affect the treatment of American-owned multinational corporations in Argentina and many other countries.

The Arab oil embargo puts the United States in the position of arguing against the political use of economic power, especially when the victims might suffer gravely. How to square this with continuance of an embargo that severely crimps the Cuban economy, forcing dependence on massive Soviet aid and irrational pipelines for supplies and exports?

The boycott gets more anachronistic the longer the United States pursues detente with Russia and Communist China, contemplating such economic coziness as joint development and purchase of Siberian gas and oil, and the sale of helicopters to China. The attempt at ostracism also happens to be crumbling more markedly the longer it persists, raising the possibility that we might end up more isolated than Castro.

Cuban trade with non-Communist countries, including most of our staunchest Western allies, has more than doubled in the last five years. The political and economic sanctions against Cuba, adopted in 1964 by the Organization of American States, have crumbled badly in recent years. Cuba has formal relations with six members, though losing Chile with the downfall of Allende last September.

Much of the Hemisphere's fear of Castro has dissipated along with his once-strident threat to export revolution to other parts of Latin America. Secretary of State Kissinger should get a personal reading of the OAS mood in his meeting next month with Latin American foreign ministers.

The updating of American policy does not require fondness toward a still-hostile Castro and his totalitarian regime—a test we do not apply in dealing with many other unpleasant governments. A recognition of realities, 15 years after the fall of Batista and 11 years after the missile crisis, calls for an end of the economic boycott and talks leading to diplomatic relations.

INTERNATIONAL TRADE IN TEXTILES

Mr. THURMOND. Mr. President, at a time of great domestic problems and uncertainty, and at a time of great international problems and uncertainty, President Nixon has again demonstrated his sound leadership by obtaining a major new international trade agreement in textiles. As a result of this leadership, he has fulfilled a public commitment made in 1968 on behalf of the millions of textile workers and businesses so critical to the economic well-being of our country. Mr. President, I can attest

that President Nixon is one elected official who keeps his campaign promises.

Three administrations have tried to conclude such a comprehensive international textile trade agreement. This administration persisted for close to 2 years to negotiate with 50 countries and finally achieved a most satisfactory and beneficial solution, not just to the United States, but to the world at large.

This new agreement became effective on January 1 of this year. It is a multi-fiber-multilateral agreement encompassing cotton, wool, manmade fibers and blends. It sets forth standards by which international trade in this field will be governed. It also sets an historic precedent by establishing an international surveillance body to insure that textile trading countries conform to this new arrangement. The agreement is for a term of 4 years.

This new multifiber agreement contains all the essentials necessary for the United States to protect its interests. As a result, it will provide for the security of its workers and its firms, and thereby insure that an important sector of our country's economy will be healthy and viable.

It is not a one-sided agreement. It is fair and balanced, setting forth less restrictive measures than former agreements. It provides that special consideration will be given to less-developed countries which, in many cases, rely upon the field of textiles as the most significant element in their domestic economy and their international trade. The thrust of this new agreement is also more liberal in the sense that it makes it more difficult for importing countries to take arbitrary and unfair actions against exporting countries. However, as I have stated earlier, it is balanced in that it also contains measures that help to insure orderly trade and prevent the flood of imports into any importing country that would cause disruption and damage to a domestic textile industry.

The surveillance body previously mentioned, of which we fully expect the United States to be a member, has also been established in a fair and equitable manner. Neither the United States nor any other country has relinquished its sovereignty to this international body. The final decision relative to our country's interests remains with our Government. However, we can expect that this body will perform a very useful and effective function. It will review the actions of participating countries, including our own, to see that they do conform to this new arrangement. This body will provide a forum for complaints to be heard between trading partners. Recommendations will be made and, although not binding, will have moral suasion in that all the participating countries will know the findings of this body and in turn, can judge the actions of their trading partners.

As one can see from the brief description just offered, it is the most encompassing international textile trade agreement ever reached. Equally important, it is a fair and balanced agreement which will benefit all the countries participat-

ing in textile trade. Furthermore, there are already indications that its effect will be felt beyond textiles.

It is noteworthy that when this agreement was concluded, our country had the good will and respect of all its negotiating partners. I believe this bodes well for the future of this agreement and that consequent favorable impact upon our country's textile industry.

At this time, I would particularly like to commend Mr. Anthony Jurich, the chief negotiator of this agreement, and his competent team. Their persistent dedication and negotiating skill is clearly reflected in the obvious success of having reached this agreement. I give credit not only to the final form and terms we now have before us, but to the manner in which it was accomplished.

Finally, Mr. President, I would like to again commend the sound leadership of President Nixon in reaching this major new agreement.

I ask unanimous consent that the full text of the agreement be printed in the RECORD, so that all may see for themselves this notable and significant achievement.

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

ARRANGEMENT REGARDING INTERNATIONAL
TRADE IN TEXTILES

PREAMBLE

Recognizing the great importance of production and trade in textile products of wool, man-made fibres and cotton for the economies of many countries, and their particular importance for the economic and social development of developing countries and for the expansion and diversification of their export earnings, and conscious also of the special importance of trade in textile products of cotton for many developing countries;

Recognizing further the tendency for an unsatisfactory situation to exist in world trade in textile products and that this situation, if not satisfactorily dealt with, could work to the detriment of countries participating in trade in textile products, whether as importers or exporters, or both, adversely affect prospects for international co-operation in the trade field, and have unfortunate repercussions on trade relations generally;

Noting that this unsatisfactory situation is characterized by the proliferation of restrictive measures, including discriminatory measures, that are inconsistent with the principles of the General Agreement on Tariffs and Trade and also that, in some importing countries, situations have arisen which, in the view of these countries, cause or threaten to cause disruption of their domestic markets;

Desiring to take co-operative and constructive action, within a multilateral framework, so as to deal with the situation in such a way as to promote on a sound basis the development of production and expansion of trade in textile products and progressively to achieve the reduction of trade barriers and the liberalization of world trade in these products;

Recognizing that, in pursuit of such action, the volatile and continually evolving nature of production and trade in textile products should be constantly borne in mind and the fullest account taken of such serious economic and social problems as exist in this field in both importing and exporting countries, and particularly in the developing countries;

Recognizing further that such action should be designed to facilitate economic expansion and to promote the development

of developing countries possessing the necessary resources, such as materials and technical skills, by providing larger opportunities for such countries, including countries that are, or that may shortly become, new entrants in the field of textile exports to increase their exchange earnings from the sale in world markets of products which they can efficiently produce;

Recognizing that future harmonious development of trade in textiles particularly having regard to the needs of developing countries, also depends importantly upon matters outside the scope of this Arrangement, and that such factors in this respect include progress leading both to the reduction of tariffs and to the maintenance and improvement of schemes of generalized preferences, in accordance with the Tokyo Declaration;

Determined to have full regard to the principles and objectives of the General Agreement on Tariffs and Trade (hereinafter referred to as the GATT) and in carrying out the aims of this Arrangement, effectively to implement the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973 concerning the Multilateral Trade Negotiations;

The parties to this arrangement have agreed as follows:

ARTICLE 1

1. It may be desirable during the next few years for special practical measures of international co-operation to be applied by the participating countries¹ in the field of textiles with the aim of eliminating the difficulties that exist in the field.

2. The basic objectives shall be to achieve the expansion of trade, the reduction of barriers to such trade and the progressive liberalization of world trade in textile products, while at the same time ensuring the orderly and equitable development of this trade and avoidance of disruptive effects in individual markets and on individual lines of production in both importing and exporting countries. In the case of those countries having small markets, an exceptionally high level of imports and a correspondingly low level of domestic production, account should be taken of the avoidance of damage to those countries' minimum viable production of textiles.

3. A principal aim in the implementation of this Arrangement shall be to further the economic and social development of developing countries and secure a substantial increase in their export earnings from textile products and to provide scope for a greater share for them in world trade in these products.

4. Actions taken under this Arrangement shall not interrupt or discourage the autonomous industrial adjustment processes of participating countries. Furthermore, actions taken under this Arrangement should be accompanied by the pursuit of appropriate economic and social policies, in a manner consistent with national laws and systems, required by changes in the pattern of trade in textiles and in the comparative advantage of participating countries, which policies would encourage businesses which are less competitive internationally to move progressively into more viable lines of production or into other sectors of the economy and provide increased access to their markets for textile products from developing countries.

5. The application of safeguard measures under this Arrangement, subject to recognized conditions and criteria and under the surveillance of an international body set up

¹ The expressions "participating country", "participating exporting country" and "participating importing country", wherever they appear in this Arrangement shall be deemed to include the European Economic Community.

for that purpose, and in conformity with the principles and objectives of this Arrangement, may in exceptional circumstances become necessary in the field of trade in textile products, and should assist any process of adjustment which would be required by the changes in the pattern of world trade in textile products. The parties of this Arrangement undertake not to apply such measures except in accordance with the provisions of this Arrangement with full regard to the impact of such measures on other parties.

6. The provisions of this Arrangement shall not affect the rights and obligations of the participating countries under the GATT.

7. The participating countries recognize that, since measures taken under this Arrangement are intended to deal with the special problems of textile products, such measures should be considered as exceptional, and not lending themselves to application in other fields.

ARTICLE 2

1. All existing unilateral quantitative restrictions, bilateral agreements and any other quantitative measures in force which have a restrictive effect shall be notified in detail by the restraining participating country, upon acceptance of or accession to this Arrangement, to the Textiles Surveillance Body, which shall circulate the notifications to the other participating countries for their information. Measures or agreements which are not notified by a participating country within sixty days of its acceptance of, or accession to, this Arrangement shall be considered to be contrary to this Arrangement and shall be terminated forthwith.

2. Unless they are justified under the provisions of the GATT (including its Annexes and Protocols), all unilateral quantitative restrictions and any other quantitative measures which have a restrictive effect and which are notified in accordance with paragraph 1 above shall be terminated within one year of the entry into force of this Arrangement, unless they are the subject of one of the following procedures to bring them into conformity with the provisions of this Arrangement:

(i) inclusion in a programme, which should be adopted and notified to the Textiles Surveillance Body within one year from the date of coming into force of this Arrangement, designed to eliminate existing restrictions in stages within a maximum period of three years from the entry into force of this Arrangement and taking account of any bilateral agreement either concluded or in course of being negotiated as provided for in (ii) below; it being understood that a major effort will be made in the first year, covering both a substantial elimination of restrictions and a substantial increase in the remaining quotas;

(ii) inclusion, within a period of one year from the entry into force of this Arrangement, in bilateral agreements negotiated, or in course of negotiation, pursuant to the provisions of Article 4; if, for exceptional reasons, any such bilateral agreement is not concluded within the period of one year, this period, following consultations by the participating countries concerned and with the concurrence of the Textiles Surveillance Body, may be extended by not more than one year;

(iii) inclusion in agreements negotiated or measures adopted pursuant to the provisions of Article 3.

3. Unless justified under the provisions of the GATT (including its Annexes and Protocols), all existing bilateral agreements notified in accordance with paragraph 1 of this Article shall, within one year of the entry into force of this Arrangement, either be terminated or justified under the provisions of this Arrangement or modified to conform therewith.

4. For the purposes of paragraphs 2 and 3 above the participating countries shall af-

ford full opportunity for bilateral consultation and negotiation aimed at arriving at mutually acceptable solutions in accordance with Articles 3 and 4 of this Arrangement and permitting from the first year of the acceptance of this Arrangement the elimination as complete as possible of the existing restrictions. They shall report specifically to the Textiles Surveillance Body within one year of the entry into force of this Arrangement on the status of any such actions taken or negotiations undertaken pursuant to this Article.

5. The Textiles Surveillance Body shall complete its review of such reports within ninety days of their receipt. In its review it shall consider whether all the actions taken are in conformity with this Arrangement. It may make appropriate recommendations to the participating countries directly concerned so as to facilitate the implementation of this Article.

ARTICLE 3

1. Unless they are justified under the provisions of the GATT (including its Annexes and Protocols) no new restrictions on trade in textile products shall be introduced by participating countries nor shall existing restrictions be intensified unless such action is justified under the provisions of this Article.

2. The participating countries agree that this Article should only be resorted to sparingly and its application shall be limited to the precise products and to countries whose exports of such products are causing market disruption as defined in Annex A taking full account of the agreed principles and objectives set out in this Arrangement and having full regard to the interests of both importing and exporting countries. Participating countries shall take into account imports from all countries and shall seek to preserve a proper measure of equity. They shall endeavour to avoid discriminatory measures where market disruption is caused by imports from more than one participating country and when resort to the application of this Article is unavoidable, bearing in mind the provisions of Article 6.

3. If, in the opinion of any participating importing country, its market in terms of the definition of market disruption in Annex A is being disrupted by imports of a certain textile product not already subject to restraint, it shall seek consultations with the participating exporting country or countries concerned with a view to removing such disruption. In its request the importing country may indicate the specific level at which it considers that exports of such products should be restrained, a level which shall not be lower than the general level indicated in Annex B. The exporting country or countries concerned shall respond promptly to such request for consultations. The importing country's request for consultations shall be accompanied by a detailed factual statement of the reasons and justification for the request, including the latest data concerning elements of market disruption, this information being communicated at the same time by the requesting country to the Chairman of the Textiles Surveillance Body.

4. If, in the consultation, there is mutual understanding that the situation calls for restrictions on trade in the textile product concerned, the level of restriction shall be fixed at a level not lower than the level indicated in Annex B. Details of the agreement reached shall be communicated to the Textiles Surveillance Body which shall determine whether the agreement is justified in accordance with the provisions of this Arrangement.

5. (1) If, however, after a period of sixty days from the date on which the request has been received by the participating exporting country or countries, there has been no agreement either on the request for export

restraint or on any alternative solution, the requesting participating country may decline to accept imports for retention from the participating country or countries referred to in paragraph 3 above of the textiles and textile products causing market disruption (as defined in Annex A) at a level for the twelve-month period beginning on the day when the request was received by the participating exporting country or countries not less than the level provided for in Annex B. Such level may be adjusted upwards to avoid undue hardship to the commercial participants in the trade involved to the extent possible consistent with the purposes of this Article. At the same time the matter shall be brought for immediate attention to the Textiles Surveillance Body.

(i) However, it shall be open for either party to refer the matter to the Textiles Surveillance Body before the expiry of the period of sixty days.

(ii) In either case the Textiles Surveillance Body shall promptly conduct the examination of the matter and make appropriate recommendations to the parties directly concerned within thirty days from the date on which the matter is referred to it. Such recommendations shall also be forwarded to the Textiles Committee and to the GATT Council for their information. Upon receipt of such recommendations the participating countries concerned should review the measures taken or contemplated with regard to their institution, continuation, modification or discontinuation.

6. In highly unusual and critical circumstances, where imports of a textile product or products during the period of sixty days referred to in paragraph 5 above would cause serious market disruption giving rise to damage difficult to repair, the importing country shall request the exporting country concerned to co-operate immediately on a bilateral emergency basis to avoid such damage, and shall, at the same time, immediately communicate to the Textiles Surveillance Body the full details of the situation. The countries concerned may make any mutually acceptable interim arrangement they deem necessary to deal with the situation without prejudice to consultations regarding the matter under paragraph 3 of this Article. In the event that such interim arrangement is not reached, temporary restraint measures may be applied at a level higher than that indicated in Annex B with a view, in particular, to avoiding undue hardship to the commercial participants in the trade involved. The importing country shall give, except where possibility exists of quick delivery which would undermine the purpose of such measure, at least one week's prior notification of such action to the participating exporting country or countries and enter into, or continue, consultations under paragraph 3 of this Article. When a measure is taken under this paragraph either party may refer the matter to the Textiles Surveillance Body.

The Textiles Surveillance Body shall conduct its work in the manner provided for in paragraph 5 above. Upon receipt of recommendations from the Textiles Surveillance Body the participating importing country shall review the measures taken, and report thereon to the Textiles Surveillance Body.

7. If recourse is had to measures under this Article, participating countries shall, in introducing such measures, seek to avoid damage to the production and marketing of the exporting countries, and particularly of the developing countries, and shall avoid any such measures taking a form that could result in the establishment of additional non-tariff barriers to trade in textile products. They shall, through prompt consultations, provide for suitable procedures, particularly as regards goods which have been, or which

are about to be, shipped. In the absence of agreement, the matter may be referred to the Textiles Surveillance Body, which shall make the appropriate recommendations.

8. Measures taken under this Article may be introduced for limited periods not exceeding one year, subject to renewal or extension for additional periods of one year, provided that agreement is reached between the participating countries directly concerned on such renewal or extension. In such cases the provisions of Annex B shall apply. Proposals for renewal or extension, or modification or elimination or any disagreement thereon shall be submitted to the Textiles Surveillance Body, which shall make the appropriate recommendations. However, bilateral restraint agreements under this Article may be concluded for periods in excess of one year in accordance with the provisions of Annex B.

9. Participating countries shall keep under review any measures they have taken under this Article and shall afford any participating country or countries affected by such measures, adequate opportunity for consultation with a view to the elimination of the measures as soon as possible. They shall report from time to time, and in any case once a year, to the Textiles Surveillance Body on the progress made in the elimination of such measures.

ARTICLE 4

1. The participating countries shall fully bear in mind, in the conduct of their trade policies in the field of textiles, that they are, through the acceptance of, or accession to, this Arrangement, committed to a multi-lateral approach in the search for solutions to the difficulties that arise in this field.

2. However, participating countries may, consistently with the basic objectives and principles of this Arrangement, conclude bilateral agreements on mutually acceptable terms in order, on the one hand, to eliminate real risks of market disruption (as defined in Annex A) in importing countries and disruption to the textile trade of exporting countries, and on the other hand to ensure the expansion and orderly development of trade in textiles and the equitable treatment of participating countries.

3. Bilateral agreements maintained under this Article shall, on overall terms, including base levels and growth rates, be more liberal than measures provided for in Article 3 of this Arrangement. Such bilateral agreements shall be designed and administered to facilitate the export in full of the levels provided for under such agreements and shall include provisions assuring substantial flexibility for the conduct of trade thereunder, consistent with the need for orderly expansion of such trade and conditions in the domestic market of the importing country concerned. Such provisions should encompass areas of base levels, growth, recognition of the increasing interchangeability of natural, artificial and synthetic fibres, carry forward, carryover, transfers from one product grouping to another and such other arrangements as may be mutually satisfactory to the parties to such bilateral agreements.

4. The participating countries shall communicate to the Textiles Surveillance Body full details of agreements entered into in terms of this Article within thirty days of their effective date. The Textiles Surveillance Body shall be informed promptly when any such agreements are modified or discontinued. The Textiles Surveillance Body may make such recommendations as it deems appropriate to the parties concerned.

ARTICLE 5

Restrictions on imports of textile products under the provisions of Articles 3 and 4 shall be administered in a flexible and equitable manner and over-categorization shall be avoided. Participating countries shall, in consultation, provide for arrangements for

the administration of the quotas and restraint levels, including the proper arrangement for allocation of quotas among the exporters, in such a way as to facilitate full utilization of such quotas. The participating importing country should take full account of such factors as established tariff classification and quantitative units based on normal commercial practices in export and import transactions, both as regards fibre composition and in terms of competing for the same segment of its domestic market.

ARTICLE 6

1. Recognizing the obligations of the participating countries to pay special attention to the needs of the developing countries, it shall be considered appropriate and consistent with equity obligations for those importing countries which apply restrictions under this Arrangement affecting the trade of developing countries to provide more favourable terms with regard to such restrictions, including elements such as base level and growth rates, than for other countries. In the case of developing countries whose exports are already subject to restrictions and if the restrictions are maintained under this Arrangement, provisions should be made for higher quotas and liberal growth rates. It shall, however, be borne in mind that there should be no undue prejudice to the interests of established suppliers or serious distortion in existing patterns of trade.

2. In recognition of the need for special treatment for exports of textile products from developing countries, the criterion of past performance shall not be applied in the establishment of quotas for their exports of products from those textile sectors in respect of which they are new entrants in the markets concerned and a higher growth rate shall be accorded to such exports, having in mind that this special treatment should not cause undue prejudice to the interests of established suppliers or create serious distortions in existing patterns of trade.

3. Restraints on exports from participating countries whose total volume of textile exports is small in comparison with the total volume of exports of other countries should normally be avoided if the exports from such countries represent a small percentage of the total imports of textiles covered by this Arrangement of the importing country concerned.

4. Where restrictions are applied to trade in cotton textiles in terms of this Arrangement, special consideration will be given to the importance of this trade to the developing countries concerned in determining the size of quotas and the growth element.

5. Participating countries shall not, as far as possible, maintain restraints on trade in textile products originating in other participating countries which are imported under a system of temporary importation for re-export after processing, subject to a satisfactory system of control and certification.

6. Consideration shall be given to special and differential treatment to re-imports into a participating country of textile products which that country has exported to another participating country for processing and subsequent reimportation, in the light of the special nature of such trade without prejudice to the provisions of Article 3.

ARTICLE 7

The participating countries shall take steps to ensure, by the exchange of information, including statistics on imports and exports when requested, and by other practical means, the effective operation of this Arrangement.

ARTICLE 8

1. The participating countries agree to avoid circumvention of this Arrangement by trans-shipment, re-routing, or action by non-participants. In particular, they agree on the measures provided for in this Article.

2. The participating countries agree to collaborate with a view to taking appropriate administrative action to avoid such circumvention. Should any participating country believe that the Arrangement is being circumvented and that no appropriate administrative measures are being applied to avoid such circumvention, that country should consult with the exporting country of origin and with other countries involved in the circumvention with a view to seeking promptly a mutually satisfactory solution. If such a solution is not reached the matter shall be referred to the Textiles Surveillance Body.

3. The participating countries agree that if resort is had to the measures envisaged in Articles 3 and 4, the participating importing country or countries concerned shall take steps to ensure that the participating country's exports against which such measures are taken shall not be restrained more severely than the exports of similar goods of any country not party to this Arrangement which are causing, or actually threatening, market disruption. The participating importing country or countries concerned will give sympathetic consideration to any representations from participating exporting countries to the effect that this principle is not being adhered to or that the operation of this Arrangement is frustrated by trade with countries not party to this Arrangement. If such trade is frustrating the operation of this Arrangement, the participating countries shall consider taking such actions as may be consistent with their law to prevent such frustration.

4. The participating countries concerned shall communicate to the Textiles Surveillance Body full details of any measures or arrangements taken under this Article or any disagreement and, when so requested, the Textiles Surveillance Body shall make reports or recommendations as appropriate.

ARTICLE 9

1. In view of the safeguards provided for in this Arrangement the participating countries shall, as far as possible, refrain from taking additional trade measures which may have the effect of nullifying the objectives of this Arrangement.

2. If a participating country finds that its interests are being seriously affected by any such measure taken by another participating country, that country may request the country applying such measure to consult with a view to remedying the situation.

3. If the consultation fails to achieve a mutually satisfactory solution within a period of sixty days the requesting participating country may refer the matter to the Textiles Surveillance Body which shall promptly discuss such matter, the participating country concerned being free to refer the matter to that body before the expiry of the period of sixty days if it considers that there are justifiable grounds for so doing. The Textiles Surveillance Body shall make such recommendations to the participating countries as it considers appropriate.

ARTICLE 10

1. There is established within the framework of GATT a Textiles Committee consisting of representatives of the parties to this Arrangement. The Committee shall carry out the responsibilities ascribed to it under this Arrangement.

2. The Committee shall meet from time to time and at least once a year to discharge its functions and to deal with those matters specifically referred to it by the Textiles Surveillance Body. It shall prepare such studies as the participating countries may decide. It shall undertake an analysis of the current state of world production and trade in textile products, including any measures to facilitate adjustment and it shall present its views regarding means of furthering the expansion and liberalization of trade in textile products. It will collect the statistical

and other information necessary for the discharge of its functions and will be empowered to request the participating countries to furnish such information.

3. Any case of divergence of view between the participating countries as to the interpretation or application of this Arrangement may be referred to the Committee for its opinion.

4. The Committee shall once a year review the operation of this Arrangement and report thereon to the GATT Council. To assist in this review, the Committee shall have before it a report from the Textiles Surveillance Body, a copy of which will also be transmitted to the Council. The review during the third year shall be a major review of this Arrangement in the light of its operation in the preceding years.

5. The Committee shall meet not later than one year before the expiry of this Arrangement in order to consider whether the Arrangement should be extended, modified or discontinued.

ARTICLE 11

1. The Textiles Committee shall establish a Textiles Surveillance Body to supervise the implementation of this Arrangement. It shall consist of a Chairman and eight members to be appointed by the parties to this Arrangement on a basis to be determined by the Textiles Committee so as to ensure its efficient operation. In order to keep its membership balanced and broadly representative of the parties to this Arrangement provision shall be made for rotation of the members as appropriate.

2. The Textiles Surveillance Body shall be considered as a standing body and shall meet as necessary to carry out the functions required of it under this Arrangement. It shall rely on information to be supplied by the participating countries, supplemented by any necessary details and clarification it may decide to seek from them or from other sources. Further, it may rely for technical assistance on the services of the GATT secretariat and may also hear technical experts proposed by one or more of its members.

3. The Textiles Surveillance Body shall take the action specifically required of it in articles of this Arrangement.

4. In the absence of any mutually agreed solution in bilateral negotiations or consultations between participating countries provided for in this Arrangement, the Textiles Surveillance Body at the request of either party, and following a thorough and prompt consideration of the matter, shall make recommendations to the parties concerned.

5. The Textiles Surveillance Body shall, at the request of any participating country, review promptly any particular measures or arrangements which that country considers to be detrimental to its interests where consultations between it and the participating countries directly concerned have failed to produce a satisfactory solution. It shall make recommendations as appropriate to the participating country or countries concerned.

6. Before formulating its recommendations on any particular matter referred to it, the Textiles Surveillance Body shall invite participation of such participating countries as may be directly affected by the matter in question.

7. When the Textiles Surveillance Body is called upon to make recommendations or findings it shall do so, except when otherwise provided in this Arrangement, within a period of thirty days whenever practicable. All such recommendations or findings shall be communicated to the Textiles Committee for the information of its members.

8. Participating countries shall endeavour to accept in full the recommendations of the Textiles Surveillance Body. Whenever they consider themselves unable to follow any such recommendations, they shall forthwith inform the Textiles Surveillance Body of the reasons therefor and of the extent, if

any, to which they are able to follow the recommendations.

9. If, following recommendations by the Textiles Surveillance Body, problems continue to exist between the parties, these may be brought before the Textiles Committee or before the GATT Council through the normal GATT procedures.

10. Any recommendations and observations of the Textiles Surveillance Body would be taken into account should the matters related to such recommendations and observations subsequently be brought before the CONTRACTING PARTIES to the GATT, particularly under the procedures of Article XXIII of the GATT.

11. The Textiles Surveillance Body shall, within fifteen months of the coming into force of this Arrangement, and at least annually thereafter, review all restrictions on textile products maintained by participating countries at the commencement of this Arrangement, and submit its findings to the Textiles Committee.

12. The Textiles Surveillance Body shall annually review all restrictions introduced or bilateral agreements entered into by participating countries concerning trade in textile products since the coming into force of this Arrangement, and required to be reported to it under the provisions of this Arrangement, and report annually its findings to the Textiles Committee.

ARTICLE 12

1. For the purposes of this Arrangement, the expression "textiles" is limited to tops, yarns, piece-goods, made-up articles, garments and other textile manufactured products (being products which derive their chief characteristics from their textile components) of cotton, wool, man-made fibres, or blends thereof, in which any or all of those fibres in combination represent either the chief value of the fibres or 50 per cent or more by weight (or 17 per cent or more by weight of wool) of the product.

2. Artificial and synthetic staple fibre, tow, waste, simple mono- and multifilaments, are not covered by paragraph 1 above. However, should conditions of market disruption (as defined in Annex A) be found to exist for such products, the provisions of Article 3 of this Arrangement (and other provisions of this Arrangement directly relevant thereto) and paragraph 1 of Article 2 shall apply.

3. This Arrangement shall not apply to developing country exports of handloom fabrics of the cottage industry, or hand-made cottage industry products made of such handloom fabrics, or to traditional folklore handicraft textiles products, provided that such products are properly certified under arrangements established between the importing and exporting participating countries concerned.

4. Problems of interpretation of the provisions of this Article should be resolved by bilateral consultation between the parties concerned and any difficulties may be referred to the Textiles Surveillance Body.

ARTICLE 13

1. This Arrangement shall be deposited with the Director-General to the Contracting Parties to the GATT. It shall be open for acceptance, by signature or otherwise, by governments contracting parties to the GATT or having provisionally acceded to the GATT and by the European Economic Community.

2. Any government which is not a contracting party to the GATT, or has not acceded provisionally to the GATT, may accede to this Arrangement on terms to be agreed between that government and the participating countries. These terms would include a provision that any government which is not a contracting party to the GATT must undertake, on acceding to this Arrangement, not to introduce new import restrictions or intensify existing import restrictions, on tex-

tile products, in so far as such action would, if that government had been a contracting party to the GATT, be inconsistent with its obligations thereunder.

ARTICLE 14

1. This Arrangement shall enter into force on 1 January 1974.

2. Notwithstanding the provisions of paragraph 1 of this Article, for the application of the provisions of Article 2, paragraphs 2, 3 and 4 the date of entry into force shall be 1 April 1974.

3. Upon request of one or more parties which have accepted or acceded to this Arrangement a meeting shall be held within one week prior to 1 April 1974. Parties which at the time of the meeting have accepted or acceded to the Arrangement may agree on any modification of the date envisaged in paragraph 2 of this Article which may appear necessary and is consistent with the provisions of Article 16.

ARTICLE 15

Any participating country may withdraw from this Arrangement upon the expiration of sixty days from the day on which written notice of such withdrawal is received by the Director-General to the Contracting Parties to the GATT.

ARTICLE 16

This Arrangement shall remain in force for four years.

ARTICLE 17

The Annexes to this Arrangement constitute an integral part of this Arrangement.

Done at Geneva this twentieth day of December one thousand nine hundred and seventy-three, in a single copy in the English, French and Spanish languages, each text being authentic.

ANNEX A

I. The determination of a situation of "market disruption", as referred to in this Arrangement, shall be based on the existence of serious damage to domestic producers or actual threat thereof. Such damage must demonstrably be caused by the factors set out in paragraph II below and not by factors such as technological changes or changes in consumer preference which are instrumental in switches to like and/or directly competitive products made by the same industry, or similar factors. The existence of damage shall be determined on the basis of an examination of the appropriate factors having a bearing on the evolution of the state of the industry in question such as: turnover, market share, profits, export performance, employment, volume of disruptive and other imports, production, utilization of capacity, productivity and investments. No one or several of these factors can necessarily give decisive guidance.

II. The factors causing market disruption referred to in paragraph I above and which generally appear in combination are as follows:

(i) a sharp and substantial increase or imminent increase of imports of particular products from particular sources. Such an imminent increase shall be a measurable one and shall not be determined to exist on the basis of allegation, conjecture or mere possibility arising, for example, from the existence of production capacity in the exporting countries;

(ii) these products are offered at prices which are substantially below those prevailing for similar goods of comparable quality in the market of the importing country. Such prices shall be compared both with the price for the domestic product at comparable stage of commercial transaction, and with the prices which normally prevail for such products sold in the ordinary course of trade and under open market conditions by other exporting countries in the importing country.

III. In considering questions of "market disruption" account shall be taken of the

interests of the exporting country, especially in regard to its stage of development, the importance of the textile sector to the economy, the employment situation, overall balance of trade in textiles, trade balance with the importing country concerned and overall balance of payments.

ANNEX B

1. (a) The level below which imports or exports of textile products may not be restrained under the provisions of Article 3 shall be the level of actual imports or exports of such products during the twelve-month period terminating two months or, where data are not available, three months preceding the month in which the request for consultation is made, or, where applicable, the date of institution of such domestic procedure relating to market disruption in textiles as may be required by national legislation, or two months or, where data are not available, three months prior to the month in which the request for consultation is made as a result of such domestic procedure, whichever period is the later.

(b) Where a restraint on the yearly level of exports or imports exists between participating countries concerned, whether provided for under Article 2, 3 or 4, covering the twelve-month period referred to in paragraph (a), the level below which imports of textile products causing market disruption may not be restrained under the provisions of Article 3 shall be the level provided for in the restraint in lieu of the level of actual imports or exports during the twelve-month period referred to in paragraph (a).

Where the twelve-month period referred to in paragraph (a) overlaps in part with the period covered by the restraint, the level shall be:

(i) the level provided for in the restraint, or the level of actual imports or exports, whichever is higher, except in case of over-shipment, for the months where the period covered by the restraint and the twelve-month period referred to in paragraph (a) overlap; and

(ii) the level of actual imports or exports for the months where no overlap occurs.

(c) If the period referred to in paragraph (a) is specially adverse for a particular exporting country due to abnormal circumstances, the past performance of imports from that country over a period of years should be taken into account.

(d) Where imports or exports of textile products subject to restraints were nil or negligible during the twelve-month period referred to in paragraph (a), a reasonable import level to take account of future possibilities of the exporting country shall be established through consultation between the participating countries concerned.

2. Should the restraint measures remain in force for another twelve-month period, the level of that period shall not be lower than the level specified for the preceding twelve-month period, increased by not less than 6 per cent for products under restraint. In exceptional cases where there are clear grounds for holding that the situation of market disruption will recur if the above growth rate is implemented, a lower positive growth rate may be decided upon after consultation with the exporting country or countries concerned. In exceptional cases where participating importing countries have small markets, an exceptionally high level of imports and a correspondingly low level of domestic production and where the implementation of the above growth rate would cause damage to those countries' minimum viable production, a lower positive growth rate may be decided upon after consultation with the exporting country or countries concerned.

3. Should the restraint measures remain in force for further periods, the level for each subsequent period shall not be lower than the level specified for the preceding twelve-

month period, increased by six per cent, unless there is further new evidence which demonstrates, in accordance with Annex A, that implementation of the above growth rate would exacerbate the situation of market disruption. In these circumstances, after consultation with the exporting country concerned, and reference to the Textiles Surveillance Body in accordance with the procedures of Article 3 a lower positive growth rate may be applied.

4. In the event any restriction or limitation is established under Article 3 or 4 on a product or products as to which a restriction or limitation had been suppressed in accordance with the provisions of Article 2, such subsequent restriction or limitation shall not be re-established without full consideration of the limits of trade provided for under such suppressed restrictions or limitation.

5. Where restraint is exercised for more than one product the participating countries agree that, provided that the total exports subject to restraint do not exceed the aggregate level for all products so restrained (on the basis of a common unit to be determined by the participating countries concerned), the agreed level for any one product may be exceeded by 7 per cent save in exceptionally and sparingly used circumstances where a lower percentage may be justified in which case that lower percentage shall be not less than 5 per cent. Where restraints are established for more years than one, the extent to which the total of the restraint level for one product or product group may, after consultation between the parties concerned, be exceeded in either year of any two subsequent years by carry forward and/or carryover is 10 per cent of which carry forward shall not represent more than 5 per cent.

6. In the application of the restraint levels and growth rates specified in paragraphs 1 to 3 above, full account shall be taken of the provisions of Article 6.

HELP FOR THE ORPHANS OF VIETNAM

Mr. KENNEDY. Mr. President, over the congressional recess I was pleased to receive a letter from the Administrator of the Agency for International Development, Mr. Daniel Parker, announcing a new and expanded program to provide emergency child welfare services in South Vietnam and to facilitate the adoption of Vietnam war orphans by American citizens.

This is a welcome sign of progress in an area of deep public and congressional concern and I commend AID for its new initiatives.

According to Mr. Parker's letter, the U.S. Mission in Saigon and the AID staff in Washington have now worked out a plan to meet many of the child welfare needs in South Vietnam "through a comprehensive program will cost an estimated \$7.2 million." He said the funds would be spent through contracts with private voluntary agencies.

Mr. Parker's letter was in response to long-standing recommendations by the Judiciary Subcommittee on Refugees, which I serve as chairman. It follows also letters from myself and the distinguished Senator from Minnesota, Mr. HUMPHREY, when we inquired as to our Government's priority and programs in this area, following passage of the foreign assistance authorization.

Mr. President, the new program outlined by AID will hopefully make it possible to finally sweep away some of the bot-

tlenecks and redtape in the adoption process. It should also go a long way in supporting voluntary agency programs for the care and rehabilitation of the young war victims in Vietnam. And hopefully, too, this new effort to assist children is an indicator of new priorities in our future aid to Indochina.

According to Mr. Parker's letter and information received from AID, the \$7.2 million funding for fiscal year 1974 of child welfare and intercountry adoption programs, represents an increase of nearly \$6 million over similar allocations in fiscal year 1973. His letter also makes these points:

According to a recent survey by the U.S. Mission in Saigon, "about 5,000 of the children in Vietnam orphanages can be considered as available for inter-country adoption . . . only 770 are Amerasian children, of whom 276 are partly black.

The Government of Vietnam has now authorized 5 foreign voluntary agencies to process inter-country adoption, and has improved its own processing of adoption applications."

Since 1970 some 1,300 Vietnamese orphans and children were adopted in the U.S. and other countries.

A.I.D. has moved past the planning stage and into the "implementation of a much expanded program to meet Vietnam's child care needs.

Again, Mr. President, I commend AID for the new steps it has taken to help the children disadvantaged by the war in Vietnam—for our only true remaining obligations to that area are to help heal the wounds of war and bring relief and rehabilitation to those in need.

I ask unanimous consent that the full text of the correspondence between myself and AID Administrator Parker be printed in the RECORD.

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

LETTER FROM AID ADMINISTRATOR DANIEL PARKER TO SENATOR EDWARD M. KENNEDY ON CHILD WELFARE AND ORPHAN PROGRAMS IN SOUTH VIETNAM

HON. EDWARD M. KENNEDY,
Chairman, Judiciary Subcommittee on Refugees, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN KENNEDY: Thank you for your letter of December 10, 1973, regarding humanitarian programs in Indochina. I also appreciated the opportunity to speak with you regarding the foreign aid bill, and hope that this will be the first of a continuing dialogue.

I reviewed the matters raised in your letter of December 10, and was pleased to find that much progress has been made in the areas of your concern. Specifically:

1. *Funds for Voluntary Agency Programs:* Our Mission in Saigon and our Washington staff have worked out a plan for meeting many of the child care needs in Vietnam through a comprehensive program which will cost an estimated \$7.2 million. It has been worked out in consultation with the voluntary agencies and the Government of Vietnam. This compares, incidentally, with \$1.3 million spent in FY 1973 for child care programs in Vietnam.

This program is designed to address problems of health, sanitation, nutrition, management and physical facilities of orphanages and day care centers, and foster home care for orphans. The program is divided into a number of mutually supportive subprojects, each of which can be funded and initiated separately. It is the intention to have each project coordinated by a voluntary

agency so that we can mobilize the maximum available professional personnel to address the child care problems in Vietnam.

Details of some of the subprojects are still being worked out. Already, several elements have been initiated, including a rice subsidy to children in orphanages and pediatric services to orphans, especially those being processed for international adoption. I have asked my staff to give copies of the detailed program to your staff, and I am certain that they will be glad to answer any questions which you might have about it.

2. *Additional Personnel:* Since you raised this question last summer, two social welfare experts have been recruited and added to our Vietnam staff. One of these, Edward H. Ruoff, is one of the Agency's most experienced refugee officers who also has a Master's Degree in Public Health. The other, Mrs. Vera Camden, is a trained and experienced child welfare specialist with more than 17 years of job experience working directly with orphanages, voluntary agencies and social welfare personnel. We have also added Mr. Edward Marks, another of the Agency's most experienced and knowledgeable refugee and social welfare officers, to our Washington staff, and have used a number of retired or separated A.I.D. personnel with social welfare experience in Vietnam periodically as consultants to A.I.D. and the voluntary agencies. We are continuing to examine our staff needs, and will make further additions where this appears to be necessary to assure that the program moves ahead.

3. *Diplomatic Representations to the South Vietnamese Government:* Our Ambassador in Saigon is, as you know, fully aware of the high degree of interest in adoption and child welfare programs in Vietnam, and takes an intense personal interest in them. His own long experience with voluntary agencies and UN relief work makes him particularly knowledgeable and effective in this field. We have been in frequent communication with him as well as with our Mission, and he has personally involved himself in these problems in great detail. I am certain that he will take every possible step to assure that these programs receive high priority within the South Vietnamese Government.

While reviewing our programs for child care in Vietnam, there were some additional facts which came to my attention which I believe will be of interest to you. First, our Mission in Saigon recently conducted a census of Vietnamese orphanages which now gives us more precise data on the magnitude of the adoption problem than we had before. This survey determined that only about 5,000 of the children in Vietnamese orphanages can be considered as available for inter-country adoption, and about 1,500 of these would be difficult to place either because of age or serious mental or physical impairment. Also, of the total number of adoptable children now in orphanages only 770 are Amerasian children, of whom 276 are partly black. This census gives us a much more precise grasp of the size of the problem, and will be a great help in future planning.

During the last two years much progress has been made to speed up the inter-country adoption process. The Government of Vietnam has now authorized five foreign voluntary agencies to process intercountry adoptions (compared to none three years ago), and has improved its own processing of adoption applications. While less than 200 inter-country adoptions were completed in 1970 and 1971 combined, and only 485 in 1972, 682 were completed during 1973. Substantial acceleration in adoptions is projected for 1974.

We have also made much progress in consulting with voluntary agencies even though the original plan of calling a general conference for this purpose has been set aside. In addition to the preliminary conference to discuss the special problems of black fathered

Vietnamese children which you referred to in your letter, we have had frequent meetings with Wells Klein of the American Council of Nationalities Services and Dean Dumpson of Fordham University, as well as many of the Voluntary Agencies both in Vietnam and in the United States.

On December 17 and 18, meetings were held with Wells Klein, Dean Dumpson, Father Charlebois of Catholic Relief Service, the Vietnamese Ambassador to the United Nations, UNICEF, and A.I.D. officials in New York to plan future consultations and meetings. The consensus of these meetings was that, for the present, continued ad hoc consultations with the voluntary agencies on individual projects and programs would be more useful than a general conference. I am told that Wells Klein and Dean Dumpson fully supported this viewpoint.

As you can see from the above, much progress has been made and we have moved well past planning and into implementation of a much expanded program to meet Vietnam's child care needs. We will continue to press forward on these programs as rapidly as possible.

We appreciate the continued interest and support of your Subcommittee. Naturally we are disappointed that the final Congressional authorization for Indochina economic aid is substantially below the Administration's request, making it much more difficult to implement programs aimed at raising the general living standards in Vietnam, which are so important to the success of refugee and child welfare programs. However, we do plan to proceed with the child care programs described above, and will seek to do a better job next year of convincing your Subcommittee and the Congress that a higher level of total economic assistance is necessary to the ultimate success of our specific humanitarian endeavors.

Best wishes for the New Year.

Sincerely yours,

DANIEL PARKER, *Administrator.*

LETTER FROM SENATOR EDWARD M. KENNEDY
TO AID ADMINISTRATOR

DECEMBER 10, 1973.

HON. DANIEL PARKER,
Administrator, Agency for International Development, Department of State, Washington, D.C.

DEAR MR. PARKER: I appreciated the opportunity to speak briefly with you last week in the Senate during the vote on the foreign aid bill.

As I expressed to you then, and as I made clear in my statement on the floor, I voted in favor of the Conference Report only reluctantly. Besides my very strong feeling that we need to separate military aid from our economic assistance programs, I have also been troubled for some time over the character and direction of our aid programs in Indochina. In particular, I have been concerned over the lack of priority and concern for humanitarian programs for the lack of priority and concern for humanitarian programs for refugees, civilian war casualties, orphans and others in need of relief and rehabilitation throughout that war-affected region.

In my brief conversation with you, I specifically mentioned the problems we have encountered over the past many months concerning programs for Vietnamese children disadvantaged by the war—especially those children fathered by Americans, for whom inter-country adoption is now, and has been for many months, their best hope. As the record will show, our concern over the problems of disadvantaged children in Vietnam goes back many years, and, as each year passes, our frustrations grow over the seeming inability of our government to make substantive progress in meeting these relatively simple humanitarian needs. During this

same period of time we have, somehow, found it possible to move and equip whole armies in Vietnam and Cambodia; yet we cannot move or help these children and orphans in need.

The most recent Subcommittee recommendations in this area—the report of its Study Mission, the hearings in May and August, and correspondence and personal meeting with former Secretary of State William Rogers—are all a matter of record. But, given what little progress has been made on these recommendations, and how little conditions have improved in this field in this area, it is perhaps necessary to repeat again the essential points I raised last summer with Secretary Rogers, and to restate the recommendations of the Subcommittee Study Mission.

First, it was understood last May and before—from statements made by A.I.D. officials to the Subcommittee staff, as well as in testimony during hearings—that a general conference of voluntary agencies concerned with programs for children in Vietnam would be convened as soon as possible. This, in part, was in response to the Subcommittee's Study Mission recommendations made three months earlier.

Today, well over seven months later, no such general conference has been held. A preliminary conference was called in July to focus attention on the special needs of Vietnamese orphans fathered by Black-Americans. That conference produced the Interagency Vietnamese Adoption Committee (IVAC), and is certainly a praiseworthy step in opening important channels with Black adoption and community agencies to better provide placement opportunities for Black-fathered Vietnamese children in Black homes. And, I understand, next week in New York a conference of voluntary agencies has been scheduled to discuss child welfare programs in Vietnam—called, not by A.I.D., but by the American Council of Voluntary Agencies.

These conferences are important. But the purpose should be to simply establish the mechanism necessary for coordinating the common efforts of voluntary agencies in this area. Yet, they can hardly establish, much less coordinate, programs for children in Vietnam which do not exist, either because A.I.D. has not funded them or because the U.S. Mission in Saigon has failed to support them.

What we need now is not more conferences or more study missions, but firm decisions within A.I.D. to fund specific voluntary agency programs and proposals. We do not need to create new organizational mechanisms, but contracts granted to those voluntary agencies whose current programs in Vietnam, or future capacities, are fully capable of helping to meet the needs of children in Vietnam as well as intercountry adoption for American-fathered Vietnamese orphans. The model for such an effort can easily be found in the U.S. Government's handling of the Cuban Refugee program, or in the many other humanitarian programs which have been contracted to, and successfully administered by, the voluntary agencies for our Government.

However, the voluntary agencies can only do so much, and they can go only so far, in helping the disadvantaged children of war in Vietnam. With government support, they can help administer child welfare programs, and they can undertake the process of intercountry adoption of Vietnamese orphans. But, ultimately, only a functioning Ministry of Social Welfare within the South Vietnamese government, and an effective program of support for it within the U.S. Mission in Saigon, can provide the long-term programs necessary to help the children of Vietnam. These are governmental responsibilities for which government programs are required. Hopefully, our officials in the field assume

these responsibilities seriously, and that, within the Embassy and the U.S. Mission, high priority will be placed on efforts to strengthen the social welfare capabilities of the South Vietnamese government and to expedite programs for children.

It was to these ends that the Subcommittee Study Mission addressed its recommendations last May, and it was for these reasons that I made the following additional points with Secretary Rogers last August, which I would again like to emphasize.

1. *Funds for Voluntary Agency Programs:* First, I hope that the Administration will now act to provide funds and contracts to American voluntary agencies which have submitted proposals for processing inter-country adoptions or for establishing child welfare services within South Vietnam. A number of agency proposals have come to my attention, and I hope they will be sympathetically reviewed, on a case-by-case basis, by A.I.D.

2. *Additional Personnel:* Neither A.I.D. in Washington or Saigon appears to be adequately staffed to handle the urgent requirements for American support of South Vietnamese child welfare programs. The two principal social welfare officers in the U.S. Mission in Saigon have departed, and in Washington the responsibility for child welfare and orphan problems is vested in an officer who is also responsible for refugees, education, administration, land reform in Vietnam as well as five other countries.

I would hope A.I.D. would secure adequate, qualified social welfare personnel, from outside the Agency if necessary, to be assigned to both Saigon and Washington. There also needs to be, at a high level, a qualified and energetic officer, assigned the sole responsibility (for at least 12 months), of child welfare or orphan programs in South Vietnam. And there would be no question among other elements of the Mission that this officer carries the authority and the concern of our highest officials, and his position should be so designated.

3. *Diplomatic Representations to the South Vietnamese Government:* We should instruct our Ambassador to initiate, at the highest levels, discussions with the South Vietnamese Government to persuade it to give higher priority and more staff to implement effective adoption and child welfare programs.

Child welfare concerns, as well as the programs of the Ministry of Social Welfare in general, have almost no priority within the South Vietnamese governmental structure at the present time. Until the Ministry of Social Welfare is given a clear mandate, sufficient priority and adequate funds, there is little hope that it will be capable of effectively responding to the initiatives or support offered by either the U.S. Government or the voluntary agencies.

In conclusion, let me say that in taking these steps to help meet the needs of the children and orphans in Vietnam, I trust that A.I.D. will view the \$5 million earmarked for this purpose in the Foreign Assistance Authorization as the bare minimum to be spent in this area, not, by any means, the maximum.

The orphans and disadvantaged children in Vietnam and other areas of Indochina measure their lives in minutes and days. They deserve better than America has given, and they must become a central focus of our post-war relief and rehabilitation effort.

Many thanks for your consideration, and best wishes.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Judiciary Subcommittee on Refugees.

FRED SEATON—FULL-TIME CITIZEN,
FORMER U.S. SENATOR

Mr. HRUSKA, Mr. President, it is with sadness that I address the Members

of the Senate today on behalf of both Senator CURTIS and myself. Yesterday, funeral services were held in Hastings, Nebr., for one of its leading citizens, Fred A. Seaton. For Senator CURTIS and me, Fred's passing is a deep personal loss. I am sure some of my colleagues will remember Fred well for he served in this body from 1951 to 1953.

The death of Fred Seaton is a great loss to all Nebraska. His accomplishments were many and varied. Yet, no matter in what capacity he served, he was always very much a part of his home State, and all Nebraska mourns his passing.

It is difficult to list the accomplishments of a man like Fred Seaton. Certainly among his greatest were his years of service as President Eisenhower's Secretary of the Interior. It was Fred Seaton who played a major role in winning statehood for Alaska and Hawaii.

Some of our young people may believe that environmentalism is something they invented for the 1970's—that conservatism, and concern for the land is something new. In reality, they have only followed in the footsteps of men like Fred Seaton who as Secretary of the Interior and as a private citizen was one of the primary movers in this field. His work won national recognition.

The list of his accomplishments in public life is long and distinguished. He was a member of the Nebraska Legislature, a U.S. Senator, Assistant Secretary of Defense, Adviser to President Eisenhower, Secretary of the Interior, Nebraska chairman for Radio Free Europe, to name a few.

But his accomplishments were not limited to those in public life.

He was also an outstanding success in the business field. His leadership in the newspaper and broadcasting industry was recognized throughout America.

I should like to pay special tribute as well to a very great Republican. Fred Seaton's leadership within the ranks of our party is known by those of us in the State as well as nationally. His role in the Republican Party began in 1936 when he worked for Alfred Landon's Presidential candidacy. Mr. Seaton was instrumental in urging General Eisenhower to run for the Presidency in 1952. He was likewise active in Richard Nixon's campaigns for the Presidency. As Republicans, Senator CURTIS and I had numerous occasions to call upon Fred Seaton for support and counsel. He was a man to be trusted, and his advice was always highly valued.

CARL CURTIS and I have lost a good friend. Fred Seaton's service to his community, State, and Nation will be sorely missed.

Mr. President, I ask unanimous consent to have printed in the RECORD several news clippings which detail the life of Fred Seaton and his meaning to Nebraska.

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

[From the Hastings (Nebr.) Daily Tribune, Jan. 17, 1974]

FORMER SECRETARY OF INTERIOR—PUBLISHER
FRED SEATON, 64, IS DEAD

Fred A. Seaton, 64, well known midwest newspaper publisher and Secretary of In-

terior under President Dwight D. Eisenhower is dead.

He had been ill since last October and had been undergoing treatment in a Minneapolis hospital for the past several weeks. Mrs. Seaton was with him.

He died late Wednesday night in Minneapolis.

Seaton went to the family summer home in the Black Hills late last summer and did not return to his Hastings home after he became ill.

He had been publisher of the Hastings Tribune and had made his home here since 1937 except for the period from 1951 to 1961 when he served, first in the U.S. Senate and then in the Eisenhower administration in a variety of top level positions in Washington.

BORN IN WASHINGTON, D.C.

Seaton was born in Washington, D.C. His father, the late Fay Seaton, was serving there as secretary to U.S. Sen. Joseph Bristow of Kansas. The family later moved to Manhattan, Kans., where the elder Seaton owned and published the Manhattan Mercury and Chronicle newspapers.

Seaton attended schools there and was a student at Kansas State College. He was married in 1931 to Gladys Dowd, a fellow student in the School of Journalism.

Surviving are his widow, Gladys, two sons, Donald of Hastings and Alfred of Sacramento, Calif., two daughters, Mrs. Maynard Epp of Henderson and Mrs. Jerry Hansen of Norfolk, a brother, Richard M., of Coffeyville, Kans., and five grandchildren.

Funeral services are Monday at 10 a.m. at St. Mark's Pro-Cathedral, Hastings, with the Very Rev. John P. Bartholomew, Dean of St. Mark's Pro-Cathedral, Dr. Silas G. Kessler of the First Presbyterian Church and the Rev. Willis H. Steinberg of St. Paul's Church, Minneapolis, officiating. Burial will be in Parkview cemetery. Memorials are suggested to Hastings College.

The Seaton business interests, besides the Tribune, include newspapers at Alliance, Sheridan, Wyo., Lead and Deadwood, S. Dak., Manhattan, Winfield and Coffeyville, Kans., KHAS-TV and KHAS Radio in Hastings, and radio stations at Manhattan and Coffeyville.

Seaton's long political career ran from 1936, when he worked with former Kansas Gov. Alf Landon in his bid for the presidency, to 1973 when he completed a special assignment for President Richard M. Nixon as chairman of the Timber and Environment Committee.

During that span he was also involved in many other business activities and served on various state and local boards.

In 1955 Seaton was mentioned in the nation's press as a possible Republican candidate for President. In 1967 he was suggested as Richard Nixon's running mate in the 1968 presidential election. Many of Seaton's friends conducted a campaign in his behalf for second place on the GOP ticket.

Nebraska Republicans nominated him for governor in 1962. He was a member of the original Nixon for President Committee and served throughout the 1968 campaign as chairman of Senior Advisors to Nixon.

TWO LEGISLATIVE TERMS

The former Interior Secretary served two terms, 1945 and 1947, in the Nebraska Legislature and in 1948 was state chairman for the Harold E. Stassen campaign for President. In 1951, on the death of U.S. Sen. Kenneth Wherry, he was appointed by former Gov. Val Peterson to serve out the unexpired term.

He returned to Hastings in 1952 but soon was actively engaged in the campaign to persuade Gen. Dwight D. Eisenhower to become a candidate for President on the Republican ticket. He made a trip to Paris, where the General was serving as commander of NATO, to visit with him. After Eisenhower agreed to run, Seaton became a presidential campaign advisor.

Seaton was first asked by Eisenhower to serve as an assistant secretary in the Defense Department under the late Charles Wilson. That assignment started in 1953 and continued until 1955 when he was appointed administrative assistant by President Eisenhower and he moved his offices to the White House. One of his assignments was to serve as liaison between the White House and Congress.

A few months later Seaton was appointed deputy assistant to the President. He continued in that position until early 1956 when he was named Secretary of the Interior, a department with wide ranging responsibilities throughout the nation and employed several thousand people. He continued as Interior Secretary until the end of Eisenhower's second term in 1961. Seaton is given most of the credit for bringing Hawaii and Alaska into the Union.

PRESIDENTIAL MEDAL OF HONOR

For his service in the Defense Department he received the Presidential Medal of Honor, the highest government award that a civilian employe can receive.

After ending his association with the Eisenhower administration he served the Republican National Committee as a member of the Finance Committee and also as a member of the National Speakers Bureau. He was Nebraska chairman for Radio Free Europe and was elected a corporate member of the organization. On behalf of the RFE program he made many speeches in this country and made one trip to Europe.

For his community services in Hastings he received the Distinguished Governmental Service and Boss of the Year Awards from the Junior Chamber of Commerce. He also was given the KMMJ Distinguished National Service Award.

Seaton served as a member of the Hastings College Board of Trustees for 33 years. He was also a member of the University of Nebraska Foundation. He was a member of the Bicentennial Commission for Commemoration of the Revolutionary War, the Board of Advisors of the National Trust for Historic Preservation and the Board of Advisors of the American Heritage Association. He was an honorary member of the National Council of Boy Scouts of America.

ACTIVELY INVOLVED

Seaton was a member of the National Advisory Committee of Stanford University for professional journalism fellowships, and a trustee of the Kiplinger Washington, D.C., Journalism Center.

He was a past president of the Inland Daily Press Association, and a former member of the board of directors of the Associated Press. He was a past president of the Nebraska Associated Press and served as president of the Association of Outstate Nebraska Newspaper Publishers. In 1973 he was presented the Master Publisher-Editor Award by the Nebraska Press Association, the second person ever to receive it.

Seaton served as president of the Hastings Corporation in 1966, a non-profit corporation to promote business and industry in the city. He was a past president of the Hastings Chamber of Commerce, and was a member of the board of directors of the First National Bank.

He was an honorary member of the Innocents Society at the University of Nebraska and a member of the Sigma Delta Chi, professional journalism fraternity.

He was a member of the * * * Masons, Scottish Rite, Shrine, Elks, Rotary Club, National Press Club in Washington, D.C., and Lochland Country Club.

He held honorary degrees from several colleges and universities. Biological data on Fred Seaton is included in Who's Who in America, Who's Who in U.S. Politics, Who's Who in the World, Who's Who in Finance

and Industry, and the Blue Book which lists leaders in the English speaking world.

[From the Hastings (Nebr.) Daily Tribune, Jan. 17, 1974]

FRED A. SEATON MADE CONTRIBUTIONS TO NEWSPAPER BUSINESS, GOVERNMENT

Fred A. Seaton's adult years were marked by one good deed after another and for this he was respected and admired by all who knew him as a friend, colleague, or employer.

Throughout his active professional and political life nothing was ever said of him, by friend or foe, that was not complimentary.

Fred Seaton, who died Wednesday, first gained prominence as a very able, successful and honest newspaper publisher. In his second career, that of serving his national government, he was considered one of the most capable, devoted and influential men during the 10 years he served in our nation's capital.

He compiled a record in both fields of endeavor that most would envy. But he didn't take himself too seriously. He recognized he was human and as such had his faults. He didn't try to impress those about him with his knowledge or his importance.

Even though he stood very close to two of this nation's Presidents, knew intimately the heads of many state and foreign governments and had more than a speaking acquaintance with many rich and powerful men in the field of industry and finance, he was always ready to hear about the problems of those less fortunate than himself. He gave advice only when it was sought.

He was one of the youngest men in recent times to serve in the cabinet of a President. At the age of 46 Fred A. Seaton became Secretary of Interior and he filled the position with distinction. While he held that office there was little criticism of his policies, and editorial writers and columnists for the nation's newspapers praised his decisions. He was generally regarded as one of the most able men in the Eisenhower cabinet and many of the policies he adopted while secretary are still being followed.

Those in the newspaper profession have long considered him one of the very best. He was a capable businessman and one who was more than considerate of his employees. He instituted programs in his business that were frowned upon by his fellow publishers but who soon came to recognize them as sound and practical. Never was an employe treated unfairly even though he may have been in the wrong. Fred Seaton went more than the proverbial mile on many occasions in behalf of an employe.

As a publisher he required that the news be written fairly and accurately. Never in his long career as publisher did he try to influence a Tribune reporter to write a news story to reflect the newspaper's editorial policy. Never did he treat in his newspaper columns, or in his personal contacts, the wealthy and powerful any differently than those on the lower level of the economic scale. He refused to yield to pressure to print the names of juveniles charged with law violations unless they were of a serious nature. Seaton, and his newspaper, treated all people the same regardless of race, creed or color.

He placed his stamp on the Tribune soon after he took command of its fading fortunes in 1937 and he continuously worked to make it a good publication, one of which he could be proud and one which his readers liked and trusted. The fact that he succeeded is reflected in the great many awards the newspaper has won over the years and its steady circulation growth.

He was liked by all who worked for him and in some instances he was almost worshipped. Many who left his employment later returned or sought to return to the Tribune.

One of the things he usually told a new employe was, "We won't fire you and we

won't let you quit." A good many found these words not just idle conversation.

Fred A. Seaton must go down as one of the nation's doers; a man who knew what he wanted and who worked hard to attain his goals. He had respect for and confidence in those who worked with him and he knew he must have the respect and confidence of others. We believe most will agree he was a successful man by any measurement and that he attained that success without making compromises along the way.

He will be sorely missed by all. There will not be another Fred A. Seaton.

B.J.

[From the Hastings (Nebr.) Daily Tribune, Jan. 17, 1974]

FRED SEATON, A QUIET "DOER"

(By Burt James)

Fred A. Seaton, a quiet "doer" in the newspaper publishing business as well as in state and national politics, climbed from printer's devil to the lofty position of being the youngest member (46) of the cabinet of President Dwight D. Eisenhower, a position he held from 1956 until early 1961 when the Republicans lost control of the White House.

He was successful in many activities before reaching the zenith of his career. He was no magician, but he was intelligent, not afraid of hard work, had great charisma and poise. He learned about adversity at an early age and in overcoming these he established a foundation for meeting the many problems in business and politics he was to face later.

He started the climb up the ladder as an odd-job employee in his father's newspaper, the Manhattan, Kan., Mercury. This was his training ground for his successful career as a newspaper reporter, printer and publisher. He was without question one of the best informed publishers in the business. He knew and understood every facet of it. He could help repair a piece of broken printing equipment, he could diagnose the fault of a printing press, he knew about type faces and which ones belonged in the same family, he knew what made a good newspaper and what newspaper readers wanted and expected. On every count he was informed, but he was never one to make the apprentice printer or the cub reporter feel that he was the one who had the superior knowledge.

Fay N. Seaton, father of Fred A., and Richard M. Coffeyville, Kan., publisher, had considerable influence with his sons carrying on the family publishing business. The father, who died in December 1952, was secretary to U.S. Sen. Joseph Bristow of Kansas. It was while serving in this position that the elder Seaton played a part in getting a West Point appointment for a young man at Abilene, Kan., Dwight David Eisenhower. There may have been a predestination in what was to follow about 20 years later, for it was in 1956 that President Eisenhower appointed Fred A. Seaton, then 46, as Secretary of Interior in his Cabinet.

The political bug bit Fred Seaton at an early age. It was while a student at Kansas State College, now Kansas State University, that he became one of the chief organizers of a Young Republican Club, one of the first in the nation. He traveled over Kansas in the early 1930's in behalf of the organization and soon learned the business of "stump" speaking. He visited a dozen or more towns per day. He soon became recognized as one of the state's best orators. He was a member of the KSC debate team four years.

He left college, without getting his degree, in 1931 and devoted full time to the newspaper business. He worked in a variety of positions for the Manhattan Mercury which at that time published both morning, evening and Sunday editions.

While in his late teens Seaton decided he

wanted to be a professional fighter, a career that was short lived. He fought in rings in various Midwest towns under an assumed name, but his mother soon learned of it. She traced him to St. Louis where she went and prevailed upon him to give it up. While serving in the Nebraska Legislature a lobbyist, who could not prevail upon the senator to vote for his bill, leaned across the table and punched him in the mouth. It took several stitches to close the wound. Only the presence of the senator's friends prevented him from giving the man a lesson in the art of boxing. Later the senator accepted an apology and the two resumed their friendship.

He was successful in getting the Kansas Young Republicans on a firm foundation and built the membership to over 60,000. In this work he became acquainted with Gov. Alf Landon of Kansas. The governor appointed him as his secretary and one of his campaign managers in his bid for the Republican presidential nomination in 1936. When that goal was successfully attained Seaton continued to serve on the Landon Presidential campaign team.

Many years later, Alf Landon was one of the first to tout Fred Seaton as a Republican presidential prospect.

Seaton, in addition to his many other activities, served as Manhattan correspondent for several large newspapers and was also the play-by-play announcer for Kansas State football games which were broadcast over the college station, KSAC. In later years Seaton could quickly recall the names of many of the stars in the Big 8 and also recount some of the outstanding plays. For five years he was publicity director of the KSC athletic department.

He also liked to recall his experience as a student actor. He played the part of a hero in the play, "Chip, the Miner's Daughter," and in the course of it he was to overpower the villain who was stealing a sack of gold. Seaton said the first night a sack of sawdust was used but the second night a bag of nails was substituted. When Seaton accosted the villain the latter swung around and hit him on the head. The result was a skull fracture which put the hero in the hospital for several days and ended with a steel plate being placed in his head.

The Seaton family in 1937 launched a newspaper expansion program that was to result in the acquisition of six more newspapers.

The first of these was the Hastings Daily Tribune which Fred A. took over as publisher and editor. He later said that after all the legal requirements of ownership had been met he walked into the front office of the newspaper to tell the receptionist he was the new owner. She had not been informed of the sale and refused to believe his statement. There were several employees on the newspaper at that time who stayed and worked with the new owner and publisher over a long span of years. Several of them received recognition for 25 years or more of continuous employment with the Seaton newspaper.

The Seaton family then added the Lead, S.D., Daily Call, the Deadwood, S.D., Times. This was in 1946. The same year the Sheridan, Wyo., Press was purchased. The following year the Winfield, Kan., Courier and the Coffeyville, Kan., Journal were taken over. The Alliance Times-Herald, a biweekly, was purchased in 1948 and soon converted into a daily. The family also at one time owned a farm magazine, the Western Farm Life, published at Denver.

Even though the Seatons were still expanding their newspaper holdings Fred A. took time to run for and be elected to the Nebraska Legislature. This was in 1945. He was re-elected in 1947 and led the fight to change the state law prohibiting transfer of water from one watershed to another.

Seaton was responsible for legislation relating to education, health and welfare and public works.

In 1948 he was a candidate for re-election to a third term but was defeated because he did not campaign in his own behalf but devoted all of his time to the Nebraska presidential campaign of Harold E. Stassen, former governor of Minnesota. Seaton was state chairman and was successful in making Stassen a winner in the All-Star primary of that year over such candidates as Gov. Thomas Dewey of New York, Sen. Robert Taft of Ohio and others.

After his retirement as a state senator Seaton devoted all of his time and energies to the family's various publications. In addition to the seven newspapers and a farm publication, it had acquired Radio Station KHAS in Hastings and Radio Station KMAN in Manhattan and Radio Station KGGF in Coffeyville.

The death of U.S. Senator Kenneth Wherry set the stage for Seaton's rise to fame in national political circles. He was appointed in 1951 to fill out the unexpired term by former Gov. Val Peterson. Almost as soon as he was appointed he announced he would not seek election to the next regular term.

The new Senator from Nebraska made his maiden speech in the U.S. Senate on Jan. 10, 1952. According to newspaper reports it was the first time a new Senator was given the opportunity to speak before any other business had been transacted. Seaton made a four minute talk in which he eulogized Senator Wherry. At the conclusion he was quickly surrounded by other senators who came to offer their congratulations. In addition to Mrs. Seaton there were several other Nebraskans present for the occasion.

The time spent in the U.S. Senate whetted Seaton's appetite for big time politics and when the invitation came to go into the Defense Department as an assistant to Defense Department Chief Charles Wilson he quickly accepted. There he helped rebuild the public image of the department which had been badly hurt by Wilson's lack of experience in the field of public relations. Seaton quickly restored order.

Having again demonstrated his political savvy, the Nebraska publisher was next invited to take an even greater part in the inner workings of the Eisenhower administration.

As a presidential assistant at the White House he had considerable power. He was in the thick of the farm fight that year. He helped shape administration strategy on several major issues. He was prominent in the Sen. Joseph McCarthy controversy. He was given these important assignments because he had established a good record during the 1952 campaign.

It was Seaton, according to best reports, who alone kept his head when the story broke about Richard M. Nixon's special campaign fund. It was Seaton who planned the strategy that was to put Nixon on the air to explain the campaign contributions, an address that turned the affair into an asset for the Eisenhower-Nixon ticket.

Seaton was also credited by the Washington press corps with having brought new life into the Department of Interior when he became secretary in May 1956. He was credited with having revolutionized the department, corrected many stagnant ideas, operations and procedures. One of his greatest contributions was a complete overhaul of the national parks. He obtained additional funds and carried on an extensive improvement program. He recognized early that more and more people would be using the parks and that they must be developed to handle the huge crowds that had discovered them.

Seaton, as Interior Secretary, also instituted action for more vigorous reclamation programs and pushed efforts to discover economical means of converting saline water to

fresh water. He was a believer in soil and water conservation and served on the executive committee of the Nebraska Reclamation Association. He was also helpful in expanding Rural Electrification. He was a strong advocate of the Eisenhower philosophy that private and public power interests should work as partners in the development of power resources.

It was during Seaton's tenure as Interior Secretary that two new states, Hawaii and Alaska, were added to the Union. He led the fight to bring both territories into the U.S. and he frequently referred to this as one of the bright spots of his long Washington career.

Time Magazine said of Seaton soon after he became secretary that he was "razor sharp, affable, cool, sensible, popular at the Pentagon, at the White House, with both Republicans and Democrats on Capitol Hill and with the press." GOP National Chairman Leonard Hall, in 1956, described Seaton as "a damn smart politician" and perhaps the most politically promising member of the Eisenhower Cabinet.

Barnet Nover of the Denver Post said this about Seaton after he was Interior Secretary: "One of the calmest spots in this town (Washington) these days is the structure that houses the Department of Interior. No government department has to deal with so many controversial issues as Interior; Indian affairs, public lands, mineral resources, national parks, fish and wildlife, oil and gas leases on the national domain, the territories, reclamation and federal power."

Nover went on to say that of the 35 men who had held the post of Secretary that Seaton would be one of the few to be remembered.

After his return to Nebraska, Seaton made one final venture into the field of partisan politics. Upon the encouragement of President Eisenhower, Seaton decided to run for the position of governor in 1962. Some of his friends advised against it on the grounds it was not the time. Seaton, however, listened instead to the words coming from his Washington friends rather than those on the home front. He lost the election, but by a very close margin. The shift of a few votes in precincts in Douglas and Lancaster counties would have meant victory for Seaton.

Seaton always had the friendship of the Midwest publishing fraternity and he was a leader among those in Nebraska. He was always tactful and generally charming. A few minutes of conversation and they knew he understood their point of view. If he disagreed with a person he told them so and his candor also included admitting his mistakes.

When he took over as publisher of the Tribune it was not in good condition financially and the equipment left much to be desired. He started a rehabilitation program that was to continue as long as he was on the job. He bought new equipment and insisted that it be used properly. He expected the Tribune to reflect brightness, to be easily read and that it be accurate not only in its account of news stories but in grammar and spelling. He carefully checked each page of each new edition. He marked errors, broken rules, and smudges. On the following editions errors were corrected and the smudges removed.

The Tribune newspaper plant was always kept neat and clean. In comparison with some former Nebraska newspaper plants the one at the Tribune looked like the interior of a hospital. It was air conditioned and well lighted.

To make the Tribune the best, Seaton added new equipment as it was tested and proved. He frequently changed type faces to make easier reading. He was the first out-state Nebraska publisher to use wirephoto, and the only one to have three wire services. He was instrumental in getting out-state

publishers to adopt a program of sending and receiving news by tape which speeded production and cut costs. The Associated Press and United Press International later took over the system which had its headquarters at the Tribune in Hastings.

The former Tribune publisher had hard and fast rules concerning newspaper make-up and these sometimes clashed with the views of advertisers and staff members. Seaton refused to change the style of make-up if the proposals tended to detract from the Tribune's sharp and bright appearance.

He instituted employee-employer relations that were far ahead of those of other newspapers. He provided life insurance, regular merit raises and was one of the first in the state to adopt an employee retirement program paid for entirely by the newspaper.

He was, however, the last newspaper publisher in the state to permit closing the offices on Saturday afternoon and this was a change that he never fully accepted.

Seaton worked long hours and expected his department managers to do the same. Like so many successful bosses, he would not ask employees to do anything he would not.

His fellow workers at the Tribune and the Mercury in Manhattan recall the disastrous flood which swept through the plant leaving a deep layer of silt and also complete destruction of the printing equipment. Fred Seaton went to the scene with the others and worked with them as they cleaned up and got the newspaper back into operation.

Although the Seaton newspapers are often referred to as a chain, that is incorrect. Each is independent with its own editorial policy and business office. Each editor or publisher is the largest single stockholder in the newspaper he manages.

Seaton said that when he conceived the idea of expanding he knew several young newsmen with good ideas but no money. He arranged the financing of the newspapers which were bought and the publishers were then sold, on credit if necessary, a 25 percent interest. He also made it possible for employees serving in managerial positions to purchase stock in Seaton newspapers. Seaton loaned the money at a low rate of interest to the purchaser who then paid off the loan from dividends on the stock. It was a unique method at the time it was instituted.

He was always more than willing to employ the physically handicapped and during the years had many such on the payroll. He was also insistent upon permitting long time workers to continue at their jobs even after the time when they were not as productive as younger workers would have been.

His final step toward making the Tribune a better newspaper, one that has won more prizes in more different categories than any other daily newspaper in the state, was the conversion to offset printing.

It was a step that he put off for more than 10 years. The delay was not because he was not progressive, but because he believed that the offset method did not produce a newspaper as attractive as the hot type method, a system that he had worked with for nearly 50 years.

Seaton once said of being a publisher: "Newspapering is a pleasure and privilege for anyone who has the slightest love for his fellow man. You are in a position, to a satisfying degree, to see the news as it is made, as it happens and as it is recorded. I got into it by being raised by a newspaperman-father. I stayed because I would rather be a newspaperman than anything else in the world."

At another time, in discussing the newspaper business, he said: "There are not many pitfalls and perils in the business but they can be fatal. Most of them are born of trying to be an oracle rather than a reporter of facts; fancying yourself a genius instead

of a local analyst of business management—a fountain of knowledge on how many pigs and cows there are in your circulation territory. What other profession puts such a small premium on native ability and such a high one on old-fashioned hard work and toil?"

Fred Seaton was a generous man. He had a part in every fund raising campaign in the city. He expected his employees to work in religious, civic and community affairs and most of them did. He established scholarships at both the University of Nebraska and Kansas State University. The Seaton family provided the Dorothea Elizabeth Seaton Memorial Chapel on the Hastings College campus.

Fred Seaton's thoughts on the newspaper business to which he gave so much, perhaps are best reflected by these often repeated words to his associates: "When I die I don't want this newspaper to close its front doors on the day of my funeral."

"Thirty"—newspaper parlance marking the end of a story—has been placed at the end of a distinguished newspaper career, but the publications in which he was most interested will continue to reflect the policies and attitudes of Fred Seaton.

[From the Lincoln (Nebr.) Journal, Jan. 17, 1974]

FORMER INTERIOR SECRETARY FRED A. SEATON DIES—HASTINGS NEWSPAPER-RADIO EXECUTIVE WAS 64

Fred A. Seaton, Hastings newspaper and radio executive and former secretary of the interior, is dead at 64.

Ill since last October, Mr. Seaton died late Wednesday night at St. Mary's Hospital in Minneapolis, Minn. where he had been hospitalized since December. His wife was with him.

The first Nebraskan since William Jennings Bryan to serve in a presidential cabinet, Mr. Seaton's political career ran from 1936, when he worked with Kansas Gov. Alf Landon in Landon's bid for the presidency, to 1973, when he completed a special assignment for President Richard M. Nixon as chairman of the Timber and Environment Committee.

Born in Washington, D.C., where his father, the late Fay N. Seaton, was serving as secretary to U.S. Sen. Joseph Bristow of Kansas, Mr. Seaton was mentioned in 1955 as a possible Republican candidate for president.

In 1957, he was suggested as Nixon's running mate in the 1960 presidential election. Nebraska Republicans nominated him for governor in 1962.

A member of the original Nixon for President committee, Mr. Seaton served throughout the 1968 campaign as chairman of senior advisers to Nixon.

In 1945, Mr. Seaton began the first of two terms in the Nebraska Legislature. He acted as chairman of the Legislative Council and was a member of the State Judicial Council. During that period, he also served as state chairman for Harold E. Stassen's presidential campaign.

In 1951, Gov. Val Peterson appointed him to the U.S. Senate to fill the unexpired term of the late Sen. Kenneth Wherry.

Mr. Seaton returned to Hastings in 1952 but soon became involved in the campaign to persuade Gen. Dwight D. Eisenhower to become a candidate for president on the Republican ticket.

After Eisenhower's victory, Mr. Seaton was named assistant secretary in the Defense Dept.

In 1955, Eisenhower appointed Mr. Seaton administrative assistant, after which he became the President's deputy assistant, a post he retained until early 1956, when he was named secretary of the interior. He held that post until the end of Eisenhower's second term.

As secretary of the interior, Mr. Seaton in-

augurated the Mission 66 program to expand and develop the national park system. He was also given a large measure of credit for bringing Hawaii and Alaska into the Union.

For his service in the Defense Dept., he received the Presidential Medal of Honor, the highest government award a civilian can receive.

Mr. Seaton served on the Republican National Committee and was a member of the National Speakers Bureau. He was Adams County Republican chairman and served as regional vice chairman of the Republican National Finance Committee for Nebraska, Kansas and Missouri.

Mr. Seaton, who had made several trips behind the Iron Curtain, became Nebraska chairman for Radio Free Europe and in 1967 was elected a corporate member of that organization.

In 1967, former President Lyndon Johnson appointed him to the American Bicentennial Commission, a post to which President Nixon reappointed him in 1969.

Mr. Seaton graduated from Kansas State College at Manhattan in 1931. He held honorary degrees from Kansas State and Maryville College in Maryville, Tenn.

He married Gladys Dowd, a college journalism classmate, in 1931 and bought the Hastings Tribune in 1937. He subsequently made his home in Hastings. A son, Donald, has been associate publisher of the family-owned newspaper since 1971.

In addition to the Hastings Tribune, Seaton's business interests included newspapers in Alliance; Sheridan, Who.; Lead and Deadwood, S.D.; Manhattan, Winfield and Coffeyville, Kan.; KHAS-TV and KHAS radio in Hastings, and radio stations in Manhattan and Coffeyville.

He was a past president of the Associated Press Newspapers of Nebraska and a past president and chairman of the Inland Press Assn. board of directors. He received the Nebraska Press Assn.'s second annual Master Editor and Publisher Award in 1973.

He also held the Distinguished Governmental Service Award and the Boss of the Year Award from the Hastings Chamber of Commerce, which he served as president.

For 33 years, Mr. Seaton was a member of the Hastings College Board of Trustees. He was also a member of the University of Nebraska Foundation.

His name, along with biographical information, is included in Who's Who in America, Who's Who in U.S. Politics, Who's Who in the World, Who's Who in Finance and Industry and The Blue Book, which lists leaders in the English-speaking world.

In addition to his wife, survivors include sons, Donald of Hastings and Alfred of Sacramento, Calif.; daughters, Mrs. Maynard Epp, Henderson, and Mrs. Jerry Hansen, Norfolk; a brother, Richard M., Coffeyville, Kan., and five grandchildren.

[From the Lincoln (Nebr.) Evening Journal, Jan. 17, 1974]

FRIENDS PICTURE FRED SEATON AS VERY INFLUENTIAL POLITICIAN

It all started when he was a collegian in Kansas.

From the presidency of the college chapter of the Young Republicans, Fred Seaton moved into a life of politics and newspapering that personally involved him in several presidential campaigns during the last four decades.

"His first taste of the political scene came in the 1930s when he was a top adviser to Kansas Gov. Alf Landon, who was making a bid for the presidency against FDR," said Val Peterson, former Nebraska governor and good friend of Mr. Seaton.

"Shortly after that campaign—which Landon lost rather badly—Fred came to Nebraska, and from then on, we were good friends.

Mr. Seaton's next taste of presidential

politics came when he became involved in the Eisenhower campaign, according to Peterson. Mr. Seaton always had close ties with the Eisenhower family through his association with Dr. Milton Eisenhower, the late President's brother, who once served as president of Kansas State University at Manhattan.

"He rendered distinguished service to his state and nation," said Peterson. "He was a top-flight political figure and public servant, as well as one of the best businessmen I have ever known. He was also a superb newspaperman.

"In politics and government, Fred Seaton was progressive in his outlook, and he tried to better the lot of the people through forward-looking and soundly based measures.

"Fred Seaton was a close political associate. I feel a deep sense of personal loss at his death," Peterson concluded.

President Nixon, who counted Mr. Seaton among his political friends, made this statement Thursday:

"I am deeply saddened by the death of Fred Seaton, a valued friend of more than 20 years. America was enriched by his many years of selfless and dedicated service in a wide range of positions . . .

"Fred Seaton was a son of our nation's heartland, a distinguished servant of his government. As a newsman and newpublisher, he graced the life of all who knew him.

"Mrs. Nixon joins me in extending to his family our most sincere condolences at the loss of this good and gracious man."

Sen. Carl Curtis, also a close political associate of Mr. Seaton, said by telephone from Omaha:

"I am very saddened at the death of Fred Seaton. I have known him since he came to Nebraska. My home town was a nearby county seat, and I regarded him as both a friend and neighbor.

"As a public servant, he did many fine things, and he will be missed. I think he will always be known for his fight to bring statehood to Alaska and Hawaii."

Sen. Roman Hruska, reached in Washington, said: "The death of Fred Seaton is a tragic loss for all Nebraskans. He served his community, his state and his nation in a wide variety of leadership positions."

Hruska described as Mr. Seaton's most outstanding achievements the admission to the Union of Alaska and Hawaii.

"All of us who were privileged to have known and worked with him feel a deep sense of personal loss and extend our sympathies to his wife and family," Hruska said.

J. Lee Rankin, a former Nebraskan who served as solicitor general in the Eisenhower administration, said upon learning of Mr. Seaton's death:

"I enjoyed working with him and I enjoyed the mutual experience we had in behalf of the country and the Eisenhower administration. We shared many problems and activities in connection with our respective positions.

"He was a fine person and I shall miss him," Rankin said from his Sunnyvale, Calif., law office.

Old political friends of Mr. Seaton say his friendship with leading politicians reached into the Nixon administration.

According to sources, Mr. Seaton was on hand for moral support when Nixon made his now famous "Checkers" speech.

At the 1968 GOP convention in Miami Beach, Mr. Seaton was one of the men who heralded the selection of Spiro T. Agnew as "the best possible man" for the vice presidency.

SENATOR ROBERT STAFFORD'S SPEECH

Mr. WILLIAMS. Mr. President, on December 5, Senator ROBERT STAFFORD

delivered the keynote address to the regional convention of the Council for Exceptional Children in Boston, Mass. Senator STAFFORD's speech emphasized his belief, as ranking minority member of the Subcommittee on the Handicapped, of the need to continue Federal leadership and focus on the educational needs of handicapped children through the Bureau of Education for the Handicapped. He also stressed the need to make central to all of our concerns in this area the right to education for all handicapped children, and to fashion educational programs around this basic right. His speech builds around his primary concern which has been demonstrated over and over in the subcommittee: The belief that services should reflect the individual needs of the handicapped child or adult, and that such services should be made available in accordance with that individual's needs and wants.

Presently, only 40 percent of all handicapped children have been accorded their right to an education, and many are denied access to free public educational facilities because of mental or physical disabilities. In the regional hearings I have conducted on S. 6, witnesses from many different regions of the Nation have testified for Federal recognition of these conditions and the tailoring of legislation to alleviate them. S. 6, which would provide Federal payments to the States based on excess costs for the education of all handicapped children, was drafted with these purposes in mind.

Senator STAFFORD's address draws clear attention to these concerns, and I believe my colleagues will find what he says a strong case for increased Federal involvement in assuring that the educational needs of each handicapped child is met. I ask unanimous consent that Senator STAFFORD's speech be printed in the RECORD immediately following my remarks.

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

U.S. SENATOR ROBERT T. STAFFORD KEYNOTE ADDRESS TO THE REGIONAL CONVENTION OF THE COUNCIL FOR EXCEPTIONAL CHILDREN

I am delighted that I was able to accept your kind invitation to address this New England Regional Meeting of the Council for Exceptional Children for several reasons.

First, it has enabled me to again find a reason to come to New England, and particularly to the State of Massachusetts whose Bay Laws of the 1640s gave birth to the concept of public education in our nation.

I must confess to you, however, that I come from a part of New England that resists the claim that this City of Boston is the intellectual and spiritual capital of our six-state region.

More importantly, I am delighted to be here because it gives me another opportunity to speak on one of my favorite subjects—education. It is a subject to which I eagerly devote much of my official time and attention in Washington.

Special education programs for the handicapped are of particular interest to me, especially at this time when the Congress will have to make some important decisions dealing with legislation regarding elementary and secondary education programs.

It is important that we make the right decisions and that our efforts continue the federal movement in support of education for the handicapped that began in 1955.

In that year, it was not possible to identify

a single categorical program that was designed to deal with mental retardation. But, things began to move at that point.

Federal funds for programs dealing with mental retardation increased from \$1 million in 1955 to more than \$22 million by the 1962 Fiscal Year.

Gains continued after that, as you know. In 1967, significant support for special education within the U.S. Office of Education blossomed with the creation of the Bureau of Education for the Handicapped.

Then came the earmarking of federal funds—never enough to be sure, but more than before—for Titles I and III of the Elementary and Secondary Education Act in 1966; the Vocational Education Act in 1968, and the earmarking of enrollment opportunities in Headstart in 1972.

In each case, a portion of the total appropriation was earmarked by the Congress for services to the handicapped.

It is my view that we must continue that kind of earmarking.

I think it is also vital that the Bureau of Education for the Handicapped be continued as an advocacy agency within the Office of Education for the needs of the estimated 7 million children of our nation who are deaf, blind, retarded, emotionally disturbed, crippled, or otherwise handicapped by physical or mental defects.

I imagine I do not have to tell this gathering the importance of continuing the operation of a federal agency whose purpose is to focus a national effort on particular problems of the handicapped that few federal or state programs can duplicate.

Jean Garvin, who is director of special education for my State of Vermont, told the Senate Subcommittee on the Handicapped earlier this year that the Bureau of Education for the Handicapped has provided my state with what she termed "enlightened leadership," and that the BEH has "understood the issues of the 1970s and the 1980s in special education."

We in the Congress don't often hear state officials talk that way about any federal bureaucracy, but we have heard spokesmen from other states say much the same thing. We are impressed by that kind of testimony.

Therefore, it is my view that we must continue the Bureau of Education for the Handicapped as an advocacy agency, and we must continue to target our limited federal resources on specific programs for the handicapped.

Why must we do this?

First because we have always known—and recent court decisions have reminded the non-believers among us—that all Americans have the right to equal educational opportunities.

Indeed, the recent court decisions have directed our attention to the fact that the handicapped, along with all other Americans:

Have the right to public education, regardless of the degree of disability.

Have the right to appropriate treatment at public institutions.

Have the right to just compensation for labor, and

Have the right to fair protection from harm.

I expect the trend of those court decisions to continue to open the doors of equal opportunity for the handicapped.

Yet, for all of this growing federal commitment and for all of the court decisions, data indicates that less than 40 percent of our handicapped children are receiving an adequate education in this nation.

And we all know that percentage is considerably lower in some parts of the nation and that geography often plays an important role in just how much equality of opportunity is available to our handicapped children.

There is also another important reason we must press for continued concentration in

our efforts to provide programs for the handicapped.

The use of tax money by government to finance educational programs represents more than simply spending. It represents an investment. I think that is particularly true when we allocate our tax money for the education of the handicapped.

Good educational programs yield both human and economic dividends.

The human dividends are apparent.

For those interested in getting dollar returns on their dollar investments, I offer the point that even the most severely handicapped child can be made less dependent through education.

And, of course, failure to invest in education for these children almost always results in dependency—often at the expense of the community.

We are told that it costs the taxpayers about \$250,000 to support a totally handicapped person over his lifetime.

All of which makes the choice before us a simple one from both the humanitarian and economic standpoint. We simply must find ways to improve and to increase educational opportunities for handicapped children.

I trust you share those goals and that you will lend your support and your guidance to those of us in the Congress who are working to achieve them.

But I must add some words of caution about the prospects of achieving the kind of programs and federal funding levels that we all desire for the handicapped.

Your organization's membership is composed of the professionals in the field, the handicapped and their parents and their friends.

You are among those who have provided much of the advocacy and leadership for increased federal involvement in the field, and much of the expertise for directing that involvement and for delivering the services so desperately needed by the Handicapped.

Many of you have been involved in this effort when it was a lonely task. I know the road has been a difficult one to travel and that, for many reasons, too often the rewards at the end of the road have been meager.

There are too few dollars available to meet our vast needs. Federal funding, although it has increased substantially, remains almost pitifully small when compared to the need. And, there is little evidence that more money will be available soon.

I am sure that there are many of you here who feel that all the federal funding available is not enough to begin to meet the needs of the specific group of handicapped children that inspires your major attention and concern.

I understand the temptation to get as much assistance as you can for your own first-priority project, even if that means less support for some other project. The struggle for a "fair" share of an inadequate supply is one that tests the nobility of man.

May I suggest to you, however, that you do yourself—and each other—a disservice when your advocacy efforts appear to be too self-serving.

Even more importantly, you do a disservice to those who need help—to the handicapped children of the nation.

May I suggest to you that you would do yourself—and each other—a greater service by adopting what might be called an attitude and unselfish advocacy in the quest for federal assistance.

And, may I also suggest that it is most important that you never lose sight of the fact that the major purpose of this federal commitment is to provide educational services to the handicapped—and not to improve the lot of the providers of the services. It is essential that we always keep in mind that the needs of the handicapped child must be

given priority even over the sometimes conflicting desires of their loved ones.

What I am saying, of course, is that we must never lose sight of the fact that the federal commitment is to the handicapped child, first and foremost.

And, so long as I have gotten into this business of making suggestions may I propose that more attention be paid to the sometimes inadvertent danger of shutting out the handicapped child or adult from active participation in his or her own educational program.

Along this line of thought, I was most impressed during our hearings on the Rehabilitation Act of 1973 by the testimony of a Dartmouth College student named Jim Stearns.

Jim stressed to us that it was most important that handicapped persons be given a strong voice in the design and implementation of their programs so that—in his words—they may become contributors to the program and not merely recipients of it.

He reminded us forcefully that the critical factor in the minds of most handicapped persons is whether they are able to develop a sense of independence. Jim emphasized to us that the handicapped person is the only person who really knows what is going on in his head.

I realize there are situations where the possibility of that kind of participation by a handicapped person may only be minimal, but I think it is important that every effort be made to encourage that participation to demonstrate that we have our priorities in the right order.

The goal of our federal programs is to assist the handicapped to become as independent as possible—to help them to become contributors to society as well as to help themselves. I am impressed by programs that reflect this kind of participation. It is one of the reasons the Bureau of Education for the Handicapped is held in high regard, even though it can do better in the utilization of handicapped persons in its operation.

Decisions you make in your own programs and in your advice to us will be influential in this regard.

So, my challenge to you is to find ways of opening up the system for greater participation by the handicapped and, where appropriate, by their parents and others directly concerned with individual problems.

I fear we will never have enough money to meet all our needs and desires in this field. That makes it more important that every effort be made to deliver the most money possible into channels that lead to direct educational services to the handicapped.

You must seek ways to make your own programs more productive from the standpoint of the handicapped person, even if that means less emphasis on your own institutional structures and your personal professional priorities.

Frankly, it is becoming more difficult for those of us who support human service programs to win adequate funding for all of our traditional needs and for those new needs we are uncovering.

Critics who do not share my views on the importance of investing in educational programs are always ready to argue that our present system too often fails to deliver the money to the target area—that too much of the money gets absorbed along the way by the professionals and their organizations.

And, I must tell you frankly that there are times—and only a few examples can be fatal in this effort—when it is difficult to contest the arguments of some critics.

It is difficult to defend federal support for facilities that give the appearance of providing more support for universities and other institutions than of providing services directly to the needy. It is difficult to defend continued spending for facilities whose hours

appear to be designed to suit the schedules of the professionals, rather than the needs of the clients.

I urge you to meet this challenge. The better you succeed at it, the better are the chances of those of us in the Congress to continue—and hopefully to increase—the kind of assistance we all are agreed is so vital to meet the needs of the handicapped young people of our nation.

We need more interaction and less competition.

We need a more unselfish advocacy. We need to remember—always—that all of our efforts must be directed towards delivery of services to the handicapped.

May I paraphrase Albert Camus: If we who are gathered here don't help the handicapped child, who in the world will? Thank you.

DAV MOBILE VAN PROGRAM

Mr. THURMOND. Mr. President, I commend the Disabled American Veterans for their institution of the DAV Mobile Van Service program. It is an outstanding outreach program designed to carry DAV service officers to all parts of our Nation in an effort to seek out and solve veterans' problems.

It is with great pride that I note that DAV chose Columbia, S.C., for the inauguration of this program. I think this program will prove to be one of the most worthy efforts we have seen in many years.

The January issue of "DAV," the official magazine of the Disabled American Veterans and DAV Auxiliary, carried a number of accounts about this outreach program.

Mr. President, I call these accounts to the attention of my colleagues, and ask unanimous consent that they be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

SERVICE COMMENTS

(By John J. Keller)

On January 7, 1974, in Columbia, S.C., the call will be: "Drivers, start your engines!"

No, it will not be the start of a well-known automobile race. It will be, instead, the beginning of the DAV Mobile Van Service program—the newest and most extensive outreach program to date in providing service to veterans and their dependents.

Experienced National Service Officers of the DAV will be crossing the country in six gleaming white GMC Mobile Vans, bringing the service program of our organization to the highways and byways of the Nation, particularly the areas of each state located some distance from VA Regional Offices and Hospitals.

During the first year of this program, all six vans will tour a state at one time, each covering a different route. Tours within each state will be appropriately arranged to provide adequate coverage of the state, and every state, except for Hawaii and Alaska, will be visited during the first year.

Fully equipped to function as traveling National Service Offices, these vans will be accomplishing the objective recorded on the side of each van . . . "Reaching out to assist America's war disabled." The two National Service Officers operating each van will counsel and assist in completing applications for benefits from the Veterans Administration, Social Security Administration, and other governmental agencies.

Each day, claims and inquiries will be cleared to the appropriate DAV National Service Office in the VA Regional Office having jurisdiction of records to accomplish the necessary development of the claim and follow-up action.

Following the dedication ceremony in Columbia, S.C., the Mobile Vans will tour South Carolina. Then, after a suitable kickoff program in the capital city of each state, the vans will consecutively tour Georgia, Florida and Alabama during the month of January.

In each community selected for a service office stop, a suitable site will be selected to provide easy access to the van. To make this traveling service available to the greatest number of people, the mobile service offices will open at noon or 1 p.m., depending on travel arrangements, and remain open until 8 or 9 p.m.

Every effort will be made to locally publicize the site where the vans will be stationed, so you should have no problem locating the van when it is stationed near your home.

Each month we will keep you advised of the van schedules by listing the current month's schedule in DAV Magazine. During the remainder of January 1974, the DAV Mobile Vans will be visiting the following communities:

SOUTH CAROLINA

Jan. 7—Columbia, dedication ceremony for South Carolina. Jan. 8—Orangeburg, Sumter, Camden, Union, Newberry, Walterboro. Jan. 9—Goose Creek, Marion, Lancaster, Greer, Greenwood, Allendale. Jan. 10—Beaufort, Andres, Rock Hill, Anderson, Saluda, Aiken.

GEORGIA

Jan. 14—Macon, kickoff ceremony for Georgia. Jan. 15—Cartersville, Gainesville, Lagrange, Griffin, Augusta, Dublin. Jan. 16—Lafayette, Athens, Columbus, Perry, Statesboro, Douglas. Jan. 17—Rome, Milledgeville, Albany, Cordele, Savannah, Waycross. Jan. 18—Carrollton, Thomasville, Tifton, Brunswick, Valdosta.

FLORIDA

Jan. 21—Tallahassee, kickoff ceremony for Florida. Jan. 22—Rockledge, Brandenton, Daytona Beach, Gainesville, Marianna, Madison. Jan. 23—Ft. Pierce, Port Charlotte, Titusville, Ocala, Chipley, Tallahassee. Jan. 24—Ft. Lauderdale, Ft. Myers, Orlando, Defuniak Springs, Chattahoochee. Jan. 25—West Palm Beach, Nokomis, Lakeland, St. Augustine, Crestview, Panama City. Jan. 26—Melbourne, Sarasota, Brooksville, Jacksonville, Ft. Walton Beach.

ALABAMA

Jan. 29—Montgomery, kickoff ceremony for Alabama. Jan. 30—Roanoke, Opelika, Selma, Tuscaloosa, Talladega, Anniston. Jan. 31—Phenix City, Eufaula, Demopolis, Jasper, Gadsden, Scottsboro, Feb. 1—Troy, Dothan, Jackson, Florence, Decatur, Huntsville. Feb. 2—Andalusia, Evergreen, Saraland, Cullman, Bessemer, Center Point.

The DAV, long noted as the voice of the wartime disabled, and recognized as having a single-purpose organization—that of providing service to veterans and their dependents—is proud to continue its record of innovative achievement through this Mobile Van Program.

We're enthusiastic and convinced of the results that will be accomplished through the program. We look forward to having the capacity to serve greater numbers of veterans and dependents by meeting with them in their local communities.

We would ask that you pass the word about the DAV Mobile Vans, and their schedules, particularly when one is scheduled near your community—and don't forget to wave to our dedicated DAV National Service Officers driving the Mobile Vans when you see them on the highway.

Yes, the "Drivers, start your engines" recorded at Columbia, S.C., January 7, 1974, will, indeed, represent another hallmark in the annals of the DAV National Service Program.

MEANWHILE . . . BACK AT HEADQUARTERS
(By Denver D. Adams)

Just as this month's DAV Magazine front cover says . . . "The Vans Are Coming!"

And, on January 4th, the caravan of six 28-foot Field Service Units will roll out of National Headquarters in Cold Spring, Ky., toward Columbia, S.C., where they kickoff their nationwide, year-long tour on January 7th.

We at National Headquarters are tremendously excited about this project, which will carry our National Service Program out into the suburban and rural communities of America. We can all be proud of this DAV effort . . . because it is the first time that any veterans' organization has undertaken a program of such magnitude in behalf of members and non-members alike.

The logistics and coordination required to launch the state-by-state campaign of the Field Service Units has been going on for months. And, we have no doubt that changes in our methods of operation will become necessary from time to time, as we gain experience in the field.

Scheduling of the units . . . state-by-state, town-by-town . . . has been an extremely challenging task for the National Service Department. But, the job was accomplished, and we now have a schedule that is plotted to reach as many disabled veterans as possible outside of the major metropolitan areas.

In addition, it was necessary for us to take a standard production-line model of the GM motor van and convert certain features so each unit can truly serve as an "office on wheels." Closets and drawers have been outfitted for filing and storage of the many forms and materials that the National Service Officers will need in their contact with disabled veterans. We have installed a public address system and a rear-view movie projector in each unit, and all will be equipped with radio telephone systems.

We are prepared to saturate all newspapers, radio and television in each state with special publicity materials two weeks prior to the vans' appearance. Special poster reprints of this month's cover of DAV Magazine will also be distributed through National Service Offices, Departments and Chapters . . . with a space reserved on the poster to insert the date, community and exact location within the community where the vans will be located. In addition, the Highway Patrol Department in every state will be alerted by our Public Relations Department concerning the Field Service Unit visit.

Chapter members are encouraged to greet the vans when they arrive in their respective communities . . . and to help out whenever possible in assisting disabled veterans and their dependents to visit the units. However, it is urgently requested that DAVers not use the Field Service Units as informal meeting headquarters. Working space in the vans is extremely limited . . . and it must be reserved for the working NSOs on board and those who need their help. We are confident that members will respect this request, and thus, make it possible for the traveling service units to accomplish their purpose.

We cannot overlook the favorable public reaction that the Field Service Unit program should generate. In fact, this aspect alone makes the project one of the most important ever put together by the DAV. We look forward to your impressions . . . and that of your neighbors . . . after the Field Service Units have visited your community.

As most of you know, our by-laws prohibit the Blind Veterans National Chapter from

engaging in fund-raising activities. This restriction places the BVC in the position of carrying out its various programs through the generosity of other Chapters whose members support the BVC activities. We hope that each of our Chapters throughout the country will give consideration to this worthy cause, and make provisions to help the Blind Veterans National Chapter throughout 1974.

OIL CRISIS: FACT OR FICTION?

Mr. KENNEDY. Mr. President, two investigative reporters for the Philadelphia Inquirer, Donald L. Bartlett and James B. Steele, have produced a second series of reports on the oil crisis which follows a similar effort last July that many of us saw and admired.

I want to call the attention of my colleagues to the recent analyses which cover not only the current levels of supply which raise serious question as to the magnitude of the immediate crisis, but also about the underlying actions of the oil companies during recent months.

I believe their effort constitutes an impressive example of journalistic excellence and I ask unanimous consent that these articles be printed in the RECORD.

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

THE PHILADELPHIA INQUIRER,
Philadelphia, Pa.

I would like to call your attention to the accompanying articles, a series of special investigative reports concerning the nation's energy crisis that The Philadelphia Inquirer has published over the last two months.

The articles are based on an exhaustive examination of records in more than a half-dozen states and several foreign countries and were prepared by James B. Steele and Donald L. Bartlett, an investigative reporting team. They were assisted by Susan Q. Stranahan, The Inquirer's federal court reporter, who coordinated research and reported from Washington and New England.

These articles follow a 12,000 word, three-part series published by The Philadelphia Inquirer last July on "Oil—The Created Crisis," which traced the underlying reasons for the nation's oil shortage.

GENE ROBERTS,
Executive Editor.

OIL: THE CRISIS AND THE FACTS
(By Donald L. Bartlett and James B. Steele)

Despite an outpouring of proposed legislation and Presidential proclamations on energy matters, neither Congress nor the Nixon administration has come to grips with the two underlying problems that brought on the present oil shortage.

They are:

A serious lack of refinery capacity. With demand for petroleum products running about 17 million barrels a day (there are 42 gallons in a barrel), refineries in the United States can process fewer than 13 million barrels—a refinery capacity shortage of four million barrels a day.

A leveling off in production of crude oil in the United States and a decline in exploration activities. This despite the existence of huge oilfields still to be tapped, largely in offshore areas, Alaska and the Arctic region.

Only one major new refinery has been built in the United States since the late 1960s and plans for the construction of additional refineries, announced just several months ago by a number of oil companies, already have been shelved or construction dates pushed back.

But, at the same time that America's largest oil companies are suspending their refinery expansion projects in the United States because of alleged uncertainties in the world oil market, an independent New York oilman is forging ahead with a three-quarter billion dollar refinery-building program in Canada.

The oilman is John M. Shaheen, a onetime publicity director for the Illinois Republican Party who heads a closely held New York company called Shaheen Natural Resources Company.

Seven weeks ago, a new Shaheen refinery was dedicated in Newfoundland. Two weeks ago, Shaheen signed contracts for the construction of a second refinery in Nova Scotia. And site clearance has begun for a third refinery, also to be located in Newfoundland.

The three refineries have a planned total capacity of 600,000 barrels a day. When the second and third refineries are completed, Shaheen personally will have built more refineries in Canada than all the major American oil companies combined have built in the United States in the last five years.

Interestingly, during his negotiations with Canadian politicians in the 1960s, negotiations which ultimately led to the ambitious refinery construction projects, Shaheen was represented by Richard M. Nixon, then a Wall Street lawyer.

While the Federal Government has failed to tackle the issue of lagging refinery construction in this country, an Inquirer investigation has turned up some curious patterns in the Nixon administration's approach to dealing with the energy crunch.

Item. A mandatory fuel allocation program, to take effect Dec. 27, will come down hardest on those persons who already use a very small percentage of the petroleum products consumed daily—families who heat their homes with fuel oil.

Demand for petroleum products last year amounted to 16,354,000 barrels a day, according to the United States Bureau of Mines. Of that figure, 1,248,000 barrels a day—or 8 percent of total demand—consisted of the No. 2 heating oil used for residential heating.

Item. While the allocation program provides that families who use heating oil must turn back their thermostats or risk running out of oil (the elderly have been advised to take aspirin if affected by the chill), there is no provision requiring refineries to increase heating oil production.

Perhaps coincidentally, heating oil is one of the oil industry's least profitable products in the United States, a condition attributed by the oil companies to the administration's wage and price controls and other government policies such as the regulation of natural gas prices.

Item. Statistics maintained by the Bureau of Mines show that during four of the first eight months of this year—the latest period for which figures are available—the nation's oil companies produced a smaller percentage of distillate fuel oil, which include home heating oil, than during the same months in the preceding three years.

Last April, for example, as the nation was emerging from a season of spot fuel shortages, especially in the upper Midwest, distillate fuel oil consisted of 20.7 percent of the total products produced by refineries. During the same month in 1972, the percentage was 22.2. In 1971, it was 23.1 percent and in 1970 it was 22.3 percent.

Item. Statistics published by the American Petroleum Institute, the oil industry trade organization, show that this pattern in refinery production continued well into the fall despite clear signs of impending shortage.

An API refinery report for Sept. 21, 1973, shows distillate production was at 21.4 percent, down from 22.3 percent a year earlier. A refinery report dated Oct. 5, 1973, lists dis-

tillate production at 21.9 percent, down from 22.3 percent the previous year.

Item. Jet fuel, another small volume product, also was placed under the administration's mandatory allocation program. Airlines are scheduled to receive 15 percent less fuel than they used last year.

6 PERCENT OF TOTAL

Bureau of Mines data show that jet-fuel demand in 1972 amounted to 1,045,000 barrels a day—or 6 percent of total demand for petroleum products.

Item. While families must cut back fuel oil consumption by 15 percent and commercial users by 25 percent, the proposed reduction for gasoline is 10 percent below 1972 demand.

Gasoline, of course, is the single largest volume product turned out by the nation's refineries. Last year, demand for gasoline was 6,376,000 barrels a day—or 39 percent of total product demand of 16,354,000 barrels.

Item. There is some reason to be suspicious of all the oil shortage statistics floating out of Washington. That is not to suggest there is no shortage. There is. But there is some question as to the severity of the shortage.

For example, a fact sheet distributed by the White House last Sunday, when President Nixon delivered a nationwide address announcing the mandatory fuel allocation program, lists the current demand for petroleum products at 18.6 million barrels a day, rising to 19.7 million barrels in the first quarter of next year.

That means the Nixon administration has planned a larger increase in demand during the coming months than at any comparable time in the past three years.

For—while demand for petroleum products runs stronger during the first and fourth quarters—the 19,700,000 figure represents a jump in demand of 8 percent from the same quarter of this year.

Demand for the first quarter of 1973, for example, was up 5 percent over 1972, and 1972 first quarter demand increased 6 percent over 1971.

In an article published last July 30, the Oil and Gas Journal, the industry trade publication, estimated that 1973 demand would average 17,355,000 barrels a day—a 6.1 percent increase over 1972.

An Inquirer analysis of Bureau of Mines data produced just about the same figures as those arrived at by the Oil and Gas Journal.

During the first six months of 1973, demand was running at an average of 17,286,000 barrels a day, compared with 16,304,000 barrels during the same period in 1972—an increase of 6 percent.

The demand figure (19,700,000 barrels) as set by the Nixon administration's oil policy experts is important because it is the figure used to calculate desired cutbacks in consumption.

Thus, the planned reductions in home heating oil, and fuel oil for commercial and industrial use, as well as jet fuel, all are tied to this demand figure.

But statistics on supply and demand, like all oil statistics used by the federal government, have but one certainty: Each and every figure is derived from a single source—the American oil industry.

And therein rests still another disturbing aspect of the current energy crisis. There is no government agency that either verifies data furnished by the oil industry, or collects the information independently.

This means the mandatory allocation program now being put into effect, and the gasoline rationing expected to follow, are based on information supplied by the oil industry itself—without any verification.

In fact, the oil industry has even discouraged attempts by the Bureau of Labor Statistics to collect some of the same kinds of statistics the agency gathers from other businesses and industries.

The significance of the government's failure to collect oil industry data was spelled out in a three-part, 12,000-word series of articles published by The Inquirer last July, entitled "Oil—The Created Crisis."

Based on a two-month, nationwide investigation, and the assembling of a wide range of statistical material from a variety of sources, The Inquirer established that the energy shortage was brought on by long-term policy decisions made by the oil companies and a series of administrative blunders beginning in the Eisenhower administration and continuing through the Kennedy, Johnson and Nixon administrations.

In a report released last month a Congressional investigation committee published essentially the same findings documented by The Inquirer.

These findings run contrary to the claims of both the oil industry and the Nixon administration that an energy-guzzling American public is to blame for the oil shortage.

U.S. OUTSTRIPPED

Indeed, the Inquirer survey found that the percentage growth in energy consumption in Europe and Asia has far outstripped that in the United States over the last two decades.

And to meet that growing demand, the five major multinational American oil companies, over the last 20 years, have been concentrating their operations overseas, drilling and producing oil abroad, constructing their refineries around the world.

As result, the United States is just another market—and not necessarily the largest—for these five companies—Exxon Corp., Mobil Oil Corp., Texaco Inc., Gulf Oil Corp. and Standard Oil Company of California.

Last year, for every barrel of oil these five companies sold in the United States, they sold nearly two barrels in other countries. Twenty years ago, the bulk of the sales of the five companies was in the United States.

For example, Exxon Corp., the world's largest oil company, sold 5,701,000 barrels of petroleum products every day last year.

Of that total, just 1,730,000 barrels—or 30 percent—were sold in the United States, or 3,971,000 barrels, were sold in foreign countries.

Mobil Oil Corp. sold 2,409,000 barrels of petroleum products daily last year. Sales in the United States amounted to 1,004,000—or 42 percent of total sales—while sales outside the United States were 1,405,000 or 58 percent.

This trend, which has been developing over the last two decades, is especially important now, and not just because of oil shortages in the United States.

Because prices for petroleum products are running two to three times higher in Europe and Asia than in the United States, it is more profitable to sell overseas.

To keep their supply sources close to the expanding markets, the five companies not only drilled for oil overseas but built their refineries across Europe and Asia.

Last year, the five companies processed 31 percent of their crude oil at refineries in the United States, 69 percent in other countries.

With worldwide refinery runs of 5,146,000 barrels a day, Exxon Corp. processed 1,029,000 barrels—or 20 percent—in the United States. The remaining 80 percent (4,117,000 barrels) was refined outside this country.

Although a lack of refinery capacity is one of the root causes of the energy crisis in the United States, this winter's fuel oil shortage has been aggravated by refinery operating practices and an indifferent federal government.

Europe and Asia, which have sufficient refinery capacity but little crude oil of their own, are more affected by the Arab oil embargo than the United States, which last year obtained only 2 percent of its crude oil from the Mideast.

VARIETY OF PRODUCTS

A refinery converts a barrel of crude oil into a variety of products—from home heating oil and residual fuel to gasoline and kerosene and asphalt. Set percentages of each product are turned out from a barrel of crude oil.

The refinery revises these percentages of the seasons, and demand economic conditions change, producing more heating oil in the winter months, more gasoline in the summer months, all the time trying to keep a sufficient reserve of all products.

While there was abundant evidence last summer that there would be fuel oil problems this winter, refineries produced record volumes of gasoline at the expense of fuel oil.

Last June, on the eve of what was billed as the great gasoline shortage of 1973, gasoline represented 48.4 percent of the total products being turned out by refineries. This compared with a production rate of 45.8 percent a year earlier.

While the summer days slipped by, early prophecies of motorists stranded on turnpikes and interstate highways, unable to buy gasoline, went unfulfilled as refineries churned out more and more gasoline.

The record production prompted The Wall Street Journal on July 2, in an article headlined "The gasoline shortage cases as U.S. refiners step up their output," to observe that:

"Refiners are demonstrating that, barring breakdowns or an interruption in the flow of crude, they can handle the demand."

The Journal added: "Because they can sell every drop they can make, few refiners are likely to be in any hurry to begin reducing gasoline production."

And that is what happened. With gasoline selling at a more profitable level, refiners continued turning out gasoline rather than heating oils.

A few percentage points may seem like a slight difference, but over a year's time, a change of a single percentage point can represent an increase or decrease of more than 43,000,000 barrels of a particular product.

While all of this gasoline was being produced last summer, federal officials were sitting by, hoping for warm weather this winter and insisting that a mandatory fuel allocation program was unnecessary.

In September, former Colorado Governor John A. Love, the White House energy chief, noted that "the situation for this winter is very tight, although it is difficult to forecast because of the variables."

During the same month, President Nixon discounted any talk of an energy crisis. Said the President: "We have heard a lot about a crisis. I do not use that term because we do not face a crisis in that sense of the word."

"I would simply say that in the short term, we face a problem with regard to energy, heating for example, this winter, just as we thought we faced a problem of gasoline this summer, and the possibility of brownouts."

POLITICIANS ASSURED

Meanwhile, Love was assuring New England politicians that there would be adequate supplies of fuel oil for the coming winter, as long as the weather didn't turn especially cold.

In August, Love suggested that it might be a good idea if refiners increased their output of heating oils—a proposal largely ignored—and in the weeks that followed he continued to insist that a mandatory allocation program was not needed, a position the administration adopted early in the year. Said Love:

"(The administration is) extremely wary of the ramifications and potential risks of a mandatory petroleum allocation system and (did) not believe that the current supply situation or other industry problems warrant use of such a system as a remedy at this time."

The administration was still clinging to this position in October, when Stephen A. Wakefield, an assistant Department of the Interior secretary predicted there could be heating oil shortages with some resultant hardships.

Explaining what he considered as hardship to be, Wakefield said:

"I am talking about men without jobs, homes without heat, children without schools. That is what I mean by hardship."

More weeks went by until finally last Sunday President Nixon reversed positions and announced his mandatory allocation program, a Washington term for rationing.

The fuel oil allocation program has been pictured by Washington officials as the lesser of two evils—a choice between personal inconvenience and discomfort rather than industry shutdowns and job losses. But the choice really isn't quite that clear.

Thomas F. Field, a former attorney-adviser in the Treasury Department's Office of Tax Legislative Counsel, and now executive director of Tax Analysts and Advocates, a public interest law firm in Washington, puts it this way:

"No matter how much within reason we restrict home heating oil consumption, we will restrict some industrial consumption this winter.

"There clearly is going to be a downward effect on industrial activity. Anybody who says turning down thermostats is going to prevent a downturn in industrial activity is just whistling Dixie."

THE OPTIMUM WAY

Field believes, as do many other economists, that the energy shortage is not going to be resolved until prices are allowed to rise substantially. "The only thing that's going to reduce consumption is an increase in price," he said.

"The price of home heating oil ought to rise. That's the optimum way to solve the problem. The reason we're producing more gasoline is that it is more profitable.

"If the home heating oil price goes up," says Field, "production will go up." "If No. 2 oil is unprofitable, you can't expect oil companies to produce it."

The Inquirer, in its series last July, pointed out that fuel oil shortages could be expected this winter and gasoline shortages again next summer.

That pattern probably will continue for the next several years, until refinery capacity is expanded and oil production is increased in the United States and the Western Hemisphere generally.

To show that the industry is beginning to catch up on the refinery construction lag, the Office of Oil and Gas of the United States Department of the Interior has compiled an impressive chart showing the location of proposed refineries and the dates they will be completed.

The four-page chart, which breaks down construction by different sections of the country, lists a total of 18 new refineries with a capacity of 2,440,000 barrels a day as well as refinery expansion programs.

There is a footnote cautioning that 10 of the 18 refineries (capacity 1,330,000 barrels) are "projects which are uncertain or in very early stages of planning."

And how did the Office of Oil and Gas come by these statistics?

"This is information we picked up from various sources," said an Interior Department official, "from trade journals (of the oil industry) and from some of the companies themselves."

How is construction going with some of the eight refineries that are slated to be in operation sometime between 1974 and 1977.

The Interior Department reports that a Shell Oil Company refinery with a capacity of 150,000 barrels a day will be in operation in Paulsboro, N.J., sometime in 1977.

A Shell Oil Company public relations official, asked when the refinery would be operational, said:

"I wish I could tell you. We're still trying to get permits. There's no definite time for completion." He said that it will take about four years to build the refinery so even a 1978 or 1979 completion date is "optimistic."

"We don't have any permits," he added, "and the environmental impact statement hasn't even come through yet."

OFFICIALS UNDECIDED

In another case, the Interior Department reports that a Pennzoil Company refinery with a capacity of 150,000 barrels a day will be in operation in Pascagoula, Miss., sometime in 1976.

A Pennzoil Co. official, asked when the refinery would be operational, said:

"About a year (ago) we had obtained option on land in Pascagoula as a possible plant site. But we have looked at land in Louisiana as well as land in Mississippi and frankly have not made up our minds as what the best location would be.

"We're torn between Pascagoula and a site on the Mississippi and we are giving some thought to the Gulf Coast in Texas. Needless to say, the Mideastern war has raised serious questions about our ability to continue with this project."

That's the way it goes with government statistics on the oil industry. The situation is not new.

A Congressional investigating committee once urged that a government agency be empowered to collect data "so that any time the exact condition of the industry can be ascertained." That was back in 1923.

Last June 4, 50 years later, Sen. Henry Jackson (D., Washington), made a similar recommendation, telling his Senate colleagues that Congress needed to have "objective facts" on the oil industry:

"I hope we will have something introduced shortly, probably giving this authority to collect the data to the General Accounting Office, to marshal all the facts and the information so that we can get it on the basis of sound data, objective facts," Jackson said.

Now, with many of the essential statistics lacking, the federal government, or more particularly the Office of Petroleum Allocation (OPA), is getting ready to administer a fuel oil allocation program.

Last week the OPA staff was just getting settled into its new office in the Winder Building in Washington, the former headquarters of the Office of Emergency Preparedness.

It was from this building in the fall of 1972 that OEP conducted a survey of the nation's energy needs and announced that there would be no fuel oil problems and that the oil industry was capable of meeting demand.

A few months later, fuel oil shortages developed in New England and the upper Midwest, forcing school closings and the tanking of fuel oil from Canada down into Minnesota.

Taped to the wall in the office of a petroleum allocation official, there are, appropriately, two Exxon Corp. advertisements from the Wall Street Journal.

NO IMMEDIATE RELIEF

The advertisements read in part: "What you do to save energy is what counts now. This country's energy problems have gotten worse. And there's no immediate relief in sight."

The OPA official, working in shirtsleeves, is explaining the cutbacks in fuel oil deliveries and how the program will be administered and how the agency will keep tabs on supplies:

"Every month they will have to submit forms to us saying how much fuel they have on hand and things like that. The forms are supposed to be coming in right now."

And who are "they"?

"Basically, the major oil companies and the independent oil companies."

And just how will the program work for the average family which heats its house with fuel oil?

"There's a mandatory reduction on the inside temperature of six degrees. The wholesale distributor is really responsible for this.

"He takes the current daily temperature and according to his records he should be able to figure out how much his customers should be using based on the six-degree reduction and then he supplies the customer accordingly.

"So in other words, if the thermostat is set at 72 degrees, it has to be turned back to 66 degrees," says the official, adding "which reminds me, before I catch cold I'm going to put my jacket on."

But how does the fuel oil dealer calculate a six-degree reduction?

"I don't know how these things work," says the OPA official. "Don't use my name. Just quote a department spokesman. But the distributor knows he delivered 1,000 gallons last winter and by reducing the temperature six degrees he subtracts X number of gallons from that."

Up in Ellsworth, Maine, in a state heavily dependent on fuel oil, Jack Gledhill of the Hancock Oil Company, doesn't share the OPA official's confidence in his ability to convert six degrees on a thermostat into a reduced oil delivery.

"Geez, that's a job alright," says Gledhill.

Gledhill and Basil Simpson of the Webber Oil Co. in Bangor, Maine, told Inquirer reporter Susan Q. Stranahan that they try to provide every customer with a 75-gallon emergency reserve in the event future deliveries are delayed because of snow or reduced oil supplies.

It will be from that 75-gallon reserve, Simpson and Gledhill said, that the 15 percent reduction in home heating oil will be made.

John Carlisle, manager of Webber Tanks Inc., an independent fuel oil distributor of Bucksport Maine, is pinning his hopes on continued mild-weather.

"If the weather continues as it is, we've got a chance to squeak through," said Carlisle.

In Machiasport, Maine, Gilbert E. Hanson, the retired Machiasport postmaster, is philosophical about the fuel shortage.

"You hear that chain saw?" he asks a reporter. "That's the oil shortage. He's got seven cords cut already and he plans to cut a lot more. He won't be cold."

SELECTED IN 1960

It was back in the late 1960s that Machiasport was selected as the site for a 30,000-barrel-a-day refinery by the Occidental Petroleum Corp., then considered somewhat of a maverick in the oil industry.

Occidental planned to process foreign crude oil in the refinery, but because of the mandatory import controls in effect at the time needed a special exemption from the Federal government.

The other major oil companies opposed the refinery, saying it would give Occidental an unfair competitive advantage, and the project subsequently was scrapped by the Nixon administration.

Hanson is philosophical about that, too. "It's been blamed on several people high up in politics—high cabinet people in the politics—high cabinet people in the Johnson and Nixon administrations. Oil has played a big part in the last four administrations."

A Colorado politician was one of those who journeyed to Washington in the Fall of 1968 to testify at hearings being held to determine whether the Machiasport refinery should be built.

He vigorously opposed the refinery because it would, he said, delay the development of huge oil shale deposits in his home state.

That Colorado politician was John A. Love, now President Nixon's energy czar. As for the shale oil deposits, they remain to be developed.

U.S. FIRMS EXAGGERATE EFFECTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

But such is not the case, according to findings documented by The Inquirer into the underlying reasons for the oil shortage and the way both the federal government and the industry are handling the problem.

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

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

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

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

CONFLICT OF INTEREST

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

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

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

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

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

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

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

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

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

Standard Oil Co. of California produced 2,555,306 barrels of crude oil a day last year in the eastern hemisphere, again much of it in Arab countries. The figure represents 81 percent of the company's total daily crude oil production of 3,159,530 barrels. The company, the fifth largest in the country, has an interest in more than three dozen refineries in

the eastern hemisphere which rely heavily on Arab oil.

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

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

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PAID OFF SHEIKS

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

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

Even more beneficial was a private ruling issued by the Internal Revenue Service (IRS) in the early 1950s which had the practical effect of enabling the oil companies to convert royalty payments to Arab rulers into foreign taxes, allowing a foreign tax writeoff, dollar for dollar, against income taxes they owed in this country.

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

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

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

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

FIRST AND LAST AUDIT

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

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

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

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

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

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

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

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

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

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

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

HOW FIGURE VARIES

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

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

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

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

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

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

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

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

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

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

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

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

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

PREMATURE WORRIES

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

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

"Unhappily, the one countermeasure that would be effective would be invasion and occupation of the Arab oil fields. The United States could easily defeat the Arab armies, and though the Arabs would probably blow up the wells, the technology of oil production

in the desert is so simple that the United States could get some oil flowing again."

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

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

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

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

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

UNITED STATES DOESN'T KNOW

The popular predictions of assorted national disasters brought on by the Arab shut-off seem to grow naturally out of the inflated statistics tossed around casually by the federal government's oil policy authorities.

While it is possible to come up with reasonable estimates of the amount of crude oil imported into the United States directly from Arab states, such is not the case when it comes to computing the volume of products refined in other countries from Arab crude oil and then shipped here.

The federal government never has been much interested in charting the flow of international oil and, indeed, the Bureau of Mines has had only one minerals specialist assigned to the task.

As for the data available from foreign countries, it is even more sketchy than that for the United States. And naturally the information is not subject to independent checks.

Then, too, refineries may receive crude oil from a half-dozen different countries. The oil is pooled for refinery runs and the gasoline, home heating oil and other products turned out actually are derived from both Arab and non-Arab oil.

How then does the Interior Department come by its refinery statistics?

Largely from the oil companies themselves, an Interior Department official acknowledged, adding: "We try to pick up statistics wherever we can. But you can guess to a degree."

And that is still another reason for all those conflicting figures coming out of Washington.

Although the Bureau of Mines maintains data on the source of crude oil going into refinery centers in the Caribbean area—which accounts for a sizable volume of United States imports—the information from elsewhere around the world is vague.

In some countries, like Israel and South Africa, oil statistical material is considered secret. Countries like Iran, a major oil producer, do not publish information showing the final destination of all of their exports.

There are reasons for all this secrecy. Iran, for example, which borders the Arab state of Iraq, for years has been sending oil around Arab lands into Israel. Neither government wants to acknowledge the shipments.

But the figures the Bureau of Mines has pulled together for the Caribbean area—the single largest foreign supplier of finished petroleum products to the United States—at least offer some indication of the amount of Arab oil included in refined products that are imported.

During 1971, the most recent year for which figures are available, a refining com-

plex in the Netherlands Antilles received 751,000 barrels of crude oil daily from at least six different sources.

The largest supplier was Venezuela, which shipped in 613,000 barrels a day, or 81 percent of the refinery center's total input.

Other crude oil came from Brazil, Gabon and Nigeria. And there were 33,000 barrels a day that came from some unaccounted-for source.

Only 5,000 barrels a day, or 1 percent of the oil the refinery complex received daily, was shipped from an Arab country, in this case Libya.

WHAT COULD BE DONE

At another Caribbean refinery center, this one in Trinidad, the shipments of Arab crude oil were much higher. The center received 293,000 barrels of crude oil daily, of which 154,000 barrels, or 53 percent, originated in Saudi Arabia and Libya.

The remaining 139,000 barrels a day came from eight different countries—Venezuela, Iran, Angola, Gabon, Indonesia, Brazil, Colombia and Nigeria.

But while Arab crude oil accounted for 53 percent of the crude oil sent to the refinery center, the United States imported only 217,000 barrels of petroleum products a day, or 54 percent of the refinery's total production.

And therein rests another fascinating aspect of the Arab boycott: The multinational American oil companies play a major role in policing the oil embargo for the Arabs.

For in theory, at least, the Trinidad refinery center could take the non-Arab crude oil, refine it and export the finished products to the United States.

It then could take the Arab oil, process it and ship the refined products elsewhere around the world, to those countries not under the Arab embargo.

There is, though, another way in which the international oil companies control the worldwide flow of oil, and that is through their huge tanker fleets.

If the companies were so disposed, and if the Arab cutoff had created truly serious problems, then tankers carrying Arab oil could be directed to those refining centers producing petroleum products for countries not under the embargo.

Similarly, tankers carrying non-Arab oil could be steered to refining centers processing crude oil for distribution in the United States.

But the trading off of oil shipments can work both ways. If the multinational oil companies wanted to emphasize American dependence on Arab oil, then tankers carrying Arab oil could be directed to refining complexes that normally would use non-Arab oil.

Last year, the largest exporter of crude oil and petroleum products to the United States was Canada. The second largest exporter was Venezuela.

In fact, these two countries accounted for imports of 2,068,000 barrels daily—or well over twice as much as the United States received from Arab countries.

But such is not the case with America's five largest international oil companies, which last year produced well over 6,000,000 barrels of crude oil daily in Arab countries.

A Bureau of Mines official told *The Inquirer* that although the figures for the Caribbean refineries are for 1971, and the volume of oil processed has changed, there is no reason to believe that the percentages of distribution have changed.

He said a survey of the 1972 operations of a Virgin Islands refinery complex showed about the same percentage of crude oil imports by country as in 1971.

REASON FOR SITUATION

With all of the talk about American dependence on Arab oil, it is important, perhaps, to keep a few other statistics in mind.

The growing bind the American oil companies now face in the Arab world is the result of some two decades of multibillion dollar expansion of the Middle East oil reserves.

It was during the early 1920s, when the United States once before feared it was exhausting its domestic oil reserves, that the federal government urged major oil companies to obtain oil reserves in foreign countries, including the Middle East.

A worried Herbert Hoover, then Secretary of Commerce, met with oil industry leaders on August 16, 1921, in Washington and stressed the need to obtain secure sources of foreign oil under the control of American companies.

"Unless our nationals reinforce and increase their holdings abroad," Hoover said, "we shall be dependent upon other nations for the supply of this vital commodity within a measurable number of years . . . We must go into foreign fields in a big way."

Aided by the United States State Department, the oil companies had soon done just that.

The department conducted extensive negotiations with the British, who already had a foothold in Iran where oil was discovered in 1908, to open the door for American companies to explore for oil around the Persian Gulf.

Even so, a glut of oil discoveries in the United States in the 1920s and 1930s dampened interest in the Middle East as American companies were hard-pressed to sell all the oil they had found back home.

American companies reported major oil discoveries in Kuwait and Saudi Arabia in 1938, but it was not until after World War II that production began to rise dramatically, from roughly 700,000 barrels daily then to 12,300,000 daily by 1973.

Once again in the 1940s, as it had in the 1920s, the State Department played an active role in encouraging the multinational oil companies to secure more foreign oil holdings.

After the war, the oil companies made a fundamental shift in their worldwide distribution system of crude oil due to rising production in the Middle East. Increasingly, they shifted that oil into Europe, a market that previously was served by oil from the United States and Venezuela.

Since then, of course, Arab oil has played an even greater role in the economies and life of European nations, with the oil companies investing billions of dollars to supply their growing market there and in Asia. Much of the development has come at the expense of the United States.

In the case of Exxon Corp., for example, the company increased its already sizable reserves in the Middle East and Africa, mostly in Arab states, from 4 billion barrels in 1963 to 34 billion barrels in 1972.

At the same time, Exxon's United States reserves increased only slightly, from 5.1 billion barrels to 5.5 billion. Such figures help explain America's slide from self-sufficiency.

But the explanation as to why the multinational oil companies have continued to explore and develop the oil reserves of Arab states while ignoring other regions is found in the nature of the oil industry itself.

The oil industry has a herd instinct, not unlike the 19th century gold rushers who flocked to the Yukon and California in search of a quick fortune.

"It's not really a very sophisticated industry," said Donald L. Campbell, a vice president of J. C. Sproule and Associates of Calgary, Canada, a geological consulting firm. "It has a follow-the-leader psychology."

Campbell said substantial exploration was under way in Canada's lower Mackenzie Valley above the Arctic Circle in the late 1950s. Then oil was discovered off the coast of southern Alaska and in the North Sea. The oil rigs soon disappeared from the deso-

late north and were on their way to the new strikes, he said.

Not only is exploration easier in countries around the Persian Gulf than in less accessible regions, but the oil wells in the Middle East flow with incredible force. Thus, production costs are much cheaper than in places such as Texas.

That powerful economic attraction of Middle Eastern oil development in the past has created the mistaken impression that the Middle East is the only place left in the world with sizable oil deposits. Such is not the case.

In the United States alone, roughly only one-third of the oil that has been found in the country's history has ever been produced. The rest is still in the ground. The oil industry has always maintained that it is uneconomic, in most cases, to extract more than one-third of a reservoir's oil.

But that does not mean the oil cannot be produced. In fact, the Quaker State Oil Refining Corp. of Oil City Pa., has been conducting tests for several years to increase the amount of oil recovered from oil reservoirs.

A company official said most oil eventually can be recovered. "It's really just a matter of economics," he said. "The trick is to get the price down far enough to equal the price of crude."

Or put another way, as the prices of petroleum products rise, the companies will begin extracting the oil that is more expensive to reach and the nation's reserves figure will go up once again.

Indeed, even if there were no more oil discoveries in Alaska or elsewhere in the United States, there remains enough oil in the ground to keep the country running well into the next century.

And that does not include the substantial offshore oil deposits—which are at least five times greater than the present proved reserves of the country. Nor does it include the huge reserves in the Arctic, nor the more exotic sources such as shale oil and tar sands. Nor does it include the massive coal supplies which can be converted to gas.

Computing all these sources together, there are sufficient supplies of petroleum to keep the country running for centuries.

With their interests tied so closely to the Middle East's future, it is not surprising that some of the oil companies publicly urged the United States this summer to give the Arabs more support in working out a peace settlement with Israel.

"There must be understanding on our part of the aspirations of the Arab people and more positive support of their efforts toward peace in the Middle East," Otto N. Miller, California Standard's president, wrote to stockholders and employees in July.

OIL: FUTURE CRISIS BRED BY PIPELINE

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

At a time when Americans are being asked by their government to lower thermostats and turn off lights, the Nixon administration is actively pursuing policies that threaten to deprive the nation of sizable quantities of crude oil and natural gas in the years ahead.

A continuing *Inquirer* investigation into the nation's energy crisis, and the federal policies and oil industry actions that helped create it, has established that:

Item. A decision made by the Nixon administration back in 1969 to support the construction of a trans-Alaskan pipeline, rather than a pipeline through Canada, severely dampened oil exploration in Canada, and limited the supply of American money needed to develop new oil fields.

For years, Canada has been the leading foreign supplier of oil to the United States. The country's potential oil reserves are placed at 118 billion barrels—enough to double exports to the United States and meet its own needs for another century.

Item. There are strong indications the Nixon administration is getting ready to make the same kind of decision once again—this time involving a proposal by El Paso Natural Gas Co. to build a gas line parallel to the Alaskan oil line rather than through Canada.

That would mean the natural gas would have to be liquefied and shipped to this country by tanker, resulting in inflated prices. It also would mean delayed development of the huge natural gas reserves in northern Canada.

Item. The administration already is dropping hints that it will push for a second Alaskan oil line instead of a Canadian pipeline, as many Congressmen and Senators had hoped, paving the way for the possible exporting of oil to Japan.

If built, a second pipeline across Alaska would result in an oversupply of crude oil on the West Coast and do little to relieve mounting energy shortages in the East and Middle West where demands are greater.

Item. In turning its back on Canada immediately after taking office, the Nixon administration retarded the development of Canadian oil and gas reserves which one day would be needed to help meet American energy needs. Most recently, the State Department distorted the Canadian government's position on joint energy matters.

This despite the fact that from January 1970 through June of this year the United States imported more than a billion barrels of oil from Canada—double the imports that were received from Arab countries in the Middle East where the State Department now is applying pressure on Israel to sign a peace agreement with the Arabs in order to get the Arab oil embargo lifted.

These Federal policies, coupled with President Nixon's stated goal of making the country self-sufficient in energy by 1980—by developing everything from shale oil to more nuclear reactors—are having yet another effect:

They are driving prices up sharply—crude oil prices in this country are expected to soon triple 1972 prices and gasoline prices to more than double—forcing individuals and industry alike to pay inflated prices for their fuel supplies.

Says Dr. Arthur W. Wright, an assistant professor of economics at the University of Massachusetts, who has made extensive studies of the oil industry:

"What we are doing is laying the groundwork for a lot of expensive fuel projects. We could go from a period of underpricing in energy to a period of overpricing. One thing you don't do is make a lot of bad policy in a hurry.

"Crash programs are terribly expensive things. There is no one inveighing against these people in Washington who are running around like they've had their heads cut off."

There is nothing especially new about the United States short-sighted behavior toward Canada, which last year exported 1,108,000 barrels of crude oil and petroleum products every day to this country. There are 42 gallons in a barrel of oil.

As The Inquirer disclosed last summer in a 12,000-word series, "Oil—The Created Crisis," the Administration's policies toward Canada aggravated this year's energy crisis.

In 1970, President Nixon slapped restrictions on the amount of oil coming into the United States from Canada at the very time the Canadian oil industry was seeking a larger market in the United States for its products.

Denied greater access to the United States market, the Canadian oil industry's growth faltered. There is no doubt that had it been guaranteed a market for its production as recently as 1970, Canadian oilmen told The Inquirer, it would have grown at a faster pace and been able to supply the United States with thousands of more barrels than it did this year.

As for constructing an oil line through Canada to bring Alaskan oil to the lower 48 states, the Administration was never really interested in pursuing the Canadian alternative to the Alaska line, largely because the large oil companies opposed it.

Instead, the Administration lobbied against the Canadian pipeline, citing the fact it would be longer than the Alaskan route, would take longer to construct and would travel through a foreign country.

Now, many of the same arguments are beginning to surface quietly against a long-planned natural gas pipeline through Canada to transport Alaskan and Canadian gas to the United States.

The Administration is reportedly looking favorably on a more recent proposal of the El Paso Natural Gas Co. to build a gas transmission line along the right-of-way of the oil pipeline to Valdez, Alaska, where the gas would be liquefied and shipped by tanker to the West Coast.

In addition to higher costs for liquefaction and some loss of the gas itself due to the liquefaction process, the chief disadvantage of the route is that the gas would come into the West Coast instead of the energy-starved Middle West which could have been supplied by the Canadian line.

The El Paso Company has been in and out of Federal courts for more than a decade, accused of violating antitrust laws, monopoly practices and over-charging consumers.

During the 1960s, the company was represented by the Wall Street law firm of Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell.

That was the law firm of President Nixon and former Attorney General John N. Mitchell, now under Federal indictment in connection with his handling of campaign funds in the 1972 Presidential election.

From the mid-1960s through last year, the former Nixon law firm collected more than \$1 million in legal fees from El Paso—a company which has benefited directly from a variety of Nixon administration decisions.

Records of the Federal Power Commission show that from 1966 to 1968, the earliest period for which records are currently available, El Paso paid the Nixon law firm \$345,899 for legal services.

From January 1969, when President Nixon was inaugurated, through last year, the law firm received about three-quarters of a million dollars in legal fees.

The decision to build the Alaska oil pipeline, a decision made privately by the oil industry and then supported by the administration, also illustrates how oil companies sometimes determine public policy.

And in making that policy, the oil companies are reaching decisions that may well be in the best interests of their stockholders, but not necessarily in the best interests of the American consumer or, more particularly, the long-range energy needs of the country.

The decision to build the trans-Alaska pipeline was made quickly and quietly by three oil companies—Standard Oil Co. of New Jersey (now Exxon), Atlantic Richfield Co. and the British Petroleum Co. Ltd.

The major Alaskan oil strike was made after a joint exploratory operation by an Exxon subsidiary and Atlantic Richfield on the North Slope in January 1968. A second strike followed in June seven miles from the first.

Just eight months later, at a joint news conference in New York City on Feb. 10, 1969, Exxon, Atlantic Richfield and British Petroleum announced plans to build an 800-mile, 48-inch pipeline from the North Slope south past Fairbanks and on to the port of Valdez on the Gulf of Alaska.

There were, at the time, two major options open to the oil companies.

Run the pipeline to Valdez and then transport the crude oil by tanker to re-

finery centers on the West Coast and possibly to the Far East for sale in Japan.

Build the pipeline south through Canada and into Chicago, where the crude oil could be refined and the products distributed throughout the Midwest and into markets on both the East and West Coasts.

Why did the companies and the Administration decide on the Alaskan route?

The Administration seems to have wanted the line mainly because the oil companies preferred it. And the oil companies preferred the line, it seems, because it was in their best financial interests. In the end, Congress approved the Alaskan line because of the Administration's support.

While a Canadian route would open up the Canadian north for more exploration, the trans-Alaska line, which will discharge oil into tankers on Alaska's south coast, would mean oil could be shipped to Japan and other nations, should the companies decide that was in their best interests.

Economists and oil industry authorities interviewed by The Inquirer agree the decision was purely a "private one" to build the Alaska line.

In fact, a spokesman for Atlantic Richfield said the Canadian route was never seriously considered. "I don't think it was even a factor in 1968 or 1969," he said.

The reason was this:

When the pipeline project was announced in 1969, there was a huge surplus of crude oil, not only in the United States but throughout the world.

Crude oil and petroleum product prices in this country were generally depressed. The big oil states were holding down production in order to keep supply more in balance with demand.

During the month of March 1969, oil wells in the state of Louisiana were producing at 42 percent of their capacity. In the oil fields of Texas, production during August was at 53 percent of capacity.

A Mobil Oil Corp. official, explaining in July 1969 why the company wanted to cut back production at its Texas wells, told a state regulatory agency:

"(Mobil has made) substantial cuts in Texas and all other states where we purchase because our crude oil inventories are reaching an all-time high and we are attempting to reduce them."

At the same time, state agencies were holding down oil production, the nation's chief sources of foreign oil—Canada and Venezuela—were apprehensive that the United States was going to slash the amount of oil bought from them.

Venezuela complained that the United States Department of the Interior—which supervised the import program limiting the amount of oil that could be brought into the country—was encouraging American refiners in the Caribbean to use lower-priced Middle East oil.

And in Canada, a top-level meeting was called between senior government officials from both Canada and the United States to discuss ways of reducing the imports of cheaper Canadian crude oil into this country.

It was during this period of overabundance of oil that Atlantic Richfield and Exxon and British Petroleum were pushing ahead with plans to develop the North Slope, the largest oil field ever discovered in the United States.

The field contained, according to the estimates of independent geologists, from five to 10 billion barrels of oil.

Those, of course, were the conservative figures for the lone field. As for the entire North Slope, the more liberal estimates ranged up to 100 billion barrels—or nearly triple the country's present reserves.

It was against this background that the two American oil companies and British Petroleum announced their plans to build a trans-Alaskan pipeline—a decision distinguished by the fact it would not disrupt

existing markets and drive down the price of petroleum products.

Although it seldom is discussed publicly, the one overriding fear in the oil industry is not that the world is running out of oil, but rather that overproduction will produce an oil glut and depress prices.

So it was, then, that the last thing the oil industry needed in 1969 was a pipeline running through Canada and into Chicago—pouring two million barrels of crude oil a day into the middle of a country that couldn't use all the crude oil it already was producing.

Coincidentally, the last time that happened was in the 1930s following the discovery of the huge East Texas field—the largest find until Alaska's North Slope. Then prices plunged from about \$1.30 a barrel to a dime.

As *Business Week* magazine put it in its Feb. 1, 1969, issue:

"The West Coast market (can't) absorb all the oil that even a comparatively moderate Alaskan field can produce. And that's what leads to the big marketing problems that oil analysts foresee. The first of these problems is whether the present structure of crude prices can withstand the onslaught of cheap Arctic crude.

"No one—certainly not the major oil companies that will determine the pace of Alaskan oil development—wants a repetition of what happened after the East Texas find of the 1930s."

Interestingly, while there was a conflict between the short-term financial interests of the oil companies and the long-term energy needs of the country, there was a similar conflict between the two companies that drilled the North Slope well.

Exxon Corp., the world's largest oil company, with vast reserves in the Middle East, was not in any hurry to rush development of the North Slope.

Atlantic Richfield, on the other hand, was very much in need of the new-found oil.

Just two years earlier, the old Atlantic Refining Co., located along the East Coast, had merged with the Richfield Company, based on the West Coast, and a new supply was needed for the Western markets.

Soon after the size of the Alaskan discovery was established, Atlantic Richfield began counting on moving the oil into its marketing system by 1972.

Forecasting a glowing future for the company, Thornton F. Bradshaw, president of Atlantic Richfield, reported in 1969:

"We anticipate early in 1972 a big business in cash flow and profits, and they will increase on an ascending scale as growing needs make room for Alaskan oil."

As everyone now well knows, construction of the pipeline will not even start until next year and the earliest possible completion date is sometime in 1977-78.

The project has been delayed not only by the objections of environmentalists, who are usually blamed, but a general lack of enthusiasm within the oil industry itself.

But if the oil companies and the Federal Government were cool to the idea of developing oil in Alaska and northern Canada in the late 1960s, such was not the case with the Canadian government.

Within months of the big Alaskan oil strike in 1968, the National Energy Board of Canada suggested a Canadian route to bring the North Slope oil to market. The Canadian government has consistently supported the route.

Energy Minister J. J. Greene tried to assure the United States government and the oil companies in March 1971 that "there will be no unnecessary roadblocks at the Canadian end and the Canadian government side" to construction of such an oil pipeline.

A year later, a new energy minister, Donald Macdonald, who still holds that cabinet post,

pointed out the virtues of the Mackenzie valley line to Canada in a May 1972 letter to Rogers C. B. Morton, Interior Secretary.

"The Mackenzie route would, of course, be advantageous to Canada in that it would give access to our potential oil resources in the northern Yukon and Mackenzie river areas," Macdonald wrote.

Not only did Canada favor the Mackenzie line, but so did many environmentalists, economists and lawmakers in the United States.

Environmentalists, for example, considered the Mackenzie line far superior to the trans-Alaska line because it would avoid earthquake prone regions in Alaska and eliminate the danger of oil spills from huge tankers carrying Alaskan oil to the United States past the west coast of Canada.

The chief advantage of the Mackenzie line, advanced particularly by economists and congressmen and senators from the Middle West, is that it would have delivered the Alaskan oil to the Middle West and East where it was needed more than in the West.

"By the early 1980s, close to two million barrels of crude oil a day will be available for transport to the lower 48," Sen. Adlai Stevenson III of Illinois testified in May. "Where will that oil be most needed by the 1980s?"

"Already prices in crude oil per barrel are 20 percent higher in the Midwest than on the West Coast, 25 percent higher in New York than in Los Angeles."

Even though Canada consistently voiced support for the Mackenzie line, the Nixon Administration and particularly the State Department conveyed the impression to Congress that the Canadians were not really interested in building such a line.

On June 14, the Canadian government delivered documents to the State Department spelling out the Trudeau government's position on several points relating to the Mackenzie line.

In brief, Canada said that remaining unresolved problems such as the settlement of native claims could be solved and would not interfere with construction of a Mackenzie oil line.

Eight days later, the state department, in a letter to Rep. John Melcher (D., Mont.) signed by Julius Katz, a deputy assistant secretary of state, said flatly:

"Negotiation by the United States of the pipeline agreement with Canada does not appear possible at this time."

Katz was later questioned by senators who were angry with his interpretation of the Canadian government's position. When asked how he could have interpreted the favorable responses of the Trudeau government to mean that pipeline negotiations are not possible, he answered:

"What we meant by that was at the time and within an acceptable time frame, and this was based on our evaluations of all the hurdles that would have to be met before application could be presented to the Canadian government and considered by the Canadian government."

In the final analysis, there were never any negotiations over the line.

"This government and the Canadian government have never engaged in serious discussions of such issues, despite repeated expressions of interest by the Canadian government," John F. Dienelt, a lawyer representing several environmental groups, told a Senate committee in May.

The one time there were any discussions at all by any of the parties, the oil companies made it clear to the Canadian government they did not favor the Canadian route, according to a Canadian oil publication.

"When they visited Ottawa in 1971," the magazine *Oilweek* reported on August 6, 1973, "the presidents of the companies participating in 'Alaska' made it quite clear

they had given such a project (the Mackenzie line) but scant attention.

"Atlantic Richfield said a Canadian line would bring the economic policies of the two countries in direct conflict because Canada would insist on the line being available to move its own northern crude."

What the United States wanted, the magazine said, "was a right of way across Canada for an oil pipeline that would not be subject to Canadian control." In other words, *Oilweek* said, "it wanted another Panama Canal zone."

Not surprisingly, the Canadians did not look favorably on such a one-sided proposal. But the argument against the Canadian line raised by the oil companies would be used again and again; the fact it passed through a foreign country.

Time and again, opponents of the trans-Canadian line used with some success the fact the Mackenzie line would not be under the direct control of the United States.

The implication, apparently, was that Canada could shut off the United States' oil, if the two nations should ever find themselves in a bitter dispute.

Such a theory overlooks the leverage the United States already has over Canadian energy supplies. Today, hundreds of miles of Canadian oil and natural gas lines pass through the United States feeding crude oil and gas to the metropolitan areas of Toronto and Montreal.

But it was the State Department's handling of diplomatic cables from the Trudeau government last summer that best demonstrates the extent to which the Nixon Administration went to misrepresent the Canadian government's stand on the Mackenzie line.

Perhaps the most crucial question regarding the Mackenzie alternative was whether Canada would require 51 percent Canadian ownership of such a line, a point the Americans saw as a possible stumbling block to construction. Until mid-summer, Canada indicated it favored majority ownership.

On July 5, the Canadian government conveyed information to the State Department in Ottawa clarifying the government's position on the ownership question. The two governments agreed to release the information the next day.

But in a subsequent conversation between Canadian and United States diplomats, it was discovered that for some unexplained reason the two countries had opposing answers to the Canadian government's position on pipeline ownership.

Documents of the Canadian government stated that majority ownership of the line would not be required. Documents of the American government stated that the Canadians insisted on majority ownership.

Whatever the cause of the mixup, Canada immediately issued a clarification and sent it to the American embassy in Ottawa where it arrived on July 11. The cable made it clear that Canada would not insist on 51 percent Canadian ownership, although it added that Canada would like the opportunity to acquire majority ownership.

That was six days before the Senate was scheduled to vote on an amendment to clear the way for construction of the Alaska pipeline. But the State Department did not get the revised answer to the Senate until about two hours before the final vote was taken.

How could such a development have occurred?

"Well, I suppose basically human error," Rufus Z. Smith, a deputy assistant secretary of state, explained to the Senate in July.

"It was promptly mailed from the embassy in Ottawa to the State Department (referring to Canada's clarification). It should have been cabled or telephoned. There is no question about that."

As the senators soon found out, the only reason the Senators even got a clarification

on Canada's position was due to the Canadian government, not the State Department.

Smith said he found out about the slipup when an official of the Canadian embassy called him the day before the Senate vote and asked why the State Department had failed to make public the Canadian position on pipeline ownership.

Sen. Walter Mondale (D., Minn.) summed up the affair by saying, "We have treated an old and valuable ally rather shabbily in this matter."

"While all of those debates were going on, we now know that for some days . . . that the State Department had in its possession the cable . . . which settled most of those issues in favor of Canadian interest in the line."

A trans-Canadian oil pipeline, Canadian oilmen say, would have spurred much more exploration in the Canadian north because the line would have made it possible to get the oil reserves to market.

Congress wrote into the Alaska pipeline bill a provision that the oil cannot be sold to foreign nations without federal approval, but there are some loopholes and some senators are skeptical about the companies' motives.

"Our thought is that when some of this (Alaskan) oil is delivered to the West Coast," Sen. Mondale said in July, "that oil from Ecuador and Indonesia (now imported into the West Coast) would then end up in Japan."

The recent suggestion by the President's new energy czar, William E. Simon, that possibly a second oil pipeline should be built through Alaska will probably only fan Congressional fears that some of the Alaskan oil is earmarked for markets other than the United States.

Indeed, the suggestion is just another example of the Federal Government's inability to develop a long range energy policy for the country—a failure The Inquirer disclosed last summer that had helped create the present oil shortages.

As recently as two weeks ago, energy boss Simon was quoted by the Washington Post as saying that the United States will not build a pipeline through Canada, at least at the present time, because the country cannot afford to share its oil with Canada.

Arguments that were so successful in killing any interest in the Canadian pipeline are now beginning to gain ground in the Administration against a long-proposed natural gas pipeline through Canada to bring vast Alaskan and Canadian natural gas reserves to the United States.

A consortium composed of Canadian and American pipeline, natural gas and oil companies called Canadian Arctic Gas Study Limited has spent upward of \$70 million in recent years studying the proposed gas pipeline route, also down the Mackenzie River valley.

In December 1972, the El Paso Natural Gas Co., the nation's largest natural gas transmission company, announced plans to study an alternate route along the right of way of the Alaskan oil pipeline to Valdez where the gas would be liquefied and shipped by tanker to the West Coast.

Neither El Paso nor Canadian Arctic has applied for a permit to build a gas pipeline with either the Canadian or the United States governments, but an application is expected to be filed soon by the Canadian Arctic group.

No one took the El Paso proposal very seriously a year ago since liquefaction is generally thought to be an unnecessary and costly step if a land route is available to transport the gas.

But recently, Canadians who favor the Mackenzie route have grown increasingly concerned that the Nixon Administration, in pursuit of a goal of national self-sufficiency in energy, will opt for the El Paso proposal.

El Paso has already engineered several liquefied natural gas deals around the world

and has received Federal Power Commission (FPC) approval to market the gas in this country.

Further, El Paso and Occidental Petroleum Corp. announced on June 8 that they had signed an agreement with the Soviet Union on a \$10 billion project to bring Siberian natural gas to the West Coast of the United States.

El Paso seemingly had enjoyed a good working relationship with federal agencies. An article published in the April 16, 1970, issue of the "Oil and Gas Journal," an industry trade publication, stated that:

"El Paso Natural Gas Co. is so confident it can shove through its largest liquefied natural gas supply deal in history that it is ordering two of the world's largest cryogenic tankers."

The company revealed last week that it has placed an order with a French shipbuilder for construction of two 750,000-barrel LNG tankers. The vessels will be built at a cost of about \$100 million.

That, again, was back in April 1970—two years before the Federal Power Commission approved an El Paso plan to import one billion cubic feet of liquefied natural gas daily from Algeria into Maryland and Georgia. A request to import another one billion cubic feet daily into New Jersey, Maryland and Georgia is pending.

In September 1972, according to documents filed with the United States Securities and Exchange Commission, El Paso entered into a contract with another shipbuilder for the construction of three more cryogenic tankers at a cost of some \$300 million.

This time the federal government agreed not only to pay one-fourth of the cost of the ships, or about \$77.5 million, but also to "make United States government guarantees available for the financing of 75 percent of the remaining cost of these three tankers."

Still, Canadian oilmen believe the Mackenzie line is far superior to the El Paso proposal and believe it could be built if Canada and the United States simply agreed to it.

"We further believe that this will have a tendency to retard exploration in the Canadian north."

El Paso's 1972 annual report mentions the Alaskan study only briefly, although it is expected to cost the company millions of dollars.

But El Paso did emphasize that its proposed line would be an all-American project that would not pass through a foreign country.

As to drawbacks in the El Paso proposal, compared to the Mackenzie Valley gas pipeline, Canadian oil and gas men interviewed by The Inquirer in Toronto, Calgary and Edmonton generally agreed on the following:

Gas delivered on the lower 48 states by way of the El Paso plan would result in inflated charges to the American consumer because of excess charges for liquefaction.

A certain percentage of the natural gas is lost in the process of converting the gas to a liquefied state.

The United States energy market would be deprived of trillions of feet of natural gas reserves in northern Canada because there would be no way to get the reserves to market.

Gas exploration efforts would slow down dramatically in the Canadian north.

But such considerations may be secondary to El Paso in trying to win approval of its pipeline plan. For as several economists interviewed by The Inquirer pointed out, conversion of Alaskan North Slope gas reserves to a liquefied state may benefit El Paso more than the American public.

"It's more expensive than deregulating the price of natural gas and running a pipeline down the Mackenzie Valley," said Dr. Edward W. Erickson, an economics professor at North Carolina State University. "But no one in

Washington seems to be groping with the sensible thing to do."

What are the disadvantages of the Canadian line?

"If you have a pipeline through Canada," Dr. Erickson said, "you can't move gas to Japan. If you have a liquefaction plant, you can look at several different markets, including Japan."

There is more to that possibility than idle speculation.

Although most Americans probably do not know about it, the Phillips Petroleum Co. and Marathon Oil Co., have been selling liquefied natural gas from Cook Inlet in Southern Alaska to Tokyo since 1969.

WANTED: IMMUNITY FOR OIL EXEC

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

During a time of soaring prices and profits in the oil industry, the Nixon Administration has been quietly trying to exempt oil companies and their executives from prosecution under the antitrust and conflict of interest laws.

The exemptions—which would pave the way for oil company executives to manage the administration's rationing programs for petroleum products—are being sought through legislation and by private agreement with the Justice Department.

The administration has maintained that the oil company officials are needed because they have the expertise to deal with supply and distribution problems.

But such joint action by executives of competing companies could normally violate both antitrust and conflict of interest laws.

The new exemptions would be in addition to an antitrust exemption the oil companies already have, which enables them to work together in arranging the distribution and sale of crude oil produced outside the United States and earmarked for sale in this country and abroad.

Martin Lobel, a former oil specialist on the staff of Sen. William Proxmire (D., Wisconsin) and now a member of the Washington law firm of Lobel, Novins and Lamont, believes the existing antitrust exemption already means higher profits for the multinational oil companies next year.

"The increased profits come through efficiency of supply distribution," says Lobel, because the companies are able to pool their oil sources and reduce transportation costs at the same time petroleum product prices are going up.

Key federal oil policy officials have been working to arrange immunity for the oil industry at a time when:

Item. During the first nine months of this year, the profits of the country's five largest international oil companies totaled \$4.1 billion—an increase of 48 percent over the same period last year.

Item. From last January until the first week in December, the retail price of gasoline was up an average 19 percent nationwide. Price increases approved by the federal government in the last two weeks will boost this increase to about 30 percent.

Item. In some sections of the country the wholesale price of home heating oil has shot upwards of 100 percent since January, going from 10 cents to 21 cents a gallon in the Gulf Coast area.

Item. The price increases already approved by the Nixon administration will cost the American consumer an additional \$7 billion next year for gasoline alone. Each one cent increase in the price of gasoline costs the consumer \$1 billion over a year.

Meanwhile, a little-known group called the Emergency Petroleum Supply Committee (EPSC)—made up of representatives of 23

oil companies—has been at work for some six weeks now, assembling data relating to the worldwide crude oil supplies of each company.

The 23 companies already enjoy antitrust immunity covering their actions as committee members. The immunity was granted by the United States Attorney General's Office under provisions of the Defense Production Act.

The committee, which has broad powers, may determine the rate of oil production, the volume of petroleum products turned out by refineries, how much oil will be imported into the United States and whether oil produced in this country will be shipped to other nations.

Information gathered by the committee and its recommendations ultimately may be used by the federal government to determine how much fuel oil a homeowner or industry receives, how much gasoline will be allocated to motorists, how much diesel fuel will be distributed to truckers.

As The Inquirer disclosed last summer, virtually all the government's information on oil supplies and reserves—information on which national energy decisions are based—comes from the oil companies and is not subject to independent verification.

The far-reaching implications of the EPSC's authority notwithstanding, all of its meetings are conducted behind closed doors at the U.S. Department of the Interior. And documents compiled by the committee are considered secret.

Robert L. Presley, an official of the Interior Department's Office of Oil and Gas and a government representative on the Emergency Petroleum Supply Committee, explained the need for secrecy this way to The Inquirer:

"The meetings are closed in order to get free expression from individual people. They will be more constrained if members of the press are there.

"We get very free exchanges about the problems they have. I haven't heard anything said, however, that would harm them."

INCREASE IN PRICE OF REGULAR GASOLINE IN 1973

(Figures in cents per gallon, excluding tax)

	January	December	Percent increase
Baltimore.....	26.9	30.4	13
Boston.....	23.4	32.9	41
Charlotte.....	25.9	28.9	12
Chicago.....	27.4	32.4	18
Detroit.....	24.9	29.9	20
Houston.....	22.9	28.3	24
Los Angeles.....	24.9	29.9	20
Miami.....	21.9	32.4	48
New York.....	28.9	34.4	19
Philadelphia.....	25.9	28.9	12
National average.....	25.2	29.9	19

Source: Oil and Gas Journal.

INCREASE IN PROFITS OF 5 LARGEST AMERICAN OIL COMPANIES

	1st 9 months		Percent increase
	1972	1973	
Gulf Oil Corp.....	\$356,000,000	\$570,000,000	60
Exxon Corp.....	1,039,000,000	1,656,000,000	59
Standard Oil Co. of California.....	401,300,000	560,460,000	40
Mobil Oil Corp.....	412,700,000	571,200,000	38
Texaco Inc.....	622,400,000	838,920,000	35
Total.....	2,831,400,000	4,196,580,000	48

Sources: U.S. Securities and Exchange Commission; Standard and Poor's Industry Surveys.

INCREASE IN WHOLESALE PRICE OF HOME HEATING OIL IN 1973

(Figures are in cents per gallon)

	January	December	Percent increase
Gulf Coast.....	10.38	21.00	102
Chicago.....	11.00	17.00	55
New York.....	10.90	13.95	28

Source: Oil and Gas Journal.

Note: The above chart shows the increase in the retail price of gasoline, the wholesale price of home heating oil and the profits of the 5 largest American oil companies during the last year. The profit figures are for the 1st 9 months of this year, the gasoline and home heating oil prices are from the 1st week in January and the 1st week in December. The figures do not include price increases which have occurred in the last 2 weeks, or the 2.3 cent increase announced last Wednesday by the Nixon administration. Over the period of 1 year, each penny increase in the price of a gallon of gasoline costs American consumers \$1,000,000,000.

LOOK AT DATA BARREL

Presley refused to allow Inquirer reporters to examine the data pulled together so far by the committee, contending the committee's functions had nothing to do with the nation's current energy crisis.

"The committee's not going to do one thing to solve the oil shortage," declared Presley. "We hope to get an idea how serious the shortage is in the world. We (the committee) have only authorizations to act on the international movement of oil."

But John Lamont, a former Justice Department attorney and another member of the Washington law firm of Lobel, Novins and Lamont, said it is not possible to separate the international movement of oil and oil needs of the United States.

"When this committee is dealing with the international movement of crude oil," Lamont said, "and the United States receives 25 percent of its supply from other countries, how can its decisions fail to affect the United States?"

Clearly, the committee's decisions will have a direct impact on government oil rationing and allocation programs because it will determine exactly how much oil is available for importing into the United States.

The Inquirer has disclosed in previous articles that one of the underlying reasons for the energy crunch is a decision made some years ago by America's multinational oil companies to expand their production, refining and marketing facilities in foreign countries.

As a result, the five largest oil companies now sell nearly two barrels of petroleum products in other countries for every barrel they sell in this country, making the United States just one more market. (A barrel contains 42 gallons.)

These five companies—Exxon Corp., Mobil Oil Corp., Texaco Inc., Gulf Oil Corp. and Standard Oil Company of California—also are members of the Emergency Petroleum Supply Committee, helping to make decisions on the worldwide distribution of oil.

U.S. OIL FOR OTHERS

Indeed, the EPSC could recommend diverting to other countries oil originally intended for sale in the United States.

The Interior Department's Presley, in an interview with Inquirer reporter Susan Q. Stranahan, said of the EPSC's studies to date:

"There is a possibility that if the situation (worldwide oil shortage) becomes serious enough, the United States may reduce its own supply to supply other nations. The real purpose is to provide help to friendly foreign countries."

Presley's remarks are the first indication the federal government, or at least the oil

industry's Emergency Petroleum Supply Committee, is considering the possibility of shipping oil to European and Asian nations reeling from the effects of the Arab oil embargo and production cutbacks.

This comes at a time when the Nixon administration has requested thermostats turned back in private homes and business establishments in the United States, cut fuel oil deliveries to industry and reduced jet fuel supplies, bringing about the layoff of thousands of workers.

While the Emergency Petroleum Supply Committee has immunity from antitrust law prosecutions, this immunity covers only the international movement of oil and does not apply to distribution within the United States.

It was to cover this latter situation that the Nixon Administration asked both Congress and the Justice Department for additional oil industry exemptions from antitrust and conflict of interest statutes.

The expanded immunity coverage was needed after the White House decided to draft oil industry executives to manage the programs allocating fuel oil and other petroleum products.

In an article headlined, "United States to draft industry experts," the Oil and Gas Journal, an oil industry trade publication, reported in its Dec. 3 issue:

"Industry executives with special transportation and distribution skills will soon be 'invited' by the government to help solve allocation problems during the oil shortage.

"They will be drafted as 'special government employees' early this month for service in the Office of Oil and Gas and the Office of Petroleum Allocation."

The administration received its first setback when then Acting Attorney General Robert H. Bork refused to provide the blanket protection sought by the White House and the oil industry.

IMMUNITY NOT CERTAIN

In a three-page letter, Bork told Interior Secretary Rogers C. B. Morton that the antitrust laws do not prohibit the hiring of oil industry personnel, but that immunity could not be guaranteed.

Bork wrote: "The antitrust laws do not prohibit the use of industry personnel as advisers within your department. Having said the foregoing, we are obliged to point out that this is different from saying that such personnel will be free of any possible threat of liability from antitrust prosecution.

"No opinion which I could render could immunize any activities of such employees from treble damage actions brought by private plaintiffs . . .

"It is not possible to say that such personnel do not run the risk of being charged with antitrust violations, since a determination of this question would depend upon knowledge of all relevant facts."

Bork's letter was dated Nov. 21. On Dec. 14, Duke R. Ligon, director of the Interior Department's Office of Oil and Gas, issued a memorandum stating that the plan to draft oil industry executives "has been postponed indefinitely due to the conflict of interest problems."

There is nothing especially new in the Nixon Administration's bid to exempt oil companies and their employees from antitrust law prosecutions.

Back in 1970, the international oil companies operating in the Persian Gulf asked the administration for the same kind of immunity and it was granted—privately.

At that time, the oil companies sought the protection in connection with negotiations they were entering with the Arab oil-producing states and other members of the Orga-

nization of Petroleum Exporting Countries (OPEC).

In a secret business review letter issued in January 1971, the federal government assured the oil companies that no criminal actions would be filed for any violations of the antitrust laws.

ORDERED BY MITCHELL

The letter was issued by the Justice Department on orders of former Attorney General John N. Mitchell, now under federal indictment in connection with his handling of campaign funds in the 1972 presidential election.

An Inquirer request made last Wednesday to examine the business review letter was rejected by the Justice Department. Richard Saylor, a special assistant in the department, said:

"We have consistently stated that the materials will be made available when we hear from the State Department that publication will not be detrimental to national security."

"The State Department continues to advise us that publication of the materials would be detrimental to national security."

Stephen Schwebel of the State Department's international law section, was asked about making public the business review letter. He replied:

"These letters have not been released. They are classified. I doubt if they'll be released in this current delicate situation with the Arab negotiations."

But a former federal official familiar with the letters dismissed the argument put forth by the State and Justice Departments for keeping the letters secret.

He cited possible government embarrassment—rather than national security—as the reason for withholding the information, saying that the "Justice and State Departments aren't particularly proud of those letters."

The immunity granted the oil companies by the Justice Department went far beyond permission to engage in joint negotiations over the price of crude oil.

SHARING OF CRUDE OIL

One of the provisions of the Justice Department agreement, a former federal official told The Inquirer, covered the sharing of crude oil and tanker space by the companies.

Thus, if an OPEC country shut down the operations of one company, the remaining companies could supply that company with crude oil from a common pool.

The Justice Department not only has refused to make public the details of the immunity agreements, it has even declined to say whether the agreements are still in effect. The Justice Department also has denied Congress any information about the agreements.

At the time the Justice Department gave the companies approval to bargain together with the oil-producing countries in 1971, Sen. Philip Hart (D., Mich.), chairman of the Senate's Antitrust and Monopoly subcommittee, asked for a full report on the talks.

Subcommittee staff aides told The Inquirer that the State Department and antitrust division of the Justice Department declined to provide the information during the negotiations, contending that any disclosure during the talks might jeopardize the sensitive nature of the discussions.

But the two departments did agree to supply Hart with a full report after the 1971 negotiations were completed. That was nearly three years ago and Hart, despite repeated, renewed requests, is still waiting for a report on the 1971 negotiations.

The House of Representatives has fared no better than the Senate in its attempts to obtain some of the same information.

At a House subcommittee hearing held July 12, 1971, Silvio O. Conte (R., Mass.) had the following exchange with Walker B. Comegys, then acting assistant attorney

general in the antitrust division of the Justice Department:

Conte—"I wonder if you could provide the committee with a copy of your Jan. 15 letter, giving immunity to the majors, to let them bargain as a cartel with the Persian Gulf nations and with Libya?"

Comegys—"Mr. Conte, I cannot comment on any of the statements that you have made, because I am under the injunction that it is not in the national interest for me to do so."

Comegys also argued that the business review letter did not constitute a grant of immunity from prosecution. But when Conte asked exactly what the letter provided, the Justice Department lawyer replied:

"I cannot go into that, sir, at this point. We have been under strict injunction from the Department of State . . . I cannot comment in the context of this Middle East oil situation."

INTENT OF LETTER

The Justice Department has long contended that a business review letter only sets forth the intentions of the department.

That is, the Justice Department advises a company that, given a special set of circumstances, the department will or will not initiate legal action.

But from a practical standpoint, former Justice Department attorneys told The Inquirer, the issuance of a letter means the department will not file criminal charges under most any circumstances, although it may at some later date bring a civil lawsuit. But even civil cases are seldom filed once a letter is issued.

Sen. Hart now is preparing to call Secretary of State Henry Kissinger or another high Department official before his subcommittee to testify in executive session about the agreements made by the Justice Department with the oil companies.

At the time of the oil company negotiations with the Organization of Petroleum Exporting Countries (OPEC), President Nixon dispatched a top State Department official to meet with Arab leaders and assist in the oil talks.

When negotiations with the oil-producing countries finally were completed, everyone—the international oil companies, the State Department and the Justice Department—expressed their satisfaction with the outcome.

The State Department hailed the oil companies new pact with OPEC as bringing "stability" to the "turbulent international oil situation."

The oil companies declared the "agreement established security of supply and stability in financial arrangements for the five-year period 1971-75 . . ."

And the Justice Department, the industry's Oil and Gas Journal reported, said the department's decision to allow the oil companies to negotiate jointly "will help to minimize price hikes to consumers."

Of course, the oil companies-OPEC agreement produced nothing of the sort.

DIDN'T BRING STABILITY

It failed to bring stability to the Arab oil situation. It failed to assure a secure source of supply for even two years, let alone five years. It failed to minimize price hikes.

Indeed, what has happened since the Nixon Administration injected the State Department and the Justice Department into the oil company talks now is a matter of history. For example:

—The price of crude oil in some Arab states, and in other oil-producing countries, has soared more than 500 percent and is still climbing. In the last few weeks, Middle East and African oil has been selling for more than \$17 a barrel.

It should be pointed out that labor and production costs have no connection whatsoever

with the selling price of foreign oil. It costs about 20 cents to produce a barrel of Arab oil—less than a half-penny a gallon—now selling for more than \$17.

—The ink was no sooner dry on the 1971 agreement than the Arab nations were insisting on—and getting—participation agreements through which they obtained an interest in the oil companies operating in their countries.

—The consumer prices for petroleum products have spiraled throughout Europe and Asia as well as the United States. And prices will continue to climb in the coming months.

—Last October, the Arab nations shut off the supply of oil to the United States and the Netherlands and began a series of systematic cutbacks in oil shipments to other European countries and Japan, forcing massive layoffs, industry shutdowns and rationing.

But there was one favorable aspect to the 1971 agreement: The oil industry, especially the multinational companies, reported substantially increased earnings for the year.

Observed the Oil and Gas Journal on Feb. 7, 1972:

"Oil industry profits took their first solid step forward in 1971, since their last good year in 1968.

"All of the top five international majors continued to make good earnings showings for the year, with most up at least 10 percent over 1970."

M. A. Adelman, an economist at the Massachusetts Institute of Technology and a long-time authority on the oil industry, maintains that OPEC and the Arab states could not have been welded into an effective international petroleum cartel had it not been for bungling by the State Department.

In a paper published earlier this year in Foreign Policy magazine, Adelman said the State Department caved in to the threat of a boycott in 1971 rather than resisting the demands of the OPEC cartel.

BLAMED FOR CRISIS

As the Inquirer disclosed last summer in a series of articles on "Oil—The Created Crisis," the nation's present energy crisis stems directly from policy decisions made by major oil companies and one administrative blunder after another by the Federal government.

At the same time that the Nixon Administration has been trying to extend antitrust immunity to oil industry executives, it had been attempting to undermine or discredit antitrust enforcement efforts against the oil industry by the Federal Trade Commission (FTC).

The FTC issued a complaint last July 18 against the nation's eight largest oil companies, charging them with a variety of anti-competitive practices, including limiting the supply of crude oil to independent refiners.

The FTC investigation has centered on practices of the major oil companies the commission believes weakened oil industry competition and helped drive independent refiners and marketers out of business.

The companies named in the FTC complaint are Exxon, Mobil, Texaco, Gulf, Standard Oil Company of California, Standard Oil Co. of Indiana, Shell and Atlantic Richfield.

On July 30, William E. Simon, chairman of the Oil Policy Committee and now the President's chief energy administrator, wrote to FTC chairman Lewis Engman saying that statements by FTC staff members about possible breakup of the large oil companies were causing him a "great deal of concern."

Simon went on to say that FTC statements urging that major oil companies be required to sell their refining operations as a way to loosen their control of the industry have given some companies "second thoughts" about building badly-needed refineries.

REPORT CHALLENGED

On August 27, Simon a former Wall Street securities dealer, expanded on those themes in a 63-page report prepared by his staff rebutting many of the conclusions and facts of an FTC staff report on the oil industry.

Among the conclusions about the FTC report made by Simon's staff analysis:

"Many of the facts in the FTC report are inaccurate. Consequently, the resulting conclusions are questionable . . . the FTC report is biased against the largest integrated oil companies . . . As a result of this bias, the FTC's final conclusions are incorrect or misleading at best . . . The FTC should reconsider its action and withdraw the complaint issued against the eight largest oil companies."

The Simon staff analysis in effect exonerated the oil industry for the present oil shortage and said the crisis was caused by a variety of factors, "mostly governmental laws and policies."

Despite Administration pressure, the FTC is going forward with a full inquiry into the operations of the eight oil companies.

As for the inquiry itself, however, crucial prehearing conferences where attorneys for both sides argue the merits of the complaint will be held in secret because the oil companies object to opening the sessions to the public.

Under FTC rules, such conferences can be opened to the public if both sides agree to it.

In a motion filed Nov. 5, Robert E. Liedquist, FTC complaint counsel, requested that the prehearing conferences be opened to the public. He wrote:

"The prehearing conferences in a case of this size and complexity will obviously be a very important and significant phase of the litigation.

"The 'simplification and clarification of the issues' which can be expected to result from the conferences will no doubt shape the whole course of the proceeding.

"We do not believe that matters as serious as this should be dealt with outside of public security. Public interest in this case is very great. It has been stimulated not only by the gasoline shortage of this summer and the expected heating fuel shortage this winter but also by the respondents' (oil companies) own massive advertising and public relations campaign concerning the energy issue.

"In this context we believe that it would be most unwise for the prehearing conferences to be conducted in secret, and we therefore urge the respondents to join with us in asking that they be made public."

REJECT OPEN HEARINGS

Within 11 days, seven of the eight companies named in the complaint flatly rejected the idea of opening the hearings. Typical of the companies' answers was this response from Mobil:

"Mobil Oil Corporation does not agree to public prehearing conferences in this matter."

This position contrasts sharply with a Mobil Oil Corp. advertisement published in the New York Times last July 10, in the form of a letter addressed to New York's two Senators and 12 Congressmen.

"We are publishing this letter in your hometown newspaper, and in those of the other members of Congress, because we want you and your constituents to have the facts about the gasoline shortage as we see them" the advertisement stated.

"We are doing this because many people are being misled by the absolute nonsense, totally unsupported charges, and outright lies being spread around by a variety of people."

At the same time the Nixon administration was trying to get the Justice Department to

grant antitrust and conflict of interest immunity to oil company executives, White House aides were at work on Capitol Hill attempting to arrange the same kind of protection through legislation.

When the Energy Emergency Act legislation was being considered by separate committees in the House and Senate, Sen. Hart's antitrust and monopoly subcommittee drafted proposed language for the antitrust section and submitted it to House and Senate committees.

Most parties agreed that such a section was needed to permit the government to appoint or seek the advice of oil industry personnel in carrying out the emergency petroleum allocation program.

The section submitted by Senator Hart's staff sought to closely define activities that would be included in the antitrust immunity and wrote into the legislation safeguards against abuses.

Hart's version provided for public participation in all meetings and verbatim transcripts, set a specific date for termination of the immunity and required Justice Department officials to prevent any monopolistic practices.

However, most of these or similar limiting provisions were bargained away by the Senate Interior Committee, headed by Sen. Henry Jackson (D., Wash.) in negotiations with the administration.

By the time the bill reached the Senate floor and was finally approved, most of the safeguards had been eliminated or weakened.

But in the House of Representatives, a Congressional aide told *The Inquirer*, the administration failed to make a major effort to get its bill approved.

As a result, many of the anti-trust safeguards proposed by Hart's subcommittee, along with other provisions imposing controls over the administration's handling of the energy crisis, were retained in the Emergency Energy Act passed by the House on Dec. 14.

As for how the administration finally will deal with the antitrust issue, James E. Merna, a public information officer in the Federal Energy Office, reported:

"We are kind of hazy on that. We should find out."

While both the Senate and the House failed to tackle the problem of excess profits in the oil industry during a time of shortages and rationing, President Nixon announced his own plan last week for what he described as a "windfall profits" tax.

What the President was labeling a windfall profits tax, though, actually was an excise tax that would fall hardest on small independent oil producers and refiners.

The President's proposal—calling for a graduated tax on the selling price of a barrel of crude oil—would have little effect on the major oil companies and especially those operating abroad like the five largest international oil companies.

CAN SHIFT PROFITS

That is because these companies are fully integrated, that is they engage in all phases of the petroleum business—from production of crude oil to refining and marketing.

With this kind of flexibility, a large company can shift its profits from one segment of its operations to another, avoiding the impact of the administration's proposed tax.

But an independent producer or refiner, whose income is derived solely from production or refining of crude oil, would be especially hard hit by the tax.

If any of this activity over antitrust immunity for oil companies in times of crisis, amidst rising prices and profits, sounds familiar, that's because it has all happened before.

During the blockade of the Suez Canal in 1956-57, when oil shipments from the Middle

East to Europe were disrupted, the Justice Department speedily granted antitrust immunity to major oil companies, allowing them to pool their oil sources and work together in supplying oil to Europe.

In a Senate hearing in 1957, the late Sen. Estes Kefauver of Tennessee questioned an Interior Department official about the huge profits the companies would make by pooling their efforts during the crisis.

Interior Official—"We have nothing to do sir, with the profits of any of the oil companies."

Sen. Kefauver—"You are going to stand by and let them make any exorbitant amount of profit out of this voluntary arrangement that you sponsored."

Interior Official—"As I said before, senator, we have nothing to do with prices."

Sen. Kefauver—"I must say that it is unbelievable that you take this attitude, I just can't conceive of a man heading up this organization . . . making an arrangement that these companies have taken advantage of to make an enormously large profit at the expense of the American consumer, and you do nothing about it and express no interest in it. It is inconceivable to me."

U.S. FUEL OIL SUPPLIES BULGING—RESERVES UP 23 PERCENT IN A YEAR

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

The oil industry has stockpiled enough oil to get the country almost through February—even if all refineries were shut down tomorrow and if homeowners and business would not turn back their thermostats.

As of Dec. 21, the supply of home heating oil, kerosene and other distillate fuels stored by oil companies totaled 203 million barrels—up 23 percent over the 165 million barrels on hand one year earlier.

That is enough fuel oil to last for 58 days (or to Feb. 17), according to estimates made by the American Petroleum Institute (API), an industry trade organization. The estimates are based on demand figures calculated by the U. S. Bureau of Mines.

For this time of year, the 203 million-barrel supply (there are 42 gallons in a barrel) represents, in terms of volume, one of the largest stockpiles of distillate fuel oil in the nation's history.

This is the situation in the wake of a series of statements by the Federal government urging homeowners and businesses alike to turn back their thermostats or else risk living and working in homes and offices without heat.

In a nationwide television address last Nov. 25, President Nixon first stressed the need for allocating fuel oil, saying the government planned to reduce supplies to industry by 10 percent, to homeowners by 15 percent and to commercial establishments by 25 percent.

"For the average American family," the President said, "this cutback in heating oil does not mean severe discomfort for anyone, but it will mean that everyone should lower the thermostat . . . by six degrees below its normal setting."

The goal was to achieve a national daytime average of 68 degrees. The President warned, "Those who fail to adopt such a cutback risk running out of fuel before the winter is over."

A fact sheet, distributed by the White House before that speech, estimated that the shortage of distillate fuel oil would average about 900,000 barrels a day during the coming winter months.

That was an increase of 100 percent over the projected shortage reported a little more than two weeks earlier in another White House fact sheet, when the shortage was placed at 450,000 barrels a day.

At the time Mr. Nixon announced his fuel oil allocation program, the administration's oil policy experts predicted that the overall

shortage in petroleum supplies (for gas, oil and all other needs) would average 3.5 million barrels a day during the first quarter of this year.

As *The Inquirer* first disclosed last Dec. 2—in one of a series of special investigative reports on the nation's energy crisis—there was substantial evidence to suggest that the Federal government had exaggerated the oil shortage.

Since then, the new Federal Energy Office has substantially revised its estimates of the oil deficit—lowering the original projection from 3.5 million barrels to 3.3 million, and finally last week to 2.7 million a day.

There is some reason to believe that even the last figure is too high.

On Wednesday, the Conference Board, an economic research group based in New York, estimated that the difference between supply and demand would run between 2.2 million and 2.4 million barrels a day.

The Conference Board criticized the Nixon Administration for overstating the petroleum shortage, declaring:

"If an allocation program is based on an estimate of the shortfall that is too large, plants may be forced to close unnecessarily. If the estimate is too small, we may run short late in the winter and be forced to make Draconian cutbacks in use."

Interestingly, the American Petroleum Institute report showing the high level of fuel oil stocks was issued just as refineries—acting on orders of the Nixon Administration—were preparing to increase fuel oil production still further and cut back gasoline production.

William E. Simon, administrator of the Federal Energy Office, has ordered refineries to reduce gasoline production by about 900,000 barrels a day and increase the distillate fuel oil and other products.

When a spokesman for Simon's office was asked about the size of the fuel oil stockpile and the reason for the proposed rationing program, he told *The Inquirer*:

"It's a matter of being safe and not sorry. It's a matter of keeping the homes heated and people working. They (the figures) look truly like the conservation programs are working."

Actually, the conservation programs appear to have had little or no effect on the stockpile of distillate fuel oil, at least up to the time the API report was released.

For on the week the projected fuel oil rationing program was announced, the supply stood at 205 million barrels, according to API statistics.

With businesses and home-owners turning back thermostats, there is reason to believe the demand figure has decreased while the supply has remained relatively constant. This picture indicates that the current stocks probably would last more than 58 days at present usage.

A spokesman for the American Petroleum Institute discounted any comparison of this year's supplies with those available last year.

"Last year was an abnormally poor year," said Earl Ross, an API public relations official. "There was cold, wet weather early in the year and the stocks were drawn down."

"Also, you've had a very mild winter so far this year, so the demand has been less than anticipated."

Ross said a more meaningful comparison would be with 1971, when on the same date fuel oil stocks totaled 196 million barrels, or a 66-day supply (based on the smaller demand of that year).

In Philadelphia, interviews with fuel oil dealers indicate they are receiving anywhere from 88 to 100 percent of last year's supply from major oil companies.

Some less-established dealers, either newcomers to the business or small independents, have been cut off altogether and have gone out of business.

OIL FIRMS HOARDING BIG JET-FUEL SUPPLY (By Donald L. Barlett and James B. Steele)

While the nation's airlines have slashed schedules and laid off thousands of employees because of the energy crisis, the oil industry has built up one of the largest stockpiles of jet fuel in the country's history for this time of year.

Jet fuel supplies stood at a near-record 28.9 million barrels for the week ending Dec. 12—14 percent more than the reserves total of 25.2 million barrels one year earlier. A barrel holds 42 gallons.

These figures come from the American Petroleum Institute (API), a trade organization which compiles weekly statistics on the industry.

Earl Ross, a public relations official for the API, appeared baffled about the increase in jet fuel supplies over 1972.

"I really couldn't say," he replied when asked about the high level of stocks. "I really have no way of knowing. We just get the numbers from the oil companies. Sometimes there are no apparent explanations for these things."

About 1,500 departures a day have been canceled by the airlines, because of the energy crisis. And Lou Davis, a public relations official for the Air Lines Pilots Association, says about 16,000 employees are slated for layoff due to what he termed "the alleged oil shortage."

William E. Jackman, an assistant vice president of the Air Transport Association of America, told *The Inquirer* that early last month the international carriers were having trouble getting jet fuel and indicated they would have to cancel flights over the holidays.

Then William E. Simon, administrator of the new Federal Energy Office, announced that 1.5 million gallons of jet fuel would be requisitioned from the Defense Department and made available to the airlines.

Within several days of Simon's announcement, Jackman said, "suddenly a lot of fuel became available from the large suppliers. Two suppliers—Standard Oil Co. of California and Texaco—came forward with 9 million gallons each."

"Now, the next question you're going to ask is, where did all that jet fuel come from? We're living with that question from day to day," Jackman added.

Jackman said the airlines were paying an average of about 12 cents a gallon for fuel at the beginning of 1973. By the end of the year, he said, the price had increased by 50 to 100 percent.

In some instances, where airlines purchased fuel on a spot basis rather than under longer term contracts, the price was as high as 60 cents to 80 cents a gallon, Jackman said.

On Thursday *The Inquirer* disclosed that the oil industry, as of Dec. 21, 1973, also had stored away a near-record 203 million barrels of heating oil and other distillate fuel oils—up 23 percent over the 165 million barrels on hand last year.

The 203 million barrels equal a 58-day supply, even without taking into account any of the conservation measures implemented under the Federal government's mandatory allocation programs. The measures include the turning back of thermostats in homes and businesses.

The supply figure also does not include the fuel oil stocks of independent companies and the supplies of individual dealers.

This means the oil companies already have put away enough distillate fuel oil to meet the nation's needs through much of the winter.

But while the reserves of both distillate fuel oils and jet fuel are up over a year ago, the picture is somewhat different for gasoline reserves.

For the week ending Dec. 21—the latest figures available—motor gasoline supplies amounted to 203 million barrels. This figure is down 3 percent from the 1972 figure of 209 million barrels.

Even worse, with gasoline prices now in the 50-cent-a-gallon range, oil company refineries this month—acting on orders of the Nixon Administration—are scheduled to cut their gasoline production by 900,000 barrels a day.

Martin Lobel, a Washington attorney and former oil specialist on the staff of Sen. William Proxmire (D., Wis.), says that, because of the cutback in gasoline production, there will be another round of price hikes this spring.

"What's going to happen," says Lobel—whose law firm represents a number of independent oil companies—"is that the companies will raise prices once again, citing the shortage of gasoline."

Under the Federal government's mandatory allocation program, airlines currently are operating with 5 percent less fuel than they used in 1972. That reduction in supplies took effect last Dec. 1.

Interestingly, the American Petroleum Institute statistics show that in November the industry stockpile of jet fuel rose 11 percent, climbing from 24.4 million barrels to 27.1 million barrels.

Those reserves continued to mount during the first three weeks of December, going up to 28.9 million barrels.

The figures include two kinds of jet fuels, naphtha-based and kerosene. The airlines use a much larger volume of the kerosene variety, and these stocks are up—even higher than the overall figures.

For example, for the week ending Dec. 21, the kerosene-type jet fuel reserves were at 23.2 million barrels, compared with 19.6 million barrels a year earlier—a jump of 18 percent.

In some weeks in September and October and even into November, refineries were turning out upwards of 700,000 barrels of kerosene type jet fuel a day.

When the allocation program took effect, Dec. 1, kerosene jet fuel production dropped, to an average of 687,000 barrels a day the first week, then to 611,000 barrels a day the second week.

In designing the allocation program, the Federal government projected a jet fuel shortage of 400,000 barrels a day in the first three months of this year.

OIL SUPPLIES ADEQUATE DESPITE "CRISIS" FEARS

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

Oil has poured into the United States during the last 12 months at levels high enough to meet current demands—even without rationing cutbacks—for gasoline, heating oil and jet fuel.

Thus, the United States, at worst, should be experiencing an oil shortage no more severe than what it endured last summer and last winter when there were only slight shortages in scattered regions of the country.

This conclusion is based on studies of data compiled by the United States Bureau of Mines and the American Petroleum Institute (API), an organization supported by the oil industry. Both the bureau and the API get their figures directly from the oil companies.

The Bureau of Mines data show that from January through last September, the latest period for which figures are available, supplies of oil products totaled 4.8 billion barrels while demand was at 4.7 billion barrels.

From October through December, API figures show that imports of both crude oil and refined products were running ahead of the same months in 1972—despite fear that the

Arab oil boycott would drastically reduce supplies.

For the four weeks ending last Nov. 30, imports of crude oil were averaging 3.2 million barrels a day—up 38 percent from the same time in 1972, when the figure was 2.3 million barrels a day.

For the four weeks ending Dec. 28, crude oil imports averaged 2.9 million barrels a day, an increase of 26 percent over the 2.3 million barrels a day imported during the same period in 1972.

While there are no final consumption statistics yet for 1973, available data from both the Bureau of Mines and API indicate petroleum supplies for the year will have totaled approximately 6,408,000,000 barrels and demand will have been about 6,392,000,000 barrels.

The API figures, as The Inquirer reported earlier this week, show the oil industry has stockpiled near-record levels of heating oils and jet fuel for this time of year.

According to API's latest figures, released late Friday afternoon, there was another increase in heating oil inventories last week, which now stand at 203.5 million barrels, up 28 percent over this time last year.

The five largest oil companies in the country were asked by The Inquirer why the large quantities of oil coming into the country were not being passed on directly to gas stations, airlines and homeowners. Only one company, Gulf Oil Corp., had an immediate response.

Fuller McCowan, Gulf's coordinator of foreign public relations, said fuel oil is being held in reserve by Gulf because "the cold weather is ahead of you."

As for airline fuel, he said, "I have not heard that any airline is having trouble getting jet fuel."

McCowan said he would need more time for research to fully explain the apparent paradox between oil inflow into the United States and the current oil crisis. But he emphasized that "it's absolutely untrue that Gulf Oil Corp. is stockpiling. We are refining our products at maximum."

The companies that declined to respond at all until they could further study the data were Exxon, Mobil, Texaco and Standard of California.

The continuing Inquirer study has indicated that the Federal Government has consistently overstated the immediate severity of the oil shortage.

Last November, the White House released a statement forecasting that demand for petroleum products would outstrip supplies by 7.5 percent during the last three months of 1973.

But records maintained by the Bureau of Mines show that demand ran ahead of supplies in the last quarters of both 1972 and 1971, as well as in other years.

In 1972, for example, when there were no rationing programs and no soaring prices for oil products, there was a 4 percent deficit between supply and demand.

An Inquirer analysis of Bureau of Mines data shows a regular pattern over the last three years, with the oil industry turning out more products than are used in the months from April through October.

But beginning in November, and continuing into March, the demand begins to run ahead of production.

During February 1973, for example, the production of petroleum products represented 94 percent of demand. In February 1972, it was even lower—91 percent. And in February 1971, it was 94 percent.

Then in June last year, production reached 106 percent of demand. In June of 1972, the figure was 103 percent; in June 1971, it was 106 percent.

As The Inquirer disclosed last Dec. 2, the

Federal Energy Office inflated the oil shortage figures for both the last quarter of last year and the first three months of this year, at first predicting a 17 percent deficit this quarter. That prediction has now been reduced to 13.6 percent.

The importance of not overstating the extent of the oil shortage was underscored earlier this week by the Conference Board, a prestigious economic research organization based in New York.

The board is headed by Alexander B. Trowbridge, former Secretary of Commerce, and its membership includes some of the nation's leading business executives from such corporations as General Electric Co. and General Foods Corp. and Koppers Co. Inc.

While agreeing there was an oil shortage, the Conference Board pointed out that exaggerating the problem could force plants to close unnecessarily because fuel allocations were not as large as they might have been.

The Conference Board noted, as The Inquirer disclosed earlier this week, that the oil industry had built up substantial inventories, especially of heating oils and jet fuel.

The stockpiles of both now stand at near-record levels, although gasoline inventories are down somewhat from previous years.

None of this is to suggest there is no oil shortage. Nor that conservation measures should be abandoned.

One of the problems, as last year's statistics indicate, is the supply of petroleum products is about even with demand.

A barrel of crude oil, which holds 42 gallons, is converted into a variety of products, from gasoline to jet fuel to residual fuel for electrical utilities.

To increase the output of any one product, a refinery must reduce the output of another product. Thus, there may be enough home heating oil at a given time, but a shortage of gasoline because of miscalculations in demand for individual products.

This is what is happening now, as refineries, on orders of the government, have cut back gasoline production while increasing the output of other products.

But while there are sizable inventories of jet fuel and heating oil, the existing stockpile of gasoline is below last year's level.

The problem is further aggravated because of a shortage of refinery capacity in the United States and the inability of many refineries to process foreign crude oil which has a high sulphur content.

The Inquirer disclosed last July that the lack of refinery capacity—now short about 4 million barrels a day—was one of the underlying reasons for the country's energy problems.

Over the last 20 years, the major American international oil companies gradually shifted the base of their refinery and marketing operations outside the United States.

They invested billions of dollars throughout Europe and Asia, building refineries to meet their growing markets in the Eastern Hemisphere, while failing to keep pace with energy needs in this country.

OIL TANKERS SAIL ON DESPITE EMBARGO

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

During the month of December—some seven weeks after the Arab states announced they were cutting off oil shipments to the United States and the Netherlands and reducing overall production—103 oil tankers sailed from Bahrain, a tiny Arab shiekhdom on the Persian Gulf.

That was the largest number of tankers to leave the Arab oilport in any single month last year except May, when there were 127 sailings. During September—the month preceding the boycott—63 tankers left the port, 40 ships fewer than in December.

Those few statistics, perhaps better than others, explain what is happening in the oil-rich countries of the Middle East—with the one exception of Saudi Arabia. They also explain, at least in part, why the United States is not experiencing the massive oil shortages originally forecast by the Federal government.

They also help to explain the lack of concern over the oil crisis shown by officials in the governments of some European countries—such as Spain, France and the United Kingdom—where the mood is much more optimistic than in Washington.

For the past week, an Inquirer reporter working in London has been sifting through the shipping reports of Lloyd's of London, tracing the movement of oil tankers in and out of the Persian Gulf ports of the Arab nations.

The tankers have names like the Esso Aruba and the Texaco Newcastle and the Chevron Madrid and the Esso Okinawa and the Chevron Antwerp. After loading up with oil, they head for ports like Milford Haven in Great Britain and, in some cases, "unspecified designations."

An Inquirer analysis of the Lloyd's of London shipping reports, covering six large Arab ports picked at random, shows that:

From January through September 1973, on the average, a total of 475 ships sailed from the ports each month. During the last three months of the year, with the embargo going into effect Oct. 19, there were an average of 478 tanker departures each month.

There has been a marked decline in oil tankers leaving Saudi Arabia, by far the most vocal of the Arab states in the current Middle East boycott. In December, 171 tankers left Ras Tanura, Saudi Arabia, compared with 228 ships in September.

But tanker sailings from Kars Island in Iran, a country close to Saudi Arabia, but not an Arab state and not a participant in the boycott, have increased substantially. In the first nine months of 1972, there were, on the average, 77 tankers departing monthly. In the last three months, this figure soared to 124 ships per month.

In Kuwait, 98 tankers sailed from the oilport of Mena Al Ahmadi during December. That was the largest number of sailings reported from the port in any month last year.

Total sailings during the final quarter of 1973 from the six analyzed ports were up substantially over the same period in 1972.

During 1972, the six ports recorded a total of 1,093 sailings for the months of October, November and December. In 1973, the same ports showed 1,435 sailings—a 31 percent increase.

The general picture that emerges from these statistics is that while there has been a cutback in oil production in Saudi Arabia, the Middle East cutback as a whole clearly is nowhere near as profound as suggested by the Arabs and government officials in Washington.

As one official in one of the world's largest oil companies told an Inquirer reporter in his London office:

"You must remember, the Arabs are a very proud people. They may say, 'Do what you want to, but don't let us know about it.'"

"It's been rumored some of the Arabs have even told the companies they don't have to cut back (oil production) the full amount."

He said definitely that the Arabs are not enforcing the oil embargo and no restrictions were placed, for example, on any oil company's dealings with the Netherlands.

For the more than two months the oil embargo has been in effect, the oil company official said, Arab oil has been flowing into Holland.

Why would the Arabs, with great fanfare,

announcement that they were shutting off oil shipments to the United States and the Netherlands, cutting back production by millions of barrels a day, and then not bother to really enforce the boycott or reduce production to the levels claimed?

One possible explanation is that the mere shock value of the announcement alone, and the panic that followed, got the Arabs what they wanted.

First, the United States began exerting pressure on Israel to reach a Middle East peace agreement. Then the price of oil started to soar, with oil that once sold for \$2 a barrel now going in some cases for upwards of \$17.

Those price increases already are being felt in the United States as the multinational oil companies begin passing along the increases to gasoline stations dealers and heating oil distributors.

The fears over the effects of the embargo and cutbacks in oil production were fanned by gloomy predictions from Washington.

In a nationwide television address delivered Nov. 25, President Nixon, warning of oil shortages running up to 17 percent of demand, said:

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

"That crisis is now being felt around the world, as other industrialized nations have also suffered from cutbacks in oil from the Middle-East."

As everyone now knows, of course, that 17 percent shortage never materialized and the figure has been scaled back.

Indeed, the Lloyd's shipping statistics supported by interviews with knowledgeable oil industry sources in London, seem to indicate the Arabs got exactly what they wanted without reducing production to the point where it would have had the crippling effects on European nations that were first forecast.

Then, too, the Arab states will be pulling in tens of billions of dollars more each year in additional revenue as a result of higher prices.

As the Inquirer reported if the Arab boycott were not as damaging as U.S. government officials were saying, it is the international oil companies that ultimately determine how much oil each country will receive.

As the system now works, the multinational oil companies distribute the supply of crude oil and petroleum products to their markets in Europe and Asia and the United States.

And even though the major oil companies have lost some of their power over the years, the international flow of oil still is controlled largely by seven oil companies, five of which are American. The Arab nations play no role in this distribution process.

The seven are Exxon Corp., Mobil Oil Corp., Texaco Inc., Gulf Oil Corp., Standard Oil Company of California, British Petroleum Company and Royal Dutch Shell.

The Inquirer reported last summer, in a three-part series entitled "Oil—The Created Crisis," that the five American multinational oil companies have been shifting their operations outside the United States.

As a result, these companies—which now determine in large measure how much oil the United States will receive, and when—sell nearly two barrels of petroleum products in foreign countries for every barrel they sell in this country. A barrel holds 42 gallons.

This is a condition which enables at least the international oil companies to engage in self-fulfilling prophecies when it comes to determining the level of oil imports in the United States.

None of this is to suggest that the United

States does not have energy problems. Nor that practical conservation measures should be abandoned.

What it does mean, though, is that the severity of the oil shortage has been overstated, resulting, in turn, in a needless loss of jobs and slowdowns in other businesses and industries.

While most Arab states have cut oil production to the levels announced, other countries, in addition to Iran, have stepped up production.

A shipping industry authority who supervises the chartering of tankers in London told The Inquirer that American oil companies were looking for tankers to transport additional crude oil from Nigeria.

Nigeria, along with the Arab states, is a member of the organization of Petroleum Exporting Countries (OPEC), but it is not participating in the embargo.

There has been speculation among some industry observers that the oil companies, rather than directly violate the Arab embargo, simply switched oil shipments from one country to another.

For example, Nigerian oil originally scheduled to be shipped to Europe may have been sent to the United States while the Arab oil scheduled for the United States was shipped to Europe.

Although the Lloyd's of London shipping statistics indicate no cutback in the number of ships leaving Arab ports, some oil industry officials claim that some of the tankers are not fully loaded.

Fuller McCowan, coordinator of foreign public relations for Gulf Oil Corp, said the company's field personnel reported that ships were leaving with less than a full load, but he didn't know if any of the tankers belonged to Gulf.

Other oil industry observers doubt that many ships leave with less than full loads because it simply isn't economical.

An official of the British Petroleum Company told The Inquirer that all BP ships are sailing fully loaded, although they wait longer at the docks because there is somewhat less pressure to sail.

Interestingly, a dispatch filed last week by the London Times from Bahrain, which began:

"Tankers bound for Britain loaded 3.5 million barrels less than their permitted quota from Aramco's Saudi Arabian terminal.

"The fact that the oil was available and just not lifted has astonished shipping circles here (in the Persian Gulf)."

The Times, speculating on the reason for this, guessed that there was a momentary tanker shortage—but not an oil shortage.

Aramco is owned jointly by Exxon Corp., Texaco Inc., Mobil Oil Corp. and Standard Oil Company of California.

The Lloyd's figures, gleaned from statistics covering the sailings of 5,707 ships, list both arrivals and departures at most of the world's major ports.

The information appears in Lloyd's List, which has been published on most weekends and Saturday by Lloyd's of London since 1734.

The information concerning shipping movements is reported to Lloyd's by its agents stationed at ports around the world.

While The Inquirer analysis of the destination of ships that picked up oil in Arab ports during the last three months did not turn up any bound for the United States, some ships were listed as headed for Rotterdam, the Netherlands oil port supposedly under a complete Arab embargo.

In England, where a wage dispute with coal miners has led to drastic reductions in electrical power, there are few signs of the oil shortage.

Milford Haven, England's largest oil port

and the second largest in Europe after Rotterdam, is receiving an ample supply of oil from the Arab states.

Milford Haven recorded an average of 248 oil tanker arrivals for each of the first nine months of 1973, according to Lloyd's.

But in the final three months of the year, during the global energy scare, Milford Haven received an average of 270 arrivals a month, a 9 percent increase over the same period last year.

The inventory of petroleum products in England is now higher than at this time last year, according to a British Petroleum Company executive.

He said that despite an estimated deficit of 9 to 10 percent, more oil is flowing into England now than last year and rationing is not under consideration.

The fact that England's imports of petroleum are increasing is not surprising when viewed in light of disclosures by The Inquirer last week of similar circumstances in the United States.

In the States, The Inquirer found, American oil companies have built up stockpiles of heating oils and jet fuel to near-record levels for this time of the year.

DUTCH OIL PLENTIFUL—CRISIS A HOAX, OFFICIAL SAYS

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

Despite fears of massive disruptions for the Netherlands because of the Arab oil embargo, the Dutch are getting most of the petroleum they need and their economy is operating at near normal levels.

"Personally, I think the whole thing is a hoax and the government is being carried away with it," said Jack Bax, a press aide for the city of Rotterdam, Europe's largest oil port, in speaking to an Inquirer reporter.

The Netherlands and the United States were the only two countries in the world supposed to be totally cut off from Arab oil. The impact was expected to be far more severe for the Dutch, who are accustomed to importing 70 percent of their petroleum from the Arabs, than for the Americans, who get less than 10 percent from that source.

But to this date, 2½ months since the boycott started, Dutch service stations remain open, gas is plentiful and no one is being asked to limit sales to 10 gallons per customer to hold down consumption. Sunday driving, however, is still barred throughout the country.

There have been no massive layoffs, oil refineries are running at a swift pace and oil stocks are close to normal for this time of year.

The Dutch government, which frantically warned of impending oil shortages two months ago, is growing increasingly embarrassed by its earlier predictions, and it has now scaled down estimates of the shortage.

Gas rationing, anticipated weeks ago, has been postponed until Jan. 11 at the earliest. And if rationing does come, it may not last more than three weeks, according to one Amsterdam newspaper.

EFFECTS OVERSTATED

A similar situation has existed in the United States where the Federal Government—as The Inquirer disclosed early last month—exaggerated both the effects of the Arab boycott and the severity of the nation's oil shortage.

As a result of these over-statements, coming in the midst of continuously rising prices for petroleum products, there have been layoffs of thousands of workers in the United States and slow-downs in some businesses and industries.

The Netherlands has weathered the oil boycott so well, according to Dutch sources, because the multi-national oil companies

have quietly sent to The Netherlands large supplies of Venezuelan, Nigerian and Iranian crude once earmarked for other nations.

Arab oil, once expected to go to the Dutch, has filled in the gap elsewhere for the diverted Venezuelan, Nigerian and Iranian supplies.

The Inquirer also disclosed early last month that America's international oil companies were acting as policemen for the Arabs during the embargo, making the final decision as to which countries would receive oil and how much.

Thus, the oil companies, rather than the Arabs, actually determine the level of oil imports into both the United States and the Netherlands.

Although sources familiar with the Dutch oil situation take the fact of diversion for granted, it is impossible to say exactly how much oil is coming from where.

BAN IS IMPOSED

The national government imposed a ban on the reporting of oil stocks and of shipping movements in Rotterdam after the Dutch news service, Algemeen Nederlands Per, published a story Dec. 7 showing that the Arab boycott had not slowed the flow of oil into Rotterdam.

The ANP story quoted sources in the port of Rotterdam who predicted a slight downturn in December, an upswing of oil imports in January and normal oil imports in February and March.

The reporting ban was implemented for "state reasons," according to B. Van Donkelaar, an aide to the minister of economic affairs, who oversees petroleum and energy matters.

To release import and export information, he added, might "annoy other states."

Rotterdam observers who are close to the port and the oil supply situation believe the government has imposed the secrecy ban because it does not want to provoke the Arabs into taking steps that would truly seriously deprive The Netherlands of oil.

"We really don't care where the ships are coming from," said Bax, the Rotterdam press aide. "It's the companies' business where they get oil. All we care about is how much is coming in. I don't think the problem is very serious."

PRICES SOARING

Indeed, about the only factor of the energy crisis that seems to have the Dutch bothered is the soaring price of petroleum—a problem that is worrying many other countries.

Keeping Rotterdam and the Dutch supplied with oil—regardless of its derivation—is an important consideration for the multinational oil firms.

As Europe's largest oil port, Rotterdam is as vital to the oil companies as to the daily lives of the Dutch citizens.

The city is a major distribution point for moving oil to the rest of western Europe. In 1972, a total of 129 million tons of crude oil was discharged at Rotterdam.

About 45 percent of that crude oil was re-exported to other countries. The rest was processed at Rotterdam refineries and the finished products either exported or used in The Netherlands.

THREE ARE U.S. OWNED

The heart of the oil industry in Rotterdam is the sprawling refineries and terminals of five multi-national companies—three of them American owned. They are Esso, a subsidiary of the Exxon Corp.; Gulf Oil Corp., and Chevron, a subsidiary, of Standard Oil of California.

Royal Dutch Shell and British Petroleum are the other two major companies operating in Rotterdam.

This week, an Inquirer reporter could note that the refineries of these companies were busy and that tankers, such as the ESSO Aarhus and Mytrea were discharging their cargoes of crude oil.

While no official estimates are available, observers believe that the Dutch oil stockpile is between five and six million tons, normal for this time of year. The Netherlands storage capacity is six million tons.

SPEEDS REDUCED

The government is crediting its oil conservation programs with keeping The Netherlands from being as hard-pressed as originally feared. Conservation measures have included no driving on Sundays, reduced speed limits and pleas for the use of less electricity.

But observers believe that these programs alone could not possibly account for the fact that Rotterdam's ports and refineries continue to operate at a high rate.

And this has added to speculation that the Arab boycott and production cutbacks have been far less stringent than announced.

The Arabs said they would boycott only The Netherlands and the U.S. But had threatened, in addition, to reduce overall production by 25 percent. That means daily production should have fallen from 20 million barrels to 15 million. There are 42 gallons in a barrel.

SLACK PICKED UP

Observers in Rotterdam argue that the diversion of Venezuelan, Nigerian and Iranian oil to The Netherlands would have been impossible unless Arab oil was picking up the slack in other countries. But, they add, with all the oil coming into Rotterdam, it would be difficult for the Arabs to pick up the slack if production had actually been cut 25 percent.

The Inquirer disclosed Sunday that shipping statistics from Lloyd's of London indicated that oil tanker shipments from six major Arab ports averaged about the same for October, November and December—the three boycott months—as for the nine previous months.

Even the Arabs are starting to hint that the cutback has been less than 25 percent. A Beirut newspaper, quoting a source in the Organization of Petroleum Exporting Countries (OPEC), said that roughly 25.5 million barrels of oil had gone to the United States, despite the boycott.

The OPEC source said most of this, but not all, had been shipped from Libya and refined in the Bahamas before entering the United States.

UKRAINIAN INDEPENDENCE DAY

Mr. ROTH. Mr. President, the calendar has once more moved on to a day well worthy of notice by the free world: Ukrainian Independence Day, January 22. This marks the 56th anniversary of Ukrainian independence, which took place in the city of Kiev on January 22, 1918. Unfortunately, this was a short-lived independence; for in 1921, the Ukrainians were overwhelmed by the Soviet army. Grim tyranny became the lot of the Ukrainian people, and a puppet government purported to speak for them.

This stark tragedy was formalized in 1923, when the puppet government was incorporated into the Union of Soviet Socialist Republics. All too often—and even now—repression of so-called dissidents takes place when brave men and women dare to speak out for freedom.

Ukrainians may take heart that their plight has not gone unnoticed, for those who love liberty and freedom have not forgotten that Ukrainian independence still has not been achieved.

So today, Mr. President, we commemorate Ukrainian Independence Day, and we trust and hope that a time will come when self-determination shall be a rule of law among the nations of the world. Surely, the proud and courageous Ukrainian people deserve no less than the justice and freedom so long denied them.

ABUSE OF MILITARY AIRLIFT COMMAND AND SUPPORTING MILITARY SERVICES

Mr. PROXMIRE. Mr. President, over the past several months I have become increasingly concerned over what appears to be an unconscionable waste of the taxpayers' money through abuse of the Military Airlift Command—MAC, and supporting military services. MAC is the agency of the Department of Defense charged with the responsibility of scheduling and operating aircraft to satisfy the air transport requirements of the military services. In addition to satisfying the official needs of the Defense Department, MAC also affords certain persons the privilege of flying on MAC aircraft on a standby or space-available basis. It is this aspect of the military transportation system which concerns me.

EXTENT OF SPACE-AVAILABLE TRAVEL

The use of space-available travel in recent years has been enormous. An excellent study prepared for the House Appropriations Committee found that MAC moved 1,682,550 space-available passengers during the 5-year period of fiscal years 1968-72 on international channel flights alone. Domestic flights within continental United States and flights conducted by the 89th Military Airlift Wing out of Andrews AFB are not included in these figures. The 5-year figures result in an average of 336,510 space-available passengers per year, with each passenger flying an average of 4,400 miles. Had these passengers been flown on a commercial B-707 or DC-8, which can carry 165 passengers, they would have filled 2,039 planes, in each year and consumed 24 million gallons of fuel. The Defense Department and our domestic economy simply cannot afford the expense of these costly vacation trips any longer.

PERCENTAGE DISTRIBUTION OF PASSENGERS

It is true that some of these space-available passengers are servicemen on emergency leave to rejoin their families in a moment of personal crisis. I wholeheartedly agree with those who say that the Department of Defense has a duty to facilitate transportation in these cases. In fact, I think that these servicemen should be considered as space-required—paying—passengers with the Department of Defense footing the bill.

But emergency leave passengers should not be considered as an excuse for pro-

viding the space-available privileges to all military personnel, since these cases represent only one one-thousandth of all space-available passengers moved by MAC each year. Retirees and their dependents, on the other hand, total more than 17 percent of all such passengers. Active duty personnel on ordinary leave and their dependents occupy more than 75 percent of the space-available seats, with miscellaneous passengers filling the remainder. Dependents alone of both active and retired military personnel account for 35 percent of space-available passengers.

Of the 1.68 million passengers transported for fiscal years 1968-72, about 60 percent flew on commercial aircraft chartered by MAC and approximately 40 percent flew on military aircraft. In fiscal year 1972, however, when MAC moved 336,229 space-available passengers, these passengers were 48 percent of all passengers moved on MAC's military aircraft and only 8 percent of all passengers on chartered planes. The implication seems apparent from these percentages that MAC is more efficient in its scheduling and use of chartered commercial aircraft than of its own planes.

This implication that MAC can be either careful or careless in its scheduling is supported by data on the percentage of occupancy of MAC flights. Last summer, in response to an inquiry which I made, Mr. Donald R. Brazier, then the Comptroller of the Defense Department, wrote to me that—

Experience with this system results in 95 percent of the seats procured over major routes being filled by space required (paying) travelers.

The House investigation, however, found that only 85 percent of the seats were filled with paying passengers, leaving 15 percent of all seats occupied by space-available travelers. Since 5 percent of the total seats represented space-required passengers who failed to appear for their flights, a full 10 percent of all passengers, because MAC scheduled or the requesting service overforecasted its mission requirements. Thus, despite MAC's avowed policy of scheduling less space than requested by the branches in order to maximize the use of aircraft, too many seats were scheduled.

FORECASTING ERRORS

A closer examination of the data gathered by the House investigative staff reveals a glaring discrepancy between the passenger and cargo forecasts of the various services. These service forecasts serve as a key input for MAC's scheduling procedures. For a 23-month period, cargo underforecasts canceled out overforecasts for each of the armed services. But for each month of the same period, passenger forecasts for each branch were consistently higher than needed.

There is simply no reason that passenger forecasts cannot be as close to the mark as cargo forecasts. The conclusion is inescapable: Two-thirds of all space-available seats are intentionally made available and are not the result of

any forecasting errors. How many additional but unnecessary flights result is impossible to determine precisely. Yet it is clear that the intentional procurement of space-available seats has contributed greatly to the spiraling transportation costs of the branches and to MAC's \$74 million net operating loss for the 4-year period, fiscal years 1969-72.

SPECIAL PRIVILEGES

Abuse of the space-available privilege by high-ranking officers for free vacation trips whenever they wish represents an additional cost which is also hidden in the budgets of the various services. Active-duty generals, admirals, colonels, and Navy captains, and certain retired officers are entitled to make reservations 30 days in advance of their departure for up to five alternate destinations. These senior officers, who are ostensibly requesting a standby seat, travel as planned 99 percent of the time. The House study estimated that 25,520 of these senior officers traveled on MAC as space-available passengers in fiscal years 1971-72 and sent 75,000 reservation messages to MAC terminals over Government communication lines.

All of these active-duty officers together with all retired military personnel of the rank of colonel or Navy captain or above are classified as distinguished visitors. As such they are entitled to baggage handling, on- and off-base transportation, guest house quarters at \$3 to \$5 per day, personal escorts to and from the plane and through customs, use of the distinguished visitors' lounge, and access to the officers' club, post exchange, swimming/pool/beach, and golf course. Furthermore, within 30 minutes of the departure of a distinguished visitor, a MAC protocol officer must wire ahead to the officer's destination to tell the receiving terminal when the officer will arrive and the services he will require upon arrival.

These prerequisites, Mr. President, are not for a busy officer attending to his duty and traveling on official business. They are creature comforts for high-ranking military personnel while on leave from service, and for retired senior officers.

One concerned airman who is deeply concerned about these abuses has sent me a first-hand report on the operation of a distinguished visitor's lounge at Hickam AFB, Hawaii. He writes that—

There are ten enlisted men assigned to it, and their main function is to pamper those of the rank of Colonel and above, when traveling through Hickam aboard MAC aircraft. PACAF (Pacific Air Forces), the other major command on this base have their own serfs to pamper DV's (Distinguished Visitors) on their aircraft. I can understand the necessity of according certain honors to General officers, but 99 percent of the people handled are Colonels and half of them retired at that. Most of these Colonels are on leave and for some reason can't just simply check in and carry their bags to the weigh-in scales like everyone else. They are met at the aircraft, and delivered to the aircraft in a staff car separate from other passengers, and while they are waiting for the DV representative to fetch their

bags, they recline in their own plush little lounge, drinking coffee and watching color TV. Their every wish and whim attended to as if they were some sort of royalty. Incidentally, these DV lounges are standard operating procedure at all MAC stations. Not just here.

If these allegations are true, an incredible squandering of our tax dollars has taken place and continues to occur in order to provide this type of privilege to high-ranking officers and retirees.

ABUSE BY RETIREES

Retired members of the Armed Forces are prohibited from using the space-available privilege to advance their personal interests. Department of Defense form 1382, which must be signed by all retired military members and their dependents before flying as space-available passengers, certifies that the transportation is not for personal gain, nor in connection with business of any nature, and that the trip will not result in any form of remuneration.

The former Comptroller of the Defense Department has indicated to me that the cases experienced where space-available transportation was used for personal gain in violation of a signed DD form 1382 have been rare. Yet I have been informed that the Department of the Air Force, Office of Special Investigations has recently conducted 103 investigations into instances where retired military members misused space-available transportation for personal gain in 1970 through 1972. Most of these cases belonged to a single group of retirees employed by civilian companies who traveled to and from their employment in Saudi Arabia and received travel expenses from their employers at the same time that they were receiving free transportation from the U.S. Government.

The Air Force is now seeking collection from these individuals and is to be commended for doing so. Yet as long as the Air Force believes that these incidents are rare and that the current procedures for detecting violations of DD form 1381 are adequate, a great many more violations are likely to be overlooked. What has been discovered to date possibly is only the tip of an iceberg of abuse of space-available travel for personal profit.

STATUTORY JUSTIFICATION

The statutory authority for the practice of permitting military and defense personnel to ride without payment on MAC planes while acting in an unofficial capacity is based upon title 10, United States Code, section 4744, which reads:

S. 4744. Persons and supplies; sea transportation:

Whenever the Secretary of the Army considers that space is available, the following persons and supplies may be transported on vessels operated by Army transport agencies, or, within bulk space allocations made to the Department of the Army, on vessels operated by any military transport agency of the Department of Defense.

(1) Members of the Navy, Marine Corps, or Coast Guard.

(2) Officers and employees of the Department of the Army, the Department of the

Navy, the Department of the Air Force, or the Coast Guard.

(3) Supplies of the Department of the Navy.

(4) Members of Congress.

(5) Other officers of the United States traveling on official business.

(6) Secretaries and supplies of the Armed Services Department of the Young Men's Christian Association.

(7) Officers and employees of the Commonwealth of Puerto Rico on official business.

(8) The families of persons described in clauses (1), (2), (4), (5), and (7).

However, a person described in clause (7) or (8) may be so transported only if the transportation is without expense to the United States. As amended July 12, 1960, Pub. L. 86-624, S. 4(d), 74 Stat. 411.

This law reflects three prior sections of the United States Code dealing with transportation, which were codified into section 4744 when title 10 was revised in 1956.¹ No significant changes in the existing law on this subject were contemplated at that time, rather, a clearer statement of the law was all that Congress intended, except for the deletion of a section dealing with the transport of general passengers to Guam.

In none of these earlier sections is there any reference to retired military personnel. Under the present statute, retirees clearly cannot be considered as "officers and employees of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the Coast Guard." It is only by a stretching of the statutory language that retirees might be considered as "members of the Navy, Marine Corps, or Coast Guard." Of course, even under this liberal definition, Army and Air Force retirees would be excluded from space-available travel.

Section 4744 specifically provides space-available travel for dependents only if such travel is without expense to the United States. With dependents accounting for 35 per cent of all space-available travelers and with MAC suffering from recurring operating deficits as a result of service overforecasts, it is clear that the law is being violated each time a dependent is transported for free as a space-available passenger.

Thus, the statutory authority does not support the use of Government aircraft via the space-available privilege for either retired military personnel or dependents of active or retired personnel. By a stretching of statutory language over a period of several decades, however, the extension of this privilege to retired individuals has become encrusted with tradition. For dependents space-available transportation has been in violation of Federal law since the time when the services began procuring more passenger space than was required in order to provide seats for vacationers.

COST OF SPACE-AVAILABLE TRAVEL

Unfortunately, there is no way of knowing how much this costs the beleaguered taxpayer. The Comptroller of

the Defense Department states that the space-available privilege costs only \$1,-200 per year for the maintenance of travel registers, since MAC is only filling space that would otherwise be empty. The House study, on the other hand, estimated the cost in the millions of dollars. In that study the expense of processing, registers, protocol officers, and 30-day reservation messages for the brass totaled more than \$3 million. How many more millions of dollars were wasted in additional flights as a result of intentional passenger overforecasts is unknown.

What is obvious from only a superficial look at this much-abused privilege is that it urgently needs to be reevaluated and trimmed down to a level that does not consume indeterminate amounts of our defense budget.

To assist my colleagues in understanding this system of free transportation, I ask unanimous consent that the letters which I have received from the Defense Department be printed in the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 14, 1973.

Hon. WILLIAM PROXMIER,
U.S. Senate.

DEAR SENATOR PROXMIER: The attached information is forwarded in response to the questions asked in your letter of April 20, 1973 concerning transportation services provided by the Air Force to retired military personnel, their dependents and others on a space available basis.

Sincerely,

DON R. BRAZIER,
Acting Assistant Secretary of Defense,
Comptroller.

QUESTIONS AND ANSWERS

Question 1:

A. How many of those persons who used this service in FY 72 were not active members of the Armed Forces nor dependents of personnel on active duty?

Answer: Approximately 52,976.

Space available transportation on MAC owned and controlled aircraft covers three groups of personnel:

(1) Active duty military and their dependents.

(2) Civilian employees of the DOD when stationed overseas and their dependents.

(3) Retired military personnel and their dependents.

Separate statistics are maintained on civilian personnel and their dependents and also on active duty military and retired military, but their dependent statistics are combined. However, based on a comparison of active duty personnel on leave and retired military personnel to dependents who traveled, it was determined that a ratio of .6 dependent traveled for every active duty and retired military person. Any other VIPs or distinguished visitors' transportation that is in the interest of DOD would be on a space required, reimbursable basis, in accordance with tariffs established by the Department of Defense. In accordance with DOD policy, transportation for other government agencies is furnished on a reimbursable basis and only when it is in the national interest and commercial air is either not adequate or available. Statistics in the latter cases are all combined as part of the total revenue pas-

sengers moved by the Single Manager for Airlift (MAC).

B. How many of these were retired military personnel?

Answer: 32,917.

C. Dependents of retired military personnel?

Answer: Approximately 19,750 dependents of retired military personnel traveled space available based on the ratio of .6 dependent per every retired military or active duty member as explained in answer to question 1A.

D. What is the percentage relationship of these groups to the total number of individuals utilizing the facilities of the Military Airlift Command?

Answer:

Total nonactive duty—2.4 percent.

Retired military—1.5 percent.

Dependents of retired military—0.9 percent.

Question 2: What was the cost (estimated if necessary) of this service for persons not currently attached to the Armed Forces for FY 72, including all direct costs to MAC and the cost of all support services to the Air Force (i.e., use of guest facilities, ground transportation, etc.)?

Answer: Space available transportation is provided as a by-product of space procured or operated to meet Department of Defense (DOD) requirements. DOD would incur the same transportation costs even if no space available travelers were transported. Development of airlift requirements is based on the estimated requirements of the user Services submitted to MAC in accordance with AFR 76-38. These requirements are the quantity or personnel and the tons of cargo the services plan to move over a given period of time. MAC, as the Single Manager for Airlift Operations, charts and schedules the aircraft over principal routes to satisfy the user Service's estimated requirements. The space that has been procured under the whole aircraft procurement procedure does become available for the free space available travelers only when the expected space required travelers or cargo do not appear as originally programmed. Experience with this system results in 95% of the seats procured over major routes being filled by space required (paying) travelers. The space available transportation is then derived as a by-product of space procured and operated to meet DOD DOD will remain the same even if no space requirements. Transportation costs to the available travelers were transported.

However, there are some minor administrative direct costs associated with maintaining the space available registers and counters. The portion which can be attributed to non-active duty personnel and their dependents is approximately \$1,200.00 a year or a little over 2 cents per passenger.

In the support service area there are no direct costs to the Air Force. Guest facilities the cost of the service and are provided only are provided to retired personnel on a reimbursable basis only. The charges fully cover in space that is excess to the duty requirements of the facilities. Air Force regulations do not permit the furnishing of government ground transportation to retired personnel per se. However, they are permitted to use ground transportation on a space available basis provided the vehicle is already operating to meet other official duty purposes.

Question 3:

A. What are the eligibility standards for the use of these services by individuals?

Answer: The eligibility standards for use of DOD owned and controlled aircraft are contained in DOD Regulation 4515.13-R, "Air Transportation Eligibility." Space available transportation is by category of travel on a first-come-first-serve basis within the cate-

¹ 10 U.S.C. 1369, 10 U.S.C. 1370, 10 U.S.C. 1371 (less last 29 words).

gory and there is no guarantee that space will become available for these travelers. There are four categories of space available travel, and they can be summarized as follows:

Category 1—Dependents of active duty military members and DOD civilian employees and their dependents, when stationed overseas for transportation to and from overseas in conjunction with the serious illness of a member of the immediate family.

Category 2—Active duty military personnel on ordinary leave and their dependents.

Category 3—Student dependents of active duty military personnel and of US citizen employees of the DOD stationed overseas for travel to the nearest accredited school overseas, and between overseas and the United States while engaged in undergraduate study. Transportation to the United States is limited to one round-trip per year.

Category 4—Retired military personnel and their dependents.

Retired personnel and their accompanying dependents are assigned the last Category of space available travel, which means that all space required (paying) passengers and space available passengers in the other three Categories are permitted to move before retired personnel and their accompanying dependents.

B. By what authority is such use permitted?

Answer: Space available transportation derives in part from Section 4744, Title 10, United States Code, dating back to 1907. This provided space available travel of certain personnel and supplies within the bulk allocations on vessels operated by Army transport agencies or within bulk allocations made to the Department of Army, on vessels operated by any military transport agency of the DOD. As airlift replaced sealift in the late 1940's and early 1950's, a transition took place where MAC became the Single Transport Agency for bulk procurement of seats for movement of service personnel and the same space available transportation system carried over to the airlift system, since it became the prime carrier of DOD personnel.

Question 4:

A. Who is required to sign a "Flight Certificate," DD Form 1382?

Answer: All retired military members and their accompanying dependents who are furnished transportation under the space available provisions of DOD Regulation 4515.13-R.

B. Has there been any recent evidence of use of military aircraft for personal business in violation of a signed DD Form 1382?

Answer: Yes, a few cases have been experienced where space available transportation was used for personal gain.

C. Have such violations been prosecuted?

Answer: No, personnel were not prosecuted. Personnel have been billed and collection action is underway to obtain reimbursement for the transportation furnished at the non-government tariff rate (equivalent to commercial air tourist tariff rates). Cases were not for furtherance of personal business but involved a situation where the civilian companies overseas paid the employee not only for Rest and Recuperation Leave but also a transportation allowance for travel to and from the Rest and Recuperation point. Some retired military personnel who received these travel payments then used space available transportation aboard military owned or controlled aircraft to their Rest and Recuperation point. Upon investigation, this was held to be personal gain in form of a remuneration, since the money paid was specifically identified for travel. Since there did not appear to be any premeditation, personnel are being required to reimburse the Government at the non-gov-

ernment tariff rate. The Comptroller General of the United States has before him, a request for a decision as to the legality of deducting the cost of transportation from the retired pay of the military personnel who did not voluntarily pay the bill.

D. What procedures are currently established to prevent the misuse of military transport for personal gain?

Answer: All retired military members and their dependents are required to sign the "Flight Certificate" that certifies that acceptance of space aboard military aircraft is not for personal gain nor in connection with business of any nature. In addition, the procedures that prevent use of space available transportation for personal gain are published periodically in retired newsletters, etc.

Terminal personnel are also on the lookout and report any unusual or unauthorized situations to the local commander or through channels. The Office of Special Investigation (OSI) then conducts an official investigation into the allegation to determine if misuse of government air is involved.

E. In your opinion, are these safeguards adequate?

Answer: Yes, the uncertainty of travel and the long waiting periods experienced do not lend this type of travel to pursue personal business or misuse for personal gain. In addition, over the last 15 years cases of misuse of government aircraft have been rare.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., December 7, 1973.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: This is in reply to your inquiry of October 11, 1973, regarding investigations by the Air Force into misuse of military aircraft space available privilege by retired military personnel.

Since July 1971, the Air Force Office of Special Investigations (AFOSI) has conducted a total of 103 investigations of retired military personnel who were alleged to misuse space available privileges on military aircraft. Of these investigations, 76 involved retired Army personnel, 23 retired Air Force personnel, 2 retired Navy personnel, and 2 retired Marine Corps personnel. Twenty-six service dependents were also involved. The flights were made during the calendar years 1970, 1971, and 1972. Some of the retired personnel made more than one trip involving more than one calendar year. In 14 cases, the flights were all made in 1970 while in 54 cases, the flights were made in 1971. In 32 cases, the flights were made in both 1970 and 1971, while 2 cases involved flights in 1971 and 1972. All of the flights in question were either made on Military Airlift Command aircraft or military contract aircraft. All of these investigations were referred to the Military Airlift Command for collection action. In one case, the allegation was disproved. In 99 cases, the retired members were billed a total of \$65,752, and Military Airlift Command has to date collected \$24,853 of the amount billed. The remaining \$40,899 has been referred to the Air Force Accounting and Finance Center (AFAFC) for collection action. AFAFC has collected \$110 so far, and involuntary collection action is now being taken against the retired pay of those individuals with outstanding balances. In three of the investigations, no collection has been reported.

In 100 of these cases, the retired military members were employed by civilian companies in Saudi Arabia and traveled space available on military aircraft although they were receiving travel expenses for the trips from their employers. In two cases, the retired military members were employed by a

European Exchange System concessionaire and traveled space available on military aircraft in connection with their employer's business of selling encyclopedias. One case pertained to a retired military member who traveled space available from Alaska to the continental United States in connection with a private business for the purpose of picking up trucks and campers he had sold in Alaska.

Sincerely,

E. ARCHIE NESMITH, Jr.,
Colonel, U.S. Air Force, Congressional
Inquiry Division, Office of Legislative
Liaison.

TOBACCO AND PEANUT ALLOTMENT PROGRAMS

Mr. THURMOND. Mr. President, on January 9, 1974, the General Assembly of the State of South Carolina adopted the U.S. Department of Agriculture to continue the 1973 tobacco and peanut allotment programs into the 1974 growing season.

The Secretary of Agriculture has already announced a 10-percent increase in tobacco allotments. This action maintains the overall tobacco program; however, it presents serious problems to the tobacco growers.

Last year South Carolina growers had 12.5 million pounds of tobacco left unsold on the closing day of the markets. Only through the combined efforts of the Department of Agriculture and tobacco buyers was this tobacco sold. This increase in allotments may only compound the marketing problems experienced last year resulting in oversupply and reduced prices.

The problems facing peanut growers are more severe. No longer will the lease or transfer of peanut allotments be allowed.

Many peanut growers have already leased allotments for the coming year. Now they will not be able to use the land for peanut production. This factor alone has serious financial implications for peanut growers. The overall production of peanuts may be reduced by one-third thus reducing income to peanut growers by the same percentage.

I am in agreement with the South Carolina State Legislature that changes in these two farm programs will be detrimental to farmers in South Carolina and the Southeast.

Mr. President, on behalf of myself and the junior Senator from South Carolina (Mr. HOLLINGS), I ask unanimous consent that this concurrent resolution be printed in the RECORD at the conclusion of my remarks.

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

A CONCURRENT RESOLUTION MEMORIALIZING THE U.S. DEPARTMENT OF AGRICULTURE TO CONTINUE THE 1973 TOBACCO AND PEANUT ALLOTMENT PROGRAM INTO THE 1974 GROWING SEASON

Whereas, the United States Department of Agriculture's intention to terminate or suspend the quota system or increase the acreage allotment for the 1974 growing season forebodes economic chaos for tobacco and peanut growers in South Carolina; and

Whereas, the acreage allotment formula

agreed upon in 1973 was a method used by the U.S. Department of Agriculture to fight declining domestic and worldwide stocks of flue-cured tobacco; and

Whereas, the acreage allotment formula promulgated by the U.S. Department of Agriculture for 1973 was an agreeable and workable system by which the beleaguered tobacco and peanut farmers could survive and meet consumer demand with a reasonable expectation of profit.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the United States Department of Agriculture is hereby memorialized to continue the 1973 tobacco and peanut allotment program into the 1974 growing season.

Be it further resolved that copies of this resolution be forwarded to Earl L. Butz, Secretary of Agriculture, U.S. Department of Agriculture, and to each member of the South Carolina Congressional Delegation.

STATE OF SOUTH CAROLINA.

In the House of Representatives, Columbia, South Carolina, January 9, 1974.

AMNESTY FOR VIETNAM DESERTERS AND RESISTERS

Mr. HUGHES. Mr. President it seems to me that for the unity of the Nation, we must now take the inevitable action of conscience with regard to the young men who chose not to participate in the war in Vietnam, either by deserting the military or by avoiding it altogether.

From the rebellion of 1794, through the War of 1812 and the Civil War, up to the present time, more than a dozen amnesties have been declared by our Government. We have forgiven or lightly reprimanded leaders who involved our forces in secret, illegal wars; who practiced official deception; who betrayed positions of high trust by flaunting the laws of the land.

Now I believe we must find it in our hearts to work out some solution for the return of those who for valid reasons of conscience or less noble considerations, refused to fight in a war that millions of Americans believed to be wrong and immoral.

In this context, I think my colleagues would be interested in a penetrating sermon on amnesty written by the Reverend Robert Newton Barger, president of the Religious Workers Associations at the University of Illinois at Champaign-Urbana. In his sermon, the Reverend Barger presents a view on amnesty which has not yet come fully to the surface of discussion; namely, the biblical view. He points out with moving clarity that in the Scripture, "Reconciliation, for God, is not based on strict justice, but rather on generosity."

The good minister quotes the words of the Lord's Prayer:

"Forgive us our trespasses, as we forgive those who trespass against us."

States the minister:

I submit that that's a very risky prayer for someone to say who takes a hard line on amnesty.

I ask unanimous consent that this wise and moving sermon be printed in the RECORD.

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

SERMON

(By Rev. Robert Newton Barger)

Today the United States of America, our homeland is a nation divided, and as President Abraham Lincoln has reminded us, a house divided against itself cannot long stand. We have wounds, and they need to be healed. We are not at one, and so we stand in urgent need of reconciliation. The Vietnam war, whose decade-long duration was responsible for much of the division which we experience, has not left us totally at peace, even though it is now over. There is still the question before us: . . . What to do with the war resisters. This question involves a tension between justice on the one hand and mercy on the other. The resolution that we make of this tension between justice and mercy will provide the answer to what kind of reconciliation we can reasonably expect. In other words, how we treat those who have conscientiously evaded the draft or deserted from the war will determine in large part whether we will, or will not, have that domestic tranquility of which our constitution speaks.

I am going to make here some theological observations on the political question of amnesty. I would like to say at the outset that I am well aware of the danger of attempting to take concepts from the spiritual realm and apply them in the political order. The brilliant Protestant theologian, Reinhold Niebuhr, in his classic study entitled "Moral Man and Immoral Society," has expressed a healthy pessimism about the possibility of making an individualistic ethic apply to a collective such as a Nation-State. But even such a realist as Niebuhr goes on to say: "Every genuine passion for social justice will always contain a religious element within it. Religion will always leaven the idea of justice with the ideal of love. It will prevent the idea of justice, which is a politico-ethical ideal, from becoming a purely political one, with the ethical element washed out." (P. 80, MM&IS).

So, theology can and must supply ideals for the reflection of the national sovereign . . . and in the case of a democracy such as ours, the sovereign is us. The Government is responsible to us, and that is why, ultimately, we the people, will get the kind of justice or mercy that we earnestly seek—or, . . . we won't get it, if we grow indifferent. The question of amnesty for the Vietnam war resisters illustrates the tension between justice and mercy which is troubling our society today. I should like to turn to sacred scripture for some insight toward a solution of this problem.

But, before I do, I think it is necessary to point out that there are three possible motivations for the granting of an amnesty, first, we may believe that the war resisters were morally wrong, that their actions encouraged the North Vietnamese and thus prolonged the war, increasing the loss of life on both sides, but that by means of an amnesty we should forgive them. Secondly, we may believe that the war resisters were morally right, that the war had gone on for nearly a decade and might have continued much longer were it not for their dissent, and hence by means of an amnesty we should exonerate them, or thirdly, we may not make a judgment about the war resisters, refraining from either condemning or condoning them, but simply repatriating them, bringing them back, forgetting about the guilt or innocence aspect. This is literally the meaning of the word amnesty: that is, "forgetfulness", or "oblivion."

For purposes of reflecting on the problem in the light of scripture, I will be dealing at various points in my scriptural examples with one or another of these three motivations to see if there might be a theological basis for amnesty, before I start, I'll give you

my own personal opinion, as a former political science instructor and a current Christian morals instructor, and that is that the war resisters were in fact morally correct . . . but I will go on to give you a preview of my ultimate conclusion: which is, that we should avoid judgment on the morality of the war resisters actions and follow the third motivation for amnesty; namely, that we take amnesty in its literal sense and not make a judgment one way or the other, what does the Bible have to say about all this?

Let's look first at the Old Testament. We usually think of Old Testament morality as very harsh: "An eye for an eye and a tooth for a tooth." In fact, however, when we take the Old Testament as a whole and don't just draw out one-liners like the one I just quoted, we see that mercy is one of the most prominent features of the Old Testament. Beginning on the first pages of the Bible, where humankind messes up God's gift of life by sinning, we see the gracious mercy of God offering man another chance. As often as man sins—and according to salvation history, that's pretty often!—God calls him back again. . . . God is not only a living God. He is a forgiving God. And he tells us in the Jewish law, in what Jesus was later to join to love of God as the greatest commandment, that we must be giving and forgiving too. This is the way it's stated in the Book of Leviticus:

"You shall not hate your brother in your heart, but you shall reason with your neighbor, lest you bear sin because of him. You shall not take vengeance or bear any grudge against the sons of your own people, but you shall love your neighbor as yourself," (LV 19. 17-18). The reading about the cities of refuge from the Book of Joshua (20. 1-6) reminds us of God's instruction that those who have killed thru accident should be allowed a place of refuge and then free return to their homeland. Of course the question before us today does not concern those who killed without premeditation, but rather those who, with premeditation, refused to kill. The cases are not the same, certainly, but I suggest that there may be a parallel. How God provided for the solution of this case in the Bible may provide a clue for the solution of our amnesty problem today.

The illustration of God's mercy and loving faithfulness to his people, despite their unfaithfulness, is spread upon almost every page of the Old Testament. But it is even more abundantly evident in the New Testament, it is in the New Testament that Jesus gives us the most amazing revelation from God. Namely, that God is a community. God is three persons in one being: Father, Son, and Holy Spirit. St. John defines this unity in community with one word: Love. The first letter of John says quite simply: "God is love" (1 Jn 4.8). Jesus came to tell us that if we are to live the life of God, if we are to have the Spirit of God in us, we must be loving people. To quote a little more from the first letter of John: "Beloved, let us love one another; for love is of God, and he who loves is born of God and knows God. He who does not love does not know God; for God is love" (1 Jn 4. 7-8).

But of course this leads us to ask the same question that the lawyer asked upon hearing the command of love from Jesus, and that is: "Who is my neighbor?" (Lk 10.29). It's not without relevance to our topic to note that the person that Jesus described as neighbor in his parable—answer was a Samaritan . . . one who had broken off from the land of Israel and who adopted an alternate form of the Jewish religion. He was a dissenter, yes, even a resister as far as the Jews were concerned. They hated him. And

he was the person that Jesus chose to exemplify the idea of neighbor!

In making mention of a parable, I would like to point out that Jesus gave neither specific commands nor ready answers for problems. The gospel records him as giving only one directive, and that is to love. Beyond that he simply told stories. The parables of Jesus are meant to show the quality of love that he asks of us.

Let's take a brief look at two of them, first, the parable of the laborers in the vineyard. The householder in the parable represents God. He sends people out to work at the first hour, promising to give them a denarius. Later he sends other people out into the vineyard, promising to give them "what is right," finally, at the eleventh hour, he goes out and finds some men still standing idle and he sends these in too. When it comes time to settle accounts, he treats all of them the same! They all get a denarius. And those who had been working all day long started to grumble. They said it wasn't fair! They said they had borne the heat of the day and here these malingers came in after the real work was done and they were rewarded the same as the people who had responded to the original call!

And what does Jesus say? I think the reply He has the householders give is really instructive for our handling of the amnesty question. He says to the one who bore the heat of the day: "Friend, I do you no wrong. I choose to give this last person as much as I give you, am I not allowed to do what I choose with what belongs to me? Or do you begrudge me my generosity?" Translated into present terms, the teaching of Jesus seems to say that magnanimity to the war resisters would not be unfair to those who served. The question before us, then, is whether we care to make God's logic our own.

I might remark in passing, that this fairness consideration can cut both ways. Russell Baker, a columnist for the New York Times, has suggested that it was really the American public who dodged the war issue. Sending its young men off to fight and die and, to this day, not being able to tell them what it was all about. It is perhaps kinder to us all if we do not try to enter into judgment now.

I'd like to consider now the parable of the prodigal son, or, as I think it should be better named, the parable of the forgiving father. The younger son in the story took his part of the inheritance and went off to a far-away country. And after awhile, the memory of his homeland his father's house awakened in him the desire to return. So he started back, thinking of the words he would say to ask for readmission to the family. He really didn't get a chance to get halfway thru what he had decided to say.

The father, who represents God the father in the parable, ran out to meet the son before he had even gotten back home. There was no knocking at the door or begging to come in necessary by the son. The father threw his arms around the son and invested him with all the signs of full membership in the household: the ring, the shoes, the robe. Then he decreed a feast to celebrate the return.

Now comes the most interesting part of the story, the other brother, the *older* one, comes along. When he finds out what's happened he is upset. He won't go in. Now he refuses to be part of the family. The father comes out to him and the elder son says: "These many years I have served you, and I never disobeyed your command; but when this son of yours came, who has devoured your living with harlots, you killed for him the fatted calf." The father responds: "son, you are always with me, and all that is mine is yours. But it was fitting to make merry and be glad, for this your brother,"—(not "that

son of yours" but "your brother")—was dead and is alive; he was lost and is found."

This parable, as the former one, tells us that reconciliation, for God, isn't based on strict justice, but rather on generosity.

Now I'd like to look briefly at Paul's teaching, in his letter to the Ephesians (4.30-5.2), he asks us not to grieve the Holy Spirit—God's spirit in us. He says: don't be unfaithful to it. He asks us to put all bitterness and wrath and anger and clamor and malice away from us. He asks us to be tenderhearted and forgiving, as God has forgiven us. We are called upon to be imitators of God. We have to pass along forgiveness, thus in the Lord's Prayer we pray: "forgive us our trespasses, as we forgive those who trespass against us." I submit that that's a very risky prayer for someone to say who takes a hard line on amnesty!

Permit me to return, now to one final quote from the gospel (LK 6.36-38): Jesus says: "be merciful, even as your father is merciful. Judge not, and you will not be judged; condemn not, and you will not be condemned; forgive, and you will be forgiven . . . the measure you give will be the measure you get back."

It is perhaps thoughts such as these that inspired the late Richard Cardinal Cushing to ask the following question in his last Easter message: "Would it be too much to ask 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 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?"

The Cardinal puts that as a question—and that is the wax it must treated, as a question put to each of us.

I personally believe that it would not be too much to ask because I believe that we as a nation currently need reconciliation more than we need vindictive prosecution of illegal activity.

The best conclusion to these remarks might well be a prayer. The one I choose is attributed to a man from several hundred years ago named Francis of Assisi. I hope it comes more and more to express a majority sentiment:

Lord, make us instruments of your peace. Where there is hatred, let us sow love, where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. And where there is sadness, joy.

Divine Master, grant that we may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive. It is in pardoning that we are pardoned. And it is in dying that we are born to eternal life. Amen.

JOHN K. CAUTHEN

Mr. THURMOND. Mr. President, one of South Carolina's truly outstanding citizens, John K. Cauthen, died last month at the age of 67. His record of achievement in both business and public affairs was extensive and distinguished.

John Cauthen was not one who sought elective office but his life and his work were deeply involved in the public life of our State. As a journalist, he began his involvement in the governmental activities of South Carolina. During his tenure as a State house correspondent he earned the respect and admiration of those about whom he wrote.

In 1941 Mr. Cauthen left journalism to become executive secretary to Gov. J. Emile Harley. It was a position which tested his mettle since he was often called upon to handle many problems which would normally be handled by the Governor whose health was failing. Mr. Cauthen even delivered the Governor's 1942 State of the State address to the General Assembly.

In all these functions Mr. Cauthen was found to be amply capable of the tasks he faced, including sensitive investigations and legislative coordination. When Governor Harley died in 1942, Mr. Cauthen was asked to remain in his post by the incoming Gov. R. M. Jefferies.

He was still rendering the same valuable service in the position when he accepted an offer to join the South Carolina Textile Manufacturers Association. He served as executive vice president of that organization until his retirement in 1971.

After becoming associated with the business world as a legislative representative, however, his public service was not concluded. In fact, some of his most distinguished public performances lay ahead, serving effectively and commendably on a number of State boards and commissions.

For example, he served on the committee which recommended the State's first water pollution control laws and was a member of the board which was established to administer those laws. Then, he served on a special committee to study South Carolina port development, resulting in a plan that led to extensive expansion of port activities. Mr. Cauthen was a prime mover in establishment of educational television in South Carolina, making it one of the pioneers in this field. Then, he served as a member of the State Educational Television Commission which developed the program. Further, he served as a member of the Higher Education Commission in our State and its predecessor advisory commission. In 1967, he served an interim term as a member of Columbia City Council to fill a vacancy which had occurred.

In all of these positions of public responsibility he brought the same high standards of dedication and hard work. The wisdom of his vision and the application of his effective leadership are reflected today in the programs of good government he fostered and supported.

Mr. Cauthen was born June 9, 1906, a son of the Reverend Henry J. Cauthen, a Methodist minister, and Mrs. Mary Finlayson Cauthen. He was a man of rare qualities which were applied to the welfare of our State and Nation over four decades. All who lived within his scope have benefited by his life. He will be sorely missed.

Mr. President, I wish to extend my deepest sympathy to his devoted wife, Mrs. Deloris Vaughan Cauthen; his two sons, John V. Cauthen of Greensboro, N.C., and Henry J. Cauthen of Columbia, S.C.; and his two brothers, Henry F. Cauthen, Sr. of Columbia, S.C., and Jennings Cauthen of Charleston, S.C.

At the time of his death, a number of

articles and editorials about John K. Cauthen appeared in newspapers around South Carolina. Mr. President, I ask unanimous consent that several of these articles, in addition to a tribute by Gov. John C. West and the eulogy by Chaplain George E. Meetze of the South Carolina State Senate, be printed in the RECORD at the conclusions of my remarks. The items are as follows: "John K. Cauthen Dies In Columbia," *The State, Columbia, S.C.*, December 19, 1973; "Newsmen, Legislative Aide John K. Cauthen Dies At 67," *News and Courier, Charleston, S.C.*, December 19, 1973; "Cauthen Services Planned Tomorrow," *The Columbia Record, Columbia, S.C.*, December 19, 1973; "Former Textile Association Executive Dies At Columbia," *the Evening Post, Charleston, S.C.*, December 19, 1973; "Influential South Carolina Lobbyist's Passing Mourned," *the News and Observer, Raleigh, N.C.*, December 23, 1973; "John K. Cauthen, Textile Executive, Dies Tuesday," *the Beaufort Gazette, Beaufort, S.C.*, December 19, 1973; "Cauthen Service Is Today," *the Spartanburg Herald, Spartanburg, S.C.*, December 20, 1973; "Cauthen Rites Held Today," *the Columbia Record, Columbia, S.C.*, December 20, 1973; "Citizen Extraordinaire," *the State, Columbia, S.C.*, December 20, 1973; "John K. Cauthen," *the Greenville News, Greenville, S.C.*, December 21, 1973; "John K. Cauthen," *News and Courier, Charleston, S.C.*, December 20, 1973; "Impact of a Private Citizen," *Florence Morning News, Florence, S.C.*, December 21, 1973; "John Cauthen, Carolinian," *the Columbia Record, Columbia, S.C.*, December 20, 1973; "John K. Cauthen's Gifts to S.C.," *the Charlotte Observer, Charlotte, N.C.*, December 24, 1973; "Extraordinary S.C. Citizen," *the Spartanburg Herald, Spartanburg, S.C.*, December 21, 1973; "John K. Cauthen," *the Index-Journal, Greenwood, S.C.*, December 20, 1973; a tribute by Gov. John C. West, and the eulogy by Rev. Dr. George E. Meetze.

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

[From the Columbia (S.C.) State, Dec. 19, 1973]

JOHN K. CAUTHEN DIES IN COLUMBIA

John K. Cauthen, retired executive vice-president of the South Carolina Textile Manufacturers Association, and long a figure in the public affairs of the state, died Tuesday at Richland Memorial Hospital after a prolonged illness. He was 67.

Mr. Cauthen's retirement from the textile industry came in 1971. He had been with the association since 1943, and had served as its legislative representative, with headquarters in Columbia.

His activities often extended into general public matters and he served on various state boards and committees, and, to fill a vacancy, for a brief period on Columbia's City Council in 1967 by election by the council with the stipulation he would not seek re-election.

Early in his career as a Columbia newspaperman, there began to develop between Mr. Cauthen and leading members of the General Assembly as well as governors a close relationship. This continued through his life and evidences of his counsel and influences could be seen through the years.

Aspects of his career, regarded as unique in the Capital, began to emerge prior to his connection with the textile industry.

He left newspaper work in 1941 to become the executive secretary of the late Gov. J. Emile Harley. Gov. Harley was seriously ill and relied heavily upon his executive secretary.

Mr. Cauthen personally delivered the indisposed governor's message in the General Assembly in 1942. This was a most unusual function for any but a governor himself.

During this period a major scandal occurred in connection with the administration of the state prisons. Gov. Harley took a strong stand for immediate and unqualified correction. Mr. Cauthen was delegated to implement the governor's decision and directive and to head a difficult investigation of a difficult problem.

Gov. Harley died in February, 1942, and was succeeded by the late Sen. R. M. Jefferies, the president pro tempore of the Senate. Mr. Cauthen remained as executive secretary until invited to join the textile association, a move that was to determine his lifetime work.

Not long after taking over his textile association assignment he was serving as a member of a committee of three which, after a study, drafted the states' Water Pollution Control Law and set up the first board for that purpose. During the first four years of its existence Mr. Cauthen served as a member of this board.

Mr. Cauthen later was a member of a three-man special committee which made a study of the state's ports. Charles E. Daniel was the chairman. This committee recommended action to improve the ports and out of its design came the initial \$21,000,000 bond issue for ports facilities. This was the beginning of the revival of commerce at the port of Charleston. The growth was such that additional bond issues were granted as the years passed.

In 1958, Mr. Cauthen was attracted to what he regarded as the bright possibilities of educational television, and was credited with being largely responsible for initiating the movement which established this facility in South Carolina, using the closed-circuit method which was later to be adopted in many states and even in countries abroad. Educators from practically all the states and many foreign nations came to Columbia to study the system. Its usage grew not only in the classrooms over the state, but in extracurricula services for nurses, physicians, law enforcement officers, industrial workers and even lawyers. Mr. Cauthen served for some time on the first State Educational Television Commission. His son, Henry J. Cauthen, succeeded the late Lynn Kalmbach as the second director for the system.

Subsequently, Mr. Cauthen served on the advisory Committee for Higher Education, and then on the re-constituted Commission on Higher Education as its chairman. Others succeeded to the chairmanship under a rotation plan adopted for this post. Mr. Cauthen was still a member of the commission at his death and had always been an active member.

He was called into the considerations for the peaceful integration of Clemson University when the first Negro student was received there. And he served on several committees in Columbia which worked for stable race relations in the capital city.

Long a close friend of State Sen. Edgar A. Brown, a Senate leader of many years, Mr. Cauthen in 1970 personally narrated an educational television presentation covering the senator's life. It was done for the occasion of the announcement of the Edgar Brown Foundation for scholarships of Clemson, of the board of which Brown was a member.

Likewise a long-standing friend of Solo-

mon Blatt, speaker of the House of Representatives, Mr. Cauthen, wrote his only book on the speaker. It was entitled "Speaker Blatt—His Challenges Were Greater." It was published in 1965.

Mr. Cauthen was known in public circles as "the pragmatist," a man who sought the facts of any situation.

"John K. Cauthen was one of South Carolina's greatest statesmen, while he did not hold an elected office, he nevertheless served our state with great distinction. He also was a giant among the leadership of the textile industry. His contributions to our state and to our industry will be lasting reminders of his genuine greatness," said Ray Shockley, executive vice president of the S.C. Textile Manufacturers Association.

Born at North Augusta, June 9, 1906, Mr. Cauthen was the son of the Rev. Henry J. Cauthen, Methodist minister, and Mary Finlayson Cauthen. Later the family lived in York, Walterboro, Georgetown, Darlington and Charleston. It was in Charleston that he began his newspaper career, serving 11 years on the *News and Courier* before joining *The Columbia Record* in 1936.

He was a former member of the Advisory Board of the South Carolina National Bank and was treasurer of the J. E. Serrine Textile Foundation.

Surviving are his widow, the former Deloris Vaughan, a native of Wilmington, N.C.; two sons, John V. Cauthen, a vice president of Burlington Industries of Greensboro, N.C., and Henry J. Cauthen, president of the South Carolina Educational Television System; and two brothers, Henry F. Cauthen Sr., retired editor of *The State, Columbia*, and Jennings Cauthen of Charleston.

Plans will be announced by Dunbar Funeral Home.

[From the Charleston (S.C.) News and Courier, Dec. 19, 1973]

NEWSMAN, LEGISLATIVE AIDE, JOHN K. CAUTHEN, DIES AT 67

COLUMBIA.—John K. Cauthen, 67, retired executive vice president of the South Carolina Textile Manufacturers Association, died Tuesday at Richland Memorial Hospital after a long illness.

Cauthen had been active in statewide public affairs for many years and was a long-time power in the state legislature. He had served as the association's legislative representative since 1943.

Early in his career, Cauthen worked for 10 years as a reporter for *The News and Courier*.

He was a son of the late Rev. Henry J. Cauthen, a Methodist minister, and Mrs. Mary Finlayson Cauthen.

As a newspaperman in Columbia early in his career, Cauthen developed a close relationship with governors, other state officials and legislators which continued throughout his lifetime. He left newspaper work in 1941 to become executive secretary of the late Gov. J. Emile Harley. Harley was seriously ill and Cauthen personally delivered the governor's message to the legislature in 1942.

Harley died in 1942 and Cauthen remained as executive secretary to Gov. R. M. Jefferies until Cauthen became the legislative representative of the textile association in 1943.

In 1958, Cauthen was attracted to the bright possibilities of educational television. His efforts and influence are largely regarded as being instrumental in establishing the South Carolina ETV system as a model for the nation.

Cauthen was credited in large part with the peaceful integration of Clemson University in 1963 when the first black student at a South Carolina institution of higher learning, Harvey Gantt, was enrolled there. He

served on several committees in Columbia which worked for peaceful race relations.

Born at North Augusta, June 9, 1906, Cauthen is survived by his widow, the former Deloris Vaughan of Wilmington, N.C.; two sons, Henry J. Cauthen of Columbia, president of the South Carolina ETV system, and John V. Cauthen, president of Burlington Industries, Greensboro, N.C.; and two brothers, Henry F. Cauthen, Sr., retired editor of The Columbia State newspaper, and Jennings Cauthen of Charleston.

[From the Columbia (S.C.) Record, Dec. 19, 1973]

CAUTHEN SERVICE PLANNED TOMORROW

Funeral services for John K. Cauthen will be held at 2 p.m. tomorrow in Washington Street United Methodist Church, conducted by the Rev. Dr. E. Wannamaker Hardin, the Rev. Dr. George E. Meetze and the Rev. Mr. Bryant Wilbourne. Burial will be in Greenlawn Memorial Park.

Mr. Cauthen, 67, retired executive vice-president of the South Carolina Textile Manufacturers Association, and long a figure in the public affairs of the state, died yesterday at Richland Memorial Hospital after a long illness.

Mr. Cauthen's retirement from the textile industry came in 1971. He had been with the association since 1943, and had served as its legislative representative, with headquarters in Columbia.

His activities often extended into general public matters and he served on various state boards and committees, and to fill a vacancy, he served for a brief period on Columbia's City Council in 1967 by election by the council with the stipulation he would not seek re-election.

Early in his career as a Columbia newspaperman, there began to develop between Mr. Cauthen and leading members of the General Assembly as well as governors a close relationship. This continued through his life and evidences of his counsel and influence could be seen through the years.

Aspects of his career, regarded as unique in the Capital, began to emerge prior to his connection with the textile industry.

He left newspaper work in 1941 to become the executive secretary of the late Gov. J. Emile Harley, Gov. Harley was seriously ill and relied heavily upon his executive secretary.

Mr. Cauthen personally delivered the indisposed governor's message to the General Assembly in 1942. This was a most unusual function for any but a governor himself.

During this period a major scandal occurred in connection with the administration of the state prisons. Gov. Harley took a strong stand for immediate and unqualified correction. Mr. Cauthen was delegated to implement the governor's decision and directive and to head a difficult investigation of a difficult problem.

Gov. Harley died in February, 1942, and was succeeded by the late Sen. R. M. Jefferies, the president pro tem of the Senate. Mr. Cauthen remained as executive secretary until invited to join the textile association, a move that was to determine his lifetime work.

Not long after taking over his textile association assignment, he was serving as a member of a committee of three which, after a study, drafted the state's Water Pollution Control Law and set up the first board for that purpose. During the first four years of its existence Mr. Cauthen served as a member of this board.

Mr. Cauthen later was a member of a three-man special committee which made a study of the state's ports. Charles E. Daniel was the chairman. This committee recommended action to improve the ports and out of its

design came the initial \$21,000,000 bond issue for ports facilities. This was the beginning of the revival of commerce at the port of Charleston. The growth was such that additional bond issues were granted as the years passed.

In 1958, Mr. Cauthen was attracted to what he regarded as the bright possibilities of educational television, and was credited with being largely responsible for initiating the movement which established this facility in South Carolina, using the closed-circuit method which was later to be adopted in many states and even in countries abroad. Educators from practically all the states and many foreign nations came to Columbia to study the system. Its usage grew not only in the classrooms over the state, but in extracurricula services for nurses, physicians, law enforcement officers, industrial workers and even lawyers. Mr. Cauthen served for some time on the first State Educational Television Commission. His son, Henry J. Cauthen, succeeded the late Lynn Kalmbach as the second director for the system.

Subsequently, Mr. Cauthen served on the advisory Committee for Higher Education, and then on the re-constituted Commission on Higher Education as its chairman. Others succeeded to the chairmanship under a rotation plan adopted for this post. Mr. Cauthen was still a member of the commission at his death and had always been an active member.

He was called into the considerations for the peaceful integration of Clemson University when the first Negro student was received there. And he served on several committees in Columbia which worked for stable race relations in the capital city.

Long a close friend of State Sen. Edgar A. Brown, a Senate leader of many years, Mr. Cauthen in 1970 personally narrated an educational television presentation covering the senator's life. It was done for the occasion of the announcement of the Edgar Brown Foundation for scholarships at Clemson, of the board of which Brown was a member.

Likewise a long-standing friend of Solomon Blatt, speaker of the House of Representatives, Mr. Cauthen wrote his only book on the speaker. It was entitled "Speaker Blatt—His Challenges Were Greater." It was published in 1965.

Mr. Cauthen was known in public circles as "the pragmatist," a man who sought the facts of any situation.

"John K. Cauthen was one of South Carolina's greatest statesmen. While he did not hold an elected office, he nevertheless served our state with great distinction. He also was a giant among the leadership of the textile industry. His contributions to our state and to our industry will be lasting reminders of his genuine greatness," said Ray Shockley, executive vice president of the S.C. Textile Manufacturers Association.

Born at North Augusta, June 9, 1906, Mr. Cauthen was the son of the Rev. Henry J. Cauthen, Methodist minister, and Mary Finlayson Cauthen. Later the family lived in York, Walterboro, Georgetown, Darlington and Charleston. It was in Charleston that he began his newspaper career, serving 11 years on the News and Courier before joining The Columbia Record in 1936.

He was a former member of the Advisory Board of the South Carolina National Bank and was treasurer of the J. E. Sitrine Textile Foundation.

Surviving are his wife, the former Deloris Vaughan, a native of Wilmington, N.C.; two sons, John V. Cauthen, a vice-president of Burlington Industries of Greensboro, N.C., and Henry J. Cauthen, president of the South Carolina Educational Television System; and two brothers, Henry F. Cauthen Sr., retired editor of The State, Columbia, and Jennings Cauthen of Charleston.

Dunbar Funeral Home Devine Street Chapel, is in charge.

Memorials may be made to John K. Cauthen Scholarship Fund, University of South Carolina.

[From the Charleston (S.C.) Evening Post, Dec. 19, 1973]

FORMER TEXTILE ASSOCIATION EXECUTIVE DIES AT COLUMBIA

COLUMBIA.—John K. Cauthen, 67, a one-time newspaperman, textile association executive, former chairman of the Commission on Higher Education and a major behind-the-scenes power in the South Carolina legislature, died Tuesday at the age of 67.

Cauthen, retired executive vice president of the South Carolina Textile Manufacturers Association, died at Richland Memorial Hospital after a long illness.

Funeral arrangements were incomplete.

As a newspaper reporter covering the State House early in his career, Cauthen developed powerful friendships which stood him in good stead throughout his lifetime. He was on a first-name basis with governors and influential legislators. Although he never held elective office, he was considered one of the most powerful men in state government.

Ray Shockley, who succeeded Cauthen as executive vice president of the Textile Manufacturers Association, issued this statement after learning of Cauthen's death.

"John K. Cauthen was one of South Carolina's greatest statesmen. While he did not hold an elective office, he nevertheless served our state with great distinction. His contributions to our state and our industry will be lasting reminders of his genuine greatness."

Cauthen worked for 10 years as a reporter and telegraph editor for The News and Courier. He left newspaper work in 1941 to become executive secretary to Gov. J. Emile Harley. Harley died in 1942 and Cauthen remained as executive secretary to his successor, the late Gov. R. M. Jefferies.

He became legislative representative for the textile industry in 1943.

Cauthen's efforts in behalf of South Carolina's Educational Television Network helped establish the ETV system as a model for the nation.

Although seldom in the headlines, he also was credited with helping pave the way for the peaceful integration of Clemson University in 1963 when Harvey Gantt, the first black to enter a state-supported institution of higher learning in South Carolina, was accepted there without incident.

A native of North Augusta, S.C., Cauthen is survived by his widow, the former Deloris Vaughan of Wilmington, N.C.; two sons, Henry J. Cauthen of Columbia, director of the South Carolina ETV system, and John V. Cauthen, an executive of Burlington Industries in Greensboro, N.C.; and two brothers, Henry F. Cauthen Sr., retired editor of The Columbia State newspaper, and Jennings Cauthen of Charleston, retired Charleston County coroner.

[From the Raleigh (N.C.) News and Observer, Dec. 23, 1973]

INFLUENTIAL SOUTH CAROLINA LOBBYIST'S PASSING MOURNED

(By William Rone)

COLUMBIA, S.C.—The leaders of government and industry in South Carolina stopped their activities last week to pay homage to the memory of a quiet man, a private citizen, who made the wheels of government run more smoothly for over 30 years.

John K. Cauthen was a lobbyist, and he was proud of that calling. In fact, he was the state's most powerful lobbyist until his

retirement several years ago as executive vice president of the S.C. Textile Manufacturers Association.

A lobbyist can be a hard man to love and respect, but love and respect were evident as the state's leadership turned out for his funeral. He died Tuesday at 67 of a heart condition.

The mourners knew that John Cauthen had been a catalyst for progress in many areas of South Carolina life. His activities and contributions ranged far beyond the narrow interests of the textile industry.

The son of a Methodist minister, Cauthen was not college-trained. Neither was his older brother, Henry, who is now retired after serving for years as editor of the two Columbia newspapers. Both got their education in the newsroom of the Charleston News and Courier. As reporters they learned the lessons of politics covering the art as it was colorfully and sometimes pungently played in the Charleston wards.

John got his first taste of statewide politics when he joined the Columbia Record in 1936 and was assigned the state house beat.

In 1941, that led to an assignment as executive secretary to Gov. J. Emile Harley. Harley developed a serious illness that became terminal, and he relied on Cauthen as his right arm. The newsman even delivered the governor's state of the state address to the General Assembly in 1942.

Harley was a member of a famous political clique known as the "Barnwell Ring." Two other members were Senate President Pro Tempore Edgar A. Brown and House Speaker Solomon Blatt.

But his role as conciliator between legislators and quiet adviser to a string of governors was equalled by more public activities.

As Gov. Harley's aide, he conducted an investigation into a scandal in the prison system. Just after taking the textile job he served on a three-man committee that drafted the state's water pollution control act and he served for four years on its implementing board.

The sad plight of the state's ports next claimed his attention. He was a member of a study committee that recommended the ports, particularly Charleston, be revitalized. That resulted in a \$21 million bond issue which put Charleston back on seamen's charts.

In 1958 the potential of educational television caught his fancy and became his passion. With help of Brown and Blatt, of course he had led the drive to establish a statewide ETV system, which has been studied by other states and a number of foreign countries. Cauthen served on the first ETV commission.

During a period of years, Cauthen did some of his most effective work behind the scenes in the area of race relations. He orchestrated a plan that won public acceptance of the state's first integration at Clemson University. It went off peacefully despite the intense feelings of the time.

Long before the passage of federal civil rights acts, he saw the need for the textile industry to drop color bars. The reason was pragmatic. White workers were leaving the industry.

Pragmatism was a John Cauthen characteristic. That and his knack of getting things done, of getting stubborn minds together, of knowing what was needed and what was possible.

[From the Beaufort (S.C.) Gazette, Dec. 19, 1973]

JOHN K. CAUTHEN, TEXTILE EXECUTIVE, DIES TUESDAY

COLUMBIA.—John K. Cauthen, 67, a one-time newspaperman, textile association ex-

ecutive and a major behind-the-scenes power in the South Carolina legislature, died Tuesday at the age of 67.

Cauthen, retired executive vice president of the South Carolina Textile Manufacturers Association, died at Richland Memorial Hospital after a long illness. Funeral arrangements were incomplete.

As a newspaper reporter covering the State House early in his career, Cauthen developed powerful friendships which stood him in good stead throughout his lifetime. He was on a first-name basis with governors and influential legislators. Although he never held elective office, he was considered one of the most powerful men in state government.

Ray Shockley, who succeeded Cauthen as executive vice president of the Textile Manufacturers Association, issued this statement after learning of Cauthen's death:

"John K. Cauthen was one of South Carolina's greatest statesmen. While he did not hold an elective office, he nevertheless served our state with great distinction. His contributions to our state and our industry will be lasting reminders of his genuine greatness."

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A native of North Augusta, S.C., Cauthen is survived by his widow, the former Deloris Vaughan of Wilmington, N.C.; two sons, Henry J. Cauthen of Columbia, director of the South Carolina ETV system, and John V. Cauthen, an executive of Burlington Industries in Greensboro, N.C., and two brothers, Henry F. Cauthen Sr., retired editor of The Columbia State newspaper, and Jennings Cauthen of Charleston.

[From the Spartanburg (S.C.) Herald, Dec. 20, 1973]

CAUTHEN SERVICE IS TODAY

COLUMBIA.—Gov. John West said Wednesday of John K. Cauthen, who died Tuesday, "Few men have served their state with such distinction in so many capacities.

"Few men have given more fully of their energies and abilities," West said, adding that he often consulted Cauthen and found "his judgment always good and advice sound.

"Although he rarely achieved public acclaim or attention, his influence was for years a regular part of the leadership element of this state," West continued.

Funeral services for the 67-year-old retired official of the South Carolina Textile Manufacturers Association will be at 2 p.m. today at Columbia's Washington Street United Methodist Church. Burial will be in Greenlawn Memorial Park.

Cauthen's family asked that any memorials be given to the John K. Cauthen scholarship fund at the University of South Carolina.

Before joining the staff of the textile organization in 1943, Cauthen had been on the staffs of two governors and had been a newspaper reporter. In more recent years he had been an unofficial adviser to the state's top lawmakers.

Cauthen was one of the leaders in the campaign to establish an educational television network in the state and was a behind-the-scenes force for the peaceful integration of Clemson University in 1963.

He was an original member of the board of the Water Pollution Control Agency and of the Education Television Commission, chairman of the Commission on Higher Education.

[From the Columbia (S.C.) Record, Dec. 20, 1973]

CAUTHEN RITES HELD TODAY

Funeral services for John K. Cauthen were held today in Washington Street United Methodist Church, conducted by the Rev. Dr. E. Wannamaker Hardin, the Rev. Dr. George E. Meetze and the Rev. Mr. Bryan Wilbourne. Burial was in Greenlawn Memorial Park.

Pallbearers were Jerry Tiemann, Gene Upright, Thomas L. Stepp, Ray Shockley, Henry F. Cauthen and John V. Cauthen.

Mr. Cauthen, 67, retired executive vice-president of the South Carolina Textile Manufacturers Association, died Tuesday in Richland Memorial Hospital after a long illness.

Gov. John West said yesterday of Mr. Cauthen, "Few men have served their state with such distinction in so many capacities.

"Few men have given more fully of their energies and abilities," West said, adding that he often consulted Cauthen and found "his judgment always good and advice sound.

"Although he rarely achieved public acclaim or attention, his influence was for years a regular part of the leadership element of this state," West continued.

Memorials may be made to the John K. Cauthen scholarship fund at the University of South Carolina.

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He was an original member of the board of the Water Pollution Control Agency and of the Education Television Commission and had been chairman of the Commission on Higher Education.

[From the Columbia (S.C.) State, Dec. 30, 1973]

CITIZEN EXTRAORDINAIRE

South Carolina's state government has come a long way in the past 30 years, and the catalyst for progress in many areas was a private citizen named John K. Cauthen.

Mr. Cauthen, who will be buried this afternoon after 67 eventful years, had a rare knack of getting things done, of getting stubborn minds together, of knowing what was needed and what was possible.

He operated most often behind the scenes, but he was ever willing to step out in front when necessary and offer personal leadership to projects he deemed important for the state.

True, Mr. Cauthen was not the ordinary private citizen. During much of his influential career, he operated from a powerful base that gave him political strength. This was his job as executive vice president of the South Carolina Textile Manufacturers Association, the state's strongest trade group.

In that role, he made the term "lobbyist" respectable. He did so by maintaining a proper balance between private interest and

public interest. His activities and contributions ranged far beyond the narrow concerns of the textile industry.

Areas that have benefited from his leadership and vision include the state prisons, water pollution, the state ports, educational television, higher education, and race relations. He was the first chairman of the S.C. Educational Television Commission and the S. C. Commission on Higher Education.

His special relationship with the oft-warring titans of the General Assembly, former Senate President Pro Tempore Edgar A. Brown and former House Speaker Solomon Blatt, helped smooth the path for many pieces of important legislation. Both of these leaders respected his honesty, his judgment, and his advice. It is not going too far to say that they both loved "Johnny" Cauthen.

Many governors also called on Mr. Cauthen for counsel and assistance. He understood their problems. In 1941 and 1942, during the terminal illness of Gov. J. Emile Harley, whom he served as executive secretary, Mr. Cauthen was virtually acting governor.

John Cauthen and his brother Henry, retired editor of *The State*, were educated not in the classroom but in the newsrooms of Charleston and Columbia newspapers. It was an education short on theory but long on realism.

In the passing of John Cauthen, South Carolina has lost an extraordinary citizen.

[From the Greenville (S.C.) News, Dec. 21, 1973]

JOHN K. CAUTHEN

John K. Cauthen never held an elective office, but he was one of the most influential men in South Carolina. His recent death was a public loss.

For more than 30 years Mr. Cauthen was a close adviser and friend to the state's leaders. The leadership of the General Assembly and every governor since Gov. J. Emile Harley relied on his counsel. He personally was involved in most of the progressive changes that have taken place in South Carolina during the past three decades.

Mr. Cauthen was a Columbia newspaperman when Gov. Harley made him his executive secretary in 1941. He already had laid the foundation for contacts in state government that were to grow and flourish over the years.

He shortly left the governor's office to become executive vice president of the South Carolina Textile Manufacturers Association. Under his leadership the textile industry gained a new status in the state and the association developed into a real economic and political power.

John Cauthen had a creative mind and he applied it vigorously to making South Carolina a better place to live and work. It is safe to say that there were few things of importance which happened in the state during the last 30 years in which he did not directly participate, or about which he was not at least consulted.

He had the unique ability to see beyond the present and the courage to speak out for the future. And, most important, when he had something to say, the people who counted listened.

Mr. Cauthen was the primary driving force behind establishment of the state educational television system. He realized its potential and lived to see the system he fathered become not just a national, but a world ETV model. He was instrumental in creation of the State Commission on Higher Education and was its first chairman.

Mr. Cauthen helped implement the peaceful integration of Clemson University and was active in a number of efforts to

stabilize race relations. He was working for equal employment opportunities long before the problem received national attention.

John K. Cauthen will be missed by those who knew him and by many South Carolinians, who may never have heard of him, but whose lives were touched by his imagination and vision. There are only a few rare people who use their energy and ability for the public good as he did.

[From the Charleston (S.C.) News and Courier, Dec. 20, 1973]

JOHN K. CAUTHEN

Though he never ran for public office, John K. Cauthen was one of the ablest men of his time in South Carolina politics. In his quiet way he earned the respect and confidence of those who represented the economic and political power of the state.

Mr. Cauthen wielded his influence for the good of the public, and deserved gratitude for many of the good things that have happened in the state. One of the projects that he promoted with marked success was the S. C. Educational Television system. Many of his accomplishments are not generally known because they resulted from persuasive negotiations behind the scenes.

We knew John Cauthen as a young colleague on *The News and Courier* news staff, and later as a friend and counselor. His death in Columbia at age 67 has ended an admirable career in public service, and deprived South Carolina of a loyal and talented citizen.

[From the Florence (S.C.) Morning News, Dec. 21, 1973]

IMPACT OF A PRIVATE CITIZEN

John K. Cauthen of Columbia never held and never sought an elective office. But among South Carolina private citizens who could influence the course of government at points where influence counted he was among the foremost.

His method was quiet persuasion. Never one to seek the limelight or to engage in soap-box oratory in support of a cause, he exercised himself as a wise, behind-the-scenes counsellor of South Carolina governors, legislators, educators, business and community leaders over a period of approximately 30 years.

Concern for the state's well-being was not restricted to narrow confines. In one way or another, his leadership was asserted in such varied fields as race relations, water pollution, the development of state ports, industrial expansion, higher education, and educational television. He early saw the potential of television as an educational medium and became the guiding spirit behind the development of the South Carolina Educational Television System into one which other states have viewed as a model.

The Pee Dee has special reason for being grateful to him. As the first chairman of the South Carolina Higher Education Commission, he was quick to join his efforts with those already generated in the Pee Dee for the establishment of a four-year college in the Pee Dee. Resulting endorsement by the Higher Education Commission and subsequent affirmative action by the legislature gave birth to Francis Marion College.

He was among those most pleased with the immediate success of the college. During the long illness which resulted in his death this week, he helped arrange with the state's ETV network for a 30-minute ETV-filmed documentary on the college which is now being prepared for airing statewide in the early future. We recall how immediately and warmly he responded to the suggestion that this be done. Only last week ETV cameras and camera crewmen were on the college

campus for most of the week completing the filming process for the documentary showing.

In a singular way and over a prolonged period, Mr. Cauthen illustrated how a private citizen can use his talents with sincerity and integrity to help chart the progress of a state.

We were among the many who knew him as a friend and appreciated the quiet, persistent manner in which he contributed to the common good. His death is the loss of one of the state's most respected and useful citizens.

[From the Columbia (S.C.) Record, Dec. 20, 1973]

JOHN CAUTHEN: CAROLINIAN

Although he was never governor of South Carolina, in his way, he governed well. Although he was never a member of the General Assembly, in his fashion he wrote more permanent legislation for the people than most members of the House or Senate.

For several decades a valued counselor to men who exercised power of government, John K. Cauthen was gifted with wisdom that surpasses mere knowledge, with creative imagination for the common good conditioned by pragmatism, and with the rare talent of persuasion by honor, grace and good manners.

A contemporary model of the best that was the Renaissance man, John K. Cauthen's human and intellectual interests ranged far and wide—with a common thread. That thread was a daring vision of Carolina's future, tempered by the reality and reason of Carolina's past.

In all of his manifold acts for his community, state and nation, he tempered creative change with civilized restraint. Unafraid of a fretful future for Carolinians, he masterfully helped direct destiny with endurance rather than fragility.

As racial relations changed dramatically during the late 1950's and the 1960's, John K. Cauthen didn't look back to glory but forward to justice and amity among all our people. He helped fashion the mannerly desegregation of the state's official and social institutions as essential to human dignity and equity. Fleeting unpopularity of the political right, as God gave him the wisdom to see the moral right, was no deterrent to John K. Cauthen's judgment and vision.

He was a newspaperman, a moulder of the textile industry's contemporary and enlightened function in our economic life, creator of the innovative ETV system, reshaper of our higher educational system, expansionist of our state ports system, and a friend to all Carolinians.

Many were his deeds of public record; countless were his small but important counselings freely given to his fellow Carolinians in moments of unseen travail.

He held honest thought in high esteem as he placed South Carolina's betterment as a great, throbbing star as his guide for life. No man loved his native state and its people more. No man gave more willingly of himself, time and time again, in selfless service to men and women of high and low estate. No task was too great or too small if it involved the welfare of Carolina.

In his life, John K. Cauthen gave Carolina a new life, a new hope, a new future.

[From the Charlotte (N.C.) Observer, Dec. 24, 1974]

JOHN K. CAUTHEN'S GIFTS TO SOUTH CAROLINA

As a youngster, John K. Cauthen dropped out of school to become a breadwinner because his father had died. He never attended college. But in his later years he was one of the most powerful and effective forces for

progress in higher education in his native South Carolina.

As executive director of the South Carolina Textile Manufacturers Association, Mr. Cauthen was the most successful lobbyist in the state. The Observer once said his success was based on integrity and an earned reputation for good judgment.

Mr. Cauthen used his influence and good judgment to the benefit of his state during his 30 years as a powerful public figure. He helped create South Carolina's educational television system, of which his son is now president. As chairman of the state Commission on Higher Education, he tried to make it a coordinating force among South Carolina's fiercely-competitive universities. He was a leader in the successful effort to insure responsible leadership and prevent disorders when Clemson University was desegregated in 1963.

Mr. Cauthen died last week in Columbia at the age of 67. His family asked that any memorials be donated to the John K. Cauthen Scholarship Fund at the University of South Carolina. It is fitting that those memorial gifts will be used for higher education.

[From the Spartanburg (S.C.) Herald,
Dec. 21, 1973]

EXTRAORDINARY SOUTH CAROLINA CITIZEN

John K. Cauthen, though never elected to office, exerted more positive influence over a longer period of time than most public figures of this time.

He began his career as a newspaperman, became executive secretary to a governor, and for many years served effectively as executive vice president of the S. C. Textile Manufacturers Association.

In that capacity, he was the prime mover in South Carolina's pioneering development of educational television. He was first chairman of the E-TV Commission and first chairman of the S. C. Commission on Higher Education.

The State newspaper, for which Mr. Cauthen worked several years, said he was "the catalyst for progress in many areas."

It added that he "had a rare knack of getting things done, of getting stubborn minds together, of knowing what was needed and what was possible."

"He operated most often behind the scenes, but he was ever willing to step out in front when necessary and offer personal leadership to projects he deemed important for the state."

The many who knew him will agree with The State: "In the passing of John Cauthen, South Carolina has lost an extraordinary citizen."

[From the Greenwood (S.C.) Index-Journal,
Dec. 20, 1973]

JOHN K. CAUTHEN

Out front and behind the scenes, John K. Cauthen was a powerful figure in South Carolina.

He began as a newspaperman, but was early called to public service as the executive secretary and advisor to two governors.

But it was as executive vice president of the S.C. Textile Manufacturers Association that he was to make his greatest contribution to state affairs.

He not only was a factor in involving this powerful organization in areas of state service, but as its chief executive officer served on numerous committees which probed into problems affecting South Carolina.

Not the least of his efforts was in behind-the-scenes work to make the integration of Clemson University an event that was to gain much favorable recognition for the state. He was only one of many persons working toward that end, but he was a pow-

erful force toward that commendable achievement.

The book jacket of his biography of House Speaker Solomon Blatt puts it well in stating that "John Cauthen perhaps has looked into and out of more windows at what has been happening in South Carolina's public affairs during the past thirty years than any other man."

In later years he became a fervent missionary for educational television. Perhaps more than any other individual he pushed it as one of the great answers to our educational problems.

He was an individual who had rare opportunities to help direct the forces of government and organized industry in South Carolina. Much of his good work was done quietly and without public fanfare.

But good works he did. And the state is better for his having lived and worked for what he believed in.

TRIBUTE TO JOHN K. CAUTHEN BY GOV. JOHN C. WEST

It is with great sadness that I have learned of the passing of my good friend John Cauthen. Few men have served their State with such distinction in so many capacities and few men have given more fully of their energies and abilities. As a newsman, business executive, citizen, leader, author, and valued advisor, John Cauthen helped steer South Carolina through stormy days on a course of social, political, and economic progress. During my years of public service, I have frequently turned to John Cauthen for advice and counsel. His judgment was always good and his advice sound. I have personally benefited tremendously from his unselfish friendship. Although he never had a college education, he left an imprint on the permanent educational structure of our State through Educational Television and the Higher Education Commission. These agencies will influence South Carolinians for generations to come. Although he rarely received and never sought public acclaim or attention, his influence was for years a regular and steady part of this State's leadership element. As a man who helped to shape and chronicle the history of South Carolina, John Cauthen now becomes a very important part of that history.

JOHN K. CAUTHEN FUNERAL, DECEMBER 20, 1973, WASHINGTON STREET METHODIST CHURCH (Dr. George E. Meetze, Chaplain of the South Carolina Senate)

Psalm 1—"He shall be like a tree, planted by the rivers of water that bringeth forth its fruit in its season. His leaf also shall not wither and whatsoever he doeth shall prosper . . ."

We thank God for the life and labors of John K. Cauthen. He walked with the giants of our State and was moved and motivated by concern for the poor, disfranchized, the lowly.

I shall cherish as long as I live my friendship with John. We stood together "in the wings" as it were, just off the stage where great issues of the last quarter of a century were being hammered out. As chaplain of the Senate I considered it part of my role to see to it that good men did not lose heart from the frustrations and trials of public life. John's was a far more active role as specific counselor and side line coach, and enabler. Many a man rose to power in this State because he was blessed by the friendship, the prestige, wisdom, and powerful influence that John Cauthen wielded.

It is no secret that John Cauthen's associates controlled the economy of this State. He knew the power of money; but the influence of the Methodist parsonage had taught him that "Man shall not live by bread

alone, but by every word that proceedeth out of the mouth of God."

He walked with tall men, because, spiritually and by character he was a tall man. But in it all he was a humble man. Here again he remembered on the gridiron of life what he was taught in the Methodist parsonage, "he that would be great among you, let him be servant of all."

He made a great contribution to business and industry, but his motivations came from remembering what the Good Book says about "building your house upon the rock, and not upon the sand."

He made a great contribution to education, but was the first to admit that "the fear of God is the beginning of wisdom."

He was not an ecclesiastic, but he took religion from the altar out into the market place, and like a modern St. Francis, by his deeds of love and service he praised his God. St. Paul would have loved him, too, as an Apostle of practical Christianity. Remember how he wrote, "Humbly accept the message that God has sown in your hearts, and which can save your souls. Don't, I beg you, only hear the Word, but put it into practice; otherwise you are merely deluding yourselves. The man who simply hears and does nothing about it is like a man catching the reflection of his own face in a mirror. He sees himself, it is true, but he goes on with whatever he was doing without the slightest recollection of what sort of person he saw in the mirror. But the man who looks into the perfect mirror of God's law, the law of liberty, and makes a habit of so doing, is not the man who sees and forgets. He puts that law into practice and he wins true happiness."—"Faith without action is as dead as a body without a soul."

As men like John Cauthen are called away to their Eternal Home and rest from the toil of this life, we must remind ourselves that victory and success in the level of business, industry, and government are determined by the quality of men produced in the homes and churches of this land.

St. James would also have loved John Cauthen, because St. James said, "If any of you lack wisdom, let him ask of God, who giveth to all men liberally." (Jas. 1:5)

Our desperate need in these days is men to follow in the train of John Cauthen. This need is set forth in the words of Josiah Holland when he prayed:

"God give us men! A time like this demands Strong minds, great hearts, true faith and ready hands;

Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor, men who will not lie;
Men who can stand before a demagog,
And damn his treacherous flatteries without winking!

Tall men, sun-crowned, who live above the fog

In public duty and in private thinking."
Let us pray:

O God our Father—have mercy upon us.
O Christ the Son—have mercy upon us.
O God the Holy Ghost—grant us Thy peace.

We praise Thy Holy Name and thank Thee this day for the life and labors of Thy servant, John.

For his loved ones and friends we pray for the gifts and consolations of the Holy Gospel, which only the Holy Spirit can give.

Lift up our hearts by the remembrance of the words of Jesus, "I am the resurrection and the life, he that believeth on me shall never die."

Help us so to live that "when our summons comes we shall be ready and be able to approach our grave as one who wraps the drapery of his couch about him and lies down to

pleasant dreams" is our prayer in the Name of Him who taught us to pray together—
"Our Father who art in heaven . . ."

OLDER AMERICANS TAX COUNSELING ASSISTANCE ACT

Mr. WILLIAMS. Mr. President, I am pleased to join the distinguished chairman of the Senate Special Committee on Aging (Mr. CHURCH) in cosponsoring the Older Americans Tax Counseling Assistance Act.

As the former chairman—and now the ranking majority member—of the Special Committee on Aging, I have been especially concerned about the extraordinarily high incidence of elderly persons paying more Federal income tax than required by law.

This harsh fact of life was brought home very forcefully during hearings I conducted while still chairman of the special committee on the subject of "Income Tax Overpayments by Older Americans."

Several expert witnesses confirmed reports that large numbers of older persons were paying more taxes than required. Mr. Henry W. Block—president of the Nation's largest tax service, H. & R. Block, Inc., said:

Do our over-65 taxpayers overpay their income taxes? Of course they do. Statistics relating to the extent of those overpayments are much better known to the Treasury, but there can be no doubt that our current laws and reporting forms, as they deal with tax reporting by our elderly citizens, have resulted in confusion, improper reporting, and a widespread failure to take advantage of the tax-reducing devices available.

A report was later issued by the committee, calling for far-reaching action on several fronts. The No. 1 recommendation was to expand the tax assistance program for the elderly, conducted jointly by the Internal Revenue Service and senior citizen organizations, such as the National Retired Teachers Association—American Association of Retired Persons.

The bill that we introduce today is designed to implement this recommendation.

Specifically, this proposal would provide the wherewithal for the IRS to strengthen its training and technical assistance program for elderly volunteer tax counselors. This measure would also permit the IRS to reimburse the tax consultants for their out-of-pocket expenses for training and providing services under this act. Finally, the bill would authorize the IRS to conduct special alerts to help assure that all aged taxpayers are fully aware of important tax relief measures, such as the retirement income tax credit.

Today many older Americans need tax counseling assistance in order to prepare their own returns. Moreover, large numbers should be notified about tax relief measures which can result in substantial savings. This becomes all the more important because the soaring rate of inflation continues to rob the elderly's limited pocketbooks.

Five years of successful operations by the tax-aid for the elderly program

have demonstrated beyond any doubt the value of tax counseling assistance for the aged. Equally important, the program has clearly shown the effectiveness of utilizing qualified older persons—who are glad to volunteer their time and talents to counsel other elderly taxpayers.

To my way of thinking, there is an urgent need to expand the activities of the tax-aid for the elderly program. Nearly 7 million returns are filed by older Americans. Many of these individuals desperately need assistance in order to avoid paying in taxes more of their limited incomes than the law requires.

The Older Americans Tax Counseling Assistance Act would be a constructive means to provide further safeguards against elderly persons overpaying their taxes.

CHILE

Mr. KENNEDY. Mr. President, recent news reports continue to underline the denial of human rights in Chile 4 months after the military coup that deposed its elected government and abrogated its Constitution.

While there has been cooperation with the United Nations refugees organizations, that cooperation has been undercut by episodic violations of the safe conduct guarantee, affecting both individuals under United Nations protection and those under the supposed diplomatic protection of foreign embassies.

On January 3, according to the New York Times, a Chilean with a safe conduct pass, was killed while Argentine officials stated he was on embassy grounds. Earlier, another Chilean was shot and killed while seeking to enter the Argentine Embassy.

Also, the former Minister of Agriculture in the Allende regime, Rolando Calderon was critically wounded while in an embassy compound where he had been given asylum.

In late December, two Americans, David and Darlene Kalke, working as volunteers in the United Nations refugee camps were arrested along with five refugees, all with safe conduct passes. One of the refugees has never been released.

In the past 2 weeks, a number of medical doctors including internationally recognized nutrition expert, Dr. Giorgio R. Solimano Cantuarias, have been arrested.

These events as well as the increase in censorship and the continued imprisonment without due process of former Congressmen and appointees of the elected Allende Government reflect a sad extension of repression by the military dictatorship in Santiago.

The latest commentary by an independent team of observers, sent by Amnesty International to the United Nations and reported in yesterday's New York Times, also concludes that "there is substantial evidence of a persistent and gross violation of the most fundamental human rights."

Perhaps the most vivid account of conditions in Chile is described in the article published in the Washington Post yesterday by Laurence Stern, an account

of the death of the 27 year-old son of an American citizen after his arrest by the junta.

I call these matters to my colleagues' attention because the continuing attitude of our Government reveals little evidence of a concern for human rights. The administration lobbied for the death of the amendment I introduced cutting off military aid to Chile which was adopted by the Senate. It not only is extending substantial credits to the junta but is apparently encouraging private banks to do the same. The key element in the attitude of the administration apparently is the junta's open solicitation of U.S. private investment once more.

I would expect our embrace of the junta to be at least somewhat tempered by its disregard of human rights within that land.

I ask unanimous consent that recent articles on this subject be printed in the RECORD.

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

[From the New York Times, Jan. 20, 1974]

CHILE IS ACCUSED IN REPORT TO U.N.

(By Kathleen Teltsch)

UNITED NATIONS, N.Y., January 19.—Amnesty International contends that political arrests and executions are continuing in Chile under the military junta that seized power last September.

Killings are fewer and torture seems less widely used than in the period immediately after the coup d'état, the organization said in a report yesterday, but many hundreds are still held in prison without trial.

Contrary to statements by Chilean officials, it declared, "there is substantial evidence of a persistent and gross violation of the most fundamental human rights."

The findings were based on a week-long visit in November by an Amnesty team and were updated and supported, Amnesty said, by recent information reaching its headquarters in London. Amnesty is recognized at the United Nations as an accredited organization and frequently submits data on political prisoners.

The Chilean Government repudiated Amnesty's charges in a statement made in Santiago and given out by its delegation here. It said that the inquiry was biased and superficial and that its members had limited their stay to Santiago and had used hearsay information.

Amnesty's inquiry was made by Prof. Frank C. Newman of the University of California Law School at Berkeley; Bruce W. Sumner, presiding judge of the Supreme Court of Orange County, Calif., and Roger Plant, a Spanish-speaking researcher from Amnesty's London staff who later interviewed Chilean refugees living outside the country.

The investigators said they had met with government ministers in Santiago but also had been left free to talk with Chileans in their homes, with lawyers, priests, students and welfare workers and with the families of political prisoners. They praised the Chilean officials for their cooperation.

Accurate statistics on prisoners were not available, the report said, but the Chilean authorities estimated that in Santiago alone 550 people were awaiting trial and another 1,000 were held in "preventive detention" meaning they may never come to trial, and that at least an equal number were in custody outside the capital.

"We are not convinced that complete information is available even to high officials," the inquiry team wrote. "Every day

people are taken into custody to be held indefinitely without charge."

"A DAMNING ADMISSION"

Chilean officials acknowledged that some of those detained are held for as long as eight months, the report said. It called this "a damning admission."

In describing conditions in Santiago, where they said house searches were common, the investigators asked, "How, briefly, does one describe fear and its chilling effect?"

The report said that the team had concluded that beatings and electric shock were used during interrogation.

The statement by the Chilean Government said the A team had refused to visit any other place than Santiago and therefore could not intellectually, legally or morally make a well-funded judgment on the country.

Dr. Amelia Augustus, an Amnesty spokesman in New York, said that the team had restricted its inquiry to Santiago because its members were short of time.

The report is to be submitted to the Human Rights Commission, Dr. Augustus said, and will include a confidential list of the names of persons known to be held.

[From the New York Times, Jan. 12, 1974]

CHILEAN DEADLINE IS WORRYING POLITICAL REFUGEES

(By Marvina Howe)

SANTIAGO, CHILE, January 11.—There is a new feeling of insecurity and urgency among political refugees in United Nations-sponsored safe havens here as the February deadline for leaving the country draws near.

There are known to be more than 3,000 Chileans and foreigners in the four sanctuaries and in foreign embassies or private homes, desperately waiting to get out of reach of the military junta that ousted the Marxist Government of President Salvador Allende Gossens in September.

The junta declared that it had delivered 6,462 safe-conduct passes. A major problem has been to find countries willing to take the refugees, who include not only partisans of the Allende Government but political exiles from neighboring right-wing dictatorships and other Latin-American countries.

Countries that usually cooperate with the United Nations High Commission for Refugees, among them the United States and Britain, have shown reluctance, presumably because of the leftist views of many of the refugees. The United States accepted its first refugee family only last week, and has some 60 requests under study. Britain has taken none, but Canada is beginning to relax restrictions and receive families.

RED BLOC OPENS DOORS

On the other hand Communist countries have shown willingness to cooperate with the United Nations Commission.

The Chilean Government has set Feb. 3 as the deadline for the departure of foreign refugees. If they do not get out by then, they risk difficulties with the police because most have no identity papers, and there is the danger that they could be returned to their countries of origin. Many have been dismissed from their jobs.

Tension has risen in the sanctuaries and embassies because of several incidents in recent weeks showing that refugees are not safe, not even with United Nations protection.

On Jan. 3 a 27-year-old Chilean, Sergio Leiva Molina, who had a safe-conduct pass from the Chilean authorities, was shot and killed by a policeman at the Argentine Embassy. Argentina has protested vigorously, saying the incident took place on the embassy grounds. The Government says Mr. Leiva Molina was shot outside the embassy while trying to enter.

Argentine sources say another Chilean was shot and killed on Dec. 31 while outside the embassy trying to get in, but they insist that Mr. Leiva Molina was on the grounds and was killed by machine-gun fire from outside.

EX-MINISTER WOUNDED

Rolando Calderon, Minister of Agriculture in the Allende Government and secretary-general of the National Workers Federation, now outlawed, was critically wounded on Dec. 18 in the Cuban Embassy compound, where he had been given asylum. The attack was witnessed by a member of the Swedish Embassy, which has been charged with Cuban affairs since the rupture in diplomatic relations after the coup. The Swedes declare that the shot came from outside the embassy; the Chileans assert that Mr. Calderon was wounded in a fight with a fellow exile.

Armed guards have been set up outside the United Nations havens and most of the Latin-American embassies and other diplomatic missions to discourage people from seeking asylum. Numerous arrests have been reported.

An American couple, David and Darlene Kalke, volunteers from the Lutheran World Federation, were arrested with five refugees from a United Nations sanctuary. The Kalkes were taking the refugees to the National Committee for Help to Refugees to obtain travel documents. All were held at gunpoint.

The Americans were released after several hours' interrogation. When they were warned that they would be picked up again, they left the country. Four of the refugees, all of whom had safe-conduct passes, were released after five but the fifth is still held.

1,480 NON-CHILEANS DEPARTED

The urgency of the situation was confirmed by a statement in the press calling on all foreigners registered as refugees to present themselves to the refugee-aid committee before Tuesday. It said resettlement in another country would be difficult after that time.

A United Nations tally as of Jan. 3 shows that 1,480 refugees other than Chileans have been sent out of the country since the military take-over. The largest contingent was Brazilian.

There remain 1,800 registered foreign refugees, 455 of whom are in safe havens and 112 in embassies along with about 500 Chilean exiles; 1,210 foreigners are living in private homes and 23 are known to be in prison.

Discussing the resettlement effort, a spokesman for the High Commission for Refugees, said in an interview, "We are very encouraged by the response to our appeal from Cuba and other socialist countries."

The Cuban Foreign Minister, Raul Roa, informed the United Nations mission that his Government would take all Chileans and foreigners who asked to go to Cuba. Yugoslavia has agreed to take 60; East Germany is taking 400; Poland has expressed willingness to take an unspecified number. The Soviet Union has agreed to accept six Russian women and their Chilean husbands and children.

MOST TO TWO COUNTRIES

Mexico and Argentina have taken the largest numbers of Chilean exiles, said to be in the thousands. Many are reported to have crossed into Argentina on foot.

Of the non-Communist European countries, Sweden has taken 600 Chileans and others and is showing willingness to accept their close kin. Other countries that have helped include France, which has taken more than 350, Finland, Belgium, the Netherlands and Switzerland.

West Germany recently promised to take more than a thousand refugees and has a special mission interviewing cases. It has received 150 so far, and if it fulfills its pledge the situation will be greatly alleviated, according to United Nations sources.

A United Nations official noted that countries accepting refugees have assumed heavy responsibilities, generally paying for trans-

port and committing themselves to food, clothing, housing and language instruction until employment can be found.

[From the New York Times, Jan. 13, 1974]

CHILE IS ARRESTING PROMINENT DOCTORS CONNECTED WITH ALLENDE GOVERNMENT

(By Marvina Howe)

SANTIAGO, CHILE, January 12.—Chile's military junta has arrested a number of physicians in a campaign against medical men who were connected with the left-wing government of the late president Salvador Allende Gossens.

The Minister of Health, Col. Alberto Sporer Covarrubias of the Air Force, said yesterday that at least six medical doctors had been detained in the last week and a half, including the former Minister of Health, Dr. Mario Lagos; Chile's leading lung specialist, Dr. Victorino Farga, and an internationally known nutrition expert, Dr. Giorgio R. Solimano Cantuarias.

Colonel Sporer said in an interview that he did not know the reasons for the arrests but believed they were connected with investigations into the discovery of some 25 to 30 clandestine hospitals in the Santiago area.

There is now an order out to apprehend 20 doctors in connection with the clandestine hospitals, according to sources close to the Government.

TWO VIEWS ON HOSPITALS

The Minister of Health declared that the underground hospitals were part of alleged preparations by Allende followers for an assault on the armed forces, which was forestalled by the military coup of Sept. 11.

On the other hand sources once linked to the Allende Government said the clandestine hospitals were "defensive," set up in the event of an attempted coup, which they believed would degenerate into civil war.

But Colonel Sporer, who is also a heart surgeon, said: "The Marxists knew that if they started a revolution or a civil war they would have lots of wounded and so they set up the secret hospitals—some in the facilities of the National Health Service."

He added that the doctors would be tried for common crimes such as the diversion of medical supplies—bandages, surgical instruments, plasma, medicine—from the National Health Service—to the clandestine hospitals.

The doctors who have been detained are being held without formal charges and are incommunicado, according to sources in the Chilean Medical Association.

BROAD INQUIRY IS SEEN

Military intelligence officers, acting under the martial law in effect since the overthrow, are handling the action against the doctors, medical sources disclosed. The case is said to involve a broad investigation into the operations of the National Health Service under the Allende Government.

The medical profession as a whole has not been hard hit because it is generally estimated that 75 per cent of the doctors favored the military coup d'état that ended the Allende attempt to bring socialism to this country through democratic means.

ARRESTS BEGUN JANUARY 2

However, those doctors considered leftists have been under increasing pressure. The National Health Service has been subject to special attack and a large number of persons have been dismissed for having supported the Allende Government.

In the area of Valparaiso, Chile's second city, 60 left-wing or independent doctors, out of a total of 400, are said to be under investigation and risk suspension from the medical order. Another 15 have been jailed or forced to flee.

Colonel Sporer disclosed that 16 doctors were being held at the Chacabuco detention camp, an old nitrate mining area in the

Atacama Desert in northern Chile. Some of the doctors imprisoned at Chacabuco were convicted by military courts for "actively participating in the formation of clandestine hospitals," he said.

The current wave of arrests began on Jan. 2, with the detention of Dr. Enrique Sepúlveda, a pediatrician, medical sources here said. In the following days, Dr. Lagos and Dr. Farga were detained.

On Jan. 7, Dr. Marcelo Taborga of the Thorax Hospital and Dr. Gustavo Molina, former director of health for greater Santiago and now retired, were arrested.

The following day, Dr. Solimano, who was chief of the Allende nutrition program, was arrested at the University of Chile, where he is assistant to the director of the nutrition program.

SANTIAGO CLAMPS DOWN ON ITS REMAINING PRESS

SANTIAGO, CHILE, January 12.—Chile's military junta established prepublication censorship today over all newspapers and magazines here.

No official reasons were given for the clampdown, but an authoritative source said that the aim was "to prevent the spread of alarmist news during this delicate period."

The censorship measure actually affects only the conservative press that supports the military junta, because all the left-wing publications were promptly banned after the military coup on Sept. 11.

At the same time, the military authorities suspended the influential right-wing afternoon newspaper, *La Segunda*, today, again without giving any official explanation.

Sources close to the government, however, disclosed that *La Segunda* had been closed because of a front-page article yesterday reporting the current cigarette shortage, brought direct by price speculation. Price rises and shortages have followed the abrupt return to a free market after three years of price controls, and the government found the article "alarmist."

[From the Washington Post, Jan. 20, 1974]
A YOUNG WASHINGTONIAN WENT TO CHILE
JUST BEFORE THE COUP; WHAT HAPPENED
NEXT WAS REGRETTABLE

(By Laurence Stern)

"It doesn't matter where I begin. Perhaps I could begin when I was arriving in the airplane with the children on the second of July. The plane was flying very low and the day was ending and the desert and the mountains seemed empty and sterile that day when in my youth they had seemed so mysterious and peaceful and majestic.

"And I cried because I didn't know where I was going and from where I was coming. I was very close to the window and the children couldn't see me."

These were among the first words in the final notebook of Christian Montecino who felt, as some men do, that he had lost his way in life and so he decided last summer to retrace his steps to the place from where he had come.

He quit his job at the International Monetary Fund and gave up his rented house in Arlington and left Washington with his two young children and with a strong sense of premonition. He returned to Chile.

Those who knew him in Washington, where he had lived with his mother and brother for most of his 27 years, did not think of Christian as a man given to impetuosity, either personally or politically. He was serious in manner, slight of build and wore a beard that tended to heighten the introspective cast of the face. He attended Archbishop Carroll, a Washington Catholic high school, and studied philosophy at Georgetown University. Once he had considered entering the priesthood, but instead he married at 20 and there was the quick succession of two

children, the growing pressures of family responsibility, the moves to Washington suburbs and finally the ordeal of a mentally ill wife.

On October 20, he was found in the morgue of the city of Santiago, Chile, dead of gunshot wounds and lacking any trace of identification, ready to be consigned to the mass burial site for anonymous cadavers which was much employed during the civil turmoil last fall.

Christian was found by his father, Marcelo Montecino St., an ardent supporter of the September 11 army coup and a member of the right wing National Party, after a painstaking examination of more than 100 corpses in the Santiago morgue. Later officials of the junta conveyed their sympathy and regrets to the senior Montecino in tacit acknowledgment that it had been a regrettable mistake.

The body was recovered for burial by his brother, Marcelo, 30, a graduate student in Latin American literature and free lance photographer who shared with Christian the experience of the civil war in Santiago. Now he occupies a cramped efficiency with his mother in an apartment building south of Dupont Circle and he speaks of the events leading to his brother's execution in a halting, sad monotone. Marcelo and his mother retain Christian's legacy—dozens of photographs of the war, his lined green diary book containing mostly empty pages and his letters.

Christian's return to Chile was not prompted by any strong sense of political mission. The hereditary politics of the Montecino family is conservative as befits an old and socially prominent line of land owners. (Christian's father is an influential member of the Chilean academic establishment: he is a cellist, composer and musical educator.) Both parents, though separated for nearly 20 years—he in Chile, she in the U.S.—had a common upper middle class distaste for the socialist government of the late Salvador Allende. The politics of Mrs. Montecino, a cultural affairs specialist with the Chilean embassy until recently, have been somewhat modified by the loss of her son.

"Chris's one outstanding quality, was innocence," said Marcelo. "He had no conception of politics. He had been very religious, very Catholic, until just a couple of years ago."

What propelled him back to Chile was a sick wife, his disintegrating marriage and his need to make a new start. "I felt I was no longer a young man because I could not visualize a future," he wrote gloomily on September 1. "And I wasn't even a man because my past had escaped me. . . . On landing, I didn't feel I began something but rather that something had ended. I felt the closing of a cycle—as a death might be."

Christian brooded in this vein through those weeks before the coup, barely brushed by the spiraling economic and political chaos in which the Allende government was foundering. But on September 11 Chile exploded into violence and young Montecino was drawn out of his own self-preoccupation into a concern for the anguish of his country.

"Yesterday Chile has been shattered," he wrote his mother on September 12. "What the military has started they will never be able to repair. Now both sides are part of a struggle that will not end for a generation. There won't be hundreds of dead like yesterday and today, but the country will be bled, little by little, like Ireland and Vietnam or the Arabs and Israelis. . . . Chile is now a country without an exit."

He roamed the war zone of downtown Santiago with his camera and he tried to record his sense of devastation in the little brown notebook. (Christian was a professional photographer in the graphics division of the IMF).

"Why he left was debatable," said Joseph

Diana, Christian's boss in the Graphics Division of the Fund. "I tried to discourage him from going. You know, especially in these times. I told him, you have two children—think of their welfare. But he took his salary and made his plane reservations. We knew he was going back to Chile, I thought he might be planning to make films, or maybe go into business for himself. Heck, how can you stop a man from bettering himself?"

"All he told me was that there were certain things he had to do."

In the months since the coup the story of Chile's ordeal has seeped out to foreign capitals—Madrid, Paris, Lima, Buenos Aires, Mexico City—with the exodus of political refugees whose mouths are no longer sealed by military restraints. But the story was overshadowed on the home front by the revelations of Watergate and by the high-bouncing detentemanship of Henry Kissinger.

In an entry on the 11th of September the diary of Christian Montecino cracked excitedly:

"The world has collapsed around me. Civil war. I described the events," he wrote in Spanish.

"Ten a.m. Shooting broke out in the Moneda (the Presidential Palace in which Allende died.) I was two blocks away. Army sharpshooters were killing and wounding while I took pictures. Once I arrived in my building, soldiers took away my pictures. There are sharpshooters everywhere. We can see the bombing of the Moneda."

A subsequent letter to his mother describes the scene in greater detail.

"I was behind a newspaper stand taking pictures of people throwing themselves to the ground. Through the camera I saw someone fall down face up. Some children tried to help him but there was nothing they could do. Soon an ambulance went by. But when the driver saw he was dead, the ambulance continued on. There is sporadic shooting everywhere."

"In the Moneda there is a huge battle, something such as I have never seen. Tanks, machine guns and small arms fire. . . . in about 20 minutes there must have been a lot of people killed. The noise was incredible. All at once there was shooting from behind."

Christian recorded the day-by-day developments in sporadic entries. So many killed here, so many there. Widespread reports of wanton killings by the army and of reprisals by the Allende guerilla partisans.

"For a while," Christian wrote his mother on September 14, "the only news we have is through shortwave from Argentina by which we learned about the death of Allende. Now people are able to communicate and learn from mouth to mouth stories of the death and agony of the civil war. For the first time I am ashamed of Chile."

"Oh my God, my God. Liberate us from both sides—the army and the extremists."

Mayita. . . he called her that because his brother, Marcelo, had once said she looked like a Mayan princess with her beautifully-chiseled Latin profile. Christian's decision to go to Chile separated him from Mayita for the first time in two years. They had probably been the best of times for Christian.

Before the shooting started on the streets of Santiago, Christian wrote wistfully in his diary: "Mayita. That will never finish." They had begun living together after his wife returned to Chile for treatment of the mental illness that had blighted the marriage beyond repair. Christian was planning a divorce and—when he came back—marriage to Mayita. She had finally brought him a good measure of happiness, almost as a respite, his mother said. The romance started in the unlikely of incubating grounds, the International Monetary Fund, where Mayita was an executive secretary to a bigwig.

"When I called Mayita from Chile and told her Christian was dead she began to

scream on the phone. I couldn't tell her what had happened until I came back to Washington," said Marcelo.

On September 14:

"In Puente Alto they have hosed down the square because it was full of blood. Apparently there was a great killing there.

"In Ermita they hanged two policemen who were already dead. When the patrols arrived, they ordered all women and children out in 15 minutes. But no one was permitted to leave. In 15 minutes everyone was killed, women, children, etc."

Through the worst of the battle Christian was living in a 30-story apartment building in San Borja, an urban renewal area which was under constant army fire and from which guerrilla snipers shot back.

"My father has a gun, which we hid," wrote Christian. "If one goes to turn it in, there is always the danger of arrest and perhaps execution.

"Many leftists have been arrested. Some of them were accused of hoarding, which means they might have an extra can of milk. A cousin tells me in his neighborhood they have executed people on charges of black-marketing. A girl was killed, leaving behind a month-old-baby. Her sin was that she had been a Communist.

"When I was guarding the building last night four carabinieri came and told us many stories, how many of them had been killed by hanging and having their testicles cut off."

By September 19:

"No one is safe, even the American reporters. Ambulances are being fired upon from both sides. There is no point in going on since it would be a large book. We have good photographs but a lot of work ahead.

"Don't come," Christian entreated his mother in Washington. "We will leave in about two months. Don't worry about us. We will get credentials so we won't be arrested. Pray for Chile." Mrs. Montecino disregarded the advice and arrived on September 24, worried greatly about the safety of her sons.

On September 24, Christian made a doleful entry in his diary, for the first time in English:

"At this point in my life I see death all around me. Today Hernde died. Today by coincidence I spent the afternoon at the cemetery general, hearing the grisly stories of truckloads of bodies going to the crematorium without ever being identified, one yesterday from the National Stadium which I visited with newsmen two days ago."

He was thrown into a brief panic by the arrest of his brother, Marcelo.

"I was arrested in front of the National Stadium," Marcelo related, "where I had been taking pictures of women checking on their sons or husbands or daughters. I was kept against a wall, spreadeagled for three hours. If I moved, they kicked me. Then they released me, just as abruptly, and gave me my camera back empty. I'd expected to stay the night."

Christian's diary, meanwhile, spoke of the growing death toll. "People are being executed in public for speculation and the bodies are then chucked into the river. Life is cheap in Chile. Truckloads of bodies. Thousands of dead and detained.

"I pause a long time to know what I want to say. I wonder and ponder just how this has changed me and altered my life. Obviously I am assimilating so much at one time, none of it positive, that I am making an effort to see so as to know who I am. I've lost myself in all this. I'm not an entity. I don't have pride . . .

"Spring is coming. Soon I'll be able to leave and maybe I'll have a little God-sent energy to go to Europe, work, start all over again, one more time. Maybe all of this will be behind me. As for now even my desires, such as for writing this are short, spontaneous and listless. That summarizes it all, maybe."

The final entry comes on October 10.

"Everyone in this world has, will be and is born, lives and dies (in that order) no exception. The first and last we rarely get to taste first hand. It is only life that's left."

At 5 a.m. on Wednesday, October 16, soldiers knocked at the door of the senior Marcelo Montecino's apartment in San Borja. Their commanding officer was polite and solicitous, everyone recalls. He inquired about the photographs of Christian's two sons and said he, too, was the father of two boys. He asked that Christian get dressed and accompany them. "My first reaction was that he would get a good tan at the National Stadium," Marcelo said.

"He visited me the night before he was arrested," Christian's mother recalled long after the time of tears. "He planned to go to Valparaiso the next day and pick up his car, which had been shipped down from Washington.

"I said to him, 'Why don't you stay here tonight and then go straight to Valparaiso?' But he insisted that he had to stay with his father who was alone in his apartment downtown. If he had stayed with me that night, he probably would be alive now."

Three days passed of futile inquiries to authorities. Christian's name was on no list, Marcelo was told at the detective headquarters and at the Stadium.

On Saturday the 20th of October, Christian's father received a call from a doctor friend who had been in the morgue and recognized the body of a young man arrested in the same building the same night as Christian. "It would be advisable for you to go to the morgue," the senior Montecino was told.

"My father went to the morgue and had to search among practically all the cadavers before he found the body of my brother," said Marcelo.

"And when he found Christian, my father said for the first time, 'The junta has bloodied its hands.

"I saw scores of cadavers. Most of them were young men. Most had been shot in the head. I went to get Christian's body; however, since it was the weekend we had to delay the cremation until Monday."

Morgue officials could not provide much information on the circumstances of Christian's murder or the killing of the other five who had been arrested with him that night. The victims included a young Argentine couple (she was two months pregnant) vaguely suspected of leftist tendencies, and a 26-year-old architectural student. One of the most puzzling of the names on the execution list was Victor Garretton, a 60-year-old Santiago businessman who, like Christian's father, was a member of the rightist National Party and a devoted supporter of the anti-Allende coup.

Garretton's son, a Chilean Air Force officer, insisted on an investigation. "He couldn't understand what was happening—why a man like his father should be killed," Marcelo said.

"Afterwards my husband was told," said Mrs. Montecino "that the man who had given the order to shoot them was himself executed as punishment. Who believes that?"

It was explained to the senior Montecino that the six bodies were found in a tunnel on the way to Valparaiso, some 30 kilometers outside of Santiago. It could not be explained why there was no identification, no belongings with the bodies.

After the death of Christian, Mrs. Montecino rushed to the United States Embassy, where she had once helped to administer the U.S. Peace Corps program, and looked up her old friend, Ambassador Nathaniel Davis. "One of my sons has been killed and I am afraid for the life of my other son," she

appealed. "Can you give him refuge in your Embassy?"

She was told by a senior American official, "I'm sorry we cannot help you. There is nothing we can do. Goodby, we are very busy." So related Marcelo.

Mrs. Montecino returned to Washington in a rage and rushed to her Chilean Embassy position as a specialist in cultural affairs programs. She confronted the new Chilean Ambassador, Walter Heitmann.

"I told him that I could no longer work for a regime that had assassinated my son. I told him that out of respect I had to tell him the story.

"He objected to the use of the word assassination. He said that was not the right word for what had happened to Chris. I asked him whether he would kindly find another word to describe it. He seemed to soften. He said, 'We're all human. We all make mistakes.'"

Mrs. Montecino resigned from her position with the Chilean Embassy. She is still unemployed. "Can you imagine, I am a graduate of the Columbia University Graduate School of Journalism and I am being asked whether I can type 50 words a minute? They don't seem to care whether you can write ten intelligent words a minute."

The senior Montecino continued to be a supporter of the junta and its "surgical operation" against Allende. "He is still hoping to find a way for them to wash their hands and come out of the affair with honor. He continues to believe that the people responsible for the tragedy are the Marxists," Marcelo says with sadness.

Lillian Montecino, still a handsome and strong-featured woman in her early 60s, has become intense in her desire to bring her two grandsons to the United States.

"I want to stay clear in every way to achieve that ambition. What I believe in my heart, you know," she says, with a certain passion.

[From the New York Times, Jan. 15, 1974]

PRAGMATIC TREND IN NIXON FOREIGN POLICY

(By David Binder)

WASHINGTON, January 14.—"Our view about detente," Secretary of State Kissinger said recently, "did not indicate moral approval in any respect of the Soviet system." He was replying at a news conference to a question about the effect of United States-Soviet relations of Aleksandr I. Solzhenitsyn's book about the Soviet prison system, "The Gulag Archipelago, 1918-1956."

The question whether United States foreign policy should be influenced by the domestic policies of other nations has also come up, among other occasions in recent months, in connection with developments in Greece and Chile, with Congressional debate over United States imports of chrome from Rhodesia, whose discriminatory racial policies have been condemned by the United Nations, and with the question whether trade restrictions with the Soviet Union should be eased in light of its policy on emigration, principally by Jews.

While the "mortality" issue is not new, President Nixon's assessment of a number of American foreign-policy commitments has produced a change not only in the United States posture but also in the debate about it.

THE BACKGROUND

The alteration in the American posture in foreign policy during the Nixon Administration—away from "making the world safe for democracy," as in Woodrow Wilson's day, or the assertion by John F. Kennedy that "we shall pay any price, bear any burden—to assure the survival and the success of liberty"—has been more implicit than explicit.

Until the Administration began improving relations with the United States' major

adversaries, the Soviet Union and China, much of foreign policy was based on a sense of mission: the moral value of spreading the American concept of democracy to the far corners of the earth and of defending the right to "self-determination."

Until last year it was also common for the United States to deny recognition to governments of which it disapproved or to lower the rank of its diplomatic mission if something inimical occurred in a foreign capital. American missions in several Eastern European countries were held at the legation level for years as a sign of disapproval.

In contrast, the Nixon Administration has substituted the pursuit of détente and an accompanying "realpolitik" for the defense of democracy and the right to self-determination as the presumed basis of American foreign policy. What follows are the Administration's arguments in support of that shift and criticism of it in and out of Congress.

ADMINISTRATION VIEW

President Nixon and Secretary Kissinger have tended to muffle the issue by maintaining that détente is fundamentally a "moral" policy. "What could be more moral than the establishment of world peace?" a Kissinger aide asked in a recent discussion of international morality with a reporter.

But Mr. Kissinger avoided any reference to morality when, in a policy meeting with assistant secretaries of state shortly after he took over the department in October, he said, "We don't interfere in the politics of other countries."

The immediate issue was the United States stance toward the ruling military junta in Greece and the difficulties that would face the United States Navy in obtaining homeport facilities near Athens if there was official criticism.

"Kissinger made the statement as a general proposition, not as an ukase or a written order," an official who attended the meeting recalled. "But the word was passed down through the bureaucracy. We are all real-politikers now." Realpolitik—"a policy of realism"—was used to describe the German foreign policy under Bismarck, a favorite historical subject of Mr. Kissinger.

Mr. Kissinger's approach to the situation of Soviet Jews wanting to emigrate was much the same. "There is no question where we stand on human rights," he testified before the Senate Foreign Relations Committee in September. "The question is what we should and can do about it."

This was his argument in response to such critics as Senator Henry M. Jackson, Democrat of Washington, who had submitted a controversial amendment to the Administration's trade bill in which he linked trade advantages for the Soviet Union to Soviet liberality in allowing Jews to emigrate.

The Secretary of State contends that quiet, behind-the-scenes diplomacy has effected the release of thousands of Jews—about 35,000 so far—and that tying trade to the matter could only hinder emigration. He and President Nixon have consistently maintained that engaging the Soviet Union and other adversaries in ever-deepening cooperation is the best means of obtaining desirable responses.

OPPOSITION VIEW

While not denying the results produced by the Nixon-Kissinger approach in ending United States participation in the Indochina war and improving relations with the Communist countries, critics of the Administration charge that there is neglect in certain areas. They say it has left questions unanswered or at least in a moral limbo with respect to smaller countries and ethnic and ideological minorities.

The September coup d'état against President Salvador Allende Gossens in Chile, for

example, left at least 2,000 dead—many of them executed by the new military junta. Senator Edward F. Kennedy asked if the United States could not have demanded impartial justice for the overthrown leftists; Washington was silent.

Portugal, which Mr. Kissinger visited Dec. 17, retains territories in Africa by military force, yet he found it possible to speak of the moral courage of the Portuguese in thanking them for assistance for the United States airlift to Israel during the October Middle East war.

Last November, when Senator Claiborne Pell, Democrat of Rhode Island, submitted a bill to bar arms aid to Greece, he said: "We have talked a great deal about democracy. But in our policy toward Greece the United States Government consistently has turned its back on those Greeks who have looked to this nation for support in their courageous stand for democratic rights and freedoms."

And after the campaign to block imports of Rhodesian chrome, led by Senators Gale McGee and Hubert H. Humphrey, ended in success the week before Christmas, Mr. Humphrey said in an interview: "The purpose of government is not to be efficient but to do justice. To do the right thing is to do the good thing because, sooner or later, you are judged by what you have done, also in foreign policy."

Mr. Humphrey said he supported the idea that the United States should speak up about injustice even when it occurred in an allied country and in a critical relationship with the United States.

"If foreign policy is a product only of government and not of the people," he asserted, "then it becomes essentially Machiavellian and it doesn't retain a hold on the people."

[From Time magazine, Dec. 31, 1973]

THE PRICE OF ORDER

Time Correspondent Charles Eisendrath was in Santiago during the September coup that overthrew the Marxist government of Salvador Allende Gossens; last week he returned to see what changes had been made by the new military junta. His report:

Signs of change begin at Santiago's Pudahuel airport. There are taxis now. In the chaotic days before the coup, just getting to town took a feat of near legerdemain, since cab drivers, like many other businessmen, were on strike against Allende's plans to nationalize many sectors of the economy, including transportation. Another obvious change: the multicolored graffiti that turned the walls of Santiago's buildings into checkered political billboards have been white-washed by junta order.

In bars where journalists, politicians and diplomats used to meet and chat, the leftist hangers-on and exiles are gone. Most of them have been expelled from the country, are under arrest or are languishing in embassies and "safe havens" to avoid prison.

The most promising change has taken place in Chile's economy, which Allende left a shambles. After the coup, General Gustavo Leigh Buzmán, chief of the air force and a junta member, prescribed a spartan program of "work, work, work." It has helped. The copper industry, which accounts for 80% of Chile's foreign earnings, had been nationalized, poorly managed, and so riven with strikes that production plummeted. But under the junta copper production rose to 61,000 tons during October, compared with a monthly average of under 50,000 tons during Allende's last months in office. With food prices up by 300%, the farmers are again tilling their land. Increased crops will reduce by nearly \$100 million the need for the huge food imports (some \$700 million) ordered by Allende.

HARSH DECREES

Two weeks ago, the government announced that 115 companies that had been nationalized by Allende would be returned to their former owners. The junta also said it was willing to discuss compensation for the U.S. copper mines, with assets of \$500 to \$700 million, that were taken over by Allende. All this has raised the government's stock in the eyes of foreign investors. American banks have offered Chile short-term loans of \$150 million. Canadian, British and German banks are negotiating similar arrangements. By contrast, practically no foreign credit was available to Allende during his last month.

The bright signs are counterbalanced by harsh decrees. The removal of Allende's subsidization of many consumer items has caused prices to soar so high that few shoppers can afford to buy. Though wages have risen 70% under the junta, the cost of living has jumped 120%. Bread is up 350%, cooking oil 400%, gasoline 700%. Many poor Chileans are going hungry.

There is still a depressing mood of fear in Chile. Armed troops patrol Santiago's streets, and gunfire is frequently heard at night. Most observers now believe that the death toll is around 2,000, not 675 as the junta claims. Executions continue, though indiscriminate killings apparently have ceased. Several thousand political leftists are still being held in military prisons without trial. Political parties have been banned, and the junta indicates that the earliest it might allow elections would be in two years.

Meanwhile, Santiago's provincial military boss has issued "Bando 28" (Order 28), forbidding "elections of any kind in union, guild, political, student or any other kind of group." Vacancies will be filled by the military. The draconian measure led one Santiaguan to wonder wryly whether the order applied "to the local football club too." The constitution was recently amended so that Chileans who criticize the government while traveling abroad will automatically lose their citizenship.

Santiago's raucous night life has been snuffed out by an 11 p.m.-5:30 a.m. curfew. Restaurants other than those in tourist hotels no longer serve dinner. "Bando 28" bans all gatherings during curfew hours, thus thwarting attempts by fun lovers to get around the curfew by holding their parties from dark to dawn.

Despite all this, Chileans, if they had the choice, would probably reluctantly vote for the junta as the lesser of evils. Though the junta is hardly popular, it does have the country running again. Chileans chafe under its totalitarian restrictions, but they also remember the chaos and strife of Allende's regime. For the moment Chile's citizens appear content to get back to work and the rhythms of an orderly society. But with their long democratic tradition, they are not likely to tolerate junta rule indefinitely.

RETIREMENT OF CONGRESSMAN H. R. GROSS

Mr. HUGHES, Mr. President, we have disagreed on virtually every human value issue under the shining sun, but this in no way diminishes my respect for the honesty, conscientiousness, and independence of my Iowa colleague, Congressman H. R. Gross. So in the wake of his announcement that he will retire after this, his 13th term in the House, I want to take this opportunity to wish him health and happiness in the years of his well-earned retirement. It is my hope that he will find time to do some of the things that his rigorous, self-imposed schedule as a Congressman did not permit him to do—perhaps even to take a

pleasure "junket" or two, obviously not at taxpayers' expense.

In his 25 years in Congress, H. R. has won the reputation of being a no-sayer, a role that requires considerable fortitude, whether one approves or disapproves. He has been called fiscal watchdog, gadfly and, at times, spoilsport, but this has never deterred him from his appointed rounds.

Those who have disagreed with him on civil rights, Vietnam, education, and various other areas nonetheless acknowledge the validity of his doctrine that Congress has an obligation to scrutinize every item it spends with minute care. Tax money does not grow on trees, and this is a point he never let anyone forget.

From time to time, H.R. could be counted on to level blasts at his colleagues in Congress, sometimes with a shotgun, sometimes with a rifle. Perhaps it was because of the majesty of his rhetoric, but it never seemed to me, an occasional recipient of a few pellets, that these attacks stung too much.

The Wall Street Journal, noting Congressman Gross' unique role, has suggested that the joint leadership of the House should begin a search for and training of a successor. Good luck, leadership. I personally think the die was broken. Others will carry on, but it will never be quite the same.

IT IS TIME TO SPEAK OUT FOR RATIFYING THE U.N.'S 1948 GENOCIDE TREATY

Mr. PROXMIER. Mr. President, on January 18, 1974, the Milwaukee Journal carried an excellent article on the need for ratification of the Genocide Convention. The author of the article is Mr. Bruno Bitker, a Milwaukee attorney, who has long been active in the crusade for human rights. He is currently serving as chairman of the Governor's Commission on the United Nations, and has been one of the outstanding supporters of the Genocide Convention.

Mr. President, I commend this article to my colleagues and urge them to lend their support for ratification in the next few days. I ask unanimous consent to have it printed in the RECORD.

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

IT IS TIME TO SPEAK OUT FOR RATIFYING THE U.N.'S 1948 GENOCIDE TREATY

After 25 years of being shelved in the United States Senate, the United Nations treaty on genocide is now on the Senate calendar, scheduled for a vote on Jan. 23.

The fact that it has reached this point is due in great measure to Sen. Proxmire's persistence. The constitutionally required two-thirds vote seems assured. But it is uncertain whether there are sufficient votes to impose cloture against a possible filibuster, which it is feared may be tried by a few opponents, led by Sen. Ervin.

The treaty provides that mass murder intended to destroy a national, ethnic, racial or religious group is an international crime. Conduct like Hitler's treatment of the Jews is declared a crime for which the individual perpetrators are held responsible. The treaty was unanimously adopted by the UN General Assembly on Dec. 9, 1948. Its principal

sponsor then was the United States, acting through its secretary of state, George C. Marshall, and its representative on the UN Human Rights Commission, Eleanor Roosevelt. This country was a key draftsman of the document.

When President Truman sent the treaty to the Senate in 1949 for its advice and consent, as required by our Constitution, it was assumed that Senate approval would be forthcoming promptly.

OPPOSITION HAS PREVENTED A VOTE

It was a time when the stench of Nazi gas chambers still polluted the world atmosphere. Who could refuse to endorse a treaty that made genocide an international crime? As President Truman said: "... by the leading part the United States has taken in the United Nations in ... outlawing the world shocking crime of genocide, we have established before the world our firm and clear policy toward that crime."

Most Americans are not aware that the United States has not yet ratified this treaty. But during a quarter of a century a handful of opponents has succeeded in preventing a vote on the Senate floor.

These opponents have been moved, in part, by fears that the sovereignty of states within the United States might be weakened, a reargument of the supremacy of the states' rights theory; a rerun of the Civil War philosophy.

A less acknowledged opposition is based on civil rights. It was even asserted by some that, under the treaty, a citizen accused of lynching could be seized by some foreign secret police and flown to an unknown destination to be tried by a "Communist controlled court." But the treaty provides that the trial of a person charged with genocide shall be in the court of the nation where the act was committed. The treaty also contemplates trial by an international criminal court. Unfortunately, no such court now exists, although the present wave of international terrorism has given added impetus to the creation of such a tribunal.

Secretary of State George Marshall thus expressed an underlying reason for the treaty: "Governments which systematically disregard the rights of their own people are not likely to respect the rights of other nations and other people, and are likely to seek their objectives by coercion and force in the international field."

LIVES OF BIRDS, LIVES OF HUMANS

In 1902, in a case involving a treaty which protected the lives of migratory birds flying between Canada and the United States, the Supreme Court held the treaty to be superior to the laws of a state. Are the lives of human beings less important than the lives of birds?

When a nation signs a treaty, as the United States signed the genocide treaty in 1948, presumably it acts in good faith, with the implication that ratification is intended. Is it any wonder that our failure to ratify is embarrassing to our representatives in international organizations and to America as a nation? As Chief Justice Earl Warren noted: "We as a nation should have been the first to ratify the genocide convention . . . Instead, we may well be the last . . ."

In the interest of the international community and in our own national interest, the United States should ratify the treaty. Now is the moment for the public to speak out.

BILINGUAL EDUCATION—SUPREME COURT

Mr. KENNEDY. Mr. President, I would like to call to the attention of my colleagues a decision issued yesterday by the Supreme Court which is of major importance to the bilingual community.

The decision for the first time States unequivocally the right under the Civil Rights Act of 1964 for non-English-speaking students to receive special education instruction to meet their language deficiency.

The Court found that the section of the act banning "discrimination based on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance." The Court found that failure to provide non-English-speaking students "effectively foreclosed—them—from any meaningful education."

I believe that in most instances where limited or non-English-speaking students require special instruction that the most productive way of meeting that problem is through a bilingual education program that permits them to move forward in the academic attainment of skills through instruction in their native language while they are obtaining the ability to learn English in a manner equal to their ability to learn in their native language.

The evidence seems clear that bilingual education programs containing respect for and recognition of the cultural background of the limited English-speaking students is the best way to meet this problem.

It was this belief that underlay the bilingual education act originally adopted in 1967 and it is the same philosophy that has prompted Senator CRANSTON, Senator MONTROYA, and myself to introduce bilingual education bills this session. The amendment now adopted to the Elementary and Secondary Education Act, S. 1539, and approved by the Education Subcommittee represents a combination of S. 2552 and S. 2553, which we introduced earlier in this session.

The action by the Supreme Court underlines the need for the passage of this measure as well as for an increase in the level of authorization.

Although the Court did not recommend a specific remedy to the language deficiency of the non-English-speaking students, it is clear that bilingual education will in most cases provide the fullest educational opportunity for those children.

Mr. President, I ask unanimous consent that the Court's decision be placed in the RECORD.

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

SUPREME COURT OF THE UNITED STATES SYLLABUS LAU ET AL. VERSUS NICHOLS ET AL. CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 72-6520. Argued December 10, 1973—Decided January 21, 1974.

The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry who do not speak English denies them a meaningful opportunity to participate in the public educational program and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving federal financial assistance," and the implementing regulations of the Depart-

ment of Health, Education, and Welfare. Pp. 2-6.

483 F. 2d 791, reversed.

Douglas, J., delivered the opinion of the Court, in which Brennan, Marshall, Powell, and Rehnquist, J.J., joined. Stewart, J., filed an opinion concurring in the result, in which Burger, C. J., and Blackmun, J., joined. White, J., concurred in the result. Blackmun, J., filed an opinion concurring in the result, in which Burger, C. J., joined.

[Supreme Court of the United States, No. 72-6520]

KINNEY KINMON LAU, A MINOR BY AND THROUGH MRS. KAM WAI LAU, HIS GUARDIAN AD LITEM, ET AL., PETITIONERS, VERSUS ALAN H. NICHOLS ET AL.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January 21, 1974]

Mr. Justice Douglas delivered the opinion of the Court.

The San Francisco California school system was integrated in 1971 as a result of a federal court decree, 339 F. Supp. 1315. See *Lee v. Johnson*, 404 U.S. 1215. The District Court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language.¹ About 1,800 however do not receive that instruction.

This class suit brought by non-English speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal educational opportunities which are alleged to violate the Fourteenth Amendment. No specific remedy is urged upon us. Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioner asks only that the Board of Education be directed to apply its expertise to the problem and rectify the situation.

The District Court denied relief. The Court of Appeals affirmed, holding that there was no violation of the Equal Protection Clause of the Fourteenth Amendment nor of § 601 of the Civil Rights Act of 1964, which excludes from participation in federal financial assistance, recipients of aid which discriminate against racial groups, 483 F. 2d 791. One judge dissented. A hearing *en banc* was denied, two judges dissenting. *Id.*, at 805.

We granted the petition for certiorari because of the public importance of the question presented, 412 U.S. 938.

The Court of Appeals reasoned that "every student brings to the starting line of his educational career different advantages and disadvantages caused in part by social, economic and cultural background, created and continued completely apart from any contribution by the school system," 483 F. 2d, at 497. Yet in our view the case may not be so easily decided. This is a public school system of California and § 571 of the California Education Code states that "English shall be the basic language of instruction in all schools." That section permits a school district to determine "when and under what

circumstances instruction may be given bilingually." That section also states as "the policy of the state" to insure "the mastery of English by all pupils in the schools." And bilingual instruction is authorized "to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language."

Moreover § 8573 of the Education Code provides that no pupil shall receive a diploma of graduation from grade 12 who has not met the standards of proficiency in "English," as well as other prescribed subjects. Moreover by § 12101 of the Education Code children between the ages of six and 16 years are (with exceptions not material here) "subject to compulsory full-time education."

Under these state-imposed standards there is no equality of treatment merely by providing students with the same facilities, text books, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach the Equal Protection Clause argument which has been advanced but rely solely on § 601 of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) to reverse the Court of Appeals.

That section bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving federal financial assistance." The school district involved in this litigation receives large amounts of federal financial assistance. HEW, which has authority to promulgate regulations prohibiting discrimination in federally assisted school systems, 42 U.S.C. § 2000(d), in 1968 issued one guideline that "school systems are responsible for assuring that students of a particular race, color, or national origin are not denied the opportunity to obtain the education generally obtained by other students in the system." 33 CFR § 4955. In 1970 HEW made the guidelines more specific, requiring school districts that were federally funded "to rectify the language deficiency in order to open" the instruction to students who had "linguistic deficiencies," 35 Fed. Reg. 11595.

By § 602 of the Act HEW is authorized to issue rules, regulations, and orders² to make sure that recipients of federal aid under its jurisdiction conduct any federal financed projects consistently with § 601. HEW's regulations specify, 45 CFR § 80.3(b)(1), that the recipients may not:

"Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program:

"Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program";

² Section 602 provides:

"Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ."

Discrimination among students on account of race or national origin that is prohibited includes "discrimination in the availability or use of any academic . . . or other facilities of the grantee or other recipient." *Id.*, 80.5 (b).

Discrimination is barred which has that effect even though no purposeful design is present: a recipient "may not . . . utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or has "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin." *Id.*, 80.3(b)(2).

It seems obvious that the Chinese-speaking minority receives less benefits than the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program—all earmarks of the discrimination banned by the Regulations.³ In 1970 HEW issued clarifying guidelines (35 Fed. Reg. 11595) which include the following:

"While inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." (Pet. Br. App. 1a)

"Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational deadend or permanent track." (Pet. Br. p. 2a).

Respondent school district contractually agreed to "comply with title VI of the Civil Rights Act of 1964 . . . and all requirements imposed by or pursuant to the Regulations" of HEW (45 CFR Pt. 80), which are "issued pursuant to that title . . ." and also immediately to "take any measures necessary to effectuate this agreement." The Federal Government has power to fix the terms on which its money allotments to the States shall be disbursed. *Oklahoma v. Civil Service Commission*, 330 U.S. 127, 142-143. Whatever may be the limits of that power, *Steward Machine Co. v. Davis*, 301 U.S. 548, 590 *et seq.*, they have not been reached here. Senator Humphrey, during the floor debates on the Civil Rights Act of 1964, said:⁴

"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."

We accordingly reverse the judgment of the Court of Appeals and remand the case for the fashioning of appropriate relief.

Reversed.

Mr. Justice White concurs in the result.

[Supreme Court of the United States, No. 72-6520]

KINNEY KINMON LAU, A MINOR BY AND THROUGH MRS. KAM WAI LAU, HIS GUARDIAN AD LITEM, ET AL., PETITIONERS, VERSUS ALAN H. NICHOLS ET AL.

[January 21, 1974]

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

Mr. Justice Blackmun, with whom The Chief Justice joins, concurring in the result.

I join Mr. Justice Stewart's opinion and thus I, too, concur in the result. Against the

³ And see Report of the Human Rights Commission of San Francisco. Bilingual Education in the San Francisco Public Schools, Aug. 9, 1973.

⁴ 110 Cong. Rec. 6543 (Senator Humphrey quoting from President Kennedy's message to Congress, June 19, 1963.)

¹ A report adopted by the Human Rights Commission of Francisco and submitted to the Court by respondent after oral argument shows that, as of April 1973, there were 3,457 Chinese students in the school system who spoke little or no English. The document further showed 2,136 students enrolled in Chinese special instruction classes, but at least 429 of the enrollees were not Chinese but were included for ethnic balance. Thus, as of April 1973, no more than 1,707 of the 3,457 Chinese students needing special English instruction were receiving it.

possibility that the Court's judgment may be interpreted too broadly, I stress the fact that the children with whom we are concerned here number about 1800. This is a very substantial group that is being deprived of any meaningful schooling because they cannot understand the language of the classroom. We may only guess as to why they have had no exposure to English in their preschool years. Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience.

I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any language other than English, I would not regard today's decision, or the separate concurrence, as conclusive upon the issue whether the statute and the guideline require the funded school district to provide special instruction. For me, numbers are at the heart of this case and my concurrence is to be understood accordingly.

Supreme Court of the United States,
No. 72-6520

KINNEY KINMON LAU, A MINOR BY AND THROUGH MRS. KAM WAI LAU, HIS GUARDIAN AD LITEM, ET AL., PETITIONERS, VERSUS ALAN H. NICHOLS ET AL.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

[January 21, 1974]

Mr. Justice Stewart, with whom the Chief Justice and Mr. Justice Blackmun join, concurring in the result.

It is uncontested that more than 2,800 school children of Chinese ancestry attend school in the San Francisco Unified School District system even though they do not speak, understand, read, or write the English language, and that as to some 1,800 of these pupils the respondent school authorities have taken no significant steps to deal with this language deficiency. The petitioners do not contend, however, that the respondents have affirmatively or intentionally contributed to this inadequacy, but only that they have failed to act in the face of changing social and linguistic patterns. Because of this laissez faire attitude on the part of the school administrators, it is not entirely clear that § 601 of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, standing alone, would render illegal the expenditure of federal funds on these schools. For that section provides that "[n]o person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

On the other hand, the interpretive guidelines published by the Office for Civil Rights of the Department of Health, Education, and Welfare in 1970, 35 Fed. Reg. 11595, clearly indicate that affirmative efforts to give special training for non-English speaking pupils are required by Tit. VI as a condition to receipt of federal aid to public schools:

"Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."¹

¹ These guidelines were issued in further clarification of the Department's position as stated in its regulations issued to implement Tit. VI, 45 CFR pt. 80. The regulations provide in part that no recipient of federal

The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of § 601.² Last Term, in *Mourning v. Family Publications Service, Inc.*, 411 U.S. 356, 369, we held that the validity of a regulation promulgated under a general authorization provision such as § 602 of Tit. VI³ "will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' *Thorpe v. Housing Authority of the City of Durham*, 393 U.S. 268, 280-281 (1969)." I think the guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight." *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205, 210; *Griggs v. Duke Power Co.*, 401 U.S. 424, 433-434; *Udall v. Tallman*, 380 U.S. 1. The Department has reasonably and consistently interpreted § 601 to require affirmative remedial efforts to give special attention to linguistically deprived children.

For these reasons I concur in the judgment of the Court.

ABORTION IN HAWAII

Mr. INOUE. Mr. President, in March of 1970, Hawaii became the first State in our Nation to allow abortion essentially at the request of the individual woman. Prior to passage of this historic law, many legislators, individuals, and organizations in my State expressed concern about what its effects would be. Accordingly, the State legislature allocated funds to the University of Hawaii's School of Public Health to provide for a multidisciplinary study of the operations and effects of the law.

I ask unanimous consent to have printed in the RECORD, copies of two publications which resulted from the study.

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

financial assistance administered by HEW may

"Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program; [or]

"Restrict an individual in any way in the enjoyment of an advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program." 45 CFR § 80.3 (b) (1) (ii), (iv).

² The respondents do not contest the standing of the petitioners to sue as beneficiaries of the federal funding contract between the Department of Health, Education, and Welfare and the San Francisco Unified School District.

³ Section 602, 42 U.S.C. § 2000d-1, provides in pertinent part:

"Each Federal department and agency which is empowered to extend Federal assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. . . ."

The United States as *amicus curiae* asserts in its brief, and the respondents appear to concede, that the guidelines were issued pursuant to § 602.

SEXUALITY, BIRTH CONTROL AND ABORTION: A DECISIONMAKING SEQUENCE¹

(By Milton Diamond,² Patricia G. Steinhoff, James A. Palmore and Roy G. Smith)

HAWAII PREGNANCY, BIRTH CONTROL AND ABORTION STUDY, UNIVERSITY OF HAWAII, HONOLULU, HAWAII

Summary. A matched group of women who conceived during a 2-month period in 1971 was used to trace some parameters involved in their decision to carry their pregnancies to term or to seek an abortion.

Several specific indices to the decision were considered: whether coitus was anticipated; whether the pregnancy was planned; whether birth control methods were used; and how the pregnancy ended. The effects of age, marital status, religion, reasons for the abortion or carrying the pregnancy to term, and attitude towards a possible delivery were also studied.

It was found that coitus was anticipated by the majority of women, but pregnancy was unplanned for. Two-thirds of the women who did not want to become pregnant were not using a contraceptive method; yet, regardless of whether birth control was used or not, one of three . . . women chose to have an abortion.

Among the most common reasons for women indicating that contraceptive measures were not used were: "I didn't want sex to seem planned" and "I thought I was in a safe period". The decision to have an abortion usually depended upon the woman's marital status, age, religion, and previous use of birth control. Surprisingly, among women who had not planned to become pregnant, the percentage of women choosing abortion was the same from both subgroups of women who used or did not use contraception. It was also surprising that no strong relationship seemed to exist between the type of contraceptive technique used and the decision to have an abortion.

Women who planned ahead to have an abortion if they became pregnant were more often using contraception; thus for these women abortion was not a primary method of family planning but a back-up for failed contraception. Women who had their babies, infrequently considered abortion as an alternative.

It was predicted and found true that women who positively viewed the prospect of having a child chose to carry the pregnancy to term while those who expressed unhappiness at having a baby chose abortion. Unexpectedly, we found the overwhelming majority of women who claimed 'I would be neither happy nor unhappy to have this baby' chose to have an abortion. Thus a woman's so-called neutral statement regarding a desire was generally seen not to be neutral.

Our use of a pregnant population of women who conceived at the same time (conception cohort) for the analysis of the decision of whether to have an abortion or carry to term, when abortion is legal, thus seemed to be feasible and practical.

INTRODUCTION

The Hawaii Pregnancy, Birth Control and Abortion Study is a state-wide investigation conducted continuously since March 1970, the date of the passage of the law which legalized abortion in Hawaii, essentially allowing abortion on request. Our

¹ Originally presented at the 80th Annual Convention of the American Psychological Association, Honolulu, Hawaii, 2nd September 1972.

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group studies abortions and live births in the state using the pregnant population that presents itself to hospitals throughout the state (all legal abortions must be done in hospitals). From every hospital performing abortions in Hawaii, we collect data from hospital charts and from self-administered questionnaires given to the women. These data provide information not only on the woman's reproductive history, but also on her attitudes and practices in regard to sexual behaviour, birth control usage, and reasons for carrying the pregnancy to term or having an abortion. The present study will report on some behavioural and contraceptive correlates of women from a special population pool which we refer to as a conception cohort.

COHORT CONSTRUCTION

The conception cohort consists of: (a) women who gave birth during a given period of time (April and May 1971), and (b) women who had abortions but whose pregnancies otherwise would have come to term during April and May 1971. The abortion patients were selected on the basis of the calendar month during which they had their abortions, and the estimated gestation at abortion (in 4-week intervals). Because both criteria were coded in rather broad categories, each case was then weighted on the basis of the probability that the birth actually would have occurred during the target maternity period. We call this a 'conception cohort', because theoretically it includes all women who conceived at the same time, and therefore were making the decision to have the baby or have an abortion, at the same time. Excluded from consideration was any woman who had a stillbirth, spontaneous abortion or illegal abortion. We are reporting here on only the first of six planned cohorts covering 3 years of data; with additional data, some results may be different.

Demographic data were available on every maternity abortion patient in the state who met the criteria for inclusion in the cohort. Questionnaires were obtained from about 45% of the women who had live births and 56% of the women obtaining abortions in the state during the period of the cohort. The questionnaire samples in the cohort were weighted on the basis of the 100% demographic data available to correct for small response biases. Thus the final questionnaire sample of 1579 cases fairly accurately represents the composition and relative proportions of the corresponding conception cohort for the State of Hawaii. The sample is about half the size of the actual population of women involved.

DECISION MAKING

Using this cohort population, we have attempted to trace several parameters involved in the women's pregnancies. For this report, we emphasize coital and contraceptive factors involved in becoming pregnant and the relationships of several of these factors to the decision to maintain the pregnancy to term or to have an abortion.

While these are indeed complex and interrelating variables, they are dealt with here as independent variables but mention is made of other related factors which we have found to intervene.

It might be hypothesized that decisions related to coitus, birth control and pregnancy outcomes are related. For example, a woman may obviously plan to have, and actually have, intercourse while refraining from using contraceptives in order to have a desired baby. On the other hand, it has been well documented that many women who have coitus regularly without using a birth control method do not want to become

pregnant or have children. Table I indicates how some of these factors may be considered.

TABLE 1.—SEXUAL BEHAVIOR AND REPRODUCTION: A DECISIONMAKING PROCESS

Coitus	Birth control	Pregnancy outcome
Planning and attitudes:		
Expected.....	How considered.....	Planning.
Unexpected.....		Desire.
Outcome and practices:		
Frequency.....	Choice of method...	Maternity.
Duration.....	Use of method.....	Abortion.

Coitus

From our cohort sample, we first ascertain whether coitus was an expected event. It is apparent that a woman who desires to become pregnant expects to have coitus but this is not apparent of women who did not plan to become pregnant. Relative to the pregnancy under discussion, coitus was reported as unexpected by 6% (96) of the women. This can be interpreted that coitus was expected in 94% (1483) of the cohort population (Text-fig. 2).

Pregnancy planning

Among those women who had an expected coitus, 45% planned to become pregnant. We ascertain if a pregnancy was planned by two methods in concert. The first involves a 'Yes' or 'No' response to the question, 'Were you using any birth control technique when you became pregnant?', followed by the woman, selecting from a series of multiple choices, 'I wanted to be pregnant' for her reason. The second, used for women who go on to deliver, is a selection of 'My husband and I planned to have this child' as one of many possible reasons for maternity. Both correlate well. This 45% represents 42% of the total pregnant cohort population. Thus, put another way, the pregnancies of 58% of the cohort population were unplanned.

Surprisingly, in our cohort population we found many unmarried girls who claimed they became pregnant by choice. About 7-10% of the women who indicated they were single or going steady said they wanted to become pregnant; 27-29% of women who were living with a man or engaged reported similarly. Among married women, 63% indicated they were pregnant by choice (Table 2).

TABLE 2.—PLANNED PREGNANCY WITHIN MARITAL STATUS AMONG THOSE NOT USING A CONTRACEPTIVE TECHNIQUE¹

Marital status at conception	Number of pregnant women	Number of planned pregnancies	Percent of planned pregnancies
Never married.....	266	39	14.7
Single.....	82	6	7.3
Steady.....	102	10	9.8
Living together.....	29	8	27.6
Engaged.....	53	15	28.3
Married.....	954	604	63.0
SDW.....	34	1	2.9

¹ Weighted figures.

Use of birth control

When a pregnancy is planned, it would be anticipated that coitus would occur without contraceptive measures, and all planned pregnancies would be carried to term. Vice

versa, it would be expected that when babies are not desired, some contraceptive methods would be utilized and if pregnancy were to occur, when abortion is legal, it would be the solution to the dilemma. The former hypothesis was generally substantiated, the latter hypothesis rarely so.

As expected, our data indicate that almost all women who planned to become pregnant (97%) did not employ any contraceptive methods. Surprisingly, 3% of the women who wanted to become pregnant nevertheless reported using a contraceptive technique (Text-fig. 2). It is quite possible that these 3% were using rhythm or other methods in order to achieve pregnancy. Among the women who wanted to become pregnant, 26.4% indicated that they had been trying to conceive for more than 1 year; 3.5% of these for more than 3 years and another 3.5% for more than 5 years.

The majority of sexually active women who did not plan to become pregnant did not use a contraceptive method. Many reasons exist for not using a contraceptive technique to prevent an unwanted pregnancy. With an unexpected coitus, as reported by 6% (96) of the women in the cohort, a report of 'no method used' would seem acceptable (despite the fact that withdrawal might have been advocated). There nevertheless remained 57% (520) of all those women not planning to become pregnant who expected coitus, yet did not use any form of contraception.

In addition to considering the coitus unexpected, the reasons given for not using birth control methods vary with special factors such as age and marital status. Young and single women tended to indicate: 'I didn't want sex to seem planned'. Married as well as single women reported: 'I thought I was in a safe period'.

'It's against my religion to use birth control' and 'The father wouldn't let me use birth control' were reported with about equal frequency and account for 123 of the 520 women who, despite the fact that they anticipated coitus and did not want to become pregnant were not using a birth control method; 72% of these non-contracepting women giving either or both of these last two reasons were Catholic (88 of 123).

A large percentage (33%) of the pregnant women who did not plan to become pregnant used contraceptive methods, yet became pregnant. This is about 19% of the total cohort population. It must be recalled that all these data are derived from a pregnant population. Those women who are effective contraceptors, probably the majority of sexually active women, do not enter our sample. Using 1970 census data, the number of women of reproductive age in Hawaii was approximately 194,000. Since there were about 19,500 women (10% of the possible population) pregnant during 1971 (in round figures a combined total of 15,900 live births and 3600 abortions), we can extrapolate and say that, theoretically, 19% of these, roughly 300 or 1-2% of the state's population of women of reproductive age, became pregnant due to birth control failure that year.

Among these contraceptive failures, all methods were represented. The pill was used by 31% of all those using birth control at conception who did not plan to become pregnant. Foam users represent the next largest group, 22% of this contraception population. The rhythm method was reportedly used by 18%. Regrettably, we do not know what proportions of the total state

population of women using contraception were using the various techniques so it is not possible to calculate contraceptive efficiency from these data.

There was a surprising reversal of contraceptive usage among religious groups

(Table 3). Comparing Catholics with Protestants and Buddhists, the other two large religious groups in the state, we find proportionately fewer Catholics having used rhythm and more having used the pill.

Recalling again that it is only the failures

that we are seeing in our population, this may reflect that Catholics use rhythm best and pills poorest. Of course, our findings could also mean that some of the classical associations of religion with contraceptive method might need re-examination.

TABLE 3.—RELIGION AND USE OF BIRTH CONTROL¹

Religion	Number of women using—								Total using birth control
	Rhythm		Pill		IUD		Other		
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Buddhist.....	6	21	7	25	0	0	14	50	27
Catholic.....	14	13	47	44	7	7	38	36	106
Protestant.....	24	18	39	30	17	13	50	39	130
None.....	6	15	7	18	10	25	17	42	40
Other.....	3	20	3	20	2	13	7	47	15

¹ Weighted figures.

Particularly peculiar was our finding that among the group of contracepting women, four women were found who supposedly had had their tubes tied, yet became pregnant. Investigation of the medical records confirmed that two of these women had had the procedure indicated; the records were incomplete for the other two. One of these four women has now had a hysterectomy.

The use of birth control methods in general increased with the strength and type of the sexual relationship (Table 4). In general, in the cohort population engaged couples used birth control measures with about the same frequency as did couples going steady (19.1% and 17.9%). Married couples and couples living together also used birth control measures in about the same proportions (40.2% and 38.2%). Regrettably, single 'unattached' girls, i.e. those with the least firm relationships and thus least ready for family unions, used birth control least (13.6%).

TABLE 4.—USE OF BIRTH CONTROL WITHIN MARITAL STATUS FOR UNPLANNED PREGNANCIES

Marital status at conception	Number of pregnant women	Number of women using birth control	Percent women using birth control
Never married.....	281	54	19.2
Single.....	88	12	13.6
Steady.....	112	20	17.9
Living together.....	34	13	38.2
Engaged.....	47	9	19.1
Married.....	595	239	40.2
SDW.....	41	8	19.5
Total.....	1 916	1 300	

¹ Weighted figures.

TABLE 5.—CONTRACEPTIVE USE¹ AND CHOICE OF ABORTION RELATED TO MARITAL STATUS AT CONCEPTION

Contraceptive method used	Total number using this method	Total choosing abortion		Number never married using this method	Never married choosing abortion		Number married using this method	Married choosing abortion	
		Number	Percent		Number	Percent		Number	Percent
Foam.....	66	21	32	12	7	58	54	14	26
Diaphragm.....	18	6	33	0	0	17	17	5	29
Condom.....	46	21	46	10	7	70	36	14	39
Rhythm.....	53	20	38	15	11	73	38	9	24
Withdrawal.....	29	11	38	13	9	69	16	1	6
IUD.....	36	14	39	6	2	33	30	10	33
Pill.....	103	14	14	12	7	53	88	5	6
Remainder.....	16	5	31	5	3	60	10	1	10

¹ Some couples use combined methods.

Pregnancy outcome

We can now examine how women having become pregnant, whether planned or unplanned, having used contraceptive methods or not, terminated their pregnancies when abortion was a legal choice (Text-fig. 2).

With planned pregnancies, it is to be expected that the women will go to term and deliver. This was indeed demonstrated in the vast majority (98%) of the cases. Significantly, 2% of the women who had originally planned to have a baby and did not use birth control, after becoming pregnant chose to have an abortion. Some of these women reported that they had been trying for some time to become pregnant but now were choosing an abortion for various reasons such as: 'I am still single', 'I am not able to cope with a child at this time', 'The child is not my husband's', 'My marriage is too shaky', 'My husband doesn't want the child', and 'A child would interfere with my or the father's job or education'. The mean age for these women was 23-1, and the median age was 24 so age generally did not seem to be a factor.

Surprisingly, among those women who had not planned to become pregnant, the percentage of women choosing an abortion is the same from both subgroups of women who used or did not use contraceptive methods; 31% and 32% respectively (Text-fig. 2). Thus the use of birth control *per se* did not seem to be predictive of resolve not to have a baby.

It is also surprising that there is no strong correlation between the type of contraceptive technique used and the decision to have an abortion. It had been hypothesized that a woman using a 'good' contraceptive such as the pill would be more likely to be determined not to have a child than

is a woman who was relying on rhythm or withdrawal. In fact the findings seem to indicate the opposite (Table 5).

The data indicate of all women who were using oral contraceptives when they became pregnant, only 14% chose to have an abortion. If the women were married and became pregnant while using the pill, only 6% chose abortion. An incidence of abortion from between 30% and 40% of women was associated with the other routinely used contraceptive methods, except the condom and the IUD. This was generally reduced markedly if the woman was married and increased markedly if the woman was single.

If the condom was used, a higher proportion of women in each marital status group chose abortion. Use of this contraceptive technique might thus be considered to reflect a greater resolve not to have a baby. If the IUD was used, independent of marital status, about one in three women chose abortion.

All four of the women who supposedly had had tubal ligations but became pregnant chose to carry their pregnancy to term. Two considered it as 'natural or God's will' and two claimed they did not believe in abortion.

For those women choosing to have an abortion, the decision to do so was made as soon as the woman knew she was pregnant in 63.0% of the cases; before pregnancy in 8.5% and just before the abortion ('recently') in 23.9% of the cases. Those women who planned ahead to have an abortion if they became pregnant were more often using contraceptives. For this group, therefore, it does not seem as if abortion was a substitute contraceptive method; rather, it was a back-up for failed contraception. No clear relation exists between contraceptive use and when the decision to have an abortion was made in the other groups.

For women going on to have their babies, relatively few considered abortion as an alternative. Among those women who did not use contraceptive techniques, 91.1% indicated they did not consider having an abortion; among those women who did use contraceptives, 86.4% indicated they did not consider having an abortion.

As reported previously by Smith *et al.* (1971) and Steinhoff, Smith & Diamond (1972), the reasons most often given by a woman for deciding to have an abortion were: "I am not married," "I cannot afford the child financially," "I already have enough children," "A child would interfere with my education," and "I am not able to cope with a child at this time".

The reasons vary with contraceptive usage and this is related to age and marital status. For example, older or married women were more likely to have been using contraceptive techniques and indicated they chose abortion because they could not cope with a child or considered they had enough children already.

The most frequently given reasons for carrying the pregnancy to term were, as might be expected, related to whether the baby was planned and whether contraceptive techniques were used.

Quite often when the woman found she had an unplanned pregnancy, she and her husband decided to have the child anyway. Disapproval of abortion was given as a reason for having the baby by about 13% of the women with unplanned pregnancies who had not used contraception. Similarly, of women who had used contraception, 10% said they did not approve of abortion so were having the baby.

The decision of a pregnant woman to have an abortion or carry to term is often thought to be related to marital status, age and religion. We have considered these factors along with contraceptive use (Text-fig. 3).

Marital status was seen to relate with contraceptive use to predict the decision regarding pregnancy termination. Non-married contraceptors were more likely to have an abortion than were married contraceptors; non-married women, in general, were more likely to have an abortion than were married women. This is in sharp contrast to national findings under illegal conditions in the late 1950s (Gebhard *et al.*, 1958) but is in keeping with recent findings in New York and California (Berkov & Sklar, 1972; Duffy, 1971; Pakter & Nelson, 1971; Russell, 1969; Tietze & Lewit, 1972). It must nevertheless be emphasized that a large percentage of women, regardless of their marital status, chose to carry the pregnancy to term (Text-fig. 3).

This relationship of marriage to choice of abortion was, as might be expected, related to age. The older married woman more often chose an abortion than did the younger. While in absolute numbers more women under 25 years had abortions, a much greater proportion of pregnant women 25 years and older chose abortion than did younger women (Text-fig. 4).

Religion, too, was related to how a woman terminated her pregnancy. Regardless of marital status, Catholics consistently chose abortion less frequently than did Protestants or those women who professed no religion (Text-fig. 5). Buddhists, too, chose abortion less frequently than Protestants but this was due to a great percentage of their pregnancies being planned.

With marital status, we have related a simple multiple choice question as to how each woman viewed the prospect of having a child and her choice of pregnancy outcome. Predictably, almost all women who expressed 'I would be unhappy to have this baby' decided to have an abortion. Less predictable is the finding that a number of women chose abortion despite their saying 'I would be happy to have this baby.' Least predictable was the finding that the overwhelming

majority of women who claimed 'I would be neither happy nor unhappy to have this baby' chose abortion. A woman's so-called neutral statement regarding her desire to have a baby when she is pregnant was thus generally seen not to be neutral.

Finally, we correlated some early steps in the decision-making process with the final pregnancy outcome. Of those women not using contraceptives who claimed 'Sex was unexpected', 25% had their pregnancies terminated; so, too, did 26% of those women whom claimed 'I thought I was in a safe period.' These two groups of women who were non-contraceptors and who did not plan to become pregnant comprise 68% of those who chose abortion. Of those who indicated that their pregnancy was the result of a birth control failure, 31% chose abortion.

DISCUSSION

We have attempted to show, by using a fairly complete population of pregnant women (conception cohort), a decision-making process relating how sexual behaviour, birth control use and pregnancy outcome could be monitored under conditions where abortion is legal and access to the total population was possible. Starting with the expectancy component of coitus, we traced pregnancy planning, birth control use and pregnancy outcome. The analysis was basically sequential but it is obvious that the decision-making process cannot be fully considered as a linear progression of events. Coitus for the majority of women was anticipated and yet pregnancy was not generally planned for. Regrettably, two-thirds of the women who had not planned their pregnancies had not used a birth control method to prevent such consequences. Of these women, as of the one-third that did attempt to prevent conception, only one out of three women elected to have an abortion. Marital status, age and religion were seen to affect the decision as to whether or not to have an abortion, but we also found that a woman's acceptance of her sexuality and attendant use of contraception related to these factors and correlated with how she decided to terminate her pregnancy.

This use of conception cohorts and the analysis of the decision-making process is believed to provide a model that is applicable elsewhere. Different independent variables may be used as filters at any stage to provide analyses of the decision-making process for any group under study. For example, one could monitor the change in dependent variables such as coitus or birth control usage, while using as independent variables religion, socio-economic status or age. Other models for similar analysis have been proposed (e.g. Friedman, 1972). The present model seems advantageous primarily because it provides a built-in comparative control group of women who planned their pregnancy and indeed chose to deliver. This type of analysis of choice deals with a selected population from among a larger one available to us (Diamond *et al.*, 1972). We consider that this gives a better reflection of the actual parameters attendant on the decision to have an abortion or carry to term, particularly if used repeatedly so that controlled comparisons can be made over a period of time.

ACKNOWLEDGEMENTS

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This is Report No. 5 of the Hawaii Pregnancy, Birth Control and Abortion Study.

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THE EFFECTS OF THE NEW LAW SUMMARIZED FOR THE FIRST 21 MONTHS—ABORTION IN HAWAII: 1970-1971

(By Roy G. Smith, M.D., M.P.H., Patricia G. Steinhoff, Ph.D., James A. Palmore, Ph.D., and Milton Diamond, Ph.D.)

On March 11, 1970, Hawaii became the first State in the nation to allow abortion essentially at the request of the woman. An abortion may be performed legally by a licensed physician in an accredited hospital before the fetus is viable outside the uterus, if the woman has been a resident for a minimum of 90 days immediately prior to the abortion. Other restrictions imposed are those that normally apply to any medical-surgical procedure.

Prior to the passage of the law, many legislators, individuals, and organizations in Hawaii expressed concern about the effects of the new law. The State Legislature allocated funds to the University of Hawaii, School of Public Health, to initiate a study of the operation and effects of the law. The study was multi-disciplinary from its inception, and now involves a research team composed of representatives from the School of Public Health, the School of Medicine, the Department of Sociology and the East-West Population Institute.

This article, based on a report made to the Hawaii State Legislature on the operation and effect of the law, is an analysis of data from all cases of induced abortion performed in hospitals in 1970-71.¹

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Following the enactment of the law, from March 11, 1970 through December 31, 1971, 7,148 induced abortions were performed in 15 hospitals. During the first 21 months of the new law, there were changes in characteristics of women receiving induced abortion, and also in medical and social factors related to the operation of the law. However, it was still too early to assess the full effect of the new abortion law on birth rates, illegitimacy, adoptions, or sexual and reproductive behavior. Yearly fluctuations in such factors have occurred even before the abortion law was changed, and a time period longer than one or two years is necessary before we can assess these effects of the law change.

METHODS

Data on abortion patients were collected from hospital charts, self-administered questionnaires, and in-depth interviews.² Information from hospital charts on all abortion patients was made available to the study by every hospital in the State of Hawaii performing abortions. Information from the charts includes limited demographic, medical, and socioeconomic data. A self-administered questionnaire was given to abortion patients when they were admitted to the hospital and was filled out by each patient prior to abortion. Questionnaire participation by all patients was voluntary.³ The questionnaire provides information on demographic, socioeconomic and attitudinal factors, aspirations of family size, contraceptive practices, reasons for use and non-use of contraceptives, and reasons for having the abortion. Information was also obtained by interviews and correspondence with hospital administrators, physicians, and other medical personnel.

To determine whether changes had occurred during the first two years, the data were divided into calendar quarters, with the first quarter including March 11, 1970 through June 30, 1970. This first reporting period is somewhat longer because the law took effect in the middle of a month. Where changes were observed, the data are reported by period. If no change was observed, data are reported for the entire period, March 11, 1970 through December 31, 1971.

² Data from maternity patients were also collected but are not included in this report.

³ Questionnaires were phased into use beginning in June, 1970, so not every abortion patient received one during the first year. In all, 72.6% (3,121) completed questionnaires were received from 4,096 patients. The availability of demographic information from hospital records on virtually all abortions made it possible to identify most of the non-response bias in the questionnaire sample and to correct for the bias by a weighting procedure. Initial tests revealed a slightly skewed distribution on the variables of age, marital status and ethnicity. For age and ethnicity this was due to both questionnaire refusal and faulty questionnaire distribution. Smaller biases in marital status were due almost entirely to questionnaire distribution. There were no distortions in residence (urban-rural) in the abortion sample. To account for both sources of bias, a three-factor weighting on age, marital status and ethnicity was applied according to the following formula:

$$\frac{P}{\sum_{i=1}^n (Ci+Ri+Ni)} \times \frac{Ci}{\sum_{i=1}^n (Ci+Ri+Ni)}$$

Where

- C = completed questionnaires
R = refused questionnaires
N = not distributed questionnaires
P = total number of questions

The weights range in value from .55 to 4.95 with 82 percent of the weights between the values of 1.00 and 2.00.

FINDINGS AND DISCUSSION

Geographic distribution

The geographic distribution of the 7,148 induced abortions did not follow the population distribution in the State (Figure 1).⁴ A total of 6,875 abortions were performed on Oahu. This was 93.4% of the abortions, while only 83.4% of the women aged 13-49 in the State live on Oahu. However, 4.1% of the Oahu abortions were performed on neighbor island women.

During the first three months after the change in the law, only 3.2% of the abortions were performed on the neighbor islands, though 16.6% of the population at risk resided there. By the last quarter of 1971, this had increased to 7.5%. The average for the entire period was 6.6%. Three major hospitals on Oahu performed 92.5% of the State's abortions during the first period compared to 84.4% for the entire 21 months. This represents a general trend for women to obtain abortions in their own community.

TABLE 1.—INDUCED ABORTIONS BY HOSPITAL—HAWAII: MAR. 11, 1970-DEC. 31, 1971

Hospital:	Abortions	Percent
1.....	666	9.3
2.....	4,153	58.1
4.....	1,215	17.0
5 ¹	641	9.0
6 ²	473	6.6
Total.....	7,148	100.0

¹ Conglomerate representing 6 small hospitals on Oahu.

² Conglomerate representing 6 hospitals on neighbor islands.

Frequency of abortions

The number of abortions performed per day increased slightly during the 21 months, from 9.1 to 11.4 with an average of 10.9 per day. The number of maternity cases in the State decreased during the two-year period from 16,467 in 1970 to 15,874 in 1971. At the same time, the ratio of abortions to live births changed from one abortion for every 4.8 live births to one abortion for every 3.8 live births. In sum, the absolute number of pregnancies represented by live births and abortions increased very slightly while the number of such pregnancies terminated in abortion increased substantially, as shown by the live birth to abortion ratio (Table 2). Live births in the State seem to be reduced both by increased utilization of contraception and by increased use of abortion.

TABLE 2.—RATIO OF ABORTIONS TO LIVE BIRTHS BY PERIOD—HAWAII: MAR. 11, 1970-DEC. 31, 1971.

	Abortions	Live births	Ratio
March-June.....	1,015	4,833	1:4.8
July-September.....	996	4,228	1:4.4
October-December.....	884	4,320	1:4.9
January-March.....	994	3,978	1:4.0
April-June.....	1,089	3,796	1:3.5
July-September.....	1,153	4,081	1:3.5
October-December.....	1,047	4,019	1:3.8
Total.....	7,148	29,255	1:4.1

Gestation

For 87.2% of the abortions performed, the gestation period was 12 weeks or less (Table 3).

The most appropriate comparison to make, in this and subsequent tables, would be to all pregnant women in the State. Comparisons of this type are underway utilizing "conception cohorts" of maternity and abortion patients matched by estimated time of conception 1. For this report, the less exact comparison to State population figures is employed. Where possible, these figures are limited to women, or to women in the fertile age range.

3). Only 1% of the abortions were performed when the period of gestation was more than 20 weeks, and only seven abortions were performed after a 24 week gestation period.

TABLE 3.—LENGTH OF GESTATION IN WEEKS FOR 7,148 ABORTIONS PERFORMED PER REPORTING PERIOD AS PERCENT OF ABORTIONS IN THAT PERIOD—HAWAII: MAR. 11, 1970-DEC. 31, 1971

	Weeks of gestation					Total
	8 or less	9-12	13-16	17-20	Over 20	
March to June.....	40.5	44.1	7.6	6.6	1.2	100
July to September.....	46.0	41.5	6.5	5.1	.9	100
October to December.....	47.3	41.3	5.4	5.3	.7	100
January to March.....	45.8	41.4	5.9	6.0	.9	100
April to June.....	42.8	43.4	8.3	4.9	.6	100
July to September.....	49.0	39.0	6.5	4.2	1.3	100
October to December.....	48.0	40.1	5.8	4.8	1.3	100
Overall.....	45.7	41.5	6.6	5.2	1.0	100

Abortion procedures, complications, and length of stay

Six different procedures were used to perform abortions. The methods used were generally determined by the length of gestation at the time of abortion. Dilatation and curettage (D&C) and/or suction were the two procedures most frequently used up to 12-14 weeks gestation. Saline infusion and hysterotomy were generally used at 15 or more weeks' gestation. Hysterectomy was used at any time during gestation when removal of the uterus was indicated. Prostaglandin, a new medication under clinical investigation, was used to induce abortion primarily early in gestation. Approximately 89.7% of the abortions were performed by D&C and/or suction (Table 4).

TABLE 4.—PROCEDURES USED TO INDUCE ABORTIONS—HAWAII: MAR. 11, 1970-DEC. 31, 1971

Procedure	Abortions	Percent
D. & C.....	1,495	20.9
D. & C./suction.....	4,915	68.8
Subtotal.....	6,410	89.7
Saline.....	614	8.6
Hysterotomy.....	49	.7
Hysterectomy.....	40	.6
Prostaglandin.....	28	.3
Other.....	7	.1
Total.....	7,148	100.0

Note: Abortions in the "Other" category were performed using, alone or in combination, the following: laminaria, pitocin, mannitol, and Foley bag.

The incidence of complications resulting from 7,148 abortions was 6.9% (Table 5). There was an increase in complication rates during the 21 months, from 4.1% in the first period to 9.7% in the last period. A detailed study of this trend is underway and will be reported on in the near future. No mortalities occurred during the first year. However, one mortality occurred during the second year. At this writing over 13,000 abortions have been performed with only the one mortality. By far the majority of the complications were minor. Major complications (hemorrhage, uterine perforation, metabolic disorders and related sequelae) comprised 23.5% of all complications and represented 1.6% of the patients who received abortions. Our criteria for complications are very broad and include some minor items not usually considered by the hospitals or other researchers to be complications (e.g., elevated temperature of 100.6°, minor infection or cervical laceration of any degree). Even with the broad definition we have used, Hawaii's over-

all complication rates were equivalent to those reported by studies on the mainland.³

TABLE 5.—NUMBER OF COMPLICATIONS BY TYPE IN 7,148 INDUCED ABORTIONS—HAWAII: MAR. 11, 1970-DEC. 31, 1971

Type of complication	Percent of complications (6.9 percent)	Number of complications
Cervical laceration.....	17.7	87
Hemorrhage.....	19.8	97
Infection.....	22.2	109
Failed abortion.....	13.0	64
Retained tissue.....	17.1	84
Uterus perforation.....	3.1	15
Metabolic.....	-6	3
Death.....	-2	1
Miscellaneous.....	6.3	31
Total.....	100.0	491

The incidence of complications was closely related to length of gestation. Through the first 12 weeks of gestation, complications were about 5%. After the 12th week, the incidence of complications more than quadrupled (Table 6). New York City reported the same ratio.³ California noted approximately a five-fold increase.⁴

TABLE 6.—COMPLICATIONS BY GESTATION.—HAWAII: MAR. 11, 1970-DEC. 31, 1971

Gestation	Number of abortions	Percent complications
8 weeks or less.....	3,263	4.2
9 to 12 weeks.....	2,969	5.2
13 to 16 weeks.....	473	20.1
17 to 20 weeks.....	374	25.8
Over 20 weeks.....	69	20.3
Total.....	7,148	6.9
Overall.....		6.9

Because the type of procedure varies with length of gestation, the rate of complications also varied with procedure. Complications associated with D&C, and/or with suction, occurred at the rate of 4.6%. (During the first year suction was rarely used alone. Hence, the two procedures are reported together.) With experience and changes in techniques, the frequency and pattern of complications changed. For example, with increased use of laminaria, 4 mm and 6 mm suction tips, and decreased use of manual dilatation, there was a marked decrease in the incidence of cervical lacerations from 22.1% in 1970 to 17.7% by the end of 1971. Infection rose from third to the most frequent complication while hemorrhage remained second.

The most frequently used procedure for abortion late in gestation, saline infusion, had a complication incidence of 23.9% in Hawaii, which is comparable to the national figures.² The majority of complications resulting from saline infusion procedures were minor, and were in three categories: 1) infection (32.7%), 2) failed abortion necessitating a repeat of the procedure at a later date (28.6%), and 3) retained secundines (24.5%).

When abortions were performed early in gestation in the hospitals doing most of the abortions, the patient's length of stay in the hospital was short (6-12 hours). In those hospitals performing fewer abortions, there was a tendency to retain the patient for a minimum of 36 hours, regardless of length of gestation.

As hospitals and physicians gained more experience with the management of induced abortions, the length of stay in the hospital decreased. A comparison of the first reporting period with later periods for under 12-hour hospitalizations shows a slight trend to shorter stay (Table 7).

TABLE 7.—LENGTH OF STAY IN HOSPITAL, PERCENTAGE BY REPORTING PERIOD—HAWAII: MAR. 11, 1970-DEC. 31, 1972.

	Hours in hospital					Total
	6 or less	7-12	13-24	25-48	49 or more	
March to June.....	8.6	38.5	15.4	27.1	10.4	100
July to September.....	8.2	47.2	12.4	20.5	11.7	100
October to December.....	8.9	49.1	11.4	20.9	9.6	100
January to March.....	10.5	49.2	8.2	19.4	12.7	100
April to June.....	8.4	48.8	9.7	22.2	10.9	100
July to September.....	8.8	52.4	8.4	18.9	11.5	100
October to December.....	11.6	51.0	8.5	17.2	11.7	100
Overall.....	9.3	48.1	10.5	20.8	11.3	100

Factors leading to later abortions

Women under 20 were much more likely than older women to have abortions after the end of the 12th week of gestation. Among women under 18, 27.6% obtained their abortions after the 12th week. Of the 18 and 19 year olds, 20.1% had abortions after the first 12 weeks, as compared with 12.4% of the 20 year olds. Of all women over 20, 9.6% received their abortions after 12 weeks.

The percentage of women who received their abortions by the end of the 12th week was related to their method of payment for the abortion. In cases where parents paid for the abortion, 27.1% of the women aborted after the 12th week of gestation. By contrast only 7.8% of women with insurance coverage and 8.8% of women whose bill was paid by the man involved other than husband had their abortions after the 12th week, as did 12.7% of women paying out of personal funds. All women who paid for their abortion by a loan had aborted before the 13th week.

Patients whose method of payment involved Department of Social Services or military payment procedures were more likely to have their abortion later. Of the welfare-assisted abortions and for those paid by the military, 17.5% were obtained after 12 weeks of gestation.

The woman's major source of income was also related to the timing of her abortion. Of those supported by scholarships, alimony, or their own or their husband's job, 92.1% received their abortions during the first 12 weeks of gestation. Of those on welfare assistance, 83.3% and of those supported by their parents, 81.6%, received their abortions during the same time period. Of those living in their own house or apartment or with friends, 91.0% received their abortions by the end of the first 12 weeks, as compared with 85.0% of those living with their parents.

In summary, the greatest delays in obtaining abortions occurred among women who were under 18, women who lived at home, women who were supported by their parents, or women whose abortions were paid for by their parents. These lags seemed to result from a combination of financial dependence and the necessity for minors to obtain parental permission for the abortion. Despite the fact that insurance coverage was seldom available to single women during the first year of the new law, this did not cause an appreciable lag in obtaining abortions if they had resources other than their own parents.

Delaying an abortion past the 12th week of gestation involves changes in abortion procedure, increased hospitalization time, and a markedly higher risk of complication. There are both medical and social conditions which make abortions beyond the 12th week necessary. However, many late abortions could be eliminated if legal and financial barriers were removed.

Medical Safeguards

The medical profession and the hospitals established conservative safeguards for the implementation of the abortion law. Whether the physician performing abortions was a specialist in obstetrics and gynecology depended on the hospital's policies and regulations. For the most part, hospitals allowed only board-eligible or certified obstetrician-gynecologists to perform abortions on patients over a specified period of gestation. In some hospitals the limit was 12 weeks, in others 16 weeks.

Hospitals also set up other safeguards in consideration of the patient's welfare. When a woman was to have an abortion late in gestation (12 or 16 weeks depending upon the particular hospital), a minimum requirement generally was one or more consultations with an obstetrician-gynecologist. If the gestation was as late as 20 weeks, the case was presented to an abortion board or committee in order to determine the necessity of the abortion, and to weigh its medical risks against the need for the abortion.

While the pattern varied from hospital to hospital, it seems apparent that safeguards were taken by the hospitals and their medical staffs to prevent the performance of abortions by physicians not qualified in specific procedures and to avoid non-indicated abortions performed very late in gestation, when there may be a question of fetal viability.

Cost

The usual cost for an abortion in Hawaii was about \$350.00. This varied from locale to locale and among physicians. For a patient without insurance or other assistance, the personal cost to the woman was a minimum of \$300.00. This cost consisted of two main components: physician's fees and hospital charges. For those hospitals other than prepaid insurance or military, charges were approximately \$160.00 for those patients remaining in the hospital 12 hours or less and not overnight. Most physicians' fees were around \$150.00 when the abortion was performed early in gestation and no complications were involved.

The largest percentage of abortions were paid for by personal funds (50.4%), which were obtained from the patient, parents, husband, male involved in the pregnancy other than husband, or a loan. During the first year of the new law, insurance coverage was not available to most women who had abortions. Insurance partially covered the expenses of 26.9% of the women during the first period and 38.8% during the last quarter of 1971, or for 28.2% of the total during the 21 months. Military insurance paid for 8.3% of the abortions, 43.7% of which were performed in non-military hospitals. Prepayment plans, major medical carriers, and the military covered from 30% to 92% of total costs to the patient.

Department of Social Services (DSS) assistance for payment of abortion costs was available both to regular welfare recipients and to other women classified as medically indigent. DSS paid for 817 (11.4%) abortions, but fewer than one-fourth of these women were receiving other welfare assistance. DSS paid for 9.4% of abortions on the outer islands during the first reporting period. However, for 1970-71 as a whole this figure increased to 22.2%.

Sterilization

Sterilization was available to women while they were in the hospital to have an abortion, but very few women elected to be sterilized, in part because 47.0% of the women were terminating a first pregnancy. Only 3.6% of the women were sterilized; 200 women had tubal ligations and 59 women had hysterectomies. Sterilizations were per-

formed on 7.0% of the private insurance patients; 4.6% of the welfare patients; 4.4% of the military payment patients; 2.8% of loan patients; and 1.7% of the patients paying from personal savings. There were no sterilizations among patients whose abortions were paid for by the man involved in the pregnancy other than the husband.

Demographic and Social Characteristics

Nearly half of the abortion patients (47.0%) were terminating a first pregnancy. An additional 26.9% were terminating a second or third pregnancy, while the remaining women (26.1%) were ending a fourth or higher pregnancy.

The age distribution of the 7,148 women having induced abortions covers a wide range of fertile years, 12-48. 20.2% were under 20 years of age; 21.8% were 30 or over. The average age was 24.7 years. 53.4% had never been married. The remaining 46.6% were married (36.6%), divorced (6.6%), separated (2.7%) or widowed (0.6%).

The religious distribution of abortion patients closely followed that of the State for Catholics and Protestants (Table 8). Of the abortion patients, 39.7% were Protestant and 28.9% were Catholic. Buddhists comprise 14.0% of the population and only 8.1% of the abortion patients. The religious preference of the women did not affect their reasons for abortion, the length of gestation, or prior use of birth control.

TABLE 8.—RELIGIOUS DISTRIBUTION OF 7,148 ABORTION PATIENTS COMPARED WITH STATE OF HAWAII TOTAL POPULATION—HAWAII: MAR. 11, 1970-DEC. 31, 1971

	Percent of abortions	Percent of State
Protestant.....	39.7	46.7
Catholic.....	28.9	27.3
Buddhist.....	8.1	14.0
Jewish.....	.9	1
Other and none.....	22.4	9

Note: Statistical abstract of sample survey, 1962, Economic Research Center, University of Hawaii. These are the most recent figures available. Later data have been compiled for church membership, State of Hawaii Data Book, 1971, Table 9, but this information is not directly comparable.

Of the abortion patients, 43.7% were born and raised in Hawaii, while 17.4% had lived in the State less than a year.

The law stipulates a 90-day residence for women receiving abortions. At present the hospitals protect themselves against possible liability by requiring every abortion patient to file a notarized statement that she has been a resident in the state for the past 90 days. An effort was made early in the year to determine the degree of non-compliance. Four methods were used to estimate residency, three statistical and one an audit.⁵ Each method indicated that during the first five months the percentage of women coming to Hawaii without fulfilling the 90-day residency clause was between 8% and 13%, or an average of one per day. The low estimate is from direct reporting by questionnaire respondents. Some falsification might be expected since the respondents were reporting illegal behavior. The percentage reported dropped to 2.3% immediately after New York's abortion law was enacted in July, 1970. By the end of 1970, other states on the west coast—Alaska, California, and Washington—had also begun to relax abortion restrictions, and the rate of non-resident abortions reported in Hawaii dropped to less than 1%. Obviously, Hawaii had not become an "abortion mecca" as some feared.

⁵ Conducted in association with Frank Zimring, Associate Professor of Law, Center for Studies in Criminal Justice, The Law School, University of Chicago.

The ethnic distribution of abortion patients differed from the State's distribution of females by ethnic group (Table 9). Caucasians comprised 37.4% of the state population of females and 44.0% of the abortion population. Japanese comprised 30.4% of the State female population and 20.5% of the abortion population. Hawaiians and part-Hawaiians comprised 9.8% of the State female population, and 8.0% of the abortion population.

TABLE 9.—ETHNIC DISTRIBUTION OF ABORTION PATIENTS COMPARED TO STATE POPULATION OF WOMEN—HAWAII: MAR. 11, 1970-DEC. 31, 1971

	Number of abortions	Percent of abortions	Percent of State
Caucasian.....	3,144	44.0	37.4
Japanese.....	1,463	20.5	30.4
Hawaiian/part Hawaiian.....	572	8.0	9.8
Filipino.....	524	7.3	11.0
Chinese.....	264	3.7	7.0
Other and mixed.....	1,181	16.5	4.4
Total.....	7,148	100.0	100.0

Note: Recalculated from: table 34, U.S. Department of Commerce, "General Population Characteristics, 1970," PC(1)-813 Hawaii.

At the time of conception, over 50% of the Caucasians, Japanese and Chinese abortion patients were unmarried, as were 40.4% of the Hawaiian patients. However, only 32.3% of the Filipino patients were unmarried.

Of the abortion patients, 24.7% were students, 22.2% housewives, and 22.1% were clerical workers. In the student category, 37.2% were under 18 years of age. 50.9% of the students were 18-22 years of age.

The educational level of abortion patients was high. Over 80% of the women had completed high school and more than 50% had education beyond high school. Only 15.7% of the women had less than a high school education, and many of these women were currently in high school and planning to obtain further education.

Abortion patients were asked to report their family income (Table 10). Since many of the women were single, however, it was difficult to determine what family income included. In some cases, it might have been the personal income of an independent college student or employed woman. In other cases, it might have been of a student who was wholly supported by the parents. This problem made it difficult to compare the income level of abortion patients with that of the State as a whole. When compared with 1970 census figures for family income in Hawaii, abortion patients appeared to have considerably lower incomes. However, when the census figures for family income and income of unrelated individuals in the state were compared, the distribution was very similar to that of abortion patients. In either case, there was no evidence to suggest that abortion patients were drawn disproportionately from higher income categories.

TABLE 10.—FAMILY INCOME DISTRIBUTION OF ABORTION PATIENTS COMPARED WITH STATE OF HAWAII TOTAL POPULATION—HAWAII: MAR. 13, 1970-DEC. 31, 1971

Income ranges	Percent of abortions	Percent of State family income	Percent of State family income and unrelated individuals
Under \$6,000.....	34.0	18.4	37.1
\$6,000 to \$9,999.....	25.1	22.9	20.6
\$10,000 to \$14,000.....	20.7	26.2	19.5
\$15,000 or more.....	20.2	32.5	22.8
Total.....	100.0	100.0	100.0

Note: State income distribution calculated from tables 47 and 57, U.S. Department of Commerce, "General Social and Economic Characteristics, 1970," PC(1)-C13, Hawaii.

Motivations, sexual behavior, and contraception

Prior to the change in the law, some legislators and community members expressed concern about the reasons for abortion and whether noticeable changes in behavior would follow the change in Hawaii's abortion law. This is an area very difficult to monitor.

The most frequently cited reasons for abortion in the sample were, "I am not married" and "I cannot afford to have a child at this time," which were given by 35.4% of the patients answering the questionnaire. Next most frequent were, "I feel that I am unable to cope with a child at this time," given by 26.4%, and, "A child would interfere with my education," given by 23.1%. "I have enough children already," said 15.4%, and 16.4% said, "I am too young to have a child." Other reasons were less frequently given.

In the past, morality has been measured by adherence to a religion, illegitimacy rates and/or promiscuity. Information on religion has been reported above. Data from our study indicate that, if abortion were still illegal, approximately 0.1% of the women who had legal abortions would have remained single and borne children out of wedlock. However, statewide illegitimacy trends cannot be determined for at least another year or two, due to normal fluctuation in rates.

During the first 21 months of the law, 36.6% of the women having abortions were married and 18.6% were engaged, going steady or living with a man at the time of conception. Thus, 55.2% of the women were involved in a continuing relationship.

Another possible indicator of morality is the age at which girls first engage in intercourse. Our data for the first three months following the abortion repeal show 18.7 as the mean age of first coitus. For the last three months, 18.2 was the mean age of first coitus. No significant change in sexual behavior is revealed by this measure, but we do not know if the proportion of women who engaged in intercourse has changed.

There was some concern that the use of birth control methods would diminish following reform of the abortion law. There seems to be no evidence in the data to substantiate this fear. In fact, the opposite seems to be occurring. In the first quarter of the year, 64.9% of the women receiving abortions had not been using birth control. A smaller percentage, 58.8%, had not used birth control during the last quarter, with a mean of 64.4% not using birth control over the 21 month period. Although there was an increase in the percent using birth control, the rate of non-use itself was still high.

Another measure of the use of abortion as a means of birth control is the frequency of repeat abortions. It is difficult to have complete reporting of repeat abortions since patients may change doctor and hospital, and may not report previous abortions to medical personnel. According to available medical record data, only 195 women (2.7%) received two legal abortions during 1970-71. We expect that this number will rise slightly in the future, since reporting is cumulative. Overall, 10.7% of the women reported having had one abortion, legal or illegal, at some previous time. Only 1.9% reported having had more than one previous abortion.

CONCLUSION

In general, Hawaii's new abortion law has been used by women of all religions, ethnic groups and geographic areas in the State. During the first 21 months following the change in the abortion law, no large influx of non-residents was observed nor was there any appreciable change in sexual behavior or contraceptive usage. As anticipated, the physicians and hospitals in Hawaii have proved fully capable of handling the abortion procedures and their record of service is generally good. Legal abortion has not created any

serious problems for Hawaii, medically or socially. Safeguards established by the medical profession and hospital administrations have provided safe medical care for the women of Hawaii.

Based on the above findings and our concern for the women of Hawaii, the following recommendations are suggested for consideration by the Hawaii Medical Association and the Legislature of the State of Hawaii.

RECOMMENDATIONS

To decrease the need for abortion we recommend that:

A. Family life, sex and reproduction education appropriate to age level and including information on birth control and abortion, be further emphasized and supported in all schools, public and private. Such education should be offered in primary, intermediate, secondary, and post-secondary institutions, to enable individuals to control their reproductive lives.

B. Conception planning be integrated into abortion services. All institutions offering abortion services should offer birth control counseling in order to prevent repetition of the need for abortion.

C. There be no restrictions on the provision of birth control services or the availability of contraceptives for any sexually active person regardless of age, sex, or marital status.

To ensure equal availability of abortion services regardless of social or economic class we recommend that:

A. Abortion services (i.e., pregnancy counseling, laboratory services, and referral and payment for the abortion) be made available through state-administered health services such as maternity and family-planning clinics and other prenatal care programs.

B. The State provide subsidies or low-interest loans to all women in financial need who are seeking abortions, with a minimum of procedures which might delay obtaining the abortion.

To facilitate early abortions we recommend:

A. Increased dissemination of information on abortion, regarding provisions of the law, availability of assistance, procedures for obtaining abortion, and the greater safety of early abortion.

B. That minors be permitted to obtain abortion services without parental consent. Parental guidance in such matters is highly desirable, but not at the cost of delaying or denying needed medical services to the pregnant woman.

To obtain continuing and accurate abortion information we recommend that:

A. A standardized state-wide reporting system be established which maintains the distinction between fetal deaths and induced abortions, and provides for the routine collection of basic demographic and medical information on all induced abortions in the state.

B. Fetal deaths and induced abortions be distinguished, both statistically and conceptually.

To facilitate the administration of the law we recommend that:

The 90 days residency requirement be rescinded. The availability of legal abortion on the mainland and relatively infrequent use by non-residents in Hawaii of abortion procedure makes the administrative procedures attendant to proof of residence superfluous in the great majority of cases. This is an added burden to the hospitals and is considered an infringement of privacy by most women.

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WATER RESOURCES DEVELOPMENT AND RIVER BASIN MONETARY AUTHORIZATIONS ACT OF 1973

The PRESIDING OFFICER (Mr. METZENBAUM). Under the previous order, the Senate will now resume consideration of the unfinished business, S. 2798, which the clerk will state.

The legislative clerk read as follows:

S. 2798, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. GRAVEL. Mr. President, yesterday, during colloquy I had with the Senator from New York (Mr. BUCKLEY), I stated that I would submit for the RECORD a statement in connection with the 10 sections of S. 2798 which Senator BUCKLEY proposed to strike. I ask unanimous consent that the statement be printed in the RECORD.

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

TEN SECTIONS OF S. 2798 WHICH SENATOR BUCKLEY PROPOSED TO STRIKE

1. SEC. 4: CORPUS CHRISTI SHIP CHANNEL, TEXAS

The 1968 River and Harbor Act authorized a Federal navigation project for the Corpus Christi Ship Channel, Texas. Construction of a portion of the project is underway but will not be completed for several years.

There exists an increased need to import significant quantities of foreign crude oil through the Corpus Christi area for energy-producing industries now in operation and those planning to locate there. The House Committee on Public Works adopted a resolution in October of 1973 authorizing the Corps of Engineers to study the feasibility of modifying the authorized Corpus Christi project to provide increased depths and widths in the Channel from the Gulf of Mexico to an inshore port in the vicinity of Harbor Island. Funds to initiate this study were provided in fiscal year 1974, but additional funds will be required from future appropriations to complete the Corps study.

Local interests, acting through the Nueces County Navigation District No. 1, have developed a proposal for enlarging the entrance channel from the Gulf to Harbor Island to a depth of 72 feet for a total distance of about ten miles. Such depths would accommodate vessels in the 250,000 to 300,000 DWT category.

Such a proposal is in line with the Corps study which cannot be completed expeditiously due to lack of funds. Local interests have indicated a willingness to provide funds to complete the Corps study and to finance the advanced engineering and design phase of this project modification, with the understanding that they will later be reimbursed out of Federal funds authorized for construction of the project.

This section provides authority to use non-Federal funds to complete the Corps study and the advanced engineering and design phase of the project, such funds to be repaid out of construction money to be appropriated. It also directs the Corps to complete the study and submit a report to Congress by the end of June 1974, and authorizes completion of the advanced engineering and design phase prior to authorization of the

project modification. The Corps estimates that costs will be approximately \$780,000.

Justification: This project modification is necessary to alleviate the severe energy shortage in southern Texas at the earliest possible time. The improvement of an existing port in the Corpus Christi area is the fastest and most economical way to solve the problem. Authorization of AE & D phase at this time will provide the Congress with sufficient information on which to base its decision as to whether the channel deepening is justifiable and should be fully authorized. Local willingness to advance funds for this work is commendable.

2. SEC. 14: CONWAY, ARKANSAS

Construction of the McClellan-Kerr Arkansas River navigation system has resulted in a decrease in the quality of water at the municipal intake of the Conway water supply system.

Project construction has raised the stream water level about 10 feet, the volume of water impounded within streambanks is now more than six times greater, and the normal difference in water surface elevation across the substitute weir is now only 1½ feet. The Federal project also contributes to an objectionable odor and taste during summer periods of extended low streamflow. A new source of raw water supply is required to correct the situation.

This section provides for the alteration, at Federal expense, of the municipal water supply facilities of the city of Conway by construction of water impoundment facilities, together with interconnecting pipeline and other appurtenant work. The water supply capacity will be equivalent to that existing before construction of the McClellan-Kerr navigation project. \$7.5 million is estimated for such alterations.

Justification: This section corrects a situation caused by Federal construction activity. It is clearly the responsibility of the United States to provide the City of Conway with a water supply system equivalent to that existing prior to Federal activity in the area. Failure to enact section 14 will result in necessary expenditure by local interests to remedy a situation in no way their fault.

3. SEC. 15: NORFOLK RESERVOIR BRIDGE, ARKANSAS

In 1939, after the disastrous floods of 1937, Congress authorized construction of Norfolk Dam, to be built across the North Fork River above its confluence with the White River, Arkansas. It was originally authorized as a flood control structure only, and was expected to result in the inundation of the existing State-constructed bridge only a few days at a time on an occasional basis when required for flood protection. At the time the Corps of Engineers estimated relocation costs of highways to be inundated by the dam at \$1.3 million and offered to operate a standby ferry service for the expected occasional floodings. The Arkansas State Highway Commission agreed to this proposal.

In 1941, however, wartime exigencies led Congress to add hydroelectric power to the Norfolk project. This required the permanent inundation of the bridge. An agreement was made between State and Federal officials that the Corps would build, prior to the filling of the lake, bridge piers for the foundation of a replacement bridge to be constructed by the Federal Government after the war was over.

The bridge piers were never built, as the War Production Board denied approval for the materials needed. In 1945, after court proceedings, the State Highway Department agreed to accept the sum of \$1,342,000 from the Federal Government for the construction of an alternate highway and in reimbursement for temporary ferry services. This sum was far short of adequate compensation, and insufficient to build a replacement bridge—

the cost of which had been materially increased because the foundation piers had not been set prior to inundation of the lake.

There is no bridge across Lake Norfolk. A crossing can only be made by means of a ferry service, which is inadequate to serve the increased traffic in the area. The estimated cost of construction of a bridge is \$14 million.

This section provides that the Corps of Engineers construct a free highway bridge over the Norfolk Reservoir. Upon completion of the bridge, the State of Arkansas is to reimburse the Federal Government the sum of \$1,342,000 plus interest, compounded annually, for the period from 1943 to date of enactment. This is estimated at approximately \$3 million; the \$11 million remaining cost would be borne by the Federal Government.

Justification: The replacement bridge was originally planned to be built at Federal expense at the time Norfolk dam was constructed in accordance with the original agreement between the State and the Federal Government. Due to emergency wartime conditions and the lack of critical building materials, it was not built. The money awarded was clearly insufficient to compensate the State of Arkansas for the loss of the existing bridge. The State is willing to repay that money, with interest, as its contribution toward construction of the necessary bridge. This is an obligation that clearly rests with the Federal Government.

4. SEC. 21: CHARITON RIVER, IOWA

Construction of four Corps of Engineers reservoirs in the State of Iowa (Rathbun Lake, Saylorville, Coralville, and Red Rock Dam and Lake) has resulted in severe fish losses.

The State of Iowa plans to construct a fish hatchery at Rathbun Lake which would restore the losses suffered from the Federal projects.

This section authorizes and directs the Secretary of the Army to make a contribution of \$700,000 to the Iowa Conservation Commission as part of the cost of construction.

Justification: The fish losses compensated for in this section are a direct result of Federal construction activity. As such, it is only just that the United States contribute its share toward a correction of the situation. Moreover, the amount authorized (\$700,000) represents only 23 percent of the total cost of the fish hatchery.

5. SEC. 23: BIG SANDY RIVER BASIN, KY. AND W. VA.

(a) Dam Repair and Conversion:

Dam No. 3 on the Big Sandy River was constructed many years ago by the Corps of Engineers. It is obsolete, and has not been used since about 1910. The land on which it is located was acquired from the Federal Government in 1956 by the local school board.

There now exists a critical water supply problem in the area. If this dam, which has deteriorated to the point of near-collapse, were to be repaired and converted to a fixed-type structure, it would ensure adequate water supplies for the towns of Louisa, Kentucky, and Fort Gay, West Virginia.

This subsection authorizes the Corps to undertake such repair and conversion, at an authorized cost of \$300,000.

Justification: Repair and conversion of an existing facility is the most economical way of alleviating the water supply problem in the area. Failure to enact this provision would eventually result in expenditure of far more than \$300,000 to provide the needed facility, the cost of which is beyond the ability of local interests to provide.

(b) Flood Control for the Tug Fork Valley:

The Tug Fork Valley is located in one of

the nation's most important areas of coal production. Nearly 11 percent of all bituminous coal mined in this country comes from this general area. The economy of the valley is based on coal and associated industries.

The Valley is subject to severe floods, which regularly cause extensive damage to homes and businesses. This situation discourages new industrial growth and seriously retards the development of community services.

Flood protection for part of the valley was authorized in the 1970 Flood Control Act. Such protection, for the towns of Williamson and Matewan, West Virginia, was never implemented due to lack of Presidential approval.

Last year's omnibus bill included an authorization for the Appalachia Water Resources Program as recommended by the Secretary of the Army. This included a recommendation that flood protection be provided for the entire Tug Fork Valley. That measure was vetoed.

Section 23(b) authorizes the Corps of Engineers to provide all communities in the Tug Fork Valley with comprehensive flood protection by a combination of local flood protection works and residential flood proofing similar to the measures recommended by the Army. Such authorization is, however, limited to the phase I design memorandum stage of advanced engineering and design, at an estimated cost of \$1,290,000.

Justification: Protection of this area is vital to the nation's interest in view of the coal mining communities which are threatened by flooding. The current energy crisis makes it imperative that our productive capacity be protected. The information provided by AE & D will enable the committee to make an informed judgment on the techniques to be utilized and the final form in which this project should be authorized.

6. SEC. 29: LAKE PONTCHARTRAIN, LA.

The Lake Pontchartrain hurricane-flood protection project was authorized in 1965. At that time, the non-Federal share of the project was estimated to be approximately \$23 million.

Escalating costs have increased the non-Federal share to \$38 million, of which over \$65 million is a cash contribution, which under the terms of the original agreement, is to be paid during the construction period. This has imposed a severe financial hardship on local interests.

This section does not change the amount of non-Federal costs, but does amend the items of local cooperation to permit the payout period of such costs to be stretched out over a period of 25 years, payments to begin at completion of construction or ten years after initiation of construction, whichever is sooner. Once payments are initiated, they must be on a yearly basis and must be at least one twenty-fifth of the remaining unpaid balance. All required costs, including interest, are to be repaid to the Federal Government within the 25-year period.

Justification: Expeditious construction of this project is necessary for the hurricane and flood protection of the City of New Orleans. This section will not result in any additional cost to the Federal Government. It merely stretches out the period of local repayment. At the same time it protects the Federal investment already made in a project which has been underway since 1967 and is more than 20 percent complete.

7. SEC. 43: PRESQUE ISLE, PA.

Presque Isle State Park, located on the shores of Lake Erie, is subject to severe beach erosion problems. Until 1960, efforts to repair and prevent erosion damages were carried out entirely by the State of Pennsylvania. The 1960 River and Harbor Act authorized Federal participation in the Presque Isle

beach erosion control project for a period of 10 years. That authority existed from 1961 until May of 1971, when it expired.

Anticipating such expiration, Pennsylvania Senators Hugh Scott and Joseph Clark requested a resolution providing for a Corps of Engineers study of the problem. Such a resolution was adopted by the Senate Committee on Public Works in May of 1968. The study is currently nearing completion.

Since expiration of Federal authority in 1971, severe storms in the area have exacerbated the problem. It is apparent that permanent protection for the peninsula is required. Measures to provide such permanent protection are being considered by the Corps in the course of its study.

In the period remaining before submission of the Corps study to Congress and subsequent authorization of an erosion control project designed to protect the area on a permanent basis, emergency measures are needed.

This section would provide for continued Federal participation in erosion control measures at Presque Isle for five years or until the Corps study is completed and submitted to Congress. Up to \$3.5 million is authorized.

Justification: The Federal Government has already invested nearly \$4 million in beach erosion control measures at Presque Isle. Failure to provide the extension of assistance as provided in sec. 43 in the period remaining before submission of the Corps study will result in the expenditure of even more Federal funds at such time as a permanent beach erosion control project is authorized. Section 43 provides well-justified assistance in an emergency situation while at the same time protecting previous Federal investment.

8. SEC. 46: LAKE TEXOMA, TEX. AND OKLA.

Lake Texoma, on the border of Texas and Oklahoma, was constructed by the Corps of Engineers in the 1930's. At that time the only roads built were construction roads. Most of these have long since disappeared. There is no system of access roads or scenic roads around the lake.

This section authorizes and directs the Corps to improve perimeter access at the lake, utilizing existing roads to the extent feasible. Not to exceed \$3 million is authorized.

Justification: The roads provided for in this section are all within the boundaries of a Federal project. As such, they are clearly the responsibility of the Federal Government. There is ample precedent for such action.

(Several provisions providing for road construction outside Federal recreation projects were stricken from the bill in committee, as such roads are not a Federal responsibility.)

9. SEC. 50: WYNOOCHEE DAM WATER SUPPLY, WASHINGTON

The Wynoochee Dam and Reservoir was authorized by the 1962 River and Harbor Act. Works was begun in 1969 and was completed last year, at a total Federal cost of \$21 million. About 78 percent of the cost of the project is allocated to water supply.

During project formulation, pulp plants in the area expressed a need for additional water supply. Based on this need, the City of Aberdeen entered into a water supply contract with the United States under the Water Supply Act of 1958, as amended. That Act stipulates that not more than 30 percent of the total water supply in a project may be allocated to future water supply demands. Therefore, the City of Aberdeen signed a contract which obligated them to initiate payments on the difference, or about 48 percent of the project cost, as soon as the project became operative.

The total obligation of the city is about \$17 million, repayable in 50 annual installments of some \$410,000. The first payment is due.

The city entered into the contract on the basis of projected needs of local industry.

These needs have not materialized because of adverse economic and employment conditions in the area, and the city has no customers for the water.

In April of 1973, however, the Washington Public Power Supply System announced that it would build a nuclear powerplant in the area. It is anticipated that approximately 25 million gallons of water per day from the Wynnochee project will be required in connection with this plant's operation. The plant will go into operation in about eight years.

The City of Aberdeen has requested a ten-year deferral of its annual repayments, including interest. If they are required to make payments with no customers for the water, it will impose an intolerable financial burden on local government in an area plagued by distressed economic conditions and chronic unemployment for the past decade.

This section provides that initial and subsequent payments, including interest, may be deferred for a period up to ten years or until the city finds customers for the water, whichever is sooner.

Justification: The city of Aberdeen entered into this contract in good faith. It is through no fault of their own that altered conditions in the area have resulted in a lack of projected customers for the water. The question of deferral of interest can be settled in conference, as the House Omnibus bill does not contain forgiveness for the interest which would accrue during the ten year period.

10. SEC. 52: NORTH BONNEVILLE, WASH.

The town of North Bonneville is located on the Washington shore of the Columbia River at the north abutment of the Bonneville Dam spillway. Construction of the second powerhouse, part of the authorized Bonneville Dam project, is ready to begin. Such construction will require the taking of approximately 95 percent of the town, which encompasses nearly 225 acres and has a population of 470.

Inhabitants wish to maintain the identity of the town by relocating the community as a unified whole. There is no provision in existing law for such relocation. While the Uniform Relocation Assistance Act provides for Federal assistance to individuals in such cases, it does not provide for the relocation of an entire town.

This section authorizes the Corps to relocate the town, including cooperating in planning with other Federal agencies and local interests, land acquisition, title conveyance, and construction of a central sewage collection and treatment facility and other necessary municipal facilities.

This section is designed to ensure that the relocation will be accomplished in a fair and equitable manner, and that no windfalls or unjust enrichment will occur. The relocated town is not to contain land in excess of that in the existing town; utilities furnished at Federal expense will have the same capacity as those at the present time.

Individuals or entities receiving compensation under this section will receive the amount due them under the Uniform Relocation Assistance Act, less the fair market value of the real property conveyed to them in the new town.

Justification: Individuals receiving assistance under this section will not receive more than they would on an individual basis under existing law. Additional funds are to provide for sewer and other necessary municipal facilities. If this section is not enacted, monies for construction of such facilities will have to come from other Federal agencies, as the inhabitants of North Bonneville cannot provide the needed funds.

(This section is similar to another in the bill, sec. 35, which provides for nearly \$12 million to relocate the town of Niobrara, Nebraska—also made necessary by construc-

tion of a Federal project. The administration has approved the Niobrara provision.)

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 896) of the Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, this amendment is in accord with the provision of the bill when it passed the House. Its objective is merely to restore the House provision. The amendment provides in effect that the Federal Power Commission cannot issue a license for the construction of the proposed hydroelectric development on the New River in Grayson County in Virginia, which will impound the waters of New River in the Alleghany and Ashe Counties in North Carolina near Grayson County, Va., and in Grayson County, Va., until 2 years after a study has been made by the Corps of Engineers to determine whether alternative plans for the development of the New River can be had which will do less injury to the environment than the project now proposed by the Appalachian Power Co., which has no interest in it except for the filthy lucre it can get by bringing ruin to the handiwork of Almighty God. The Appalachian Power Co. made an original proposal which would have enabled the development of New River, without doing the great environmental injury, and without displacing hundreds and perhaps thousand of people in Grayson County, Va., and in Alleghany and Ashe Counties in North Carolina, which the presently proposed proposal would occasion.

This whole project is a pennywise and pound-foolish proposition.

North Carolina contends that the annual value of all the power that would be generated by this proposed development would be less than the value of the food and fiber which is now being produced annually, upon the land which will be inundated by the people who are to be driven from their homes.

After this project had been pending for some time before the Federal Power Commission, the Appalachian Power Co. amended the original project so as drastically to alter its purpose. It then proposed to put two dams there and to take the water that flows through the first dam and pump it back into the first dam so that they can utilize it twice, thereby constantly drawing down the impounded waters most seriously and leaving a horrendous scar on one of the most beautiful areas that the Lord God Almighty ever created.

Most of the injury for this development will occur in North Carolina. The people of North Carolina are willing to have a reasonable development which will take into consideration the injury to the environment, the power to be produced, and the preservation to the greatest degree of the homes of the people whose families have been living there for generation after generation.

This project in its present form was opposed by the administration of Bob Scott, the last Democratic Governor of North Carolina. It is opposed by the administration of Gov. James E. Holsouser, Jr., the first Republican Govern-

nor of North Carolina since approximately 1900. It has been opposed by hundreds of individuals, one of whom is a schoolboy, Steve Teague, who wrote me a letter, which I ask unanimous consent to have excerpts from printed in the RECORD.

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

EXCERPTS OF LETTER FROM STEPHEN TEAGUE TO SENATOR SAM J. ERVIN, JR.

GREENSBORO, N.C.,
November 1973.

DEAR MR. ERVIN: I am writing this letter concerning the proposed damming of the New River. My name is Steve Teague and I'm a sophomore at Page High School in Greensboro. I have been canoeing on the New several times and seen the beautiful river and countryside the power companies want to destroy.

You, Mr. Ervin, may never have seen the mountains the New River flows through, but I am sure you know the value of a river and surrounding country that can be destroyed so easily and never recreated. We need to preserve what's left of our state's unspoiled land.

The lake the power companies propose will be of negligible recreational use, because of the great mud flats caused by the fluctuating water level. This project, if passed, will force hundreds off of their lands which single families have worked on for scores of years. Clearly, the only people who will profit from this project will be the power companies.

You need not take my word for it, I invite you, or an assistant if you are too busy, to come on a canoe trip with me to see first hand what they want to put underwater. If you are interested, contact me at the return address.

Save this small part of America.

Sincerely,

STEVE TEAGUE.

Mr. ERVIN. Mr. President, this drastically altered project will virtually destroy one of the most scenic areas in the United States.

The name of the river is New River, but it is said by geologists to be the oldest river in North America. For about 40 miles New River flows through a mountainous area of North Carolina. Virtually all the good farming land there is located on the New River and its tributaries.

If this project is built according to present plans, it will destroy in large measure these farmlands which, as I say, North Carolina authorities assert produce food and fiber of more value than all the power that will be generated by this development.

Not only have all the Governors of North Carolina who have been in office since the project was envisaged opposed it, not only does the legislature of North Carolina oppose it in its present form, not only do the county governments of Alleghany and Ashe Counties oppose it, but the overwhelming majority of the people in that area are opposed to the construction of the project in its present form.

Not only that, the Izaak Walton League of America, the Conservation Council of Virginia representing over 40 organizations, the Environmental Policy Center, the American Rivers Conservation Council, the Appalachian Research and Defense Fund, the Congress for Appalachian Development, the Legal

Environment Group of the University of Virginia School of Law, and Representative KEN HECHLER, of West Virginia, are all opposed to this project in its present form.

In addition, other agencies of the Federal Government have raised serious questions about the project's environmental and social effects. The Federal Power Commission has acted solely on the basis of hearings by a trial examiner, whom observers at the hearings say his bias showed at every stage. They say he was like the owl in that the more light he received, the blinder. On the basis of his hearings, the Power Commission made a statement on environment which North Carolina newspapers declare was manufactured out of whole cloth. The Environmental Protection Agency, on the contrary, investigated the proposed project and condemned it. In addition, the Department of the Interior has expressed serious concern. The Appalachian Region Commission, the Department of Housing and Urban Development, and the North Carolina Department of Natural and Economic Resources have serious questions about the environmental and social impacts of this project.

This is a simple amendment. It provides that the Federal Power Commission cannot issue a license for the construction of this project until the Army Corps of Engineers, which is a neutral body having much experience in the development field, and which is unbiased, has made a study of the proposition, and reported its findings to Congress and 2 years has elapsed from the making of its report.

Those who favor running roughshod over the State of North Carolina say, "Don't delay the matter." I think that when the good Lord created the New River and these beautiful mountains of Alleghany and Ashe Counties in North Carolina and Grayson County in Virginia, he must have regarded the River and Mountain with much pride. It is one of the most scenic regions of the United States and of the world. This area has been there since the creation without having the raw rape committed upon it the Appalachian Power Co. proposes to commit.

It will not hurt to delay the destruction of the handiwork of Almighty God and the thrift of generations of law-abiding and God-fearing people for 2, or 3 or 4 years more. All this amendment provides is that, instead of going ahead with a project—which is condemned by the overwhelming majority of the people concerned, which is condemned by the State of North Carolina, which is condemned by the North Carolina Department of Development and Conservation, which is condemned by both North Carolina Senators and every Representative from North Carolina in the House of Representatives, which is opposed by the Commonwealth attorney of Grayson County and which is condemned by many of the citizens of Grayson County—a study will be made by the Corps of Army Engineers to determine whether or not a better scheme of development can be found.

My opponents argue that we ought to let the Federal Power Commission alone

handle this. The Federal Power Commission has had a hearing conducted by a trial examiner in whom the people of North Carolina and North Carolina's government and the government of the counties affected have no confidence. If we leave it before the Federal Power Commission, they can only go into the court and have it reviewed on the record made by this trial examiner. That is what it comes down to. We merely ask that it be reviewed by the Corps of Army Engineers. We want it reviewed by a Federal agency which is neutral. We want it reviewed by a Federal agency which takes into consideration not only the matter of power but also, in addition to that recreational matters and environmental matters and the welfare of the people the Appalachian Power Co. seeks to displace.

We ask that this amendment be adopted, that the Senate restore this provision in the form in which it passed the House of Representatives, and that the Federal Power Commission be precluded from issuing a license for the construction of this project in its present form until the Corps of Engineers can make an adequate study of the proposition from all standpoints and make a report to the Congress.

Surely, my State is entitled to that consideration at the hands of the Senate of the United States. Surely, the people in this area are entitled to that consideration at the hands of the U.S. Senate. That is all this amendment asks. I implore every Senator who thinks that the welfare of the people is superior to the welfare of a power company whose only interest is the filthy lucre it can obtain by defiling the handiwork of Almighty God to vote for this amendment.

I reserve the remainder of my time.

The VICE PRESIDENT. The Senator from Alaska is recognized.

Mr. GRAVEL. Mr. President, I will take a moment to respond to my colleague.

One of the major deficiencies of the amendment is that it contains no way of implementing itself, either through appropriation or some other means. So the impact of the amendment is to delay indefinitely any licensing procedure.

The second item in question, of course, is the Senator's desire for a study. Let me mention the fact that the corps is now serving as the study agency for the entire Kanawha River basin, undertaken at the direction of the Water Resources Council. This study is due for clearance in a matter of days by the Office of Management and Budget. It will provide a fully up-to-date analysis of the basin in general, and the New River sector in particular. So the corps, the Department of the Interior, and the other affected Federal agencies have provided detailed data and comment for the record at all stages of the Federal Power Commission proceedings. These proceedings must include consideration of all alternatives, including those for which the pending amendment proposes an additional study.

I think the possibility of going 7 or 8 years into the process of litigation certainly should not now be shelved by capriciously requiring one more study. It is a device that has been overused by

Congress to delay or to stop. Furthermore, this proposal asks for a study but offers no plan to implement that study.

For that reason, I feel that I must oppose the approach taken by my colleagues, Senator ERVIN and Senator HELMS, in the amendment they propose. I hope that the Senate will sustain the committee's action in turning down this amendment.

Mr. President, I need no further time to discuss the subject.

My colleague from Virginia may wish to add his remarks.

Mr. WILLIAM L. SCOTT. Mr. President, will the distinguished chairman yield 7 minutes to me?

Mr. GRAVEL. I am happy to yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. METZENBAUM). The Senator from Virginia is recognized.

Mr. WILLIAM L. SCOTT. Mr. President, I rise in opposition to the amendment of the Senator from North Carolina regarding a project in Virginia to be constructed with private capital.

The proposed amendment, in effect, asks Congress not only to take a position on the merits of a very important and complex energy-producing project now before the Federal Power Commission, but, in fact, the amendment would kill the project without the Senate having the facts before it.

The Blue Ridge project against which the proposed amendment of the Senator from North Carolina is directed is primarily a Virginia project, although a portion of the reservoir area extends into North Carolina. It is a two-dam, pumped-storage hydroelectric project to be built with private capital by the Appalachian Power Co. of Roanoke, Va., at an estimated cost of \$430 million.

About two-thirds of the reservoir surface areas will be located in Virginia, as well as the project's two dams, powerhouses, and associated transmission facilities. In fact, all of the project's physical facilities will be located within Virginia.

The distinguished chairman referred to the delegation from North Carolina. My distinguished colleague (Mr. HARRY F. BYRD, JR.) agrees that this is a matter that should be decided by the Federal Power Commission, as does Representative WAMPLER of the Ninth District of Virginia where the project is proposed to be constructed.

The attorney general of Virginia has intervened in the Blue Ridge license application proceeding which has been pending before the Federal Power Commission since 1965, and, in recognition of the power, flood control, and recreation benefits which the project will provide, has taken a position strongly in support of Blue Ridge.

Nevertheless, I do not suggest that we take a position in favor of the Blue Ridge project in the Senate. To do so, in my opinion, would be inappropriate. My suggestion is that the amendment be defeated and that the decision be left with the Federal Power Commission, the Federal agency having general jurisdiction over the licensing of private projects. Such a decision by the Federal Power Commission would be made on the basis

of the comprehensive evidentiary record which has been developed before that agency since 1965, a proceeding in which all of those wishing to intervene have been permitted to do so, and all points of view have been freely expressed.

In this connection the Chairman of the Federal Power Commission furnished me a copy of his letter dated November 9, 1973, to the distinguished chairman of the Committee on Public Works (Mr. RANDOLPH), asking that the Commission be permitted to make this decision. I ask unanimous consent that the letter in its entirety be printed in the RECORD at this point.

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

FEDERAL POWER COMMISSION,
Washington, D.C., November 9, 1973.
Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: H.R. 10203, the Rivers and Harbors bill¹ as passed by the House, contains § 67 which authorizes the Secretary of the Army to make a detailed study into the potential use of the New River. The section also prohibits construction of any dam or reservoir on or affecting the New River until two years after the study report is submitted to the Congress. Since H.R. 10203 authorizes no funds for the New River study, construction could be delayed for an indefinite period of time.

On February 26, 1965, the Appalachian Power Company filed an application with the Federal Power Commission for the Blue Ridge Hydroelectric Pumped Storage Project, FPC Project No. 2317. Hearings were held on many days between May 23, 1967 and July 22, 1969. On October 1, 1969, the Administrative Law Judge issued his Initial Decision approving the application. On February 2, 1970, the Commission heard oral argument. Thereafter, the Commission remanded the proceeding to the Administrative Law Judge for further hearing on compliance with the National Environmental Policy Act. Ten days of additional hearings were held. On June 21, 1971, the Administrative Law Judge issued a supplemental decision recommending Commission approval of the project. In the eight years that the Appalachian Power Company's application has been before the Commission, testimony of over 7,400 pages has been taken from 95 witnesses and almost 300 exhibits have been presented.

In *Scenic Hudson Preservation Conference v. Federal Power Commission*, 453 F.2d 463, 467 (1971), and in *First Iowa Hydro-Electric Cooperative v. Federal Power Commission*, 328 U.S. 152, 180-182 (1946), the courts, in interpreting §§ 4(e) and 10(a) of the Federal Power Act, held that the Commission, in evaluating a license application, has the primary responsibility for determining whether the project embodies a comprehensive plan for improving the waterway. Yet, despite many years of study by the Federal Power Commission staff, the bill gives the Commission no authority to participate in the Corps' New River study.

In view of the extensive time and effort expended by the Commission staff, the applicant, and interested parties on the Blue Ridge application, the Commission believes that it should be permitted to decide the case. Therefore, § 67 of H.R. 10203, the House

¹S. 606, the Senate-passed Rivers and Harbors bill, does not contain a comparable provision.

Omnibus Rivers and Harbors Bill, should be amended so as not to preclude Federal Power Commission licensing of the Blue Ridge Hydroelectric pumped storage project.

The Office of Management and Budget advises that it has no objection to the submission of this report.

Sincerely,

JOHN N. NASSIKAS, Chairman.

Mr. WILLIAM L. SCOTT. Mr. President, I wish to read just a portion of the letter for the information of the Senate. The Chairman of the Commission states in the letter.

Hearings were held on many days, between May 23, 1967 and July 22, 1969. On October 1, 1969, the Administrative Law Judge issued his Initial Decision approving the application. On February 2, 1970, the Commission heard oral argument. Thereafter, the Commission remanded the proceeding to the Administrative Law Judge for further hearing on compliance with the National Environmental Policy Act. Ten days of additional hearings were held. On June 21, 1971, the Administrative Law Judge issued a supplemental decision recommending Commission approval of the project. In the eight years that the Appalachian Power Company's application has been before the Commission, testimony of over 7,400 pages has been taken from 95 witnesses and almost 300 exhibits have been presented.

Then, near the end of the letter the Chairman states:

In view of the extensive time and effort expended by the Commission staff, the applicant, and interested parties on the Blue Ridge application, the Commission believes that it should be permitted to decide the case.

That is exactly my feeling. This decision should be made by the Federal Power Commission.

The distinguished Senator from North Carolina did appear before our Subcommittee on Water Resources of the Committee on Public Works during its deliberations and suggest the adoption of this provision. But the committee did not see fit to include the amendment. I understand that Blue Ridge will provide 1.8 million kilowatts of critically needed electric generating capacity. At this critical time of shortage of energy it seems unreasonable for us to deny private enterprise the right to provide power without cost to the taxpayers and to take jurisdiction away from the Government regulatory agency.

As I understand the amendment it would authorize a study of the New River by the Corps of Engineers even though a comprehensive multistate and Federal agency study of the Kanawha River Basin, which includes the New River, was completed less than 3 years ago.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. GRAVEL. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, while the proposed amendment would authorize this duplicate study, it would authorize no funds for such a study. In this posture, a study probably would never be undertaken and, therefore, never be completed. Apparently the amendment's prohibition against development of the hydropower project would,

in fact, be perpetual. This is certainly not the most direct way to deal with such important matters.

I repeat that both Senators from Virginia oppose the amendment affecting a private project in our State, as does the Representative from the district in Virginia where it is proposed to be constructed. Let us leave private projects to the Federal Power Commission.

Mr. BUCKLEY. Mr. President, I, too, rise in opposition to the amendment supported so eloquently by the senior Senator from North Carolina (Mr. ERVIN). While I share his concern over the environment of the New River Valley, I believe this amendment asks the Senate to make an ad hoc decision without hearings.

As my colleagues have noted, the Federal Power Commission currently is reviewing an application for construction of two privately financed power dams on the New River in Virginia.

We should allow the administrative process to run its course.

The Senator from North Carolina is rightly concerned over the effect of the reservoirs on residents of his State. The Senators from Virginia have pointed out that there have been numerous studies of the New River indicating that power development was the most economic use of this water resource. I am not convinced that that is so. But I am convinced that there is no need at this stage for the Senate to interpose itself into an administrative procedure. If this is an argument between two neighboring States, then the issue deserves a full and fair hearing, which it shall receive, I feel confident, under the FPC procedures.

For this reason, I shall vote against the Ervin amendment.

Mr. GRAVEL. Mr. President, does my colleague wish to take some time?

Mr. ERVIN. Mr. President, since I offered the amendment, I think I should be entitled to make the opening and closing arguments.

Mr. GRAVEL. There is no problem with the closing. I believe the Senator has 14 minutes.

Is that correct, Mr. President?

The PRESIDING OFFICER (Mr. HASKELL). The Senator from Alaska has 16 minutes; the Senator from North Carolina has 14 minutes.

Mr. GRAVEL. Mr. President, I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I support the position of the Committee on Public Works and the position of my colleague from Virginia (Mr. SCOTT). I do not like to get into a controversy with my close friends and neighbors, the Senators from North Carolina.

I would point out that this project, the Blue Ridge project, is a hydroelectric and pumped storage project which is to be located on the New River in Virginia, with reservoirs extending into the neighboring State of North Carolina. Two-thirds of the land area is in Virginia; one-third is in North Carolina.

Mr. President, this project goes back some 8 years—really longer than that when the preliminary application was made. It has been studied for about 8 years, or at least 8 years. Many pages of

testimony have been taken in regard to it. It is now before the Federal Power Commission. It has been before the Federal Power Commission since the original application was made in 1962.

It seems to me that we in the Senate would be acting unwisely if we were to legislate against the Power Commission having the authority to approve the license. This is not a Corps of Engineers project. There are no Federal funds involved. It is entirely a private power facility.

We have passed many pieces of legislation dealing with the matter of energy in the last few months. None, with the possible exception of the Alaskan pipeline, which will take a long time to complete, provides any additional energy.

I do not prejudice the case, but if the Federal Power Commission decides that additional power resources are needed and approves a license to build this facility, then it seems to me that we would be in the position of denying to the people of Virginia and the people of the adjacent States, in the areas that would be served, this facility and the additional resource and the additional power that would be created.

I do not argue in favor of the project. I argue in favor of permitting the Federal Power Commission to make the decision. That is where the decision in all of these cases in the past has always been placed. I think it would be a mistake if we attempted to change that by legislation on the floor of the Senate.

I emphasize again that the bulk of the land is in Virginia. Two-thirds of the land area is in the State of Virginia and the remainder in North Carolina.

The Commonwealth of Virginia, the State in which all of the project works and two-thirds of the project reservoirs will be located, filed a brief on September 10, 1973, and in that brief it said this:

Virginia fully appreciates the need for the peaking energy to be produced by the Blue Ridge Project, and the Commonwealth feels that the project will provide significant recreation and flood control benefits in addition to the power it will produce. Accordingly, Virginia urges the expeditious licensing of the Blue Ridge project.

Mr. President, if the Senate adopts the amendment submitted by the Senators from North Carolina, it will deny the Federal Power Commission the right to issue this license. The Federal Power Commission has not yet rendered a decision. It has had the case under advisement. It has taken over 700 pages of testimony over a period of some 8 years. It would be unwise, it seems to me, for the Senate to adopt the amendment offered by the 2 able and distinguished Senators from North Carolina.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield me half a minute?

Mr. GRAVEL. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to point out that the matter was brought before the Public Works Committee by the Senators from

North Carolina, and the Public Works Committee declined to act on the proposal.

Mr. GRAVEL. Mr. President, I think that, other than to say that action here by the Senate would certainly preempt any ability of the Federal Power Commission to act in its licensing capacity, a capacity and a power which has been given by the Congress, there is nothing that has been brought forward to persuade me or the committee that we should preempt what the Federal Power Commission is very able to do.

In addition to that, there is another process which is left open to the proponents of this amendment in their exercising their options, and that is to have the area declared a wild and scenic river.

The distinguished Senators from North Carolina have such a proposal in the Congress, which is now in the Interior and Insular Affairs Committee for its consideration, and if they are successful in receiving this designation, then the matter in question will be moot. So there are two approaches which are being exercised which I think are proper in this matter. I do not think it would be proper in this instance to legislate the proposal which is presently described by the proponents.

Mr. President, I think we have made our case on this side, and would just suggest that if my colleague is prepared to yield back the remainder of his time, I am prepared to yield back my time. If not, he can continue to make his case, but I think we have made as good a case as we can make on this side.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. WILLIAM L. SCOTT. I would like an opportunity to respond, if possible.

Mr. ERVIN. Mr. President, I do not propose to speak at this time, because I think I have the right to open and close since it is my amendment, hence, I suggest that my opponents respond now.

Mr. GRAVEL. Mr. President, how much time do I have now?

The PRESIDING OFFICER. The Senator from North Carolina has 14 minutes. The Senator from Alaska has 7 minutes.

Mr. GRAVEL. Mr. President, I do not wish to speak further on the issue. My colleague from Virginia wishes a few more minutes to close. I understand the Senator from North Carolina wants to wrap up on the issue. That certainly is acceptable to me. If he is going to use his whole 14 minutes to wrap up the issue, then fine. If not, perhaps he could proceed for a few more minutes, then the Senator from Virginia could proceed, and then the matter could be closed out by the Senator from North Carolina. I offer that as a suggestion.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RANDOLPH. Mr. President, would the Presiding Officer tell the Senate the time remaining to the proponents of the

amendment and to the opponents who represent the committee viewpoint?

The PRESIDING OFFICER. The proponents of the amendment have 14 minutes remaining. The opponents have 6 minutes.

Mr. RANDOLPH. I thank the Chair.

Mr. GRAVEL. Mr. President, if I could, I would like to suggest to the proponents that if they will use 6 minutes, we will use our 6 minutes. Then, the remaining time may be used by the proponents.

Mr. ERVIN. Mr. President, I do not care to make more than two speeches on the subject. It is a rule in the courts that the proponents have the right of opening and closing. I think a similar practice should prevail in the Senate.

The PRESIDING OFFICER. The Chair would state to the Senator from North Carolina that there is no such rule in the Senate.

Does anyone yield time? If not, time will be equally charged against both sides. Time is running, and the Chair announces that the time will be charged equally to both sides.

Mr. WILLIAM L. SCOTT. Mr. President, would the Senator from Alaska yield me a few minutes?

Mr. GRAVEL. I yield 3 minutes to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I call the attention of the Members of the Senate to a letter that is on the desk of each Senator. That letter is from my distinguished senior colleague the distinguished Senator from Virginia, HARRY F. BYRD, JR., and me. We urge that Senators review the letter. Our distinguished friend, the Senator from North Carolina, did send a dear colleague letter some days ago. We felt that it would be proper for our viewpoint also to be presented to the Members of the Senate. That is why we wrote the letter.

I do feel that this is a matter that has been before the Federal Power Commission for many years. Extensive hearings have been had, and 7,400 pages of testimony have been taken.

I think that we are quite fortunate to have private capital spent to provide energy. So often we leave these things to the Federal Government. Here is a private power company that is attempting to provide the necessary energy that we need in a day when energy is a most critical concern of the people of the country.

Mr. President, I spoke before the county farm bureau in an area near the project, in Pulaski County, Va. After my talk, during a question and answer period, I was asked what my position was on this project. I did not know the feeling of those people. It is an adjoining county to Grayson County, where the project is to be located. However, I did tell them that I was in favor of letting the power company make the decision. In fact, I went further and said that I would favor the project. They have a similar project already in existence nearby and are familiar with the details of such a project.

They assured me that they, too, were in favor of the project.

So we are not talking about a matter that the overwhelming public opinion is

opposed to. It seems to me that this is an administrative decision to be made by the Federal Power Commission. I urge the Senate that we permit that to be done.

Mr. President, I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., January 22, 1974.

DEAR COLLEAGUE: The pending business this morning is the Helms-Ervin Amendment No. 896 to S. 2798, the Water Resources Development Act.

The Amendment is designed to block construction of the proposed Blue Ridge twin-dam pumped storage and hydro-electric project on the New River in Virginia, pending a detailed study by the Corps of Engineers of other possible alternate uses of that section of the river. Although both of the dams, power generation units and transmission facilities and almost two-thirds of the land involved lie in Virginia, a portion of both reservoirs will lie in North Carolina, which undoubtedly accounts for our colleagues' interest.

The proposal would forbid issuance of a project license by the Federal Power Commission until at least two years after completion of the study and a report to Congress on its conclusions.

In our considered judgment, the amendment is faulty on several salient points.

First, there is the question of jurisdiction. The development at which the amendment is aimed is a *private* power proposal rather than a Corps of Engineers project. As such, it is within the prescribed province of the Federal Power Commission and has been so recognized by the Corps and other affected federal agencies since 1962 when the preliminary permit application was filed with the Federal Power Commission.

Thus the amendment has no proper place in public water resources development legislation conceived by the Public Works Committee.

It should be further noted that, as a project of a private power company, no Federal funds are involved. The Blue Ridge project would create vital additional energy resources at the expense of the power company—not the taxpayer.

A second basic defect in the amendment is the absence of any specific provision for implementation. It sets no target date for the initiation of the study and does not even authorize a token amount to finance it.

One can only conclude that the real intent of the proposal is to permanently block the Blue Ridge power plan or any similar development on the river.

Congress has conferred on the Federal Power Commission the duty and responsibility for decision-making in matters of this nature. Any such decision is subject to court review under established appeal procedure. The amendment now pending would impair operation of that established procedure and would, if successful, serve only to further delay final settlement of the question at issue.

We, therefore, urge its rejection.

Sincerely,

HARRY F. BYRD, Jr., U.S. Senate.

WILLIAM L. SCOTT, U.S. Senate.

Mr. ERVIN. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Fourteen minutes remain to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask unanimous consent that a statement

prepared by me entitled "An Amendment to Protect the New River in North Carolina;" a letter dated December 13, 1973, written by me, and addressed to "Dear Colleague;" and a statement by my colleague from North Carolina (Mr. HELMS), who is necessarily absent today, and also several newspaper articles be printed at this point in the RECORD.

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

STATEMENT BY SENATOR ERVIN, AN AMENDMENT TO PROTECT THE NEW RIVER IN NORTH CAROLINA

Today Senator Helms and I are proposing an amendment to S. 2798, the Water Resources Development and River Basins Monetary Authorization Act of 1973, which has been reported to the Senate by the Committee on Public Works.

This amendment is being offered to protect one of the most beautiful and unique rivers in America, the New River, and to preserve one of the most lovely sections of North Carolina which is being threatened by the impending construction of a massive power project on the New River. The amendment provides for a U.S. Army Corps of Engineers study of possible alternative recreational, preservation, and conservation uses of the New River and its environs which would be affected by the "Blue Ridge Power Project," and prohibits the licensing of such a project until two years after the study has been submitted to Congress.

This project is opposed by an overwhelming majority of North Carolinians in the affected area, and the North Carolina State Government, as well as the Boards of Commissioners in the two North Carolina counties involved, have officially expressed their opposition to this project because of the tremendously adverse economic and ecological impact which its construction would have. I too have continuously expressed my opposition to the project as it is presently designed.

I believe it is significant to note that neither the U. S. Army Corps of Engineers, nor any other neutral government agency, has ever conducted a study of the "Blue Ridge Power Project." Nevertheless, the Federal Power Commission will probably issue a license for the construction of the project in the immediate future. Unless Congress acts to require adequate study, this most beautiful and bounteous countryside, this most precious, irreplaceable natural resource will be forever lost.

The provision which Senator Helms and I propose to incorporate into S. 2798 was included by the House of Representatives, after Committee hearings, in the water resources development legislation recently passed by the House, HR 10203. Because the House has already approved of this study by the Corps, I do not believe that this amendment will in any way impede legislative action on S. 2798.

U.S. SENATE,

Washington, D.C., December 13, 1973.

DEAR COLLEAGUE: I am writing to urge your support for an amendment which Senator Helms and I intend to offer to S. 2798, the Water Resources Development bill, reported by the Senate Committee on Public Works. We will offer this amendment when S. 2798 comes before the Senate next week.

This amendment is offered to protect one of the most beautiful and unique sections of North Carolina which is threatened by the impending construction of a massive power project on the New River. It provides for a U.S. Army Corps of Engineers study of possible alternative recreational, conservation, and preservation uses of the New River and

its environs which would be affected by the "Blue Ridge Power Project," and prohibits the licensing of such a project until two years after the study has been submitted to Congress.

This proposal was included in H.R. 10203, the water resources development legislation passed by the House of Representatives, after Committee hearings on the matter. Although both Senator Helms and I appeared before the Senate Subcommittee on Water Resources of the Committee on Public Works, S. 2798 unfortunately does not retain this provision.

As yet there has been no study by the Army Corps of Engineers of this matter and there has never been a study conducted by a neutral government agency. Nevertheless, the Federal Power Commission will most probably issue a license for this project in the immediate future. Unless Congress acts to require adequate study, the beautiful and valuable countryside around the New River will be forever lost.

The overwhelming majority of North Carolina citizens in the area affected by the proposed Blue Ridge Power Project are opposed to its construction because of the adverse economic and ecological impact. In addition, the North Carolina State Government and the County Boards of Commissioners in the two affected counties are on record in opposition to the Project. I have continually expressed my own opposition to the Project as it is presently designed.

Inasmuch as the House of Representatives has already approved of the study by the U.S. Army Corps of Engineers, I do not believe the amendment which Senator Helms and I will offer will in any way impede legislative action on the Omnibus Water Resources Development bill.

For further information on this matter, please call Bill Pursley, of my staff, at 225-3318.

Sincerely yours,

SAM J. ERVIN, JR.

STATEMENT BY SENATOR HELMS

ERVIN-HELMS AMENDMENT TO THE RIVERS AND HARBORS ACT (S. 2798)

I am joining with the distinguished senior Senator from North Carolina (Mr. Ervin) in offering an amendment which would authorize a detailed study by the Army Corps of Engineers of the recreational, conservation, and preservation uses on the New River and its surroundings in northwest Carolina and southwest Virginia.

This amendment would not in any way jeopardize the bill in conference with the other House. It is identical to the language in Section 167 of H.R. 10203, the companion bill which has already passed the House. The Senate would merely be concurring in the House language.

This amendment means a lot to the people of North Carolina. The people of my State feel strongly about this issue. They know and love the beauty of the New River and they are not about to see it destroyed forever.

I would like to quote the comment of a prominent Winston-Salem North Carolina newspaperman:

"The New River is one of the last remaining unpolluted, free-flowing rivers in the Eastern United States. Flowing northward through the Blue Ridge foothills of North Carolina and Virginia, the river is a scenic, recreational and biological treasure—not only for the residents of the river valley, but for all Americans who visit the area. In addition, geologists tell us that the New River is misnamed, and that it is actually the oldest river in the United States and the only remaining section of the North American continent's original prehistoric watershed.

"In my opinion, the New River is of such overwhelming historic, scenic and biological value that it should be preserved in its nat-

ural state and permanently protected from impoundments or other development."

The elected representatives of the people of North Carolina at the local, State, and Federal level, have all voiced their opposition to this project. Earlier this year, the General Assembly of North Carolina adopted a resolution (Resolution Number 79) vigorously opposing the construction of the Blue Ridge Project which would dam the New River. The distinguished Senior Senator from North Carolina, Senator Ervin, has joined with me in sponsoring S. 2439, a bill which would designate the New River for inclusion in the National Wild and Scenic Rivers System.

Because of the prospect that the Federal Power Commission may grant a license for the construction of a dam on the New River, it is vitally important to the people of North Carolina that this provision be added to the Senate bill.

The proposed dam destroys approximately forty-four miles of the river with permanent damage to much of the area's farm land and pasture land. In addition, thousands of citizens in Ashe and Alleghany Counties in North Carolina will be permanently dislocated from the homes and the way of life that they have historically enjoyed. This provision would not reach a final determination on the merits of the Blue Ridge Project, but it is essential at this time, if we are to prevent irreparable damage from being inflicted on this part of the country.

Many Americans—and I am one of them—feel that the influence of our Federal government has become so pervasive that citizens of a locality or a State are no longer able to control their destiny. Decisions which vitally affect their lives and which have profound local consequences are being made at the national level by some agency of the Federal Government with little or no sensitivity of the consequences that these decisions produce on a local scale.

I think we have an opportunity here through this legislation which is pending to express the will and the good judgment of the people of North Carolina and preserve the New River in its natural state.

I ask unanimous consent that several editorials which appeared in the Winston-Salem Journal and which highlight the local concern for the preservation of the New River be printed in the RECORD at the conclusion of my remarks.

THE GENEROUS BOYS AT FPC

The more the Federal Power Commission's legal experts study the proposed Blue Ridge hydroelectric project, the bigger it seems to get. But perhaps we should stop being so hard on these people, who are only trying to see that the New River Valley gets the best deal possible in exchange for the devastation about to be visited upon it.

The FPC staff admits that the project will have many undesirable side effects: Hundreds of people will be driven from their homes, thousands of acres will be flooded for reasons which are clear to no one except the builders of the dams, and there will be an influx of all kinds of industry and housing developments. "What is bucolic," said the FPC in an unforgettable phrase, "will become busy."

But we should try to remember what the people of the valley are getting in return. Around the shores of the busy, polluted reservoirs a new and more complex environment will spring up. There will be mudflats, mosquito breeding grounds, noisome backwaters, rat burrows, festering bogs and many other attractions which will be of immense interest to biologists and to homesick tourists from war-torn Vietnam.

We should not complain too much about the loss of the New River, either. Right now the river appeals mostly to canoeists, hikers and fishermen. In the future, however, it will be suitable for higher forms of life: power boats, for instance, and unsightly houseboats galore.

The people of the valley should be happy to sacrifice their good land for a worthy public purpose. That purpose, of course, is to create a backlog of electricity which in times of peak demand can be used to light the homes of Buffalo and keep the generators in Youngstown humming. Though the people most affected by the project will derive no direct benefit from it (other than the environmental benefits already mentioned) they can be certain that an energy-starved nation will be grateful.

It is true that the project will actually consume more power than it generates, owing to the complex engineering mechanism required to pump the water from one dam to the other. And since this is so, many people may be asking themselves why it is necessary to flood the valley in the first place.

The obvious answer is: Because it is there. We should all feel a lot better knowing that the government has logical reasons for what it is doing, and is not acting merely out of bureaucratic whimsy or in an attempt to justify its stubborn support of a project which almost everybody else opposes, which burns up more electricity than it creates, and which may even be obsolete before it is built.

AND NOW THE EPA

Critics of the Blue Ridge Power project have suspected all along that the proposed hydroelectric dams would be far more ruinous to the majestic New River Valley than the Appalachian Power Co. and its apologists have made it appear.

Now the Environmental Protection Agency is saying precisely that.

Unlike the Federal Power Commission's impact statement, which was put together under duress, the EPA assessment makes it utterly plain that the benefits of this project do not outweigh the disadvantages. Among the many supposed benefits was the FPC's suggestion that the pumped-storage project envisioned by Appalachian would cause less air pollution than other types of power generating plants.

The EPA disputes this in so convincing a fashion that one is tempted to conclude that the power commission's entire impact statement was made up out of whole cloth.

Reasonable men possibly could disagree over the conclusions contained in the EPA report, but surely they cannot agree, if they are reasonable, to license the project until these things are settled with finality.

Nonetheless the FPC is expected shortly to approve the licensing, regardless of the many arguments raised against it. This is why the fight has now shifted to Congress, where Rep. Wilmer Mizell, Sen. Jesse Helms and others are attempting to delay the project, with the additional hope that the government can be persuaded to preserve the New River as part of America's wild and scenic rivers system.

But the power company has allies too, in Congress and out—so many in fact that it would be premature and unduly sanguine to predict that reason will somehow ultimately prevail.

MORE HELP FOR THE RIVER

The prospects for a political solution to the Blue Ridge hydroelectric controversy are considerably brighter than they once were, and that is good news to the people of Northwest North Carolina and Southwest Virginia.

As long as the fate of the Blue Ridge Project rested solely with the Federal Power Commission, there seemed little chance of a satisfactory administrative solution. The administrative judge who has twice recommended licensing of the project, William C. Levy, apparently remains true to his original purpose—which is to say that he undoubtedly will again recommend that the builders of the proposed twin dams be allowed to get on with construction at the earliest possible moment.

Levy's bias was much in evidence during a recent round of hearings on the project,

and despite the new arguments raised by opponents he seemed in no mood to modify his hard-line stand.

Which brings us back to the question of a political solution. The most welcome aspect of this question is the fact that Sen. Sam J. Ervin and Sen. Jesse Helms are working together in support of a bill that would designate the New River, on which the proposed dams are to be built, as part of the wild and scenic rivers system. This, of course, is the surest way of preserving the river permanently.

Rep. Mizell, who represents the two North Carolina counties most directly affected by the project, Ashe and Alleghany, has introduced legislation which would authorize an engineering study of possible recreational uses for the river and bar any construction for a period of two years after the study is completed. But presumably he would also support the more far-reaching move to make the stream a part of the wild and scenic rivers system.

What this means in effect is that North Carolina's political leaders have now built a solid front of opposition to the project. Not only have the state's two senators and Rep. Mizell put themselves on record as opposing construction; so has the Holshouser administration, which has already done far more than the Scott administration to make certain that the power project rests in permanent limbo.

And since the 1973 General Assembly adopted a resolution opposing the Blue Ridge project, we can hope for legislative support for the Helms-Ervin proposal.

All of this, it seems to us, should be enough to encourage the American Power Co. and its subsidiary, Appalachian Power Co., to find other ways of meeting the growing demands for electrical power. This project surely illustrates why the nation simply cannot continue meeting these demands in the same old way. To do so we will have to pay a price in environmental damage and social upheaval that is, quite simply, intolerable.

STOP AT NOTHING

In the new round of hearings beginning next week the Federal Power Commission almost certainly will decide, once and for all, the fate of the controversial Blue Ridge hydroelectric project.

Indeed, there are a good many signs that the fate of the river has been decided already. None of the officials who previously passed judgment on the power project has changed his mind, and the FPC staff lawyers strongly endorse the project in the final version of their Blue Ridge environmental-impact statement.

The authors gave it their approval even while admitting that the building of the reservoirs would "alter natural aesthetic values," cause "personal hardship" for a great many people and impose on a predominantly rural area the "complexities, sophistications and adversities of an urbanized society."

But there's more to it even than this. The New River is not only one of the world's most scenic. It is also, despite its name, the second oldest next to the White Nile).

In prehistoric times, according to geologists, this stream formed the headwaters of river—known to us as the Teays—which traversed almost half a continent before emptying into an arm of the Gulf of Mexico. But the last ice age drastically altered the face of North America and with it the mighty Teays. Only the portion known as the New River survives in more or less its original state.

Surely this venerable and surpassingly beautiful stream deserves a better fate than the one the builders of the proposed project have in store for it. A measure to preserve the New as part of America's Wild and Scenic River System died in the last Congress. The time has come to revive the proposal, and this time the powers-that-be in this state—including the governor and the attorney

general—should stop at nothing short of felonious persuasion to see that it passes.

Mr. ERVIN. Mr. President, the opponents of the amendment put a wrong construction on it. The amendment states expressly:

Notwithstanding any other provision of law, no Federal agency or entity shall license or otherwise give permission under any Act of the Congress to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North Forks to the town of Fries, Virginia, until two years after the report authorized by this section has been submitted to the Congress.

Notice that this provision does not displace the jurisdiction of the Federal Power Commission; it merely delays the exercise of its jurisdiction in order to give North Carolina, the counties and the people to be affected an opportunity to have a neutral body—the Corps of Engineers—consider the matter. The objective is to see that we have some independent, neutral body review the whole project, with a view to making certain that a minimum of injury will be done to the handiwork of Almighty God, and to the people of Alleghany and Ashe Counties, N.C., and Grayson County, Va., whose lives the Appalachian Power Co. wishes to disrupt and whose property the Appalachian Power Co. proposes to appropriate to its use.

My friends from Virginia say that the dam will be in Virginia. The bad effects, however, are going to be in North Carolina, where the reservoir in large part is going to be. It will run through two counties and will be about 44 miles long. The project will virtually destroy 212 miles of trout-bearing tributary streams. It will flood over 38,000 acres or rill, forest, and agricultural land, most of which is in North Carolina.

I am not surprised that the people of Pluaski County are not opposed to this proposal. Their ox is not being gored. Somebody else's ox is being gored, so that the people of Pulaski can get a little more illumination. But the people of Grayson County, Va., and the people of Alleghany and Ashe Counties, N.C., are having their oxen gored.

Why the hurry? Why would it hurt to postpone the project for a few years, to protect the handiwork of Almighty God and the rights of human beings?

Mr. WILLIAM L. SCOTT. Mr. President, will the distinguished Senator from North Carolina yield?

Mr. ERVIN. No; the Senator from Virginia has had his time. I have very little time left. I am speaking on limited time.

Mr. WILLIAM L. SCOTT. I merely wanted to ask the distinguished Senator a question.

Mr. ERVIN. A very short question.

Mr. WILLIAM L. SCOTT. Will the Senator tell us when this report will be prepared?

Mr. ERVIN. I do not command the Corps of Engineers. I cannot answer the Senator's question. But my experience has been that the Corps of Engineers moves with considerable dispatch. There has never been any investigation of this proposal by the Corps of Engineers.

The Power Commission is interested in power; it is not interested in environ-

ment. The Commission wants power. The Appalachian Power Co. came before the Power Commission with an original proposal and subsequently drastically altered it. If the company had adhered to its original project, which did a minimum of injury to the scenic beauties and to the interests of the people living in this area, there would have been no controversy. But they decided they would vastly expand the project.

Why hurry? I am reminded of the man who was sentenced by the judge to be hanged by his neck on the last Friday in August until he was dead, dead, dead.

The condemned man said to the judge "I hope to God you do not mean this coming August."

Surely the State of North Carolina, which is represented by my colleague, Senator HELMS, and myself, and for which we speak, is entitled to as much consideration at the hands of the Senate of the United States as a private power company, even though that private power company is based in the Old Dominion.

All we are asking is that this project, which they say has been under study since 1963 by the Federal Power Commission, be studied just a little bit further—be studied by a neutral body, a body which is concerned with recreation, which is concerned with conservation, and whose sole objective is not acquiring new power sites.

As I have pointed out, the Environmental Protection Agency has studied this project and made an environmental impact statement which charges, in substance, that this project will have serious consequences on the environmental interests of the area and on the social interests of the area.

If construction were to begin right now the proposed project would not produce any power that would become available during the present energy emergency. Since the Federal Power Commission permitted the Appalachian Power Co. to make a drastic amendment of its original plan after all previous studies were made the Senate should adopt the amendment and grant the request for a study of the present plan by a neutral body which would consider all relevant matters.

As I have stated, this amendment does not affect the jurisdiction of the Federal Power Commission, it merely postpones for a limited time the exercise of that jurisdiction. Surely the Senator of the United States should have enough consideration for my State, and for the people of Allegheny and the Ashe Counties, N.C., and Grayson County, Va., to grant a delay in order that further investigation can be made by a neutral body, and that neutral body may advise Congress what development will best serve our country.

If the Appalachian project ought to be constructed according to this plan, which everyone concerned in opposition to it asserts commits a raw rape upon the handiwork of Almighty God, there ought to be some delay and some opportunity for North Carolina, these counties, and these people to have an investigation of this matter by a neutral body, and if the project ought to be built according to

the present plans, undoubtedly the Corps of Engineers, which is just as competent as the Federal Power Commission and, indeed, more so, because it takes into consideration more things than the mere development of power, would agree with the trial examiner who heard this testimony.

So all I ask is that the people of my State, the people of Grayson County, Va., and all persons interested in the environment, be given an opportunity to have this question reviewed by a neutral and competent body without impairing the jurisdiction of the Federal Power Commission beyond delaying the exercise of that jurisdiction for a comparatively brief period. The delay may result in the development of alternative plans which will do justice to all.

If this delay can be had, a fatal mistake may be avoided. I am certain that mere delay will not cause the heavens to fall. But it might result in the development of alternative means of developing the area and these water resources without committing a raw rape upon the handiwork of Almighty God, and without doing a grave injury to those people whose families for generation after generation have lived as God-fearing and law-abiding citizens along the waters of the New River.

I am ready to yield back the remainder of my time if the opponents of the amendment are—

Mr. WILLIAM L. SCOTT. Mr. President, will the distinguished Senator from Alaska yield very briefly?

Mr. GRAVEL. I yield.

Mr. ERVIN. I still have the floor.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. ERVIN. Has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ERVIN. Then I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska has 3 minutes remaining.

Mr. GRAVEL. I yield the Senator from Virginia 1 minute.

Mr. WILLIAM L. SCOTT. Mr. President, I ask unanimous consent that a fact sheet prepared by the Library of Congress be printed in the RECORD at this point, since I do believe that we should have a factual statement by an impartial group. I rise simply for that purpose.

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

FACT SHEET—PROPOSED BLUE RIDGE HYDRO-ELECTRIC POWER PROJECT

(By Howerd A. Brown, Analyst in Environmental Policy, Environmental Policy Division, September 27, 1973)

The New River originates in the Blue Ridge Mountains of northwestern North Carolina and flows north across Virginia into West Virginia where it joins the Gauley River to form the Kanawha River which in turn flows through Charleston, West Virginia and on into the Ohio River. In June of 1962 the Appalachian Power Company applied to the Federal Power Commission for a preliminary permit to build a combined conventional and pumped storage hydroelectric plant on the New River near the Virginia-North Carolina border. This proposed Blue Ridge project has

been the subject of controversy ever since and the final FPC decision has not yet been made.

APPALACHIAN POWER

The Appalachian Power Company is headquartered in Roanoke, Virginia, and is a relatively small local utility. It is, however, a subsidiary of the American Electric Power Company which is headquartered in New York and operates in Virginia, Indiana, Kentucky, Tennessee, Michigan, Ohio, and West Virginia. Direct use of power from the proposed Blue Ridge project would be relatively local but since the project would be part of the American Electric Power Company System and especially since the project includes pumped storage for peaking power the project would in effect serve the entire American Electric Power System.

ORIGINAL PLAN

In March of 1963 Appalachian Power was granted a two year preliminary permit to study the project. Following up on this, in February of 1965, Appalachian applied for a license for the project. As then proposed, the project would have had installed capacity of 980,000 kilowatts, cost an estimated \$140 million and would have included two impoundments: a lower reservoir of 2,850 acres and an upper reservoir of 16,600 acres.

LOW FLOW AUGMENTATION

The basic operating concept of a dam is regulation of river flow so as to prevent flooding and to insure adequate flows during dry periods. In 1966 the Department of the Interior recommended that the proposed project be operated so as to provide low flow augmentation to mitigate water quality problems in the Charleston, West Virginia area where there are large chemical plant complexes.

DRAWDOWNS

The low flow augmentation requirements would have required reservoir drawdowns considered excessive by the power company and Virginia and North Carolina interests in the vicinity of the proposed reservoirs. Large water level fluctuations detract considerably from recreational value and can expose considerable expanses of mud. The original proposal would have had regular drawdowns of 35 feet in the lower reservoir and a maximum of 8.2 feet in the upper reservoir. To meet the low flow requirements would have necessitated drawdowns of as much as 50 feet in the upper reservoir.

MODIFIED PLAN

Efforts to resolve these problems resulted in development of an alternative proposal by Federal Power Commission staff. In June of 1968, Appalachian Power amended its application to propose this modified plan. The modified plan could meet the low flow augmentation requirements with upper reservoir drawdowns of only 10 or 12 feet. To do this the reservoirs would be placed in slightly different sites and the project would be twice as large. The modified plan calls for installed capacity of 1,800,000 kilowatts at a cost of about \$297 million. The lower reservoir surface area would be about 14,400 acres and the upper reservoir about 26,000 acres.

EPC PROCEDURES

Under FPC procedures hearings are generally held before an Administrative Law judge who makes the initial decision. Only if the decision is appealed does the Commission itself make a final decision. Affected State and local governments and other Federal agencies are notified and may request intervenor status, but no approval other than FPC's own is required to issue a license.

INITIAL DECISION AND ENVIRONMENTAL CONCERNS

In October of 1969 the Presiding Examiner (Administrative Law judge) recommended granting a 50 year license for the modified project. At this point, however, several conservation groups took active opposition as did West Virginia citizens who were concerned that the increased water flows would prove detrimental to fishing and boating. The decision was appealed and the hearing reopened.

SECOND DECISION AND ENVIRONMENTAL IMPACT STATEMENTS

Because of the enactment in 1969 of the National Environmental Policy Act (NEPA), and subsequent FPC regulations, Appalachian Power prepared an environmental impact statement on the project. After receiving comments, the FPC issued an impact statement in April of 1971. In June of 1971 the Presiding Examiner for the second time recommended granting Appalachian a 50-year license for the project. Again the decision was appealed to the Commission itself. During FPC consideration an unrelated court case, *Greene County Planning Board v. FPC*, found FPC's implementation of NEPA invalid, basically because it did not itself partake sufficiently in preparing the impact statements allowing the applicants to write them. Consequently the case was reopened and preparation of a new environmental impact statement was directed.

LOW FLOW AUGMENTATION PHILOSOPHY CHANGE

Also during this time, changes were taking place in regard to policy on low flow augmentation. In August of 1971 the Environmental Protection Agency now handling water quality, reversed the position taken by its predecessor, the Federal Water Pollution Control Agency. It recommended further study of the provision of low flow augmentation by the Blue Ridge Project saying that augmentation could not be a substitute for adequate treatment. Probably partially because of the Blue Ridge proposal, the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, included explicitly a statement that low flow augmentation could not be provided as a substitute for treatment at the source. With the tougher requirements of the new law of best practical effluent control of 1978 and best technologically feasible control by 1985, there would be little need for low flow augmentation if the point source requirements are enforced.

CURRENT STATUS

The rewritten environmental impact statement has been completed and hearings have

again begun before an Administrative Law judge. Low flow augmentation for water quality purposes is no longer a proposed part of operation, but the project design has not been changed. Although the formal positions of the States would have to be judged from their participation in the hearing, the North Carolina General Assembly recently passed a resolution in opposition to the project. Also the West Virginia Legislature recently memorialized Congress to create a national park in the New River region. This would not necessarily imply opposition to the project, but does indicate concern for downstream environmental values.

INUNDATION BY PROPOSED RESERVOIRS

As proposed, both dam sites would be in Virginia: the lower reservoir would be about 90 percent in Virginia, 10 percent in North Carolina; the larger upper reservoir would be a little over 50 percent in Virginia, a little under 50 percent in North Carolina. The impoundments would displace an estimated 2,800 inhabitants. The attached table from the draft environmental statements summarizes present land use within the proposed reservoir boundaries. As can be seen this includes 526 dwellings in Grayson County, Virginia, 80 dwellings in Allegheny County, North Carolina, and 287 dwellings in Ashe County, North Carolina.

COORDINATION WITH OTHER PROJECTS AND AGENCIES

There are several major reservoirs existing in the Kanawha Basin as well as several other proposed projects. Bluestone Dam and Lake, West Virginia is an existing Corps of Engineers project on the New River downstream from the Blue Ridge site. The dam is designed to allow future installation of hydroelectric generating facilities but generating equipment has not been installed. In Appalachian Power's original application they requested that since flood control storage at Blue Ridge would lessen the need for flood storage at Bluestone allowing power development, Appalachian should be allowed to install that power equipment. This was denied as Federal development of power at Bluestone was already authorized. Blue Ridge would preempt the Moores Ferry Lake site a unit of the comprehensive flood control authorization for the Ohio River Basin.

Under the Water Resources Planning Act of 1965 river basin planning program, a Type II comprehensive study was conducted of the Kanawha River Basin. The review draft of that study was published in June 1971; it is currently under review in the Office of Management and Budget. The study sought to identify water resource needs and possible solutions including potential reservoir sites for the basin and to formulate a plan to best meet the identified needs. Although it is not entirely clear it seems that the basin study accepted construction of the Blue Ridge project as a given. The project is included in the recommended plan and the recommendation made that if the site is not privately developed, consideration should be given to public development.

SUMMARY OF LAND USE SURVEY WITHIN RESERVOIR LIMITS—DWELLINGS, BUSINESSES, AND OTHER ESTABLISHMENTS

Classification	Grayson County		Allegheny County		Ashe County, upper reservoir	Total
	Upper reservoir	Lower reservoir	Upper reservoir	Lower reservoir		
Dwellings:						
Houses	326	186	57	21	270	860
Trailers	9	5	2	0	17	33
Total	335	191	59	21	287	893
Summer cabins	3	11	0	8	21	43
Industrial (sawmills, factories, etc.)	5	1	1	0	3	10
Commercial (sales and services)	10	4	0	0	9	23
U.S. post offices	2	0	0	1	2	5
Churches	8	3	2	0	2	15
Cemeteries	6	2	2	1	1	12
Others	6	2	0	0	0	8

APPENDIX E
SUMMARY OF LAND USE SURVEY WITHIN RESERVOIR LIMITS—LAND USE

	Acres—				
	Cultivated	Fields	Rivers	Wooded	Total
Virginia:					
Upper reservoir (elevation 2,655)	760	10,800	44	3,650	15,254
Upper reservoir (elevation 2,450)	700	6,450	180	6,630	13,960
Virginia, total acres	1,460	17,250	224	10,280	29,214
North Carolina:					
Upper reservoir (elevation 2,655)	2,059	7,595	123	2,552	12,329
Lower reservoir (elevation 2,450)	70	578	38	780	1,466
North Carolina, total acres	2,129	8,173	161	3,332	13,795
Total acres, upper reservoir	2,819	18,395	167	6,202	27,583
Total acres, lower reservoir	770	7,028	218	7,410	15,426
Total acres, project	3,589	25,423	385	13,612	43,009

Mr. GRAVEL. Mr. President, I just want to state very briefly that I think the Corps of Engineers should be flattered to be considered the protector of the environment.

I point out further that there has been an environmental statement made by NEPA, which would be subject to judicial review. Regardless what we do here, the possibility of judicial review still remains with respect to the NEPA statement.

I yield my remaining 1 minute to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I just want to say again that I oppose the amendment offered by the Senators from North Carolina. I favor the position taken by the Public Works Committee. The Public Works Committee declined to consider this amendment in committee. They thought it was not an appropriate amendment, and I hope the Senate will reject it and let the Federal Power Commission make whatever decision it feels is in the best interests of the Nation, considering the need for additional energy resources.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will yield, in view of various statements made, let me assure our distinguished friend from North Carolina that I, too, am in favor of Almighty God.

Mr. ERVIN. It seems, however, that the Senator is not anxious to maintain the handiwork of Almighty God in its beautiful aspects as far as Alleghany County and Ashe County, N.C., are concerned.

Mr. GRAVEL. Mr. President, I am prepared to vote.

The PRESIDING OFFICER (Mr. HASKELL). All time having expired, the question is on agreeing to the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARK-

MAN), the Senator from California (Mr. TUNNEY), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Wyoming (Mr. HANSEN) are absent on official business.

I also announce that the Senator from Vermont (Mr. AIKEN), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 31, nays 51, as follows:

[No. 5 Leg.]

YEAS—31

Abourezk	Hollings	Pastore
Allen	Huddleston	Pell
Bible	Johnston	Proxmire
Brooke	Kennedy	Ribicoff
Case	Mansfield	Schweiker
Chiles	Mathias	Stafford
Church	McClure	Stevenson
Clark	Metcalf	Talmadge
Cook	Metzenbaum	Weicker
Ervin	Nelson	
Hart	Nunn	

NAYS—51

Baker	Fulbright	Moss
Beall	Gravel	Muskie
Bellmon	Griffin	Packwood
Bennett	Gurney	Pearson
Biden	Haskell	Pery
Brock	Hatfield	Randolph
Buckley	Hathaway	Roth
Burdick	Hruska	Scott, Hugh
Byrd	Hughes	Scott,
Harry F., Jr.	Inouye	William L.
Byrd, Robert C.	Jackson	Stennis
Cotton	Javits	Stevens
Dole	Magnuson	Symington
Domenici	McClellan	Taft
Dominick	McGee	Thurmond
Eagleton	McGovern	Williams
Eastland	Mondale	Young
Fong	Montoya	

NOT VOTING—18

Aiken	Curtis	Humphrey
Bartlett	Fannin	Long
Bayh	Goldwater	McIntyre
Bentsen	Hansen	Sparkman
Cannon	Hartke	Tower
Cranston	Helms	Tunney

So Mr. ERVIN's amendment (No. 896) was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 1745) to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 10957) to consolidate and revise the laws relating to public health, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 10957) to consolidate and revise the laws relating to public health, was read twice by its title and referred to the Committee on Labor and Public Welfare.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

ECONOMIC STABILIZATION PROGRAM QUARTERLY REPORT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I herewith transmit to the Congress the most recent quarterly report of the Economic Stabilization Program, covering the period July 1, 1973 through September 30, 1973.

The third quarter of 1973 was a time of strong continued growth for the American economy. Our gross national product grew to \$1304 billion, an increase of \$32 billion over the previous quarter, representing a growth rate of 3.4 percent in real terms. Unemployment dropped to 4.8 percent, its eighth consecutive quarterly decline, as the number of people employed increased by over 450,000. The dollar strengthened internationally, gaining by fully one percent against the

trade weighted average for currency of other members of the Organization for Economic Cooperation and Development.

The picture was not as bright as we would have liked in the third quarter as far as inflation was concerned. Consumer prices continued to climb, reflecting increasing worldwide competition for products. A freeze was imposed in mid-June to arrest the inflationary spiral and to provide time for the development of a more effective system of controls with tighter standards and compliance procedures than those which characterized Phase III. This fourth phase of the Economic Stabilization Program was launched in July. Its introduction was staggered so that any price increases which followed the freeze would be spread over several months.

Phase IV was designed to provide a tough program of controls that would enable this country to return to the free market system as soon as possible. Since its introduction, Phase IV has made admirable progress toward reducing the dangers of inflation, demonstrating that the public and private sectors of our economy can work cooperatively and effectively together to enhance our Nation's economic future.

Unprecedented developments in all parts of the world have created extraordinary pressures on our economy. We can be proud, however, of the way in which we have responded to these problems. We are proving that a dynamic and resilient people can meet the challenge of inflation without sacrificing the ideal of a free market system. If we continue our recent progress—and if we respond to new challenges, including the current energy shortage, with this same sense of poise and flexibility—then we can look forward with assurance to a prosperous New Year.

RICHARD NIXON.

THE WHITE HOUSE, January 22, 1974.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

WATER RESOURCES DEVELOPMENT AND RIVER BASIN MONETARY AUTHORIZATIONS ACT OF 1973

The Senate continued with the consideration of the bill (S. 2798) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. RANDOLPH. Mr. President, I wish to ask the manager if the bill, the distinguished chairman of our Subcommittee on Water Resources, for a clarification of the committee's intent with respect to the Tug Fork Valley flood protection project. As the Senator recalls, section 224 of the Flood Control Act of 1970 (Public Law 91-611) authorized comprehensive flood protection for the towns of Williamson and Matewan,

two West Virginia communities in the Tug Fork Valley, at a total cost not to exceed \$10 million. This authorization was contingent upon the approval of the Appalachian Regional Commission and the President. Approval has been given by the Appalachian Regional Commission. Yet today the inhabitants of the Tug Fork Valley continue in their desperate need for flood protection, but the project authorized in 1970 has not yet received Presidential approval through clearance by the Office of Management and Budget. I ask the chairman of the subcommittee, does subsection (b) of section 23 of the bill before us, which authorizes comprehensive flood protection for all the communities in the Tug Fork Valley, eliminate the requirement in the 1970 act for any further approval by the executive branch?

Mr. GRAVEL. I thank the distinguished chairman of our Committee on Public Works for his question. He has been very diligent in following this legislation during its consideration by the Subcommittee on Water Resources and in moving it expeditiously through the full committee to the Senate. I am glad to clarify this point as to the intention of the committee which, of course, was discussed in executive sessions on the legislation.

Section 23(b) of S. 2798 extends comprehensive flood protection to the entire Tug Fork Valley in addition to the communities of Williamson and Matewan for which protection was authorized under the 1970 act. The expanded project for the balance of the valley is authorized through the phase I design memorandum stage of advanced engineering and design. The Senator from West Virginia (Mr. RANDOLPH) is correct in stating that one of the committee's primary intentions in this section was to remove the requirement for approval by the President before funds are appropriated to carry out the needed flood protection work in the Tug Fork Valley.

Mr. RANDOLPH. I thank the Senator for his response. I know he has given this project careful attention as he has every other provision in this major water resource legislation.

AMENDMENT NO. 935

Mr. MATHIAS. Mr. President, I call up my amendment which is at the desk. The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MATHIAS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 8, beginning with line 7, strike out all through line 16 on page 9, and insert in lieu thereof the following:

(b) (1) Prior to any further authorization of such Sixes Bridge Dam project, the Secretary of the Army acting through the Chief of Engineers, shall (A) make a full and complete investigation and study of the future water resources needs of the Washington metropolitan area, including but not limited to the adequacy of present water supply,

nature of present and future uses, the effect water pricing policies and use restrictions may have on future demand, the feasibility of utilizing water from the Potomac estuary, all possible water impoundment sites, natural and recharged ground water supply, wastewater reclamation, and the effect such project will have on fish, wildlife, and present beneficial uses, and shall provide recommendations based on such investigation and study for supplying such needs, and (B) report to the Congress the results of such investigation and study together with such recommendations. The study of measures to meet the water supply needs of the Washington metropolitan area shall be coordinated with the Northeastern United States water supply study authorized by the Act of October 27, 1965 (79 Stat. 1073).

(2) The Secretary of the Army, acting through the Chief of Engineers, shall undertake an investigation and study of the use of estuary waters to determine the feasibility of using such waters as a source of water supply and is authorized to construct, operate, and evaluate a pilot project on the Potomac estuary for the treatment of such waters at an estimated cost of \$6,000,000.

(3) Prior to any further authorization of such Sixes Bridge Dam project, the Secretary of the Army, acting through the Chief of Engineers, shall (a) request the National Academy of Sciences-National Academy of Engineering to review and by written report comment upon the scientific basis for the conclusions reached by the investigation and study of the future water resource needs of the Washington metropolitan area and the pilot project for the treatment of water from the Potomac estuary and (b) forward such report to the Congress with the report submitted pursuant to paragraph (1).

(4) The Secretary of the Army is authorized to enter into appropriate arrangements with the National Academy of Sciences-National Academy of Engineering for the purpose of this subsection.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that this amendment, which is apparently acceptable to the committee, will probably be agreed to by the committee. I wonder whether it would be possible to get a time limitation on the amendment of, say, 5 minutes or 10 minutes, equally divided.

Mr. MATHIAS. If the committee is willing to accept it, we will agree to it. I am sure my colleague will agree.

Mr. BEALL. It is agreeable to me.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the pending amendment of not to exceed 6 minutes, to be equally divided.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, this amendment affects both Maryland and Virginia. It involves the Potomac River. I have never seen the amendment, and I would want more time than that. I ask that we have at least 10 minutes on each side.

Mr. ROBERT C. BYRD. Not to exceed 20 minutes, to be equally divided, in accordance with the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the pending amendment, the distinguished Senator from Wisconsin (Mr. PROXMIER)—

Mr. CASE. Mr. President, I do not

want to object, but I have been waiting a long time, and I have 1 minute on my amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the pending amendment, the distinguished Senator from New Jersey (Mr. CASE) be recognized to call up his amendment, on which there be a time limitation of not to exceed 10 minutes, to be equally divided, in accordance with the usual form; that following the disposition of that amendment, the distinguished Senator from Wisconsin be recognized to call up his amendment, on which there be a 1-hour limitation, to be equally divided, in accordance with the usual form; that any rollcall votes on any amendments this afternoon be delayed until the hour of 2:45 p.m., and that any such votes which may have accumulated by that time occur seriatim.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, the senior Senator from Michigan wants the opportunity to raise a matter which will involve a colloquy of less than 5 minutes in which the junior Senator from Michigan would like to join. I wonder if that could be worked in at some point during the afternoon.

Mr. ROBERT C. BYRD. Yes, I suggest that that follow the debate on the amendment by the Senator from Wisconsin (Mr. PROXMIER), the vote on which would not occur before 2:45 p.m.

Mr. BUCKLEY. Mr. President, reserving the right to object, and I shall not object, I have an amendment which is collateral to the Proxmire amendment. I wonder if I may follow the colloquy of the Senator from Michigan? We will not need more than 10 minutes to a side.

Mr. ROBERT C. BYRD. Very well. I incorporate that in my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

The PRESIDING OFFICER. The Senate will be in order. The Senator will suspend until the Chamber is in order. Senators who are conversing will leave the Chamber so that the Senator from Maryland may be heard on the amendment.

The Senator from Maryland may proceed.

Mr. MATHIAS. Mr. President, when the amendment was submitted by my colleague from Maryland (Mr. BEALL) and myself, it dealt purely with an intra-Maryland question and it provided merely for the most complete and authoritative collection of data and information relative to the construction of the Sixes Bridge Dam.

The committee has made a very positive suggestion in connection with this matter, a suggestion which would place time limits on the study that has been proposed by the amendment. In order to effect the suggestion made by the committee I now send to the desk a substitute for the amendment which is identical in all respects except that it does include the time limitation proposed by the committee. I substitute that amend-

ment for the amendment I have submitted.

The PRESIDING OFFICER. The Senator will send the substitute to the desk.

The substitute amendment is as follows:

On page 8, beginning with line 7, strike out all through line 16 on page 9, and insert in lieu thereof the following:

(b) (1) Prior to any further authorization of such Sixes Bridge Dam Project, the Secretary of the Army, acting through the Chief of Engineers shall (A) make a full and complete investigation and study of the future water resources needs of the Washington metropolitan area, including but not limited to the adequacy of present water supply, nature of present and future uses, the effect water pricing policies and use restrictions may have on future demand, the feasibility of utilizing water from the Potomac estuary, all possible water impoundment sites, natural and recharged ground water supply, wastewater reclamation, and the effect such projects will have on fish, wildlife, and present beneficial uses, and shall provide recommendations based on such investigation and study for supplying such needs, and (B) report to the Congress the results of such investigation and study together with such recommendations. The study of measures to meet the water supply needs of the Washington metropolitan area shall be coordinated with the Northeastern United States water supply study authorized by the Act of October 27, 1965 (79 Stat. 1073).

(2) The Secretary of the Army, acting through the Chief of Engineers, shall undertake an investigation and study of the use of estuary waters to determine the feasibility of using such waters as a source of water supply and is authorized to construct, operate, and evaluate a pilot project on the Potomac estuary for the treatment of such waters at an estimated cost of \$8,000,000. The Secretary of the Army, acting through the Chief of Engineers, shall report to the Congress on the results of such project within three years and such report shall include the results of two years testing at the pilot project for the treatment of water from the Potomac estuary.

(3) The Secretary of the Army, acting through the Chief of Engineers, shall request the National Academy of Sciences-National Academy of Engineering to review and by written report comment upon the scientific basis for the conclusions reached by the investigation and study of the future water resource needs of the Washington metropolitan area and the pilot project for the treatment of water from the Potomac estuary. Such review and written report shall be completed and submitted to the Congress within one year following the completion of both the Corps of Engineers report on the future water resource needs of the Washington metropolitan area and the report on the results derived from the pilot project for the treatment of water from the Potomac estuary. Completion of such review and written report by the National Academy of Sciences-National Academy of Engineering shall be a condition of further authorization of such Sixes Bridge Dam Project.

(4) (a) The Secretary of the Army is authorized to enter into appropriate arrangements with the National Academy of Sciences-National Academy of Engineering for the purpose of this subsection.

(b) There shall be authorized \$1,000,000 for the purposes of carrying out the provisions contained in paragraph (3).

Mr. MATHIAS. Mr. President, this is a very simple matter. It deals with a dam on the Monocacy River in Frederick County, Md. It does not preclude construction of a dam by any manner or

means. It merely provides that before we go ahead and construct the dam we understand clearly and fully what we are doing. It provides merely for a study. As amended, the study cannot be prolonged so as to unduly delay a final decision on the project.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. WILLIAM L. SCOTT. I thank the Senator for yielding. My only concern is that even though this is a dam in the State of Maryland, it relates to the water supply for the general Washington metropolitan area. Although the Potomac River is a Maryland river, it does pass between the States of Maryland and Virginia. We have a proposed dam in Virginia, also. I would want Maryland and Virginia to share the responsibility of providing water for the respective States out of the Potomac River, and also for the District of Columbia. I would like to have some assurance from the Senator, since he is the author of the amendment and is familiar with the details, that this would not place the burden of the dam on Virginia, and to assure that benefits and obligations would be equally divided. There is nothing of that nature in the amendment, is there?

Mr. MATHIAS. No, I think I can assure the Senator from Virginia that this study would be of value to Virginia as well as to Maryland because it looks to a study of the water supply of the metropolitan area, the National Capital area. It would be a prototype study, the result of which would be valuable to Maryland, as well as Virginia and the District of Columbia.

Mr. WILLIAM L. SCOTT. Our water supply problem becomes increasingly acute. I would not want to unduly delay obtaining adequate water from both sides of the Potomac River, and I am sure this is the desire of the Senator from Maryland.

Mr. MATHIAS. Absolutely; and the constructive suggestions of the committee preclude any inordinate delay in the collection of this information.

Mr. WILLIAM L. SCOTT. Mr. President, I have no objection to the amendment.

Mr. MATHIAS. Mr. President, I yield the remainder of my time to my colleague from Maryland (Mr. BEALL).

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. BEALL. I thank my colleague for yielding.

Mr. President, I join with my distinguished colleague from Maryland (Mr. MATHIAS) in offering an amendment to S. 2798, the purpose of which is to bring about a definitive and scientific approach to the water supply problems of the Washington metropolitan area and the Potomac River Basin.

I for one recognize the tremendous demands that the growth of the Washington metropolitan area has made and will continue to make on the water resources of the Potomac Basin. Based on projected population growth, made in connection with the North Atlantic Regional Study, the Washington area's summer day peak usage is forecasted to reach 800 million gallons per day by

1980. This, of course, will seriously tax the current ability of the Potomac River to meet this tremendous demand. The problem is further compounded by the fact that the Washington area has continued its almost total dependence on the presumed abundance of its river. Whereas Baltimore has a 1-year reserve and New York City a 3-year reserve, Washington continues to look no further than the banks of the Potomac for its water reserve.

The legislation before us today authorizes phase I planning for the construction of the Sixes Bridge Dam in Maryland, and the Verona Dam in Virginia. The dams would impound water to prevent local flooding and, in dry seasons, release water to increase the flow of the Potomac River.

However, many of our constituents remain unconvinced as to the advisability of constructing the Sixes Bridge Dam. It has been argued that the estimated benefits attributed to this project are excessive, and that the Corps of Engineers has failed to reflect some of the costs that will be associated with the project. Of particular importance to me is the great amount of prime agricultural land to be flooded, questions as to the actual quality of the water that would be impounded, and whether the benefits which may accrue to recreation and downstream enhancement are justified.

Mr. President, I can assure this body that this problem has received the closest review by me. Through countless discussions with officials and residents throughout the Potomac Basin, I have sought to recognize the possible problems which might occur, and develop all possible alternatives. After careful consideration of the entire situation, I have concluded that many legitimate questions have been raised and am convinced that we must resolve those questions. For that reason, I join Senator MATHIAS in offering the amendment now at the desk.

The amendment, which relates solely to the Maryland project and does not affect Verona, would prohibit any further authorization for construction of the Sixes Bridge Dam until such time as we have the benefit of the findings of a much needed estuary pilot project and a comprehensive study of the water resources and future needs of the Washington metropolitan area by the Army Corps of Engineers. This study would investigate the nature of present and future water uses, the effect water pricing policy and use restrictions may have on future demand, the feasibility of utilizing water from the Potomac estuary, all possible water impoundment sites, natural and recharged ground water supply, wastewater reclamation and the effect such projects will have on fish, wildlife, and present beneficial uses. Recommendations will be offered by the Secretary of the Army, and a full report to the Congress will be submitted.

I might point out that our amendment accommodates the clearly enunciated views of the House Public Works Committee on this matter. In their legislation, H.R. 10203, and accompanying report, they emphasize the need for studies of a pilot water treatment plant and a review of water and related resources of

the Potomac River Basin and the Washington metropolitan area. Most important is the manner in which they end the section of the report on this project.

The Committee wishes to emphasize that in no event will the Sixes Bridge and Verona projects be authorized for construction until the Committee is satisfied, based on the results of the pilot program and on the comprehensive review study, that they are necessary.

Certainly, the House resolve on this issue cannot be more clear.

Additionally, Mr. President, the National Academy of Sciences will review the scientific basis for all findings and recommendations of the Corps of Engineers. Their participation will insure that the Congress will have a report that is both totally objective and based upon the best available data.

This period of study would guarantee to the Congress that the best possible information is presented to the Congress, not only as to the advisability of constructing Sixes Bridge, but also as to the entire water resources picture of the region. If better alternatives can be found, the Sixes Bridge Dam would not be constructed. However, this amendment in no way prevents the Congress from moving ahead with just phase planning at this time.

Mr. President, I submit that the amendment offered by Senator MATHIAS and I is a completely reasonable way to proceed. It will give us a chance to study the regional water needs of millions of people, and I urge the Senate not to miss this valuable opportunity.

Mr. President, this is a good amendment. I am happy the committee has seen fit to accept it and to offer the suggestions incorporated in the substitute amendment. The entire area would be served by having this amendment agreed to.

Mr. MATHIAS. Mr. President, this is an amendment to section 3 of the bill. The amendment concerns the Sixes Bridge Dam on the Monocacy River in Frederick County, Md., and the water supply for the Washington metropolitan area. Subsection (a) of section 3 authorizes a phase I design memorandum for Verona and Sixes Bridge Dams. Other subsections provide for continued study of the many ways which could be implemented to meet the Washington water supply needs. Also authorized is the pilot treatment facility to test the feasibility of using estuary water. Briefly, our amendment requires the National Academy of Sciences to review the Corps of Engineers study of the entire river basin and to report their findings and recommendations to the Congress. This report would be a condition precedent to receiving further authorization.

Both Senator BEALL and I recognize the necessity for continually monitoring the water supply needs of Washington and the surrounding suburbs. We are concerned that supply and demand are currently in an untenable relationship. We agree with much of what the Public Works Committees in the Senate and the House have done. We agree that Sixes Bridge Dam should be authorized through the phase I design memorandum stage so that the preliminary en-

gineering work can proceed simultaneously with the broad review and testing programs authorized by this section.

We agree that it is necessary to investigate the use of the waters of the Potomac estuary, the greatest potential source of water supply for the Washington metropolitan area. We further agree that it is necessary to fund a \$5.5 million review study of the water and related resources needs of the Potomac River Basin in the Washington metropolitan area. Finally, we welcome the fact that the National Academy of Sciences-National Academy of Engineering will review and by written report comment upon the scientific basis for the conclusions reached with respect to the use of the estuary for water supply. Our amendment will not disturb these points of agreement, but will provide further safeguards to insure that an innovative and comprehensive solution is forged.

We require the National Academy of Sciences-National Academy of Engineering to not only look at the pilot water treatment plant for the estuary, but also to look at the many other alternatives to supplying the water needs of Washington. Our amendment will give the Corps of Engineers and the National Academy the kind of mandate they need to do the job. Presently, section 3 provides boilerplate language to guide the study. We need to do more. The situation is serious and clearer guidelines are needed. Furthermore, our amendment will insure that all the steps which we propose and which the committee has proposed will be undertaken in an expeditious fashion.

It is important to recognize that Sixes Bridge is only one of many possible alternatives. At this point we do not know whether it is the best or the worst. We can be sure of one thing. More study is needed. We want the experts to look at the adequacy of the present water supply, at the nature of present and future uses, at the effect water pricing policies and use restrictions may have on future demand, at the feasibility of using water from the Potomac estuary, and at all the other possible impoundment sites, both on the Potomac and immediately adjacent thereto, at the feasibility of natural and recharged ground water supply, indeed at reclamation of wastewater.

We need to know the effect Sixes Bridge Dam will have on fish, wildlife, and the present beneficial uses of the land and waters. Building this dam is not a trivial matter. It represents an irrevocable commitment in concrete and in flooded farmland. We must be very sure when we make that commitment. At a minimum, we must undertake the studies that our amendment requires. We are not alone in making this request. Our colleague, Representative GILBERT GUDE, of Maryland, expressed much the same point of view in a letter to the Washington Post early in September of 1973. I ask unanimous consent that the full text of that letter be included in the RECORD following my remarks. I would like at this point to quote a portion of Congressman GUDE's letter.

As in so many other areas, our water resources are growing scarce. Dams and impoundments have their limits. The Verona and Sixes Bridge Dams can only be of some

limited, back-up assistance to the Washington area. Their principal justification must be as a water source for the local areas for which they are to be built. Otherwise, the citizens in those areas will oppose their construction. The science of water recycling must be given the immediate attention it deserves. The American people are entitled to water treated by the best advanced 20th century techniques to the highest possible degree of purity.

Mr. GUDE is correct in stating that unless the need for such large water impoundments is conclusively demonstrated to the people in the affected area, they will oppose it. On September 17, 1973, the Board of County Commissioners of Frederick County, Md., unanimously resolved to oppose the construction of Sixes Bridge Dam because they felt that its construction would not be in the best interests of Frederick County. I also note that both major daily newspapers serving Washington and the surrounding suburbs have recognized that providing water for the metropolitan area is a complex, difficult job. Let me quote first from an editorial in the Washington Evening Star. After pointing out the necessity for considering the estuary as a source of water supply, the editorial notes:

There are some strong suspicions on Capitol Hill, as we understand it, that the estuary study might receive something less than a fair, sympathetic shake from the Army Engineers and that perhaps some other scientific body less committed ought to run it. That is a consideration that the Senate, in considering the House approach might well consider.

I ask unanimous consent that the full text of that editorial be reprinted in the RECORD following my remarks. I agree with that editorial. We do need a fresh look and the National Academy, to be effective, must review all the alternatives. To do otherwise will condemn us to repeat past mistakes. The Academy can provide a valuable yardstick for decision-makers. There is no question in my mind that the alternatives are promising enough to be worth pursuing. The Washington Post in an editorial notes that:

There is every reason to hope the optimists are right and that the estuary can be used as at least a partial source of water when the Potomac flow is low. The proposed Sixes Bridge and Verona Dams, costly and environmentally disruptive as they would be, would offer only limited relief from future water shortages. A large system of dams in the Potomac Basin would be unacceptable. Thus, if ways to clean up the estuary cannot be devised, far more extensive and elaborate alternatives will have to be found.

Again, I ask that the full text of that editorial be included in the RECORD following my remarks.

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

(See exhibits 1, 2 and 3.)

Mr. MATHIAS. So, what it all boils down to is a question of emphasis and timing. Right now we do not know the answers, and I am concerned that section 3 as it is presently worded will not provide the kind of framework which will give those answers. Senator BEALL and I want the Government to move ahead on a number of different fronts. We want the National Academy to be involved because they represent some of the finest

scientific talent in the country. I might add that it is particularly appropriate that they play a part, since we are dealing here with water for the Federal City. We want authorization for a phase I design memorandum on Sixes Bridge, but at the same time we think it is imperative that the Senate provide comprehensive guidance on the relationship of the broad study of water needs, to the estuary treatment project and to further authorization of the Sixes Bridge Dam project.

It may be that when all the studies are completed and the conclusions are reached, we will have to build Sixes Bridge Dam. If the need is proven and the alternatives to Sixes Bridge are unacceptable, the situation will be vastly different from today. At present, we find projected need, based upon out-of-date population and demand projections and insufficient study of alternatives. This has been noted by the Department of Interior. Lawrence E. Lynn, Jr., Assistant Secretary of the Interior, in a letter to Lt. Gen. F. J. Clark, Chief of Engineers, made the following point as to the environmental impact statement on Sixes Bridge Dam:

While the statement seems to present an adequate description of the impact of construction of Verona and Sixes Bridges reservoirs on the environment, [it] fall[s] short of the intent of NEPA in the treatment of alternatives. It is obvious that the statements were prepared after the decision on a plan was made.

That is not a statement which comes from a landowner whose farm will be inundated; it does not come from a local citizen in Frederick who resents the loss of valuable dairy land to satisfy metropolitan and suburban water needs downstream, it comes from the Department of Interior and the problem which they note must be corrected.

The people of Frederick County are entitled to their doubts that Sixes Bridge Dam is the answer to the water supply problems of Washington and deserve to have them resolved. They have heard it not only from their local officials, but also from Federal agencies.

The Environmental Protection Agency has joined the Department of the Interior in noting reservations. In a letter to Col. Louis W. Prentiss, Jr., District Engineer of the Baltimore District and dated June 25, 1973, region III of the EPA made the following findings. First, that Sixes Bridges project would require the commitment of a high-quality stream supporting an outstanding fishery. Second, that the reservoirs could be expected to develop serious eutrophic conditions as shown by the data on the impact statement. Third, that the need for these projects for water supply lacked the degree of urgency implied in the impact statement. This last finding was based on the opinion that the possibility of an estuarial intake had not been sufficiently studied. While region III later modified their recommendation somewhat, I would note that no report detailing the reasons for modification has been forthcoming. Daniel J. Snyder III, Regional Administrator, wrote to me on August 20, 1973, and reported EPA's new

position. The pertinent section of his letter reads as follows:

It appears from the data available at this time, that the Verona and Sixes Bridge impoundments may be the best water supply source to meet the metropolitan area demands of the 1980's. However, we also support the continued investigation of the estuary for water supply so that decisions regarding its future use will have a sound rational basis.

Explicit in Mr. Snyder's letter are reservations as to the projected benefits to be derived from Sixes Bridge—reservations which go to the quality of the data available. He also notes that the impoundment may represent a very short term response. It will be at least 10 years before Sixes Bridge can be used for water supply. We all recognize that dam building is a long process and therefore implicit in Mr. Snyder's letter is the recognition that Sixes Bridge could prove inadequate and obsolete on the day it is dedicated. Finally, he makes a plea that further study of the estuary must take place. Something we all can agree on.

I am not prepared to make a decision today on whether Sixes Bridge Dam should be built. The Corps of Engineers has not provided me or any other member of Congress with the hard data, which we can rely upon in making this irrevocable commitment.

In the supplement to the Final Environmental Impact Statement on Sixes Bridge Dam the corps was required by law to discuss alternative ways of providing water for Washington. They stated at page 86 that:

Use of the Potomac Estuary could result in high environmental costs as extensive withdrawals of freshwater from it could change salinity levels and current patterns thereby reducing the possibility that it could support desirable aquatic life. Also, the public health risks associated with this alternative could be considered environmental and social costs.

But the Environmental Impact Statement for the estuary pumping station is more optimistic on this point. On page 84 of that statement there is a summary which reports on tests which indicate that even continuous 100 million gallons per day withdrawals will not increase the impact of drought conditions on the estuary. They further note that viruses, which are a concern to all of us, will probably not proliferate in the estuary.

This last statement would seem to indicate that one of the significant differences between the free-flowing Potomac and the estuary—the fact viruses might breed in the estuary—is not a difference at all. If the difference is more apparent than real, then why have we not made more use of the Potomac estuary.

I note these conflicting reports not to advocate one side or the other, but rather to indicate how far away we are from having a definitive answer on which we can proceed. This is the same concern that was expressed by the Department of Interior and which I noted earlier. We are past the point when the study of alternatives can be a result-oriented process, designed to justify a particular project.

Conflicting points of view exist with regard to many of the other alternatives. The Department of Natural Resources in a letter to Senator GRAVEL dated November 30, 1973, first, indicate that they are not opposed to our amendment and second, express concern that all alternatives have not been given sufficient study. Specifically, they recognize that ground water could provide great assistance to the Washington metropolitan area, but that little or no work has been done in this area.

The Corps, for all practical purposes, dismisses the proposal to obtain water from other river basins. But many feel differently. The Mason-Dixon Water Project could have important consequences for the Nation's Capital and its surrounding suburbs. The Susquehanna could be linked by a pipeline with the Monocacy at Gettysburg.

The Monocacy link would establish a means of low flow augmentation for the Potomac River and give Washington, D.C., and adjoining Maryland and Virginia communities an added assurance of water supply in times of low stream flow.

Discussion of this proposal has taken place since 1965 in Maryland, Pennsylvania and Delaware. Our amendment will insure that proposals such as the Mason-Dixon Water Project be given the attention which they deserve.

The Corps of Engineers has paid scant attention to the effect water pricing policies and use restrictions may have on water demand. We have already noted that if water consumption follows present trends, Sixes Bridge will be inadequate at the time it is dedicated to use. Just as we are energy wastrels, we are water wastrels. Water can be just as finite as fuel in certain areas. Washington is one of those areas. It is disturbing to find that programs to conserve water are in their infancy. Much of the study which has taken place has been done by the Johns Hopkins University Department of Geography and Environmental Engineering. Profs. Robert K. Davis and Steve H. Hanke have coauthored two exceptional works on this subject—"Demand Management Through Responsive Pricing" in the *Journal of the American Water Works Association* in September of 1971 and "Conventional and Unconventional Alternatives for Water Supply Management" in the August 1973 issue of *Water Resources Research*. Consumption cannot continue at present rates without a water crisis. We, in government, should anticipate this.

Two principal objections of Sixes Bridge are that it is first a very inefficient reservoir. Over 3,500 acres will be inundated; in total, 11,000 acres must be acquired. Second, that the impoundment will be far upstream from Washington where the water is needed. Travel time for the water will be measured in weeks. There will necessarily be times when water is released, but eventually not needed and times when water will not be released, but will be needed. The only possible way this can be avoided is to find a gatekeeper who can divine the future. A member of my staff has met with an engineer from the Baltimore Dis-

trict of the Corps of Engineers to discuss ways of overcoming these two objections. It was suggested that offstream impoundments closer to Washington might be a solution. There are a number of deep valleys, close to the main stem of the Potomac, which could serve. Water could be pumped from the Potomac during periods of high flow for use during periods of low flow and peak use. Sixes Bridge will inundate 3,500 acres. The same volume of water could be contained in one of these deep valleys by only inundating 600 to 800 acres.

I speak of these many alternatives not as an advocate, but rather as an inquirer. I ask why they have not been sufficiently studied and how long we can continue to neglect them. We constantly deal with four elements—the air, the land, the water, and energy. The fuel shortage has awakened this Nation to the finite nature of one of the four elements. Our amendment primarily concerns the land and the water. Their finite nature dictates that we establish a process which conserves both. Our amendment provides this and I ask that it be adopted.

EXHIBIT 1

SIXES BRIDGE AND VERONA DAM: MORE PLANNING NEEDED FOR WATER SOURCES

The September 12 article concerning new legislation in Congress to authorize the construction of the Sixes Bridge and Verona Dams and a pilot water treatment plant on the Potomac estuary immediately brings to mind several points important to a full understanding of this vital issue.

First of all, since the dams cannot be on line until 1980 at the earliest, we will have at least six years, and probably more, during which Washington area water shortages will have to be met by drawing out of the Potomac Estuary. The Army Corps of Engineers has indicated that there is a 23 per cent chance of a water deficit for a day or more by 1976 and a 34 per cent chance by 1979. The House Public Works Committee and the Congress have already authorized an estuary intake pumping facility for this purpose and it should be on line by the summer of 1974.

It is interesting to note that the use of polluted surface water or rejected waste water is hardly a novel concept. An exhaustive study of 1/3 of American cities in 1961 demonstrated that the raw water supplies of these municipalities contained as much as 18 per cent waste water from upstream sources, with the average city having 3.5 per cent. Increased use of water and discharge of sewage, both treated and untreated, in the 12 years since the study makes it clear that this percentage must be considerably higher today.

Given this situation, it is no wonder that water researchers are finding more and more evidence that viruses are, in fact, passing through conventional American drinking water treatment systems. For example, a recent study of the Washington Suburban Sanitary Commission's drinking water treatment facility indicated that viruses are, evidently, passing through that system.

Those who dismiss the estuary as a potential water supply source ignore the fact that polluted water supplies are not by any means uncommon and show less than a full appreciation of the technological progress that has been made in the treatment area. Ozone, for example, has been used for years in the preparation of drinking water in other countries but there is little broad range awareness among our sanitary engineering community of its potential in the U.S. Research and experience have shown that ozone is more effective than chlorine in killing viruses and,

moreover, it produces an aesthetically better result in both taste and odor. Used in conjunction with a chlorine residual, ozone could well be the answer for treating polluted water sources such as the estuary.

As in so many other areas, our water resources are growing scarce. Dams and impoundments have their limits. The Verona and Sixes Bridge Dams can only be of some limited, backup assistance to the Washington area. Their principal justification must be as a water source for the local areas in which they are to be built. Otherwise the citizens in those areas will oppose their construction.

The science of water recycling must be given the immediate attention it deserves. The American people are entitled to water treated by the most advanced 20th century techniques to the highest possible degree of purity.

GILBERT GUDE,
Member of Congress,
Eighth District, Maryland.

EXHIBIT 2

WASHINGTON'S WATER SUPPLY

Considering the diversity of views on how best to assure the future adequacy of the Washington area's water supply, none of the various pressure groups involved is apt to be totally satisfied with the approach advanced the other day by the House of Representatives. But the House action at least keeps alive the hope that a rational congressional policy may yet emerge this year, and in that light it is a step forward.

The dominant issue confronting the House was an Army Corps of Engineers' proposal—strongly supported by most of our local jurisdictions—to get started immediately on two upriver dams in the Potomac River Basin to provide an emergency, interim measure of protection pending development of a more comprehensive plan. Countering that proposal were arguments that technological breakthroughs, including the possible recycling of water from the Potomac estuary below Washington, might obviate the necessity for either of the two projects—the Sixes Bridge Dam on the Monocacy near Frederick, Maryland, and the Verona Dam on the Middle River near Staunton, Virginia.

Well, the House-passed bill would steer something of a middle course. Advanced engineering and design of the two dams would be authorized immediately. But at the same time the Army Engineers would build a pilot plant to test the efficacy of reusing estuary water, and yet another \$5.5 million study of basin-wide water resources also would be initiated. A House member explained the proposition in these terms: "If the pilot treatment plant and study indicate that the Potomac estuary cannot be used for water supply, and if the review study . . . concludes that there is no feasible alternative to (the dams) and that they must be constructed to meet the water supply needs, then we will not have lost valuable time—we will be ready to authorize the projects for construction."

Now there are some strong suspicions on Capitol Hill, as we understand it, that the estuary study might receive something less than a fair, sympathetic shake from the Army Engineers, and that perhaps some other scientific body, less committed, ought to run it. That's a consideration that the Senate, in considering the House approach, might well consider.

But it seems to us eminently desirable that those two upriver dams be kept, as the House suggests, on the front burner. And in the meantime, the hopes of an agreement could well rest on the abilities of the senators from Maryland and Virginia—who have not thus far been heard from—to throw their considerable influence behind a single regional political strategy.

EXHIBIT 3

ENOUGH DROPS TO DRINK

The House water resources subcommittee has come up with a logical way to resolve the prolonged dispute over future sources of clean water for the Washington area. The panel, chaired by Rep. Ray Roberts (D-Tex.), wants to explore the two competing approaches at once. A subcommittee bill now working its way to the House floor would authorize advanced work, but not construction, for the controversial Sixes Bridge and Verona reservoir projects. At the same time, the bill would authorize the Corps of Engineers to build and run a pilot purification plant to see whether water from the upper Potomac estuary can be made fit for human consumption.

A sophisticated, large-scale test of the estuary's potential is overdue. Some experts assert that viruses and other contaminants make the billions of gallons of fresh water below Little Falls too dirty to drink. Many others, including Rep. Gilbert Gude (R-Md.), are convinced that those pollutants can be removed or rendered harmless to man. There is every reason to hope that the optimists are right and that the estuary can be used at least as a partial source of water when the Potomac flow is low. The proposed Sixes Bridge and Verona dams, costly and environmentally disruptive as they would be, would offer only limited relief from future water shortages. A large system of dams in the Potomac basin would be unacceptable. Thus if ways to clean up the estuary cannot be devised, far more extensive and elaborate alternatives will have to be found.

The House subcommittee's initiatives are welcome, but local officials should not just sit back and wait for the federal studies to be authorized and made. The most difficult parts of the area's water resources problem are political and institutional, and these matters cannot be bucked to Congress. For instance, the future health of the estuary may well hinge on halting the dumping of filth into the river from Blue Plains and other points where raw and inadequately treated wastes are now discharged. Virginia and the District of Columbia are about to take the Washington Suburban Sanitary Commission to court over the Maryland agency's overloading of Blue Plains. Unless regional mechanisms can be forged to preclude a series of such disputes, the future of the estuary will be murky indeed.

Beyond the immediate problem of regulating sewage flows lies the general challenge of determining how the region's common water resources will be protected and enjoyed. The studies proposed by the House subcommittee make most sense as part of an intensive, cooperative drive to establish long-range policies and build the institutions to carry them out. With billions of gallons of fresh water available at the doorstep of the nation's capital, it would be a sad commentary if failures of foresight and ingenuity should force Washingtonians to turn elsewhere for enough water to drink.

Mr. GRAVEL. Mr. President, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CASE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without

objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

Strike Sec. 66, beginning on page 79, line 11, through page 81, line 5, and insert in lieu thereof the following:

Sec. 66. Upon enactment of this Act, the authorization for any public works project shall be terminated, if such project has been authorized by law for eight years or more and if no funds have been appropriated for construction of such project since authorization. The Secretary of the Army, acting through the Chief of Engineers, is authorized to submit to the Congress a study and recommended plan for reauthorizing any project terminated by this section, if such plan reflects national needs and priorities in effect at the time the plan is submitted.

Mr. CASE. Mr. President, the amendment I propose is to substitute for section 66 of the bill as reported an alternative provision.

The committee section and my proposal provide means for the deauthorization of projects after they have been authorized for 8 years and no moneys have been appropriated for construction during that 8-year period. The committee bill provides for action by a recommendation of the Chief of Engineers for deauthorization, and if such a recommendation is made before deauthorization becomes effective, the Committees on Interior in both the Senate and the House must approve.

My own provision in the alternative would provide for automatic deauthorization after 8 years from the date of authorization, absent the appropriation of any money during that period. I think my proposal is a sounder provision and it is in accordance with a bill I introduced for this general purpose several years ago.

I am happy that the committee has taken note of the desirability of proceeding in connection with old authorized projects which have been on the books, as the report shows, for many years.

Mr. GRAVEL. Mr. President, will the Senator yield at this point?

Mr. CASE. I yield.

Mr. GRAVEL. It should be stated for the record that we have done more than take note. My colleague has come up with a proposal for deauthorization as a method to clear away dead wood. We have probably 218 projects scattered around. It is important that we take this step. The Senator's proposal was introduced most recently in May of last year. The House followed his sage advice at that time.

We did alter it but slightly, in our deliberations, from the House-passed proposal. The triggering mechanism was altered so that it took some initiative on the part of the committees to effect this authorization, and not have it done alone by the unilateral action of the Corps of Engineers.

So I want to compliment the Senator for making this legislative proposal, and only hope he will not press the amendment. We did not do exactly as he proposed, but we took the kernel of it, and on the remainder of it there are reasonable differences of opinion.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield.

Mr. WILLIAM L. SCOTT. I would join the distinguished chairman of the subcommittee, the Senator from Alaska, and express the hope that the distinguished Senator from New Jersey would not press the amendment. We had some detailed discussion in the subcommittee on this matter, and the fear was expressed by me and others that perhaps a project that a particular Senator was interested in might be deactivated without his knowledge.

We have difficulty keeping on top of everything that happens in the executive branch of the Government, and we wanted to have affirmative action, even though it might be pro forma to a large extent, by the committee before a project was deactivated. This means more work on the part of the subcommittee, and the committee.

I do hope the Senator will know that we considered his suggestion. It is a matter of mechanics that is involved.

Mr. CASE. Mr. President, I do want to express appreciation to both the Senator from Virginia and the acting manager of the bill, the Senator from Alaska. I appreciate what they have done. I will not now make a final judgment that their way may be better or less effective than my own, but they are doing this, and they have considered it, I know, and they are going to be in charge. I am quite content to leave the matter, at least for a trial period, in the shape in which they have brought it to the floor, and I know that they, as well as I, if it does not work, will be wanting to consider alternatives, and possibly my own suggestion may be offered again at that time.

Acting on their suggestions—

Mr. GRAVEL. Mr. President, if the Senator will yield one more time, I merely want to state that I feel we have taken 90 percent of the Senator's concept, and it is embodied in what we are doing here. I think we owe him a debt of gratitude for his vision in realizing this particular facet of dealing with the corps projects. So I for one think he has done a service for us all in pushing this idea. We have made a slight input on his basic idea.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will yield, I understand that the Army Corps of Engineers has identified 218 projects that have been authorized for at least 8 years, but on which construction has not begun. Quite obviously many, possibly most, of these projects will never appear on the deauthorization list authorized by section 66 of S. 2798. But I believe it would be useful to any colleagues to see a list, prepared by the corps, of those projects.

Therefore, Mr. President, I ask unanimous consent that this list be printed at this point in the CONGRESSIONAL RECORD.

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

There are presently 218 Corps of Engineers projects which have been authorized for a period of at least 8 years but which have not as yet been placed under construction. These projects are for the improvement of rivers and harbors and other waterways for navigation, beach erosion, flood control, and other

purposes. Of the 218 projects, 108 have not received any Congressional appropriations within the last 8 years.

Inclosure 1 is a summary of the 218 projects broken out into four categories:

- a. No pre-construction planning required.
- b. Pre-construction planning not started.
- c. Pre-construction planning underway.
- d. Pre-construction planning complete.

The first two categories include those projects for which Congressional appropriations have not been received in the last 8 years. Each of the categories are subdivided into four types of projects; navigation, beach erosion control, flood control (and other purposes, excluding power), and multiple-purpose, including power.

Inclosure 2 is a listing of the 218 projects by category. Also included in the tabulation is the year of the authorizing legislation.

SUMMARY

Backlog of projects not under construction—authorized 1966 or before:

Category	Number of projects
No pre-construction planning required:	
Navigation	1
Beach erosion control	19
Flood control	0
Multiple-purpose, including power	0
Total	20
Pre-construction planning not started:	
Navigation	24
Beach erosion control	5
Flood control	55
Multiple-purpose, including power	4
Total	88
Pre-construction planning underway:	
Navigation	11
Beach erosion control	1
Flood control	46
Multiple-purpose, including power	3
Total	61
Pre-construction planning complete:	
Navigation	5
Beach erosion control	2
Flood control	38
Multiple-purpose, including power	4
Total	49

BACKLOG OF PROJECTS NOT UNDER CONSTRUCTION AUTHORIZED 1966 OR BEFORE

Category 1—Projects for which no pre-construction planning is required prior to construction.

Purpose, Project, and Authorizing Act:

NAVIGATION

Mississippi River, Baton Rouge to Gulf of Mexico, Louisiana 1945

BEACH EROSION CONTROL

Silver Beach to Cedar Beach, Conn.	1954
Palm Beach County, Florida	1962
Hanapepe Bay, Hawaii	1958
Waimea Beach, Hawaii	1930
Brant Rock, Mass.	1960
Clark Point, Mass.	1962
Lynn-Nahant Beach, Mass.	1954
North Scituate, Mass.	1960
Plymouth Town Beach, Mass.	1960
Thumpertown Beach, Mass.	1960
Town Neck Beach, Mass.	1960
Winthrop Beach, Mass.	1960
St. Joseph Shore, Michigan	1958
Hampton Beach, New Hampshire	1962
Cape May, New Jersey	1960
Perth Amboy, New Jersey	1965
Stone Harbor, New Jersey	1960
Crane Creek State Park, Ohio	1962
San Juan and Vicinity, Puerto Rico	1962
Total, projects	20

Category 2—Projects for which pre-construction planning has not been started.

Purpose, Project, and Authorizing Act:

Montgomery to Gadsden, Ala.	1945
Sacramento River—Calousa to Red Bluff, Calif.	1958
Hanalei: Small Boat Harbor, Hawaii	1965
Hana Small Boat Harbor, Hawaii	1965
Kailua Small Boat Harbor, Hawaii	1965
Kaunakakai Deep Draft Harbor, Hawaii	1962
Reeds Bay Harbor, Hawaii	1965
IWW, Marseilles Canal Pekin Bend, Ill.	1935
Mississippi River between Missouri River and Minneapolis, 9-Ft. Channel, Ill., Iowa, Minn. Mo., and Wisc.	1935
Clinton Small Boat Harbor, Iowa	1962
Keokuk Small Boat Harbor, Iowa	1962
GIWW, New Orleans-Houston-Louisiana Section, Louisiana	1962
Cross Village Harbor, Mich.	1966
Middle Channel, Great Lakes, Mich.	1946
Pear River Waterway, Miss.	1966
East Chester Creek, New York	1950
Port Ontario Harbor, N.Y.	1945
Shinnecock Inlet, N.Y.	1960
West Harbor, Ohio	1965
Elk Creek Harbor, Pa.	1966
Morehead City Harbor—Jetties at Beaufort Inlet, N.C.	1937
GIWW, New Orleans-Houston-Texas Section (Matagorda Bay only)	1962
Hudson Small Boat Harbor, Wisconsin	1950
Wilds Bend Cutoff, Mississippi River, Wisconsin	1935
BEACH EROSION CONTROL	
San Diego Sunset Cliffs, Segment A, Calif.	1966
Ashbury Park, N.J.	1958
Point Pleasant Beach, N.J.	1958
Sea Bright to Ocean Township, N.J.	1958
Cape Lookout, N.C.	1966
FLOOD CONTROL	
Camelsback Dam, Ariz.	1962
Phoenix and Vicinity, Ariz., (remaining work)	1965
Knights Valley Lake, Calif.	1966
South Platte River from Denver to Ft. Lupton, Colo.	1950
Phillippi Creek, Florida	1965
Big Swan D&L Dist., Ill.	1962
Bonpas Creek, Ill.	1946
Community of Meredosia, Ill.	1962
Eldred and Spankey, D&L Dist., Ill.	1962
Eldred, Ill.	1962
Farmers D&L Dist., Ill.	1962
Hartwell D&L Dist., Ill.	1962
Hillview D&L Dist., Ill.	1962
Indian Creek Area, Ill.	1962
Kaskaskia Island D&L Dist., Ill.	1962
Levee Unit # 2, Little Wabash River, Ill.	1946
Levee Units # 3 and # 4, Ill.	1936
Meredosia Lake and Willow Creek, Ill.	1962
Nutwood, Ill.	1962
Scott County D&L Dist., Ill.	1962
Levee Unit # 17, Wabash River, Ind.	1946
Lower Big Sioux River, Iowa and S. Dakota	1965
Douglas Lake, Kansas	1965
Eldorado, Kansas	1965
Towanda Lake, Kansas	1965
North Nashua River, Mass.	1966
Phillips Lake, Mass.	1966
East Muddy Creek, Missouri	1965
I-38 Lake, Missouri	1966
Irondale Lake, Missouri	1966
Lower Grand River, Missouri	1963
Mississippi River Agricultural Area # 10, Missouri	1966
Mississippi River Agricultural Area # 12, Missouri	1966
Nineteen angler sites, Missouri	1966
Pine Ford Lake, Mo.	1966
Upper Grand River, Mo.	1965
Billings (Western Unit), Mont.	1950
Gleason Creek, Nev.	1960
Rome, N.Y.	1958
Bodie Island, N.C.	1966
Hyde Co., N.C.	1966
Neuse River Barrier, N.C.	1965
North River Dike, N.C.	1966
Topsail Beach & Surf City, N.C.	1966
Empire Stratton, Ohio	1938
Ottawa, Ohio	1966
Reno Beach, Howard Farms, Ohio	1948
Sand Lake, Okla.	1962
Tuskahoma Lake, Okla.	1962
Grande Ronde Lake, Ore.	1965
Aquashicola Lake, Pa.	1962
Francis E. Walter Res., Pa.	1962
Malden Creek Lake, Pa.	1962
Westerly, Rhode Island	1965
Roanoke Lake, Texas	1965
MULTIPLE-PURPOSE INCLUDING POWER	
Bradley Lake, Alaska	1962
Lower Auchumpkee Creek Lake, Ga.	1965
Denison Dam—Power Unit # 3, Okla. & Texas	1957
Lower Monumental Lock and Dam, Wash. (Add'l Units)	1945
Total projects—88	
Category 3—Projects for which pre-construction planning is underway.	
Purpose, Project, and Authorizing Act:	
NAVIGATION	
Bodega Bay, Calif.	1965
Heeia-Kea, Small Boat Harbor, Hawaii	1965
Kaunakakai Light Draft Harbor, Hawaii	1962
Waianae, Small Boat Harbor, Hawaii	1965
Illinois Waterway, Duplicate Locks, Ill.	1962
Vermilion Lock, La.	1909
Beaver Bay Harbor, Minn.	1945
Lusten Harbor, Minn.	1945
Shrewsbury River, N.J.	1965
Huron Harbor, Ohio	1962
Trinity River Project, Texas	1965
BEACH EROSION CONTROL	
Duval County, Florida	1965
FLOOD CONTROL	
Montgomery, Ala.	1958
Indian Bend Wash, Ariz.	1965
Pinal Creek, Ariz.	1962
Phoenix & Vicinity Stage 2, Ariz.	1965
Bell Foley Lake, Ark.	1938
Village Creek, Jackson & Lawrence Co., Ark.	1962
University Wash & Spring Brook, Calif.	1965
Sonoma Creek, Calif.	1965
East St. Louis & Vicinity, Interior Flood Control, Missouri	1965
Cedar Point Lake, Kansas	1950
Great Bend, Kansas	1965
Grove Lake, Kansas	1962
Onaga Lake, Kansas	1962
Winfield, Kansas	1965
Booneville Lake, Ky.	1944
Eagle Creek, Ky.	1962
Falmouth Lake, Ky.	1938
Kehoe Lake, Ky.	1966
Newport-Wilder, Ky.	1938
Saxonville, Mass.	1966
Winona, Minn.	1965
Brookfield Lake, Mo.	1965
Hannibal, Mo.	1962
Mercer Lake, Mo.	1965
Mississippi River, Agricultural Area No. 8 (Elsberry), Mo.	1966
Pattonsburg Lake (Town Relocation), Mo.	1965
Platte River, Mo.	1965
Humboldt River, Nevada	1950
Alamagordo Diversion Channel, N. Mexico	1962
Allegheny, N.Y.	1946
Davenport Lake, N.Y.	1938
East Rockaway, Inlet to Rockaway Inlet & Jamaica Bay, N.Y.	1965
Yonkers, N.Y.	1965
Reddies River Lake, N.C.	1946
Chillicothe, Ohio	1962
Boswell Lake, Okla.	1946
Candy Lake, Okla.	1962
Prompton Lake, Pa.	1962
Aubrey Lake, Texas	1965
Big Pine Lake, Texas	1962
Pecos, Texas	1954
Rutland, Vermont	1941
Leading Creek Lake, W. Virginia	1938
Panther Creek Lake, W. Virginia	1965

Rowelsburg Lake, W. Va.....	1965
West Fork Lake, W. Va.....	1938
MULTIPLE-PURPOSE INCLUDING POWER	
Marysville Lake, Calif.....	1966
Dickey-Lincoln School Res., Maine.....	1965
Libby Dam-Lake Koccanusa (Add'l Units), Mont.....	1950

Total projects, 61.
 Category 4—Projects for which pre-construction planning is complete.

Purpose, Project, and Authorizing Act:
 NAVIGATION

Meyers Chuck Harbor, Alaska.....	1945
Port San Luis Obispo, Calif.....	1965
Barbers Point Harbor, Hawaii.....	1965
Honolulu Harbor, Hawaii.....	1965
Kawaihae Small Boat Harbor, Hawaii.....	1965
Lahaina Small Boat Harbor, Maui, Hawaii.....	1965
Mound City Lock & Dam, Ill.....	1963
Cedar River Harbor, Mich.....	1965
Moriches Inlet, N.Y.....	1960
Brazos Island Harbor, Texas.....	1960
James River, Va.....	1962

BEACH EROSION CONTROL	
Hamlin Beach State Park, N.Y.....	1958
Lakeview Park, Lorain, Ohio.....	1954

FLOOD CONTROL	
Bayou Bartholomew, Ark. & La.....	1966
Pine Mountain Lake, Ark.....	1965
Lakeport Lake, Calif.....	1965
Pajoro River, Calif.....	1966
San Diego River, Mission Valley, Calif.....	1965
Boulder, Colo.....	1950
Danbury, Conn.....	1965
Blackfoot Reservoir, Idaho.....	1962
Cottonwood Creek Dam, Idaho.....	1966
Stuart Gulch, Idaho.....	1966
Columbia D&L Dist., Ill.....	1962
Harrisonville and Ivy Landing, Ill.....	1962
McGee Creek D&L Dist., Ill.....	1962
Wood River, Ill.....	1965
Fort Hill Lake, Kansas.....	1954
Dayton, Ky.....	1938
Nookagee Lake, Mass.....	1966
Whitmanville Lake, Mass.....	1966
Warroad River and Bulldog Creek, Minn.....	1962
Union Lake, Mo.....	1938
Red Creek, N.Y.....	1966
Staten Island, Fort Wadsworth to Arthur Hill, N.Y.....	1965
Ocracoke Island, Ocean Shore, N.C.....	1965
East Lake—Chagrin River, Ohio.....	1965
Shidler Lake, Okla.....	1966
Beaver Drain, Dist., Ore.....	1950
Cascadia Lake, Ore.....	1962
Gate Creek Lake, Ore.....	1962
Willow Creek Lake, Ore.....	1965
Muddy Creek Dam, Pa.....	1962
Treler Lake, Pa.....	1962
Elm Fork, Floodway, Texas.....	1965

MULTIPLE-PURPOSE INCLUDING POWER	
Lazer Creek, Georgia.....	1965
Bonneville Lake and Dam (2d Power Plant), Oregon and Washington.....	1937
Little Goose Lock and Dam (Lake Bryan), Washington (Add'l Units).....	1945
Lower Granite (Add'l Units), Wash.....	1954

Total projects 49.

Mr. CASE. Mr. President, I thank both colleagues.

Observing that flattery will get you almost anything—

Mr. GRAVEL. In this case the flattery is deserved.

Mr. CASE. I am happy to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

CHARLES RIVER WATERSHED

Mr. KENNEDY. Mr. President, the Water Resources Development Act which

the Senate has the opportunity to consider today includes an innovative proposal, the Charles River Watershed project, which will serve as a model to the Nation of citizen participation in water resources planning.

The Charles River Watershed plan calls for the acquisition of approximately 8,500 acres of land for 17 natural storage areas. The natural resources of the area will be used to reduce flood hazards in a natural way, without the construction of additional facilities on this section of the river. In addition, management of the land and water resources of the watershed will provide conservation, recreation, and open space benefits for the 1 million residents of the Charles River Watershed.

In the last 2 decades, the population of the middle and upper watershed has increased 79 percent as a result of the urban sprawl from Boston and its suburbs, increasing the pressure of development and the hazards of flooding. Recognizing these hazards, the Army Corps of Engineers and the citizens of the area joined together in an extraordinary effort to develop the unique plan included in the legislation we consider today.

The Charles River Watershed project is unique for three reasons:

First, it is a plan on which everyone agrees. Elected officials, Federal, State, and local government agencies, homeowners, conservation groups—everyone affected by the plan enthusiastically supports it.

Second, the process of developing this proposal is an outstanding example of citizen participation at every step of the decisionmaking process. Citizen commitment to this project is largely the result of citizen input. Long before the final plans were drawn, citizens of the area had the benefit of open public hearings and informational meetings.

Third, the plan itself is unique. The proposal for using the environment itself to preserve and protect the environment is a landmark in conservation planning.

The Citizens Advisory Committee composed of more than 30 private citizens represented the industrial, conservationist, educational, recreational, and real estate interests of the watershed area. The Citizens Advisory Committee acted as a sounding board for a variety of study proposals and sponsored 12 informational meetings to acquaint their neighbors with the study results. The Army Corps reports that by encouraging comment, the corps sought to improve its product through open public planning. On every occasion, local residents responded energetically. Hundreds of residents studied and asked questions. These sessions made a direct contribution to the study in helping to formulate the final recommendations made by the Army Corps.

I would like to include in the RECORD at this point, a letter I wrote to the Corps in June of 1971 after so many citizens of the watershed expressed their enthusiasm for the process by which they were fully participating in the development of a plan for the watershed.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

JUNE 11, 1971.

Col. FRANK P. BANE,
 Chief, New England Division,
 Army Corps of Engineers,
 Waltham, Mass.

DEAR COLONEL BANE: I want to express my support of the objectives of the Army Corps of Engineers on the plan to protect and preserve areas in the Charles River Watershed for recreation and environmental enhancement. It seems to me that the use of natural means to protect our natural resources is the most effective and the least costly method of preservation. I agree that the citizens living in the area should profit both because their quality of life will be improved and ultimately their property values increased. To have beautiful wooded areas and a clean river so accessible to the urban population seems to me to be an ideal situation.

I hope that the Army Corps will continue to meet with the affected citizens of the area. The concerns of these residents, the pollution potential of the water impoundment areas, I am sure will be thoroughly investigated before any action is taken.

I look forward to working with you on this project. Please let me know if I can be of assistance.

Sincerely,

EDWARD M. KENNEDY.

Mr. KENNEDY. Mr. President, in September of 1972, I had the opportunity to submit testimony to the Water Resources Subcommittee in support of the Charles project. In February 1973, Senator RANDOLPH, the distinguished chairman of the Public Works Committee, pledged his support for the Charles River Watershed proposal. And in May 1973 hearings were held here in Washington. Representatives from the Citizens Advisory Committee, the Charles River Watershed Association, the Massachusetts Audubon Society, the League of Women Voters, and the Massachusetts Division of Water Resources joined with me in full support of the Army Corps proposal.

Since 1972, when the study of the Charles River Watershed was completed, I have not received one letter or call in opposition to the plan. The following local governments, commissions, and State agencies have notified me of their enthusiastic support for the Charles River plan:

- City of Newton—Conservation Commission;
 - City of Waltham—Office of the Planning Director;
 - Town of Medfield—Board of Selectmen;
 - Town of Wellesley—Board of Selectmen;
 - Town of Norfolk—Board of Selectmen;
 - Town of Dedham—Board of Selectmen, Conservation Commission;
 - Town of Millis—Conservation Commission;
 - Town of Westwood—Board of Selectmen;
 - United Chamber of Commerce—Western Norfolk County;
 - Massachusetts Department of Natural Resources; and
 - Massachusetts Secretary for Environmental Affairs.
- Both houses of the Massachusetts Legislature have passed resolutions commending the Army Corps and endorsing the Charles River Watershed proposal

I ask unanimous consent that those resolutions be included in the RECORD at this point.

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

RESOLUTIONS COMMENDING AND ENDORSING THE U.S. ARMY CORPS OF ENGINEERS FOR ITS CHARLES RIVER WATERSHED PROPOSAL

Whereas, The Charles River Watershed includes one tenth of the municipalities and one sixth of the residents of the Commonwealth; and

Whereas, For the protection of said residents the United States Army Corps of Engineers has completed a survey of the water resources of said watershed; and

Whereas, The United States Army Corps of Engineers has recommended flood control by the storage of flood waters in seventeen scattered wetlands preserved in their natural state in perpetuity as the most economic and most environmentally acceptable measures; therefore be it

Resolved, That the Massachusetts Senate hereby commends the United States Army Corps of Engineers and endorses its so-called Natural Valley Storage Proposal; and be it further

Resolved, That copies of these resolutions be forwarded by the Senate Clerk and Parliamentarian to the President of the United States, to the Secretary of Defense, to the Secretary of the Army, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

RESOLUTIONS COMMENDING AND ENDORSING THE U.S. ARMY CORPS OF ENGINEERS FOR ITS CHARLES RIVER WATERSHED PROPOSAL

Whereas, The Charles River Watershed includes one tenth of the municipalities and one sixth of the residents of the Commonwealth; and

Whereas, For the protection of said residents the United States Army Corps of Engineers has completed a survey of the water resources of said watershed; and

Whereas, The United States Army Corps of Engineers has recommended flood control by the storage of flood waters in seventeen scattered wetlands preserved in their natural state in perpetuity as the most economic and most environmentally acceptable measure; therefore be it

Resolved, That the Massachusetts House of Representatives hereby commends the United States Army Corps of Engineers and endorses its so-called Natural Valley Storage Proposal; and be it further

Resolved, That copies of these resolutions be forwarded by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Defense, to the Secretary of the Army, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

Mr. KENNEDY. Mr. President, in recent years, the lower basin of the Charles River Watershed has been subject to severe flooding. During the flood of 1955, damages amounted to over \$5 million. A repetition of this flood today would cause an estimated \$12 million loss. A multiple-purpose dam will reduce flood hazards in the lower basin; but immediate action must also be taken to reduce those hazards in the middle and upper basins. Federal acquisition offers a manageable and desirable approach. This acquisition of 17 natural storage areas totaling 8,500 acres provides the opportunity for varied use of the natural resources of the watershed.

In recreation, fish and wildlife benefits alone the Corps estimates annual ben-

efits of \$124,000. Preservation of the wetlands and banks of the Charles will enhance an intensive and cohesive fish and wildlife management plan for the Watershed while providing a natural open space area for nearby residents. The environmental impact of the plan has been characterized as "beneficial" and endorsed by the Department of Interior, the Department of Agriculture, the Department of Transportation, and the Environmental Protection Agency.

The Water Resources Subcommittee and the Public Works Committee and their distinguished chairmen are to be congratulated. The Army Corps is to be congratulated. The residents, conservation groups, and elected officials of the Charles River Watershed are to be congratulated.

The same area of this nation that held the first town meeting and set the stage for truly representative government is that area that has been in the development of this plan the finest example of government-citizen participation. All of us and our children will benefit tremendously from the fulfillment of this plan, the revitalization of the Charles River Watershed, and the recognition of this unparalleled achievement in cooperative planning.

Mr. BUCKLEY. Mr. President, I would like to explain the background of the New York debris removal problem, and why I concluded, however reluctantly, that it was a special interest proposal.

From the early days of the Republic, the Corps of Engineers removed debris from navigation channels under Federal authorities to encourage interstate commerce.

Enactment of the 1899 Refuse Act expanded Federal jurisdiction and control over navigational debris. Section 19 of that act directed the corps to remove sunken vessels that obstructed or endangered navigation. Section 13 of the 1899 act also made it unlawful "to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States."

In addition to this general authority, the Congress has directed the Corps of Engineers to undertake specific debris-removal work at several major harbors, including New York, San Francisco, and Baltimore. This authority, first provided for New York Harbor in the Rivers and Harbors Act of 1915 and updated in acts in 1918 and 1930, allows the corps to remove any floating debris, whether or not the debris poses an immediate danger to navigation. The corps now spends about \$1,300,000 yearly on debris clean-up in New York Harbor, about half of the national expenditure on debris removal.

Section 120 of the 1968 Rivers and Harbors Act (Public Law 90-483) directed the corps to study the national debris removal problem. The study, sent

to Congress in 1970, cited debris problems in 250 harbors. The corps estimated that there are over 3,000 abandoned vessels and countless deteriorating piers and wharfs as sources of navigation debris. The corps, estimating the cost of removal at \$100 million, recommended a national \$5-million-a-year debris removal program, limiting expenditures to \$500,000 at any single locality. Cost would be shared: Two-thirds Federal, one-third local.

Coincident with that study, the corps evaluated the drift removal problem in New York Harbor under 1963 resolutions adopted by both Committees on Public Works. Section 113 of the 1970 Omnibus Act (Public Law 91-611) authorized a debris removal program in New York Harbor, as proposed by the district engineer:

Subject to the approval of such plans and recommendations for requirements of local cooperation by the Secretary of the Army and the President.

In line with that tentative authorization, the Chief of Engineers last year recommended two-thirds to one-third cost sharing on a project to remove derelict vessels and deteriorating publicly owned piers and wharves in New York Harbor.

In rejecting the corps proposals, the Office of Management and Budget stated in a letter to the Department of the Army:

Most of the drift and debris could be controlled by adoption and implementation of local ordinances and enforcement of the Refuse Act. With tighter restrictions on drift and debris caused by known economic activities or by structures and derelicts whose owners are known, the need for the Federal Government to participate in the additional proposed remedial measures is questionable.

The proposed New York Harbor study shows that derelict vessels and dilapidated shore structures contribute about 36 percent of the total drift and debris in New York Harbor. Only about one-third of these vessels and structures are of undetermined ownership. Equity calls for the owners of debris-causing property to assume the costs of debris prevention, rather than have these costs assumed by the Federal taxpayer.

The U.S. Army Corps of Engineers has responsibilities for certain harbor navigation facilities which it carries out under existing law, and through specific projects as authorized by the Congress. The additional authority to subsidize the removal of debris-causing structures is not required for the Corps to continue its traditional functions and responsibilities related to the Nation's navigation system.

New York City has argued that it did not have the money to remove publicly owned wharves. And private owners have taken a "take me to court" attitude. Until recently, U.S. attorneys have generally taken the attitude that prosecution was not worth the time. I am urging the U.S. attorneys having jurisdiction over New York Harbor to take appropriate action to have these sources of drift removed.

One problem with using the 1899 Refuse Act involves whether or not the Government can make a case on whether material falling from a deteriorating structure meets the act's language making it illegal to have "thrown, discharged, or deposited" refuse into a

navigable waterway. But the Federal Government recently identified 173 cases of known owners of abandoned private piers. About 24 have complied with renovation or removal requests. The other cases remain unresolved.

In an effort to approach this problem on a national basis, I intend to introduce legislation that would on a national basis, direct the corps to go to the sources of drift and remove those sources, and, where responsibility can be established, collect the costs of removal from the owners of any dilapidated and abandoned facility that is removed. To me this is the legislatively responsible approach. It is also the approach which, if applied to all "special interests" projects, will in the long run save New York taxpayers hundreds of millions of dollars, as New Yorkers bear about 20 percent of the cost of all Federal projects, only a small percentage of which are located in their State.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 413) providing for a joint session of the House and Senate on Wednesday, January 30, 1974, for the purpose of receiving such communications as the President of the United States shall be pleased to make to the Congress, in which it requested the concurrence of the Senate.

WATER RESOURCES DEVELOPMENT AND RIVER BASIN MONETARY AUTHORIZATIONS ACT OF 1973

The Senate continued with the consideration of the bill (S. 2798) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment cosponsored by the Senator from New York (Mr. BUCKLEY) and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 77, line 18, strike the word "not".

On page 77, beginning with the word "or" on line 29, strike out all through line 10 on page 79 and insert in lieu thereof the following:

(b) In the case of any Federal water or related land resource project authorized for construction prior to the date of enactment of this Act, but which has not reached the construction stage, the interest rate formula set forth in the Principles and Standards For Planning Water and Related Land Resources, approved by the President on September 5, 1973 (38 Federal Register 24777) shall apply for the purpose of discounting future benefits and computing costs at the discretion of the

head of the Federal department or agency concerned.

Mr. PROXMIRE. Mr. President, it appears at the present time that there are not enough Senators to secure a rollcall on this amendment, but I hope that at a later time an order for a rollcall on the amendment may be had when more Senators are on the floor, and I am going to ask that a rollcall be ordered on the amendment.

The purpose of this amendment is straightforward. It would permit the executive branch to apply the 6½-percent discount rate—agreed upon by the U.S. Water Resources Council last October after extensive hearings—to all public works projects heretofore authorized by the Congress, but not yet under construction. It would require the application of this rate to projects authorized by the pending omnibus rivers and harbors bill.

Each of my colleagues has on his desk an information sheet prepared by my office explaining why this amendment should pass. In my remarks I will elaborate on this barebones presentation and show why Senate endorsement of this legislation is essential if we are to see that the taxpayer's dollars are spent wisely on the basis of objective fact, rather than through the politics of the pork barrel.

To begin with let us look at exactly what we mean when we discuss the discount rate as applied to Federal public works projects. This is an essential ingredient in determining whether or not the benefits to be realized by a project exceed the costs. Of course, if benefits do not exceed costs—if the benefit-cost ratio is not greater than 1 to 1—then the project is not authorized by the Congress.

In determining benefits we have to look at the present value of future benefits.

That is very complicated, because the benefits overwhelmingly come at a future time, sometimes as much as 5, 10, 20, 40, or 50 years in the future.

This is where the discount rate comes in and why the discount rate is critical—crucial—in determining whether the project should go ahead. I think it is possible to justify almost anything if the discount rate is very low. On the other hand, it is possible to exclude everything if the discount rate is too high. So it is the discount rate that is the determining factor on the amount to be spent on public works projects.

What is the value today, for example, of a benefit worth \$5 million in the year 1984? Such future benefits have to be discounted because, just as \$1 invested today would be worth a great deal more in 10 years, so \$1 in benefits accruing several years from now is worth a great deal less than that dollar is worth today. A bird in the hand is worth two in the bush.

As chairman of the Joint Economic Committee I have held a series of hearings on the discount rate issue. For example, in January of 1968, the committee held hearings on "Interest Rate Guidelines for Federal Decisionmaking." In May of 1969, I chaired additional hearings entitled "Guidelines for Esti-

ating the Benefits of Public Expenditure."

The vast majority of economists and other experts who testified at these hearings concluded that the best standard for discounting the value of benefits over time is the interest rate representing opportunities foregone in the private sector. There is a good reason for this substantial agreement. If we remove funds from the private sector through Federal taxes and these funds would have yielded 12 percent if privately invested, we only waste these resources if we invest them in a Federal project yielding a 4-percent return. We are over-investing in an activity that yields less real economic benefits than its alternatives. This is a clear misallocation of resources.

The professionals unanimously agree among themselves that this is a waste of our economic resources. Whether the economists are conservative or liberal, they all come down hard on the assertion that in the past our public works expenditures have not been based on a correct allocation of our resources and have, indeed, been wasteful.

The Nation cannot afford such waste when we have so many high priority public investment needs.

What is the current private sector rate? It is generally considered to hover somewhere between 8 and 12 percent. As a matter of fact, it is around 12 percent if we take the return before taxes, and that is a fair comparison. The prime commercial lending rate has been well above 9 percent over the past few months. This is the cost of money in the private sector. The Office of Management and Budget in budget circular A-94, discount rates to be used in evaluating time-distributed costs and benefits, states that a discount rate of 10 percent is to be used to evaluate programs subject to the circular.

In any event the generally accepted discount rate is well above the rate that would apply to public works projects if my amendment were to be accepted. As I indicated earlier the rate set by my amendment would be a modest—very modest—6½ percent.

Even if we consider the Federal long-term borrowing rate, the rate under discussion today is extraordinarily reasonable. In my estimation the long-term borrowing rate is too low a standard to apply, by and large. But even this rate—which is the minimum standard rate we could rationally apply to evaluating Federal projects—is no lower than the discount rate I am proposing today. In fact it is currently hovering around 7 percent.

Now the U.S. Water Resources Council originally proposed a discount rate of 7 percent—somewhat higher than the standard they finally settled on. What was the reaction to this proposal? Over half of those responding favored the application of a higher discount rate to Federal public works projects. The following conservation groups, concerned as they are by a rate so low as to minimize the value of protecting the environment, favored a discount rate of 10 percent:

Citizens Committee on Natural Resources.
Environmental Action.
Environmental Defense Fund.
Friends of the Earth.
Isaac Walton League of America.
National Parks & Conservation Association.
National Audubon Society.
National Wildlife Federation.
National Resources Defense Council.
Sierra Club.
Trout Unlimited.
Wilderness Society.
Wildlife Management Institute.

They are all in favor of a higher discount rate than the discount rate my amendment provides.

Ex-Secretary of the Interior Stewart Udall responded to the Council's proposed 7 percent rate in these words:

Especially noteworthy are the proposals to set the discount rate at a much more realistic level than exists under present guidelines and the much greater recognition given to preserving environmental guidelines.

I think that we all recognize that Mr. Udall was not only a great Secretary of the Interior who understood the importance of these projects, because he came from a State that benefited greatly from these projects, but he is also one of the most outstanding environmentalists in this country or anywhere else. And, as I say, he favors a discount rate of 7 percent or higher.

The next question is why should we apply this rate to past and present public works projects as well as future authorizations? Frankly, a much more reasonable question would seem to be why shouldn't we? Why should we give a public works project a break simply because it was authorized in, say, 1962, while a project authorized next year suffers?

Certainly there is no excuse for not applying the 6 $\frac{3}{8}$ -percent rate to the projects authorized by the pending bill. The new standard was promulgated last October. Why in the world shouldn't it apply to projects approved since that date?

Frankly I can think of only one answer to this last question, and it is not a very good answer. If we applied the new higher rate to projects included in the pending bill a number of marginal projects simply would not qualify. Of course, they should not qualify. If they cannot meet a standard considerably more lenient than the one used in the marketplace, there is no reason in the world why the taxpayer should be asked to subsidize them. They are economic cripples and should be treated as such.

Even at a lower rate many of these projects are very questionable. Why? Because certain benefits are added to the total picture that should not be counted at all. A sterling example is future flood control benefits. Many of the projects included in the bill are promoted on the ground that they would result in more intensive flood plain development. For example, the basic justification of the Days Creek Lake project comes from development related to construction that will take place at a later date and will be located in the former flood plain. Yet the

use of flood plain development benefits violates sound land use principles. It also happens to run counter to the recommendations of the National Water Commission.

But how about projects authorized before the effective date of the newly approved 6 $\frac{3}{8}$ percent discount rate? Why should they have to be reevaluated in terms of the new rate?

First let me make it clear that my amendment does not require these older projects to be reevaluated. It simply permits it. The language of my amendment would allow the executive branch to reevaluate the older projects if such a reevaluation was felt to be appropriate. This is in sharp contrast to the language of the bill as it was reported from committee, which would require the use of discount rates as low as 3 $\frac{1}{4}$ percent and, in effect, prohibits a reevaluation.

Over 80 percent of those commenting on the new standards proposed by the U.S. Water Resources Council believed that these standards should be applied to projects previously authorized as well as future projects. This is the way the Council summarized comments on retroactivity:

Projects are not ends in themselves, but means for achieving our national goals. These Principles and Standards reflect the fact that our goals have changed. Our public works program must now dovetail with these new goals; otherwise, the program ceases to serve its national purpose. This, it seems, is elementary. . . . Projects which do not conform with the new goals do not serve the national interest.

This, it seems to me, is elementary.

There is also a good dollars and cents reason why a realistic discount rate should be applied to all authorized public works projects—whether the projects were authorized 10 years ago or yesterday. It would save the taxpayer literally billions of dollars. The Water Resources Congress has estimated that a 7-percent discount rate would kill 50 percent of the projects already authorized. Since the dollar value of these authorizations is \$11.9 billion the savings to the American public could be more than \$5 billion. Keep in mind that these are projects that simply cannot be justified as providing benefits equal to their cost under current standards.

Should we fail to pass my amendment some projects will be built on the basis of a 3 $\frac{1}{4}$ -percent discount rate. This is a ludicrously low figure when we consider that the Federal Government has to pay almost 7 percent—twice as much—to borrow the money that finances these public works projects. The return on those dollars would be only half what we pay for them.

This brings me to my next point. Let us consider the fact that projects authorized on the basis of discount rates ranging from 3 $\frac{1}{4}$ to 5 $\frac{3}{8}$ percent will have to compete with future projects based on a 6 $\frac{3}{8}$ percent discount rate. Does this make any sense in allocating scarce Federal dollars? Why should a State or region suffer because the discount rate applied to a project in that region is twice

the discount rate applied to a competing project that never should have been authorized, and would not have been if the higher discount rate had been in effect at the time of authorization? The answer is obvious. This is economic discrimination of the worst sort. And I might add that any of my colleagues shortsighted enough to vote against my amendment because it would have an adverse impact on one or two projects in their State may find that they are sowing the seeds of destructive public policy in the future as good projects in their State go by the boards while less justifiable programs are pursued.

Some may argue that my amendment would adversely affect projects authorized many years ago as part of a system of water resource projects, thus adversely affecting an entire program. Or it may be possible to point to communities that have relied on a previously authorized project, to their detriment if the project is not constructed. That is exactly why I have left it up to the executive branch agencies to make the decision as to whether or not to apply the new discount rate of older projects. This will permit the flexibility needed to take account of mitigating circumstances.

Finally let me point out that the death of an inefficient project does not mean that a particular erosion or flood control problem can never be resolved. There are many ways to skin a cat. There are all sorts of solutions to individual flood control problems. Some of them may be less costly and have a lesser impact on the environment than a project authorized 5 or 10 years ago. My amendment would focus attention on these alternative solutions.

Before I conclude I want to make it clear that my amendment articulates and represents the administration's position on the subject. In order to drive this point home I would like to quote from a news release put out by the Water Resources Council last August announcing the new planning criteria for the Nation's water resources. These criteria include the discount rate formula implemented by my amendment—the formula that the Senate Public Works Committee has attempted to nullify through the language contained in section 65 of the bill. Here is what the President said about the new standards, including the new discount formula:

The Principles and Standards "... represent the culmination of several years review by the Water Resources Council to develop improved planning criteria to achieve our goal of wise use of the Nation's water and related land resources with full consideration to the protection of our environment. I commend the Water Resources Council for accomplishing such a difficult task."

Secretary of the Interior Morton had this to say about the new discount rate formula:

It is felt that the discount rate provision will foster the planning of better programs and projects for a given level of Federal investment.

In order to make it crystal clear that my amendment and the administration's position are identical I would like to

quote one final segment from the aforementioned news release:

A planning discount rate to reflect the relative value of beneficial and adverse effects occurring in the future as compared with the present has been established by the Council. This rate is consistent with the cost of Government borrowing concept which is based on the assumption that the Government's investment decisions are related to the cost of money to the Government. The rate has been established at 6-7-8% and will change up or down, as appropriate, not more than or less than 1/2 of 1% per year. The "Principles and Standards" will be applied to all currently authorized but unfunded projects on a selective basis to be determined by the head of the agency.

There is absolutely no difference between this language and the impact of my amendment on water resources projects.

I earnestly hope that the Senate will adopt this amendment, and I reserve the remainder of my time.

Mr. WILLIAM L. SCOTT. Mr. President, if the Senator will yield briefly, I just want to ask a couple of questions.

I am concerned about projects that have previously been authorized by Congress. Is it the thrust of the Senator's amendment that the new rate would apply to old projects unless the administration found that they should not do it? Would we come back to Congress—

Mr. PROXMIRE. The Senator is correct, yes, it would be permissive with the administration. The administration could apply it or not, as it saw fit.

I did that because I think a lot of flexibility is required here. There are some cases where we have large authorizations, where the community has counted on and planned on the expenditure to the point where there would be real economic distress if the project did not go ahead. So they would have this discretion.

Mr. WILLIAM L. SCOTT. I am sure we would all agree that the Members of the Senate and the Senate committees should do the work that the people sent them here for but I have a concern about increasing the work of our Public Works Committee and our Subcommittee on Water Resources. Might this not lead to the recomputation of the interest rate and the cost-benefit ratio, and the committee's reconsideration of projects which they had approved in the past? Would it not mean more work for the subcommittee, the committee, and the Senate as we reconsider formerly approved projects?

Mr. PROXMIRE. It would not necessarily mean that. Of course, we would have the situation where, if we had a marginal project, the committee might or might not choose to reconsider it. It would not mandate that reconsideration.

Mr. WILLIAM L. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABOUREZK). To whose time is the quorum to be charged?

Mr. WILLIAM L. SCOTT. To be equally divided.

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

The clerk will call the roll.

Mr. BUCKLEY. Mr. President, I would like to make a statement, if I may.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. I should like to make a brief statement.

Mr. WILLIAM L. SCOTT. Mr. President, the reason why I have asked for a quorum call is that the distinguished Senator from Alaska, the manager of the bill, is not in the Chamber. I have no objection to rescinding the quorum call if the distinguished Senator from New York wishes to make a comment. However, I would not want any action to be taken in the Senate without the manager of the bill being present.

Mr. BUCKLEY. I shall make only a brief comment in support of the Proxmire amendment.

Mr. WILLIAM L. SCOTT. I shall be glad to withdraw my request.

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

Mr. PROXMIRE. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield.

Mr. PROXMIRE. It is really the Proxmire-Buckley amendment.

Mr. BUCKLEY. The Proxmire-Buckley amendment.

Mr. PROXMIRE. I am very proud of the fact that the distinguished Senator from New York is a cosponsor of the amendment.

Mr. BUCKLEY. Mr. President, I wish to express my very strong support of the amendment offered by the distinguished Senator from Wisconsin and myself.

This amendment, as Senator Proxmire has stated, would require Federal agencies to consider the use of a reasonable rate of interest in calculating the costs and long-term benefits of water resources development projects.

But what is a reasonable rate of interest? I believe it is one based, at a minimum, on the cost of Federal borrowing. That present rate is 6 7/8 percent, hardly a rate that would be classified as usury.

Such a 6 7/8 percent rate is not designed to "kill" the water resources program. Rather, it is designed to assure the American people that economically sound projects are undertaken. I believe that the rational development of our water resources would be enhanced by the use of such a realistic rate of interest in computing project costs and benefits. Perpetuation of the current procedure, means that some projects will continue to be studied and analyzed at interest rates as low as 2 1/2 percent.

The amendment of the distinguished Senator from Wisconsin (Mr. PROXMIRE), which I am cosponsoring, would allow the agencies to use an up-to-date interest rate on all projects, old or new. But our amendment would grant administrative flexibility, as envisioned by the standards and principles developed by the Water Resources Council. It would not mandate the use of the new interest rate.

The Corps of Engineers recently made

a study of the effect of the new interest rate on the cost-benefit analysis of a number of older projects. The Corps found 28 potential candidates for construction that are still carried on the books at 2 1/2 percent interest. Approximately two-thirds of those projects would be knocked out under a 6 7/8 percent interest rate.

Frankly, I do not think we can justify a project to the American people if, at even a relatively modest rate of interest like 6 7/8 percent, it would return less in benefits than it would cost.

The public will argue—as well they should—that such a procedure is wasteful and irresponsible. This amendment would go far toward correcting that problem.

Mr. President, I should also like, at this moment, to talk about some of the objections to the amendment that have been raised by the opponents.

First of all, they say that the amendment goes beyond the recommendations of the Water Resources Council. It does not, as I pointed out earlier. It does not mandate the use of a 6 7/8 percent rate on old projects; it permits such usage, as did the Water Resources Council guidelines. In other words, we have flexibility.

The opponents argue that the section 66 deauthorization process would take care of this problem. How will section 66 give us realistic assessments of the costs and benefits of a project?

Opponents also argue that it would eliminate many worthy projects on "strictly statistical grounds"—whatever that means. I would argue that when a project is "urgently needed," it should produce more benefits than it costs to build. The benefit-cost ratio was developed so as to assure the American people that we were not wasting their money. Holding to a subsidized interest rate is just another way of playing a shell game with the American taxpayer.

I would note that many people have argued that we should impose an interest rate based on an "opportunity" cost of money, a rate of 10 or even 12 percent. Such a rate, it is argued, would give us a true understanding of the costs of a particular capital investment. By such a yardstick, this bill is wholly inadequate.

This amendment, however inadequate by any "opportunity cost" standard, would at least move us toward a standard that uses the real cost of Federal borrowing.

I think that the approach taken in the Proxmire-Buckley amendment is one that we should support, is one that is businesslike, is one that is necessary, and is one in the ultimate interest of the American people.

I urge its adoption.

Mr. PROXMIRE. Mr. President, I hope that a little later, when more Senators are in the Chamber, we can get the yeas and nays on the amendment. I hope that we can arrange it, somehow, depending on how much time the committee chairman wants to take on this bill, so that we can then set it aside and get the yeas and nays a little later on, if that is possible.

Mr. GRAVEL. I will be glad to accommodate the Senator in that regard. If

other Members will present themselves, we can take up other amendments that we are prepared to accept. In the interim, I should like to address myself somewhat to the proposal of the Senator from Wisconsin, namely, his effort to re-do the committee's work in establishing an interest rate. We felt that we were covering a great deal of the ground when we deviated from the House position in not wanting to see it applied to the extent they have.

Mr. President, at this point I will forgo my comments on the amendment of the Senator from Wisconsin (Mr. PROXMIRE) and will be happy to yield the floor so that an amendment may be offered.

Mr. YOUNG. Mr. President, I send an amendment to the desk and ask that—

The PRESIDING OFFICER (Mr. ABOUREZK). Is there objection to consideration of this amendment out of order?

Mr. PROXMIRE. Mr. President, I have no objection, with the understanding that if my amendment is laid aside, we can get the yeas and nays on it later; otherwise, I am happy to accommodate the distinguished Senator.

The PRESIDING OFFICER. The Chair would ask if Senators are yielding back their time.

Mr. GRAVEL. No. The Proxmire amendment has not been fully handled yet.

I ask unanimous consent that we may move from the Proxmire amendment without the Senator from Wisconsin losing his right to ask for the yeas and nays and have a vote on his amendment later, and that the time used for any other amendments not be charged to the Proxmire amendment, on either side.

The PRESIDING OFFICER. Without objection it is so ordered.

The Chair observes the absence of a quorum and the clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The clerk will state the Young amendment.

The legislative clerk read as follows:

S. 2798

On page 69, between lines 16 and 17, insert the following new section and renumber subsequent sections accordingly:

The project for flood protection on the Souris River at Minot, North Dakota, approved by resolutions of the Committees on Public Works of the Senate and House of Representatives under the authority of Section 201 of the Flood Control Act of 1968, is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to reimburse the designated nonfederal public bodies for the estimated additional cost being incurred by them for lands and relocations in the proposed channel realignment at the Third Avenue N E. Bridge in Minot. The amount of reimbursable costs shall not exceed \$200,000.

Mr. YOUNG. Mr. President, the amendment my colleague, Mr. BURDICK and I are offering to S. 2798 has been requested by Hon. Chester Reiten, mayor of the city of Minot, N. Dak.

It would amend the authorization for the flood protection project on the Souris River in North Dakota which was approved by the Public Works Committees of the two Houses of Congress under the authority of section 201 of Public Law 89-298. This project is for the purpose of straightening and widening the channel of the Souris River through the city of Minot, N. Dak.

The amendment we are offering is quite similar to authorization contained in the House-approved Flood Control bill, H.R. 10203 for the city of Mankato, Minn. Mankato, Minn., faced a similar problem requiring the relocation of a sewer line due to construction by the Corps of Engineers of a floodwall. The House has approved authorization for the Corps of Engineers to assume the city's cost of relocating this sanitary sewer.

Mr. President, the city of Minot has suffered from two disastrous floods in 1969 and 1970. I do not know of any city in the Nation which has suffered more drastically from floods than has this community. In 1969, for example, the water remained as high as the second story on residences and buildings throughout the city for a period of 6 weeks.

This flood protection project was authorized shortly after this flood. The Corps of Engineers has been proceeding with its construction and in the process of reviewing the project, the corps determined that a further improvement in the project would cut off one more of the river's many loops within the city and result in a more effective passage of floodwater through the city.

This improvement in the project, I am pleased to report, would result in an estimated savings to the Federal Government of \$440,000. These savings are the result of decreasing the over-all amount of work on the Souris River channel which would have to be done in Minot through eliminating one of the tortuous loops in the river within the city of Minot. Making this improvement in the project, however, would result in the city of Minot being required to provide the local assurances which include right-of-way for this work, a new bridge across the channel, and a business relocation cost. It is estimated that this would cost the city \$200,000 in additional local assurances.

When this project was first authorized, the residents of this city overwhelmingly approved a bond issue in the sum of \$1,300,000 to provide local assurances. Local officials, and I am sure they are right, do not believe that it would be possible to secure the approval of the electorate of another bond issue.

The purpose of this amendment, therefore, is to relieve the city of Minot from the added cost of these additional local assurances and allow them to be borne by the Federal Government.

Mr. President, as I have indicated, this improvement in the project design would result in a savings of \$440,000 to the Federal Government. If my amendment is adopted and the Federal Government assumes these local assurances, there still will be a net savings of \$240,000 to the Federal Government.

Shortly after S. 2798 was reported by

the Senate Committee on Public Works, I received a report from the Chief of Engineers on the Souris River project and on this particular proposal. I ask unanimous consent that the letter I received in behalf of the Chief of the Corps of Engineers from Lt. Col. Early J. Rush III, Assistant Director of Civil Works, Upper Mississippi, be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,
Washington, D.C., November 30, 1973.
Hon. MILTON R. YOUNG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YOUNG: On behalf of the LTG William C. Gribble, Chief of Engineers, I am replying to your letter of 31 October 1973 inclosing a letter from the Honorable Chester Reiten, Mayor of Minot, concerning the channelization project on the Souris River in Minot, North Dakota.

This local flood protection project was approved by resolutions of the Public Works Committees pursuant to the authority of Section 201, P.L. 89-298 (Flood Control Act of 1965). Applicable local cooperation includes requirements that local interests will: "a. Provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and subsequent maintenance of the channel improvements; . . . d. Accomplish without cost to the United States all necessary changes to buildings, highway bridges (including approaches) streets, dams, sewers, and utilities, as required for construction of the channel improvement; . . ." With due regard for environmental and social aspects, preconstruction planning examines alternatives and selects the most economical plan to accomplish the authorized public purposes. The cost of accomplishing this most economical plan is then apportioned to Federal and non-Federal interests in accordance with the authorization requirements of local cooperation.

The mayor's letter is prompted as a result of the Corps of Engineers' Value Engineering Program whereby authorized projects are reviewed by an engineering team to see if there is a way of reducing project costs without sacrificing the quality of the works. In the case of Minot, a channel cutoff is proposed to eliminate the river's tortuous route beneath the Third Avenue N.E. bridge. In addition to resulting in a reduced overall cost, the proposed cutoff would result in a more effective passage for flood water, thereby, reducing the flood profile immediately upstream. This action would reduce the project Federal construction cost by an estimated \$440,000 but would result in an estimated additional cost of \$200,000 to the city for a new bridge to cross the channel and for right-of-way and a business relocation cost. The project authorization does not allow the Government to assume the increased cost to the city as the result of the planning change at this small segment of a much larger project plan.

The Mankato project in Minnesota referred to by Mayor Reiten resulted when a sewer line had to be relocated due to the construction of a Corps of Engineers' floodwall. The city was responsible for relocating the sewer as part of its requirement for providing project right-of-way. Legislation has been introduced in behalf of the city to make relocation of the city sanitary sewer a Federal responsibility. At this time, the proposal is a part of the current Public Works Bill (Section 21, HR 10203) passed by the House of Representatives on 12 October 1973.

Special legislation would be needed to provide the city of Minot with the financial re-

lief it requests. I will cooperate informally with your staff to provide appropriate draft legislation if requested. However, this would be a drafting service only, and would not necessarily represent the views of the Department of the Army. Under departmental policies and regulations, views on proposed legislation are expressed by the Secretary of the Army in response to a request from the congressional committee having such legislation under consideration, and then only after coordination with the Office of Management and Budget.

Sincerely yours,

EARLY J. RUSH III,

LCT, Corps of Engineers, Assistant Director of Civil Works, Upper Mississippi.

Mr. YOUNG. Mr. President, as I have indicated previously, the House-passed Flood Control bill contains an authorization for Mankato, Minn., similar to what my amendment would do for the city of Minot, N. Dak.

I sincerely hope, Mr. President, that my amendment will be approved. There is every justification for it, as it would result in a net savings to the Federal Government of \$240,000 in the construction of this badly needed flood protection project. Equally important, it would vastly improve this project by making it possible for floodwaters to be passed more rapidly through the city of Minot.

Mr. GRAVEL. Mr. President, the situation in Minot was brought to the attention of the subcommittee by our distinguished colleague and fellow subcommittee member, the junior Senator from North Dakota, in the final days before S. 2798 was reported. Due to the time element and the lack of detailed information available, it was not possible to include the Minot provision in the bill prior to the end of markup.

In the last month, however, the committee has been fully apprised of the details of the situation. On this basis, the committee accepts this amendment to the Water Resources Development Act.

I want to emphasize that the efforts of the junior Senator from North Dakota, Mr. BURDICK, were most instrumental in persuading the committee to accept this amendment.

Mr. BURDICK. Mr. President, I rise in support of the amendment. This amendment is meritorious and stands on the precedent established in the matter of involving Mankato, Minn. Unfortunately, the request for the amendment arrived too late for me to present it to the Committee on Public Works, of which I am a member. The adoption of the amendment will actually save the Federal treasury \$240,000. I urge the acceptance of the amendment.

Mr. GRAVEL. Mr. President, I think we can take this opportunity to save the Federal Government \$240,000. I have consulted with the minority, and we both feel that this is a very good amendment, and we are happy to accept it.

The PRESIDING OFFICER (Mr. HATHAWAY). The question is on agreeing to the amendment of the Senator from North Dakota (Mr. YOUNG).

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I wish to speak briefly on the Proxmire-Buckley amendment. I understand the concern—

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Is the Senator for or against it?

Mr. ABOUREZK. I am speaking against it.

Mr. GRAVEL. I yield to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. ABOUREZK. I understand the concern of the Senator from Wisconsin for the Federal budget and his concern with the cost-benefit ratio and the discount rate now being used to compute the feasibility of these particular projects. But I might say that we in South Dakota have had an experience that would refute somewhat the arguments of the Senator from Wisconsin with regard to the cost to the American taxpayers of some of these flood control projects.

In 1972, in the summer, there was a flood resulting from a heavy and unique kind of rain storm in the Black Hills of South Dakota. This flood caused several million dollars in damage and the loss of 230 lives in the Rapid City area.

I was told by the Corps of Engineers that several years earlier they had done a feasibility study on the question of whether they should build some flood control dams higher up in the Black Hills in order to prevent that kind of flood from happening in the Rapid City area. The cost to benefit ratio was not favorable to them so the project was considered not to be feasible.

My question is this: While we can determine the cost to benefit ratio and the feasibility, based on the dollar amount of benefit to the United States when the projects are built, how do we measure the loss of human lives? How do we measure the social disruptions?

Another factor not put into the cost to benefit calculations is the economic disruption caused and that results from a flood of this charter.

I am of the opinion that in a flood control project there should not be any cost-to-benefit calculation, that it should be determined on whether it will prevent a flood.

I think that that is something the committee really should consider.

For these reasons, I am going to oppose the Proxmire amendment quite strongly, even though I understand his desire is to save the taxpayers money.

Mr. PROXMIRE. May I say to my good friend from South Dakota that I have great respect for that position. The Senator has put his finger on what is undoubtedly one of the most persuasive arguments. We cannot go out and proceed with any kind of flood control project, regardless of how small the benefit may appear to be or how great the cost may be, because the cost could be immense. By going ahead in that way, we would encourage grossly uneconomic building and investment in areas which are flood prone. We have had that argument before, in trying to work out some kind of flood insurance program. We have to work out some kind of accommodation among those who are moving into an area, no matter how flood-prone it is, who expect the Government to bail them out

when there is a flood every year in that area. We have that in my State as well as in the State of South Dakota.

The feeling I have is that we should have some kind of basis—maybe my proposal for a cost-benefit discount is not satisfactory, but the argument made by the Senator from South Dakota seems to me would work against even the discount factor that the committee decided on.

Mr. ABOUREZK. Could that not be taken care of by some kind of provision to prevent people from moving into a flood-prone area? The fact remains that if we are going to determine whether to build a flood-control project on a cost-benefit ratio, we are not taking into consideration the cost of human life and the social disruption. It would seem to me that we should have something entirely separate to prevent that from happening.

Mr. GRAVEL. That is exactly one of the proposals we suggest in the new policy in this bill—that is, utilization of nonstructural alternatives to flood control. We are doing this in the reaches above Boston, where we will be acquiring large tracts of land, which will hold this land as a green belt. But people will not be able to live on it; as a result, we will not bring about the urbanization that would cause the floods, that would have an effect upon Boston. We are doing this in other instances also.

There is no question that under present criteria, many of the needs of individuals—needs that go beyond the improper personal decisions—are not attended to, because in this arbitrary ratio we know that the higher interest rate will not qualify a number of worthy projects.

The committee hopes that as a result of hearings and future activity, we can develop a different approach to the cost-benefit ratio, and perhaps add factors into the calculation which will offset the increased interest cost, which is a real cost. We are now taking cognizance of that.

Mr. ABOUREZK. I think that is an excellent idea, but at the present time neither is being done. People are neither being prevented from moving into a flood area—to a great extent—nor is provision being made for a flood control project to be built. It would be prevented from being built with this kind of cost ratio, and it would be worse with the amendment of the Senator from Wisconsin.

Mr. PROXMIRE. I really do not think my amendment should be judged on the basis of the criteria raised by the distinguished Senator from South Dakota, because that would apply against any kind of cost-benefit ratio, and he admits that. I agree that we cannot put a value on human life. Is it worth \$1 million, \$100 million? It is infinitely valuable.

The argument of the Senator from South Dakota is very appealing to me, as I am sure it is to any human being. We all feel that way about human life. But to apply that to knock out my proposal, which applies to reclamation, to recreation, and to many other public works projects, is not fair to my amendment.

Mr. ABOUREZK. Would the Senator be willing to modify his amendment to exclude purely flood control projects from this discount rate?

Mr. PROXMIRE. Would the Senator vote for it if I did that?

Mr. ABOUREZK. Yes, I would, as a matter of fact. The Senator from Wisconsin has struck a bargain.

Mr. GRAVEL. I do not want to throw any cold water on the bargain, but if the Senator will yield, let me say that many of the projects in the bill are not entirely flood related. On the average, 44 percent of them would be wiped off the books, because they would not qualify under this new approach. We do not know what the impact of this would be. These are projects that have been negotiated with local participation; contracts have been arrived at. To say that we are going to change the rules of the game right now, I do not think is good legislation. That is the reason why we did not make this retroactive.

Mr. PROXMIRE. I would like to move to modify my amendment in order to accommodate the distinguished Senator from South Dakota, because I think he is a wonderful man and a fine Senator, but I do not see how I could possibly do that; because, as I am reminded by my legislative assistant, almost every kind of project—at any rate, a very large proportion of the projects—has a flood control aspect. Once that door is opened, there is no cost-benefit ratio at all.

This is at least a partial discipline on public spending to make up for the loss of the discipline in the private sector. If you do not provide this, you open the Treasury to a tremendous raid, or you have to decide these things strictly on this basis of sheer political power.

Mr. ABOUREZK. I understand that it is a matter of conscience with the Senator from Wisconsin with regard to the public treasury, and I share that view of saving the taxpayers' money. But, concurrently, I do not want it on my conscience to prevent a flood-control project from being built because of a high discount rate and have some lives lost.

I wish the Senator could have been in my State immediately following the flood. I have not been through a more tragic or more sad experience. Two hundred and thirty people in a small community were dead or missing, lost somewhere in the waters downstream. They were unable to come back and comment on whether they wished the dam had been built higher in the hills to prevent that flood. I could not have it on my conscience again.

Mr. PROXMIRE. That dam would not have been built whether the Proxmire amendment had been adopted or not. I really do not think the Senator's objection is relevant to my amendment. But I would like to do my best to work with the Senator, to support him in trying to find a solution to this problem, because I think he is absolutely right in saying that there is no value anybody can put on a human life; and whatever we have to do, whatever we have to expend to save lives, we should.

Mr. ABOUREZK. I thank the Senator for yielding.

Mr. GRAVEL. I would only add that it might not apply to that specific dam; but certainly, by raising the discount rate, the economic viability of the various flood-control projects would be altered. The amendment of the Senator from Wisconsin would affect the economic viability of all existing projects, since they would have to be recalculated to satisfy the new criteria that would be set.

Mr. PROXMIRE. I would agree with the Senator, but I think that is only fair. Why should we not apply the same discount rate to every project? If we do not do that, we discriminate.

Mr. GRAVEL. That is what we are trying to do in this bill from this day forward, to apply the new criteria to projects so that they will qualify.

Mr. PROXMIRE. Will the Senator from Alaska make clear to the Senate that the committee next year will insist on a 6½ discount factor for all projects that come forward?

Mr. GRAVEL. That is the position I have taken and the committee has taken, that henceforth that would be the calculation. That is where we plowed the new ground, and the House did not plow that ground. We are going to have a tough time in conference in reconciling the differences between our positions.

We think it would be legislatively capricious to go backward and say that all the projects that have come thus far should be recalculated. We say that the projects that have come this far should be on existing economic criteria and that henceforth the new criteria will better take into account the financial requirements of the Federal Treasury, particularly the cost of the money.

Mr. PROXMIRE. There is not much difference between the position taken by the committee and the Senator from Alaska and the position taken by the Senator from Wisconsin, except that I am saying we should apply this proposal. Since the Water Resources Council has made its finding and since the Government is now borrowing for every project in excess of 6½ percent, on a long-term basis, it should be applied across the board to everybody; and what is in the bill now would be in the bill in the future.

If the Senator will accept the principle in the future and will fight next year for this, I think we have made some progress. I hope the Buckley-Proxmire amendment is going to be adopted now; but if it is not adopted, I think we have made some progress, anyway.

Mr. BUCKLEY. If the Senator will yield, I think we have made progress. In principle, the committee accepts the logic and fairness of applying realistic interest rates.

The Senator from Wisconsin and I are merely urging that that logic be applied to all projects on which construction has not begun in terms of the hardware—the brick, the mortar, the cement, and the bulldozers—because we are dealing with expenses that are projected. A reassessment to make sure we are not wasting money is precisely that—a reassessment to make sure that the currently authorized projects will in fact be useful, and measure up to the public's expectations.

Mr. GRAVEL. As the Senator from New York realizes, that is not the position the House took. They were very adamant in their approach. There is no question in my mind. We agree that certain costs of the money should be cranked into the cost of the project, but the Proxmire recommendation goes beyond that. It would have to be recomputed, and many projects no longer would be qualified. That is the difference in the approach of the Senator from New York and the committee.

In many projects we have to turn the dirt on them, but they have qualified and they have gone through a long proceeding in qualifying. In my mind it would be legislative capriciousness to cut them off on another qualification, in connection with which we have changed the rules.

I think we can say that henceforth any project that is going to qualify must be on this economic basis. But when we turn around and change the rules on people who labored for years to get the project to a certain level, it is arbitrary, and it is not good legislation. When we recognize there should be a change we should be willing to change. We are willing to change in committee, and we are willing to say that from this day forward we will establish new criteria.

Mr. PROXMIRE. This is precisely what the amendment provides, as the Senator from New York (Mr. BUCKLEY) pointed out. If no actual work has been done, this would apply. There is a further exception. Even if no work has been done, if the administration feels the discount factor in my amendment would have a serious economic effect, or would prejudice the value of other projects which have begun, they could provide an exception. It is permissive in that connection.

Mr. GRAVEL. I am sure I am not disillusioning my colleague when I say that the smallest part of the job is turning the dirt. There are projects that have languished here for decades and then finally get disqualified; and now by the Senator's criteria, just because they do not have the bulldozers down the road, they are going to alter the entire qualifications.

Mr. PROXMIRE. The biggest part of the work, the economic part, is still in the future. That is the work of buying the necessary materials, doing the hard, tough construction that may take 3, 4, 5, or 10 years to finish. This is in the future, and it is what we are talking about. Everyone should be treated alike. The Senator from Alaska is a fair man, and I am sure he would agree. Therefore I expect him to support the amendment.

Mr. GRAVEL. I think it changes the rules in midstream. They think the amendment is fine prospectively. That is what the committee decided to do. We will have to fight for it in the House, but carrying this kind of baggage, we will not be able to walk through the corridors.

Mr. PROXMIRE. In the event we lose, and I hope and pray we do not, I am going to read to the Senator next year those words, and I hope the Senator and the committee will recognize that the

6 $\frac{1}{2}$ factor will be applied in 1975 to the 1976 fiscal year.

Mr. GRAVEL. I hope that is the case. I will use my offices to have that new doctrine established.

Mr. BUCKLEY. Mr. President, if the Senator will yield, the Senator from Alaska has pointed out a practical problem. He has pointed out the situation with regard to the House. The Senator should have this amendment so he will have something from which to recede.

Mr. GRAVEL. I can only respond to my colleague by saying that in the application of tactics, there are two approaches: One is to go in and insult and have no ground on which to negotiate, and the other is to exercise restraint and hope that they will also. I have a high opinion of the membership of the other Chamber; when they see the wisdom of the committee action, they will come to our ground on the subject matter.

Mr. PROXMIRE. This is not a far out proposal. I would go much further than this. We are taking the recommendation of the Water Resources Council, the overwhelming recommendation of economists.

Mr. GRAVEL. The Senator should recognize his amendment goes beyond what the Water Resources Council recommends. At least we can arrive at that point of clarity.

Mr. PROXMIRE. I do not agree with that. Here is what the Water Resources Council said:

E. SCHEDULE FOR APPLYING STANDARDS

The principles and standards will apply to all levels of planning studies. For authorized but unfunded projects the principles and standards will be applied on a selective basis to be determined by the head of the agency, with opportunity for suggestions from the Water Resources Council, and other governmental entities. Authorized plans or projects that are substantially reformulated as a result of application of these principles and standards will be submitted to Congress for reauthorization. Separable and independent elements of a project or a system also would be subject to review prior to funding for construction.

This is precisely what we provide in our amendment.

Mr. GRAVEL. The Senator's amendment provides this new rate shall apply—is that correct?

Mr. PROXMIRE. No; it provides that the administration shall have discretion. I wish to read the last lines of the amendment:

The interest rate formula set forth in the Principles and Standards for Planning Water and Related Land Resources, approved by the President on September 5, 1973 (38 Fed. Reg. 24777) shall apply for the purpose of discounting future benefits and computing costs at the discretion of a head of a Federal Department or agency concerned.

That is exactly what the Water Resources Council states.

Mr. GRAVEL. We leave that discretion in the hands of Congress rather than the Corps of Engineers.

Mr. PROXMIRE. The bill removes any discretion, without my amendment.

Mr. GRAVEL. That is correct, and we still have discretion because under the deauthorization approval it is incumbent upon the Corps of Engineers to come up with a list of projects that have

not been funded in the last 8 years. If the committees of the House and the Senate choose to act affirmatively, these projects are deauthorized, which means we can deauthorize for other reasons that arise along the way. But we have the same discretion at that point as the Senator is prepared to give wholesale over to the corps. I think we give too much power to the Executive, and we should reserve some judgment in the hands of Congress.

Mr. PROXMIRE. It is our decision to make this discount whatever we wish. The Senator agrees the study is a good study. All I am saying is we should accept also the recommendation that it be applied in a discretionary way.

Mr. GRAVEL. About 44 percent of the existing projects would be disqualified.

Mr. PROXMIRE. I am very encouraged by that. There are many wasteful projects. We would be saving billions of dollars. There is no way to save money without disqualifying projects.

Mr. GRAVEL. What about the situation where a community has gone ahead and bonded itself?

Mr. PROXMIRE. In those situations we make clear discretion can be exercised. That would be a very serious consideration, permitting them to go ahead in spite of the fact they need the lower discount rate to qualify.

Mr. GRAVEL. Then, perhaps what we should do is let the Corps of Engineers stand for election next time.

Mr. PROXMIRE. No, we are saying there are differences in these projects. These are professionals.

Mr. GRAVEL. But we are pulling more authority unto ourselves and not less. That is what we are doing by the two-stage procedure. This will add more power to Congress.

Mr. PROXMIRE. I am not in favor of giving more power to the President.

Mr. GRAVEL. Forty-four percent of the projects would be wiped out. The Senator is saying that after Congress has labored all these years, 44 percent of them can be wiped out through the capricious decision of the corps alone.

Mr. PROXMIRE. No; through our own decision.

Mr. GRAVEL. Once we have made that decision on the interest rate, we have done it. We have done it wholesale, and that would have a wholesale impact.

Mr. PROXMIRE. The Senator would do it.

Mr. GRAVEL. I would do it prospectively. Here we would be changing the rules. I would do it by carrying out new rules. Everybody would know about it. But people may have worked 20 years on a project, and we turn around and change the rules. They have spent money and effort, and 1 day we say the whole thing is over; we are not going ahead, because of the interest rate. I think people ought to know, and not have retroactive actions taken.

Mr. PROXMIRE. I am saying where no project has been started, where no equipment has been used, where no dirt has been turned, they would all be treated alike, except where there is a situation which would be so prejudicial for economic or social reasons, and an exception could be made there. I do not

know how one can be any fairer than that.

Mr. President, I am happy to yield the floor at this time.

Mr. GRAVEL. Mr. President, apparently the cost is the only measure. The Senator said where no dirt has been turned.

I will give one example, where bonds are sold and a commitment is made. Suppose there is a banker in a midwestern town, and I buy some bonds of a local community or commit myself to buy bonds, and then, at some later time, that project is no longer feasible, because the economics have been altered. That is their tough luck, but at the same time I made a commitment with my bank to buy those bonds. That was done prospectively, involving a certain rate of interest. If those bonds were to go into default before they are issued, what recourse do I have before that community, after having made a prospective decision that has to be altered, and which may have some financial consequences on the portfolio of the bank? Of course, there is no recourse that can be taken. I have been hurt through the capricious action of the Government.

I cannot help but think that the worst thing we can do in Congress is to act capriciously and have people get hurt as a result of it. That is exactly what the Proxmire amendment would do. On the other hand, we can make a change in the interest rate, but we should do it prospectively, so nobody gets hurt.

I yield to the Senator from Michigan.

Mr. HART. Mr. President, I am not sure to which Senator I should address a question, but I am reaching for information. I have been here on the floor for the past few minutes and have enjoyed the discussion.

As I understand the Proxmire amendment, with respect to projects not yet taken but earlier approved, a new cost of money figure would be applied. If that action were taken, would there also be opportunity to recompute the change in the value of the benefits that might be identified in the project?

Specifically, I can see the logic, as all of us do, in prospective projects, of being more realistic on the cost of money, but I am uneasy if, with respect to projects heretofore approved, the only change that would be permitted would be the recomputation of the money cost.

Mr. PROXMIRE. It is my understanding, certainly—and I can make legislative history—and I think the Water Resources Council made it clear, that under those circumstances, if the projects are reauthorized, certainly the benefit should be considered and also the cost, because both might change, and it would be very unwise or unfair for a project to be changed if there have been other changes. The situation 2 or 3 years from now could be very different, on the basis of flood experience or all kinds of situations, from the situation that exists now. Technology can make a difference in cost. So I think all those things should properly be taken into consideration.

Mr. GRAVEL. I think the point made by the Senator from Michigan would be more germane to another aspect of this

legislation, relating to the cost of a project. We could have inflation, and design factors may come into consideration that would alter the costs appreciably. That is why we have approached this in two stages. One stage is the advance engineering design, where the corps will go out and do studies. Actually, the studies are done first. After that, it is presented and we decide whether to approve it. Then the advance engineering design studies are done. After that, the corps comes back to Congress and says, "All right, here is how much it will cost us, the way we assess it." That may be different than it was at the time they determined feasibility. Sometimes it takes a number of years, 3 or 4 or 5, and sometimes as much as 6, between the time when the economic feasibility study was done, when we have approval, and when the construction contract is let. A lot of money can be spent during that time. A third of the contract's cost can be spent.

At that point we can take another look and decide whether to approve or disapprove. We can take a look at the economics of the cost, the economics of the benefits, and make a judgment.

The Proxmire amendment would take only one facet to determine the feasibility. That is just the cost of the money, and not any other factor. And because the cost of money has increased over a period of years—and obviously this approach has only casually been taken care of—in the cost of the project a dislocation has taken place. The project has enjoyed cheaper money than the money market would have warranted. We are saying we are now going to take cognizance of that economic factor, but we do it prospectively, rather than alter the existing rules in which people are participating today with respect to these projects.

Mr. PROXMIRE. Mr. President, I want to make it absolutely clear that my amendment would certainly contemplate a review of the benefits and cost, and make it very clear by reading this language which I took from the language recommended by the Water Resources Council:

Authorized plans or projects that are substantially reformulated as a result of the application of these principles—

That is, change in the discount rate—

And standards will be submitted to Congress for reauthorization. Separable and independent elements of a project or a system will be subject to review prior to funding for construction.

I do not know how one can possibly construe that except as applying to benefits and cost.

Mr. GRAVEL. That would happen in any event, even if the Proxmire amendment were not adopted, because we have a section under which the first phase will proceed only to that point, and Congress then will take additional action.

PROXMIRE AMENDMENT WOULD ELIMINATE VALUABLE PROJECTS

Mr. RANDOLPH. Mr. President, the impact of the amendment of the Senator from Wisconsin (Mr. PROXMIRE) would be widespread. It is not a matter of limited application. At the present time, there are 434 projects of the Corps of Engineers which would be subject to recalculation at an interest rate of 6 1/2

percent under the provisions of this amendment. A total of 44 percent of these projects would be eliminated through the use of this higher rate of interest, projects which are badly needed in many parts of this country.

Under the provisions of section 66 of this legislation, 218 previously authorized projects would be de-authorized. Section 66 improves the orderly procedures for reviewing and eliminating old projects. The Proxmire amendment, however, would create great uncertainty with regard to projects authorized within the past 8 years.

The PRESIDING OFFICER. All time of the Senator from Alaska has expired. The Senator from Wisconsin has 2 minutes remaining.

Mr. PROXMIRE. Mr. President, in view of the fact that the time of the Senator from Alaska has expired, I will yield back my time, but I would ask, if I could for the yeas and nays on the amendment, because a sufficient number of Senators is not on the floor and we postponed a vote until 2:45 p.m., 1 hour from now.

The PRESIDING OFFICER. All time is yielded back—

Mr. PROXMIRE. Mr. President, before I yield back, let me get a ruling.

The PRESIDING OFFICER. Does the Senator ask unanimous consent—

Mr. GRAVEL. Mr. President, there was a proposal by the majority whip. That was that the vote take place at 2:45 p.m. That was the action taken by this body.

Mr. PROXMIRE. Mr. President, I think I am protected by the fact that I can always put in a quorum call and, if necessary, get a live quorum. I will do that if necessary. So, I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the pending Proxmire amendment be laid aside until 2:45 this afternoon.

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

DAYS CREEK PROJECT

Mr. HATFIELD. Mr. President, first, I want to compliment the committee on its fine work in reviewing these proposals making up S. 2798. The chairman of the full committee, as well as the ranking Republican, have provided leadership in reporting out a good bill. The subcommittee chairman and its ranking Republican have played a critical role in shaping policies affecting the water resources development and river basin land management across the country.

Wise management of our land and its resources lies at the heart of this legislation. The close tie between the Senate Public Works Committee, and the Senate Interior Committee, on which I serve, is certainly clear when we consider the question of management of our land,

where many similar problems arise on issues before both committees.

My comments today, however, are centered on a project included in this omnibus bill. I speak of the Days Creek project on the South Umpqua River in Douglas County, Oreg. The flood control project is not new to the member of this committee. After a thorough review, you included this in the omnibus bill passed by Congress last fall which was unfortunately vetoed by the President. The Senate then repassed the omnibus bill—and Days Creek was included. Now, following House consideration of the legislation with its change in authorization procedure, the Public Works Committee has again included it in this bill, S. 2789. My Senate colleagues have heard me speak in support of Days Creek a number of times.

I want to call particular attention today to the serious flooding occurring right now along the South Umpqua River—flooding that would have been reduced had the Days Creek project been completed and in operation. It is too early to assess damage from this flood, which has hurt our State in several areas. I cannot cite, therefore, any dramatic dollar damage at this time. I am aware, however, of the human suffering that is occurring—suffering that would have been eased greatly by construction of this project.

The human aspect of this should be a part of our consideration of this legislation. There are other projects throughout the country where flooding of a serious nature has occurred. In Douglas County, however, the digging out from flood damage is going on today.

This past week during which the ravaging floods were tearing through Douglas County reminded me of a visit I made there last summer.

Then, I was able to walk across the river when the water was nearly stagnant. When we think about the flooding of today, I know it is difficult to picture a water flow of some 27 cubic feet per second. The bankful level below flood stage is 45,000 cubic feet per second. Serious problems arose then with cities' water supplies, severe fish kills, reduced water quality and numerous other complications due to the low slack water.

It is this near stagnation in summer and these ravaging floods in winter that form the crux of why I believe this vital project must be built without further delay.

The people of the South Umpqua River Basin are plagued with extremes of streamflows. Devastating floods occur with oppressive frequency—there have been six in the past 12 years. Each summer, on the other hand, streamflows become lower than in almost any other major stream in western Oregon. The proposed Days Creek Dam and Reservoir would meet the problems associated with these extremes, to the great benefit of the people of Douglas County.

Floodflows of the South Umpqua River and its tributaries cause damages throughout almost the entire drainage area. They also contribute to the damages caused by the Umpqua River, into which the South Umpqua flows. The problem along South Umpqua is especially severe, because most of the available

level land in the basin lies adjacent to the streams of this drainage area. Most developments and transportation routes have been located in the flood plain. During major floods, water covers entire flatland expanses, inundating towns and interrupting transportation. Often the South Umpqua rises to flood stage before emergency action can be taken, due to the impervious soils of the drainage area which do not readily absorb storm runoff. Floods on the South Umpqua are thus more severe and rise faster than on most other streams of western Oregon. Damages from the 1964 and 1971 floods downstream from the Days Creek site have totaled \$20 million; but at the projected 1985 development of the region floods of the 1964 and 1971 varieties would cause more than \$43 million total damages—at 1971 prices.

I certainly will share with my colleagues on the committee when detailed figures are received from the 1974 flood. This flood resulted from a snowstorm and prolonged freezing period followed by warm winds and heavy rains. The inability of the frozen ground to absorb the heavy rains aggravated the flooding.

This region of Oregon has hot, dry summers—very little rain falls and extended droughts occur. Less than 5 percent of the annual precipitation occurs from July through September, during the fast part of the growing season. The area needs a reliable source of irrigation water, but under present conditions the natural flows in the South Umpqua are insufficient, in most water-short years, to satisfy existing water rights. Holders of these rights have been forced to abstain from exercising them when stream depletion has been threatened in recent summers.

Most of the municipal and industrial water supply in the basin is obtained from surface water sources, and future development must expand these sources since there is a general lack of underground water. In addition to this problem of water supply, the South Umpqua River receives the major portion of the basin's waterborne waste load. During low summer flows, the river has not been able to assimilate that load, causing a serious water quality problem. In several areas the stream becomes unsafe for water-contact usage, because of profuse algal growth, bacterial contamination, and floating solids. These same areas are in the vicinity of major municipal and industrial water supply systems.

The depleted summer flows, the poor water quality, and high water temperature have wreaked havoc with fishery resources of the South Umpqua River. At present there remains only a small fraction of the fish population that local residents state to have existed in earlier days. Augmentation of summer flow, as would be provided by a storage reservoir at Days Creek, would alleviate the three conditions I have just outlined. Present day summer flows of the South Umpqua at Brockway have been observed to drop as low as 27 cubic feet per second—bank-full is 45,000 cubic feet per second—with a water temperature of 87 degree. Consider what Days Creek will do in this regard: It will decrease the average August temperature of the River below

the dam by 15 degrees—from 70 to 75 degrees—by increasing the average flow from 70 to 950 cubic feet per second.

The movement to save the South Umpqua River from collapse of its resource capabilities and to spare the people of this basin from the frequent destructive floods began with a public meeting in Roseburg, Ore., in 1956. Since that time, the development of this proposal has been of model cooperation between the Federal Government and the local people. Local desire has never been in doubt, from 1956 when 100 people showed up at the Roseburg meeting to state the need for control of this resource, to recently when 1,200 people demanded an immediate solution to the problems of the South Umpqua River at the final public meetings on this project.

I have been impressed with the depth and breadth of the Corps of Engineers' consideration of the problems and possible solutions related to the water resource of the South Umpqua. Their treatment of the environmental aspects of Days Creek and its alternatives has likewise been admirably complete. The result of 15 years of diligent effort is the excellent South Umpqua River proposal—Days Creek Lake—that has been approved by the Office of Management and Budget and included in the omnibus rivers and harbors authorization bill.

In closing, let me repeat the critical nature of proceeding as rapidly with this project as possible. As Governor of Oregon during the 1964 floods, I dealt firsthand with the devastation those floods caused. I was in Oregon this past weekend to see evidence in several areas of the severe damage caused by these 1974 floods. I hope we approve the Days Creek project as a part of this Senate bill. In addition, I certainly hope the House conferees will accept it. To me, the merits of this project are clear, and work should begin on it.

I also would like to call attention briefly to the packet of information I have presented regarding the floods of last week. This very remarkable packet of pictures and documents supplements the material in my remarks in providing dramatic evidence of the devastation of these most recent floods.

I recognize that the printed CONGRESSIONAL RECORD cannot portray the damage shown in these pictures. Yet I think they show what the residents of Douglas County have had to live with from these cyclical floods. The damage to farmlands, the ruination of many homes, the disruption of businesses, the numerous other results of the flooding are shown in these pictures.

One picture is of personal interest to me. As I mentioned earlier, I visited Roseburg late last summer, and was able to walk across the river on the rocks. This was when the streamflow was around 30 cubic feet per second. One of these pictures shows the low-water level that day, and to compare that with the devastation and the human misery caused by these floods expresses in sum why we must approve this project. We have gone in less than 6 months from a near stagnant river level to a flood of major proportions.

I think the committee chairman for

his review of this material, and I ask unanimous consent that the letters from officials included in the material appear at this point in the RECORD.

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

BOARD OF COMMISSIONERS,
Roseburg, Ore., January 18, 1974.
Re Days Creek Lake project.
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: This letter is in furtherance of our former presentations urging approval of the Days Creek Lake Project for Douglas County, Oregon. The accompanying photographs taken several hours after the waters began receding depict some of Douglas County's areas hit hardest by the flood waters of the South Umpqua River on January 15 and 16, 1974. While this most recent flood fortunately did not reach the disastrous \$24 million proportions of the flood of 1964, it did cause damage to private property in the amount of \$5,744,750 as evidenced in a statement attached herewith from the Douglas County assessor.

The Douglas County engineer estimates \$900,000 damage to county-maintained roads alone with no figures yet available for damage to state and federal highways and private roads.

Floods of this magnitude have inundated large areas of Douglas County on at least a ten-year cycle. We appeal to you in the names of all of those persons in the South Umpqua River drainage, and particularly those who sustained loss or great inconvenience, for affirmative action on the Days Creek Lake Project.

Very truly yours,

RAY E. DOERNER,
Chairman, Board of County Commissioners of Douglas County, Ore.

ROSEBURG, OREG.,
January 17, 1974.

U.S. Senator MARK O. HATFIELD,
U.S. Senator ROBERT PACKWOOD,
Congressman JOHN DELLENBACK,
Congressman WENDELL WYATT,
Congressman AL ULLMAN,
Congresswoman EDITH GREEN.

DEAR OREGON CONGRESSIONAL DELEGATION: As Mayor of the City of Roseburg, representing one of the communities of Douglas County hard hit by the recent flood, I urge the Oregon Congressional Delegation to expedite the Rivers and Harbors Authorization Bill which includes the Days Creek Dam.

The Days Creek Dam proposed on the South Umpqua would provide the necessary storage, preventing the needless loss of life and property that we have experienced through almost every flood along the South Umpqua River.

The County of Douglas has been declared as a disaster area due to many of our areas in the southern part of the County being hard hit by the flood.

It is estimated 200 families were evacuated from homes due to the high water. Many people were out of work because of floods, industries were shut down, schools were closed. A good number of our roads and other transportation systems were inundated and several cities along the South Umpqua were isolated from the rest of the County because of high water.

It is our understanding that the River and Harbors Authorization Bill will be one of the first measures to be considered by the U.S. Senate when it convenes on Monday, January 21. Whatever additional efforts of persuasion that you might give to the passage of this bill will be greatly appreciated by the citizens of Douglas County.

Each year that passes without an approval of the Days Creek Dam only means suffering and loss of life and property to the people

of Douglas County. We need your help, we need it now and we need it badly.

Very truly yours,
WILLIAM T. EVANS,
Mayor.

ROSEBURG, OREG., January 17, 1974.

U.S. Senator MARK O. HATFIELD,
U.S. Senator ROBERT PACKWOOD,
Congressman JOHN DELLENBACK,
Congressman WENDELL WYATT,
Congressman AL ULLMAN,
Congresswoman EDITH GREEN.

DEAR OREGON CONGRESSIONAL DELEGATION: Each of you know me personally and know my interest in watershed development and soil and water conservation. For several years I have served as Chairman of Umpqua Water Resources Development Association, a group that was incorporated in 1968 to promote the livability through development of Water Resources in our county.

Recently I was appointed Chairman of the Douglas County Water Resources Board by the County Commissioners. Both the UWRDA and the Douglas County Water Resources Board have worked cooperatively in seeking a project that would control the flood waters of the South Umpqua River. Last summer we were so short of water that the river was virtually dry and industries were nearly at a standstill, communities were suffering for lack of domestic water, irrigation was curtailed and now this week we have been hit with one of the County's worst floods since 1964, destroying property and loss of life that has listed Douglas County as a disaster area due to high water.

The one project that has County approval by the residents of this County, the State of Oregon and the Army Corps of Engineers that would eliminate both lack of water in the summer and too much water in the winter is the Days Creek Dam.

We urge you to expedite early approval of the River and Harbors Authorization Bill which includes the Days Creek Dam. We need your help now and would appreciate your support in helping your state by helping Douglas County gain approval of the Days Creek Dam project.

Very truly yours,
GEORGE STUBBERT,
City Manager.

ROSEBURG AREA
CHAMBER OF COMMERCE,
Roseburg, Oreg., January 17, 1974.
The State of Oregon Congressional Delegation, Washington, D.C.

GENTLEMEN: In 1964, a great flood bringing disaster to Douglas County was well publicized. This week, in the year 1974, almost the same disaster has been repeated bringing great damage to our area and making over 200 families homeless. It will be months before the exact cost will be available on losses to the citizens of Douglas County. Accordingly, the Roseburg Area Chamber of Commerce will take this opportunity to plead its case again for the immediate passage of the Rivers and Harbor Bill currently in the United States Senate which contains the approval of the Days Creek Dam.

According to the 1974 census, there are 76,000 citizens of Douglas County. More than 90% of the citizens of the County are concentrated in the valleys through which the North Umpqua, the South Umpqua and the main stream of the Umpqua River flows. Along with the concentration of residents in the Valleys, there are located many major industries and farms that are the source of the citizens employment.

These citizens, industries and farms are affected by seasonal problems of too much and too little water. During the past sixty years flood stage on the South Umpqua River has been equalled or exceeded once every three years on the average. These floods have caused damage, anxiety, inconvenience

and have inundated large areas causing considerable amount of economic loss.

The following table, taken from the U. S. Corps of Engineers Flood Plan Study of 1966, shows damages sustained in the Umpqua River Basin during some of the more recent floods.

Types of damage	Flood damages in Umpqua River basin			
	1945	1955	1961	1964
Agriculture.....	\$100,000	\$674,000	\$4,000	\$5,025,000
Residential.....	2,000	554,000	40,000	6,454,000
Commercial.....	8,000	109,000	31,000	2,952,000
Industrial.....	61,000	451,000	134,000	1,824,000
Utility.....		214,000	20,000	2,885,000
Highway.....	2,000	133,000	3,000	6,205,000
Emergency.....		8,000		417,000
Total based on actual damage.....	173,000	2,143,000	232,000	25,732,000
Total based on 1965 prices and developments.....	608,000	3,493,000	274,000	25,732,000

As outlined in the above table, the 1964 flood created record damages. About 22,500 acres were inundated along the South Umpqua Rivers in that flood.

The summer in the Umpqua Valleys are probably one of the most enjoyable and livable times in the Nation. It is a time for the citizens to enjoy the recreation and fishing. But, in the summer, the South Umpqua is practically a "dead river". It becomes an almost stagnant, polluted, algae choked mess as the stream flow drops to less than 91 cubic feet. The lowest flood on record is 36 cubic feet per second.

The South Umpqua River currently does not support game fish because of the high of water temperature. In years past, this river was one of the finest for fishing and had runs of Salmon, Steelhead and Trout.

More and more, industry and the cities along the river are dependent upon the river for water supplies. Under the present water flow conditions in the South Umpqua River, in the summer time, the cities and industries are water short. If the cubic feet flow per second drops any lower, the economic effects to our area would be disastrous.

Because of the past history of the Umpqua Valleys of having too much or too little water, it is very apparent that a multiple-purpose water storage project, such as the proposed Days Creek Dam, is long overdue. The benefits of such a water impoundment project on the South Umpqua Rivers would create a great economic impact in Douglas County.

The raging floods of the South Umpqua would be controlled. The dam would return a sense of security to the citizens of the Umpqua Valleys as the control of water reduces the threat of floods and damage to property. The financial loss to industry and agriculture would be reduced.

Controlled water flow in the South Umpqua River would produce greater summer flows for municipal and industrial use. The clean, cool river would be a stark contrast to the present condition of the river and would have a major improving effect on the environment.

Augmented flows of temperature controlled water downstream in the South Umpqua River would improve the instream fishery habitat. The effect would be a return on the South Umpqua to a major sportsman's river. Once again the river would become alive with runs of Salmon and Steelhead.

The benefits of a large lake behind the Days Creek Dam would complement the growing tourist industry in Douglas County. The additional parks and recreation are in great need for a recreation minded citizenry.

The additional water, in addition to all the above, would provide irrigation from an already overworked river. It would allow the agriculture interest to put additional acreage

into irrigated crops which would more than offset the loss of agricultural land taken for storage behind the dam.

Therefore, the Board of Directors of the Roseburg Area Chamber of Commerce, in behalf of the membership representing business, industry and professionals have gone on record of being in full support of the Days Creek Dam project as proposed for the South Umpqua River. It is hoped that the Corps of Engineers and the Congress of the United States will act in all expediency in approving the project.

Sincerely,
JACK C. DAVIS.

DOUGLAS COUNTY SHERIFF'S OFFICE,
Roseburg, Oreg., January 18, 1974.
Congressional Delegation,
Washington, D.C.

GENTLEMEN: I am writing this letter in behalf of the citizens of Douglas County while I serve in the capacity of Director for Emergency Services.

The Assessors Office of Douglas County was gracious enough to assign the entire staff to given areas of the county to do a property damage assessment. That property damage assessment, not taking into consideration the damage done to roads and bridges, has amounted to \$5,744,750.

The Roadmaster has given me a road and bridge structural damage cost in the amount of \$900,000.

I am sure you gentlemen are very aware that Douglas County and various areas has gone through this type of flooding in prior years where the cost of damage was even greater than this particular flood. I certainly hope that you have viewed the damage done by this flood, or prior floods, and the damage assessment that has been created through the many floods we have had, will certainly join with the citizens of Douglas County in favor, and do all possible at the congressional level, for the approval of the Days Creek Dam.

Certainly, we realize that the building of Days Creek Dam does not, in fact, solve all of our flooding problems, but certainly it solves the greatest potential flood threat that we have in the county.

I would like to take this opportunity to express my sincere appreciation to each one of you for your interest and work contributed to this particular project.

Sincerely,
JOHN T. TRUETT,
Sheriff, and Director
of Emergency Services.

DOUGLAS COUNTY—WATER RESOURCES SURVEY—RIVER CRESTS, JANUARY 1974 AS COMPARED TO 1955, 1964 AND 1971

	Feet—				
	1974	1971	1964	1955	Flood
South Umpqua River at Tiller.....	18.34	18.45	26.7	20.85	18.0
South Umpqua River at Winston.....	32.64	30.60	34.0	31.55	26.0
South Umpqua River at Roseburg.....	30.50	27.83	34.05	29.20	22.0
Cow Creek at Riddle.....	27.89	24.09	27.8	27.35	18-22
North Umpqua River at Winchester SW.....	23.3	26.4	34.2	29.14	26
North Umpqua River at Winchester Dam.....	15.70	18.2	24.2	19.8	18
Umpqua River at Umpqua.....	37.45	40.95			31-32
Umpqua River at Scottsburg.....	38.50	38.31		47.3	29
Umpqua River at Elkton.....	44.20	43.63	51.9	45.0	33

RESULTS OF HIGH WATERS OF JANUARY 15 AND JANUARY 16, 1974

South Umpqua River at Tiller crested at 18.34' at 1900 on 1/15/74.
South Umpqua River at Winston crested at 32.64' at 0300 on 1/16/74.
South Umpqua River at Roseburg crested at 30.50' at 0500 on 1/16/74.
Cow Creek at Riddle crested at 27.89' at 1900 on 1/15/74.

North Umpqua River at Winchester Dam crested at 15.70' at 2300 on 1/15/74.
Steamboat Creek crested at 12.27' at 2200 on 1/15/74.

North Umpqua River at Brown's Bridge crested at 23.3' at 0300 on 1/16/74.
Deer Creek nr. Roseburg crested at 12.8' at 1230 on 1/15/74.

Umpqua River at Elkton crested at 44.20' at 12 noon on 1/16/74.
North Umpqua below Steamboat nr. Glide crested at 15.81' at 2330 on 1/16/74.

SUMMARY OF PROPERTY DAMAGE ASSESSMENT DUE TO FLOODING JAN. 15-18, 1974 PERIOD

Area	Families, people evacuated	Houses flooded	House damage	Businesses flooded	Business damage	Industries flooded	Industrial damage	Utilities flooded and utility damage	School closure	General and miscellaneous	City streets	Area, total
Reedsport-gard		32	\$36,000	6	\$7,500	6	\$300,000		\$7,500	\$50,000		\$401,000
Elkton-Scottsburg	1	1	2,000					City water—\$5,000	5,000	100,000		112,000
Drain, Yoncalla, Oak	15	5	5,000			1	150,000		25,000	50,000	\$20,000	250,000
Sutherlin-Umpqua	4		1,000						10,000	75,000		86,000
Roseburg, Deer Cr.	200	52	189,500					2—\$1C3,500	20,000	100,000	32,950	445,950
Winston-Green	75	25	50,000	1	10,000				5,000	210,000		275,000
Myrtle Creek	115	175	1,061,500	21	108,500	1	250,000	Public—\$100,000; Cal-Pac—\$35,000	15,000	50,000		1,620,000
Dillard	125	76	200,000	5	25,000	4	150,000			150,000		525,000
Riddle	25	25	37,500			1	500,000		5,000	25,000		567,500
Canyonville				1	5,000			City water out—\$100,000		50,000		155,000
Glendale	50	75	306,000	20	20,000	2	410,300	City water—\$1,000	15,000	250,000		1,002,300
Melrose-Gard. V	25	8	50,000			1	5,000	Umpqua Basin—\$50,000		200,000		305,000
Gilbe ¹												
Total	695	474	1,938,500	54	176,000	16	1,765,300	8—\$394,500	107,500	1,310,000	52,950	5,744,750
Estimated total damages not including roads.												

¹ No damage found.

DAYS CREEK DAM

Mr. PACKWOOD. Mr. President, I rise today to support final passage of S. 2798, the so-called rivers and harbors bill.

This bill includes an authorization of \$400,000 for the design memorandum of Days Creek Dam. It is critically important to thousands of citizens in southwestern Oregon.

Mr. President, I returned Sunday night from a 10-day visit to Oregon. While I was there I visited the storm-ravaged Douglas County. I viewed the thousands of acres flooded by the South Umpqua River. I saw the uninhabitable homes, mud slides, and human misery accompanying the loss of lives and livelihood.

As I viewed this devastation, Mr. President, I kept asking myself why it had to happen. And the frustration for me and those from Douglas County is that it did not have to happen. Had the construction of the Days Creek Dam been completed, the effects of the flood would have been far less severe.

We are not talking about a project that Oregonians started thinking about last year or even 5 years ago. Days Creek Dam has been in a holding pattern for decades. In fact, the original study for this dam was authorized by the Congress on November 18, 1937.

It is a project which merits the support of my colleagues here in the Senate. The time has come for the Congress of the United States to get things moving.

The Days Creek Dam would be located just upstream from the town of Days Creek on the South Umpqua River. The project would be constructed and operated for the control of floods on the South Umpqua and Umpqua Rivers. It would store water for the summer months for the purposes of fish and wildlife enhancement, recreation, water supply, water quality control, and irrigation.

The rivers and harbors bill outlines a new two-stage procedure to be followed in the authorization of public works projects. Under this system, a project would be authorized initially only through the first phase of advanced engineering and design—A. E. & D. The fully designed project, coupled with the completed en-

vironmental impact statement, would then be brought back to the Congress for further consideration.

Mr. President, I urge my colleagues to support Days Creek Dam.

Mr. BUCKLEY. Mr. President, it has been argued on the floor this afternoon that this is the "smallest" Omnibus bill in nearly three decades.

Looking strictly at the dollar figures quoted in the bill, that may be true. But I should point out that the new, two-step authorization procedure incorporated within this bill reduces sharply the cost of the bill.

There are some 23 projects that are approved only for phase I advanced engineering and design in this bill. It is safe to assume, I believe, that in most or all cases phase I approval will ultimately mean construction. While the total of these 23 projects in the bill is \$10,886,000, the ultimate cost for these 23 projects exceeds \$667,000,000.

The extrapolated cost of title I, as I calculate it, is \$1,151,000,000, with the annual authorizations calculated for a 5-year period. Adding in the cost of title II—\$780,000,000—this bill has a true probable cost approaching \$2 billion.

I ask unanimous consent that a chart showing these differences be printed at this point in the RECORD.

CHART COMPARING STATED WITH TOTAL COSTS FOR PROJECTS APPROVED FOR PHASE I ADVANCED ENGINEERING AND DESIGN IN S. 2798

Project	Bill cost	Total cost
SEC. 1		
Virginia Beach, Va.	\$954,000	\$17,010,000
Buena Vista, Va.	665,000	11,561,000
Camp Ground Lake, Ky.	330,000	50,000,000
Bowie Creek, Miss.	390,000	32,410,000
Pearl River, Miss.	310,000	30,146,000
Greenville Harbor, Miss.	200,000	17,100,000
Warren to Wilkinson Counties (Natchez area), Miss.	150,000	11,100,000
Warren to Wilkinson Counties (Vicksburg-Yazoo), Miss.	150,000	7,727,000
Bushley Bayou, La.	300,000	13,350,000
Zumbro River, Rochester, Minn.	150,000	33,922,000
Roaring River Reservoir, N.C.	400,000	10,758,000
Curry Creek Reservoir, Ga.	400,000	17,757,000
Dalton Reservoir, Ga.	440,000	44,300,000
Blanco River, Tex.	177,000	42,271,000
Arkansas River, Colo.	1,140,000	47,091,000
Center Creek, Mo.	150,000	14,500,000
Libby Reregulating Dam, Mont.	75,000	16,000,000
Days Creek Dam, Oreg.	400,000	113,000,000

Project	Bill cost	Total cost
SEC. 2		
Lower Rio Grande, Tex.	600,000	21,000,000
SEC. 3		
Potomac Valley	1,400,000	80,321,000
SEC. 4		
Corpus Christi Harbor	465,000	(¹)
SEC. 23		
Big Sandy River-Tug Fork Valley	1,290,000	(¹)
SEC. 32		
Pattonsburg Dam, Mo.	350,000	28,620,000
Total	10,886,000	\$667,944,000

¹ Unknown.
² Plus 2 sections of unknown cost.

AMENDMENT NO. 936

Mr. BUCKLEY. Mr. President, I call up my amendment No. 936. This is the amendment that has a limitation of 10 minutes to the side.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 77, beginning with the word "or" on line 19, strike out all through the word "Act," on line 23, and insert in lieu thereof the phrase "in this Act,".

Mr. BUCKLEY. Mr. President, this amendment should be referred to as the Buckley-Proxmire amendment. It, in effect, is a compromise between the Proxmire amendment and the position taken by the Committee on Public Works. It would restrict the scope of section 65 of S. 2798. I circulated information on this amendment to my colleagues last week. I trust that they are familiar with its intention and effect.

Section 65 prevents the use by the Corps of Engineers and other agencies of a more realistic interest rate in computing the costs and benefits of a Federal water resources project.

I should point out that this amendment represents a compromise proposal. My initial inclination in committee and on the Senate floor was to introduce an amendment to wipe out the old, un-

realistic interest rates entirely. For that reason, I supported enthusiastically the earlier amendment introduced by Senator PROXMIRE.

But I can understand the reluctance of some of my colleagues in supporting that approach. For that reason, I developed this second approach as a compromise. It does not disturb any "old" projects. All it says is that a phase I updating of the physical factors of a project shall include the development of up-to-date financial information.

As reported by the committee, section 65 would continue the use of the older, subsidized interest rates on all water resource projects authorized prior to this bill, on all projects authorized in whole in this bill, and all projects authorized for phase I advanced engineering and design. My amendment would direct the corps to use the more realistic interest rate on these projects when a construction authorization is sent to the Congress.

The committee adopted this new phase I authorization approach from the House bill to give us a more complete evaluation of a project's costs and benefits before it is approved for construction.

The phase I approach will enable us to obtain up-to-date information on the physical and environmental aspects of any particular project. But to make a reasoned decision on that project, we also need up-to-date financial analysis as well. Use of the new interest rate formula would assure a realistic evaluation or costs.

The alternative of using antique interest rates would upset the whole rationale for the two-step authorization project, I believe.

Let me call the attention of my colleagues to the laudable sentiment that appears on page 9 of the committee report in describing the intent of the two-step authorization process:

The Committee has adopted this change in procedure in recognition of its growing concern over the major changes that often take place in water resources development projects between the time a project is first proposed for authorization and the time detailed plans are prepared for construction. While the Committee recognizes the need to refine plans to make them responsive to changing public attitudes and needs that develop during the post-authorization planning period, and to newly enacted legislation and policy changes, the changes incorporated in the project plans are often of such magnitude that the scope of the project is materially changed or that alternative solutions may prove to be more acceptable in the overall public interest. Under these circumstances, the Committee has adopted the procedure prescribed in this section to give the Congress the opportunity to reaffirm or modify its previous authorization in keeping with the new information that becomes available. This requirement is compatible with procedures previously adopted by the Corps of Engineers for advanced engineering and design and in the opinion of the Committee will facilitate moving ahead with needed water resources development projects which are responsive to more current conditions.

The Phase I design memorandum stage of advanced engineering and design is defined to include post-authorization studies that are necessary to establish the basic de-

sign and scope of the project, and to appraise its justification and public acceptability under current conditions.

Then, on the following page in the report, the committee lists a number of specific items that are to be brought up to date before authorization of project construction. Among those items were:

- d. Provide the basis for a reliable, up-to-date estimate of project cost. . . .
- f. Establish the current economic aspects of the project.

Let me ask how can the corps hope to make such an assessment if it is locked into the use of out-of-date interest rates?

Many of my colleagues may honestly decry the current cost of borrowing as being too high. They will say, with some justification, that the use of a cost-of-borrowing rate will make some seemingly worthy projects uneconomical. But whether we like it or not, relatively high interest rates are now a fact of life. It costs the American taxpayer, through their government, about 7 percent to borrow long-term money today. If that is what it costs to borrow, then I believe that is the rate that should be used in computing the costs and benefits of water resource projects. Subsidizing water development projects through the use of unrealistically low interest rates to magically produce a favorable benefit-cost ratio merely takes money out of some other facet of the economy where that money could be used more productively.

The formulation of the 6 $\frac{1}{8}$ percent rate is not arbitrary. Treasury Secretary Shultz made this comment in a letter to Senator BAKER on the subject:

The formula in the 1973 regulations is substantially the same as the formula in OMB Circular No. A-70, which prescribes the method for determining interest rates on direct Federal loans—the use of this approach has also been recommended by GAO for cost analysis of Federal activities generally and for water resource projects particularly.

There may be questions raised over the difference between the old and new rates, since both are based in the "yield" rates on Federal debt issues.

Secretary Shultz explained this difference in his letter to Senator BAKER:

The major reason for the differences in the discount rates produced by the 1968 and 1973 regulations is that the 1973 regulations permit us to ignore the yields on certain low coupon issues which are selling at deep discounts and are clearly not in line with the rates the Treasury would currently be required to pay on new borrowings.

Some people argue that new interest rates represent an incursion on congressional policymaking. I would point out that the Congress specifically authorized the President to propose and implement these changes when it established the Water Resources Council with passage of the Water Resources Planning Act of 1965 (Public Law 89-80). That law, as I read it, expressly delegated to the Council the responsibility for drawing up principles and standards for water resource projects.

The law states that the Council "shall make recommendations to the President with respect to Federal policies and programs." The act goes on to say:

(Title 42, Section 1962a-2)

The Council shall establish, after such consultation with other interested entities, both Federal and non-Federal, as the Council may find appropriate, and with the approval of the President, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. Such procedures may include provision for Council revision of plans for Federal projects intended to be proposed in any plan or revision thereof being prepared by a river basin planning commission. (Pub. L. 89-80, Title I, Sec. 103, July 22, 1965, 79 Stat. 245.)

I ask unanimous consent that a copy of the discount rate formula issued in 1968 (1) and the one issued in the Federal Register last September be printed at this point in the RECORD.

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

SUBPART E—STANDARDS FOR PLAN FORMULATION AND EVALUATION

§ 704.39 Discount rate.

(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity: Provided, however, That in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year. The average yield shall be computed as the average during the fiscal year of the daily bid prices. Where the average rate so computed is not a multiple of one-eighth of 1 percent, the rate of interest shall be the multiple of one-eighth of 1 percent nearest to such average rate.

(b) The computation shall be made as of July 1 of each year, and the rate thus computed shall be used during the succeeding 12 months. The Executive Director shall annually request the Secretary of the Treasury to inform the Water Resources Council of the rate thus computed.

(c) Subject to the provisions of paragraphs (d) and (e) of this section, the provisions of paragraphs (a) and (b) of this section shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the second session of the 90th Congress.

(d) Where construction of a project has been authorized prior to the close of the second session of the 90th Congress, and the appropriate State or local governmental agency or agencies have given prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to the effective date of this section, and that rate shall continue to be used for such project until construction has been completed, unless the Congress otherwise decides.

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the discount rate to be used in plan formulation and evaluation during the remainder of the fiscal year 1969 shall be 4 $\frac{1}{2}$ percent except as provided by paragraph (d) of this section.

(f) Section V. G. 2 of the interagency agreement dated May 15, 1962, approved by the President on May 15, 1962, entitled "Policies, Standards, and Procedures in the

Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources," and published on May 29, 1962, as Senate Document No. 97, 87th Congress, 2d Session, is superseded by the provisions of this section.

This section shall be effective upon publication in the FEDERAL REGISTER.

[F.R. Doc. 68-15365; Filed, Dec. 23, 1968; 8:51 a.m.]

D. THE DISCOUNT RATE

The discount rate will be established in accordance with the concept that the Government's investment decisions are related to the cost of Federal borrowing.

(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the estimated average cost of Federal borrowing as determined by the Secretary of the Treasury taking into consideration the average yield during the twelve months preceding his determination on interest-bearing marketable securities of the United States with remaining periods to maturity comparable to a 50-year period of investment: *Provided, however,* that the rate shall be raised or lowered by no more than or less than one-half percentage point for any year.

When the average cost of Federal borrowing as determined by the Secretary of the Treasury exceeds the established discount rate by more than 0.25 percentage points, the rate shall be raised 0.5 percentage points. When the average cost is less than the established rate by more than 0.25 percentage points, the rate shall be lowered 0.5 percentage points.

(b) The Water Resources Council shall determine, as of July 1, the discount rate to be used during the fiscal year. The Director of the Water Resources Council shall annually request the Secretary of the Treasury during the month of June to advise the Water Resources Council of his determination of the average cost of Federal borrowing during the preceding twelve months.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the discount rate to be used in plan formulation and evaluation during the remainder of the fiscal year 1974 shall be 6½ percent.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that a copy of a letter to Senator BAKER from Treasury Secretary Shultz discussing interest rate computations be printed at this point in the CONGRESSIONAL RECORD.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C., November 5, 1973.

DEAR SENATOR BAKER: This is in response to your letter of October 29 in which you requested information regarding alternative methods for computing the discount rate for use in evaluating the costs and benefits of Federal water resources projects under regulations issued by the Water Resources Council in December 1968 and September 1973. In both cases, responsibility for setting the discount rate rests with the Water Resources Council. The role of the Secretary of the Treasury, as prescribed in the regulations, is to provide certain estimates of the cost of Treasury borrowing based on average market yields on long-term Treasury securities outstanding.

I am happy to provide the following answers to the three questions in your letter.

1. The discount rates which would have been used each fiscal year under the 1968 regulations, if there had been no ceiling of

¾ of 1 percentage point in the annual change of the rate, are as follows:

1969, 4¾%.
1970, 5½%.
1971, 6¾%.
1972, 6¾%.
1973, 5½%.
1974, 5¾%.

2. The discount rates which would have been used during the same period under the principles and standards in the September 1973 regulations, if the initial rate for use in fiscal 1974 had not been set at 6¾ percent, are as follows:

1969, 5¾%.
1970, 5¾%.
1971, 6¾%.
1972, 6¾%.
1973, 5¾%.
1974, 6¾%.

3. The Federal debt securities used in the calculations under the 1968 regulations are, as required by the regulations, all outstanding Treasury interest-bearing marketable securities of the U.S. with terms of 15 or more years remaining to maturity. A list of these securities outstanding on October 31, 1973 is enclosed.

The first calculation by us under the September regulations will not be made until June of next year. The securities used in the calculations will be determined at the time, in accordance with the intent of the regulations, on the basis of our judgment as to which securities are most representative of the cost of Federal borrowing for a period comparable to a 50-year period of investment.

The 6¾ percent shown above for use in fiscal 1974 was arrived at simply by adding one-half percent to the 5¾ percent rate shown for 1973, because of the requirement in the September regulations that the discount rate not change by more than one-half of one percent a year. Were it not for this requirement, we would have shown a rate of 6¼ percent, based on the average yield on Treasury obligations with periods remaining to maturity of approximately 25 years. The rates shown for the fiscal years 1969-1973 are, subject to the one-half percent limitation on annual change, based on Treasury obligations with approximately 15 years remaining to maturity, because there were no longer term Treasury obligation outstanding during that period which were reasonably representative of the current cost of Treasury borrowing.

The major reason for the differences in the discount rates produced by the 1968 and 1973 regulations is that the 1973 regulations permit us to ignore the yields on certain low coupon issues which are selling at deep discounts and are clearly not in line with the rates the Treasury would currently be required to pay on new borrowings. The yields on these issues are artificially low because (1) a portion of the yield to the investor is provided by the capital gains taxation treatment of the difference between the investor's purchase price and redemption at par at maturity, (2) these issues are redeemable at par prior to maturity in payment of Federal estate taxes (P.L. 92-5 barred this privilege with respect to obligations issued after March 3, 1971), and (3) the 4¼ percent ceiling on the interest rate which may be paid on Treasury bonds produced a relative scarcity of long-term issues by precluding issuance of long-term obligations from 1965 until enactment of P.L. 92-5 on March 17, 1971, which authorized the issuance of up to \$10 billion of bonds without regard for the 4¼ percent limit. The disparities resulting from these factors are evident from the enclosed table.

The formula in the 1973 regulations is substantially the same as the formula in OMB Circular No. A-70, which prescribes the method for determining interest rates on di-

rect Federal loans. This basic formula has been adopted by the Congress in a large number of legislative enactments in recent years, including, for example, the Environmental Financing Act of 1972 which was approved by the Committee on Public Works and enacted on October 18, 1972. The use of this approach has also been recommended by GAO for cost analysis of Federal activities generally and for water resource projects particularly. (See GAO reports: "Change Proposed in Interest Rate Criteria for Determining Financing Costs of Federal Power Program," January 13, 1970; and "Legislation Needed to Revise the Interest Rate Criteria for Determining the Financing Costs of Water Resources Projects," August 11, 1972.) After a number of studies by the Congress and by Federal agencies, this approach has been generally accepted as the most effective and equitable method of estimating current Treasury borrowing costs for a wide variety of Federal lending, borrowing, and investment decisions.

Please let me know if we can be of further assistance.

Sincerely yours,

GEORGE P. SHULTZ.

TREASURY SECURITIES WITH REMAINING PERIODS TO MATURITY OF 15 YR. OR MORE AS OF OCT. 31, 1973

Maturity	Coupon rate	Price ¹	Yield to maturity
Feb. 15, 1990	3½	76.28	5.70
Aug. 15, 1987-92	4¼	78.00	6.26
Feb. 15, 1988-93	4	77.24	5.96
Feb. 15, 1993 ²	6¾	94.20	7.27
Aug. 15, 1988-93 ³	7½	101.14	7.36
Aug. 15, 1988-93 ³	7½	101.12	7.37
May 15, 1989-94	4½	78.16	5.95
Feb. 15, 1995	3	76.27	4.74
May 15, 1993-98 ³	7	96.24	7.29
Nov. 15, 1998	3½	76.26	5.16

¹ Closing bid price expressed as a percentage of par. Decimals are thirty-seconds.

² Trading on a when issued basis.

³ Securities which would be considered for the purpose of calculating average yields under the Sept. 10, 1973 regulations issued by the Water Resources Council.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Nov. 2, 1973.

Mr. BAKER. Mr. President, I shall support the Buckley amendment striking the exception from the new discount rate to be used in the planning and formulation of projects, made in this bill for the projects authorized for phase I design.

The committee made its decision to accept the new discount rate, published by the Water Resources Council and adopted by the President, on the grounds that the cost of money to the Government—particularly the cost of long-term money—is an appropriate charge in the formulation of water resources projects. I support that decision, for I consider it a sound judgment that Federal projects reflect the long-term cost of borrowing. I point out that in taking this action, the committee did not approve a higher charge, such as the so-called opportunity cost of money, or a discount rate radically increased from present practices which could have the effect of making infeasible many needed projects which otherwise might be justified.

The committee bill exempts from the new rate not only projects heretofore authorized for construction, but also those authorized in this bill for phase I design, which will later come before the Congress for the authorization for construction—and, of course, before the Appropriations Committees for funds to initiate and

complete construction. I do not think that at this time we should foreclose their consideration at the discount rate which will then be applicable. So, it seems to me that the Senator from New York is on sound ground.

Whether his amendment is adopted or not, however, I note that when these projects come back for construction authorization—and as a matter of fact whenever any project is before the Appropriations Committees for the initiation of construction—any Member may inquire as to what the cost/benefit ratio would be if calculated at the current discount rates. That is, whether or not the project would be feasible as formulated under the procedures then being applied to new projects. I believe such inquiries have been made in the past, and for those who are interested in comparing the benefits and costs of these proposals, and in establishing priorities—which, of course, should include human factors and local needs as well as economics—such inquiry will continue to be informative.

I credit the junior senator from New York for his responsible actions and continuing interest.

Mr. BUCKLEY. Mr. President, I can summarize my position very simply. The committee has accepted the principle that in the future we must apply realistic rates of interest in order to determine whether we are obtaining fair value for our Federal funds.

My amendment would not extend this principle to projects that have gone through the full authorization process. It would affect only those approved for phase I analysis. So, in conformity with the principles of phase I authorization, we should review all factors that are pertinent: not only physical and environmental factors, but also financial ones.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second. The Senator from Alaska has 10 minutes remaining.

Mr. GRAVEL. I am happy to yield my colleague from New York additional time if he desires.

Mr. BUCKLEY. Mr. President, I am very grateful to the Senator from Alaska for yielding me a minute.

Mr. GRAVEL. I am happy to yield the Senator 2 minutes.

Mr. BUCKLEY. If I may reserve that minute so that I may later ask for the yeas and nays. I have no further statement to make at this time.

Mr. GRAVEL. Mr. President, I ask unanimous consent to lay aside the pending amendment and the amendment to the amendment, so that we may take up an amendment offered by the Senator from Illinois.

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

Mr. STEVENSON. Mr. President, I call up my Amendment No. 917.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. STEVENSON. I ask unanimous

consent that further reading of the amendment be waived.

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

Mr. STEVENSON. Mr. President, I ask that the amendment be modified by a technical correction in conformity with the star print copy of the amendment which is at the desk.

The PRESIDING OFFICER. The Senator's amendment is so modified.

Mr. STEVENSON's amendment, as modified, is as follows:

On page 39, line 14, insert the following: "\$10,000,000" in lieu of "\$5,000,000".

On page 39, line 16, strike "and" the second time it appears on that line.

On page 39, line 18, strike "." and insert in lieu thereof "and by striking out 'of emergency bank-protection works to prevent flood' and inserting in lieu thereof 'repair, restoration, and modification of emergency streambank and shoreline protection works to prevent'".

Mr. STEVENSON. Mr. President, I have discussed the amendment with the distinguished manager of the bill. It simply gives the Army Corps of Engineers the same authority with respect to erosion of shorelines along lakes, oceans, and gulfs as it now has with respect to streambank erosion.

Mr. President, the Army Corps of Engineers has cataloged 2,700 miles of critically eroding shoreline. This erosion threatens public roads, utilities, buildings, and recreation facilities. In many locations the danger is imminent. If action is not taken soon there will be nothing left to save.

Yet neither the Army Corps of Engineers, nor any other Federal agency, has the authority to assist communities and nonprofit institutions threatened with imminent loss of irreplaceable soil, shore, and appurtenant properties along lakes and oceans.

The corps does have authority to treat emergency erosion along streambanks. Section 12(f) of S. 2798 expands that authority. I see no significant difference between shorelines and streambanks in this regard. The damage to each can be severe and destructive of public properties.

This amendment would make shorelines eligible for the same emergency assistance as streambanks. To effectuate this purpose the amendment increases the section 12(f) authorization from \$5 to \$10 million. I would expect that the corps would divide the \$10 million fund equally between shorelines and streambanks.

Mr. President, I believe this amendment accords with the general principles evidenced by S. 2798's shoreline and streambank erosion provisions. Those provisions recognize the need for increased Federal involvement in these important environmental problems, and I commend the committee for its steps in this direction. Yet the committee's efforts would be more complete if they contained some provision for meeting our Nation's immediate needs. My amendment does that by authorizing the Army Corps of Engineers to act to save those roads, churches, hospitals, public beaches, and recreation areas, and public works most threatened by erosion, along our

ocean, gulf, and Great Lake shorelines. With that amendment, this bill will aid significantly the effort to save our shoreline.

I am hopeful, after having discussed the amendment with the distinguished Senator from Alaska, that the committee might be prepared to accept the amendment and eliminate a discrimination in the law against those communities and areas that abut oceans and lakes, as opposed to stream banks and rivers. I hope that the committee will accept the amendment.

Mr. GRAVEL. Mr. President, we have consulted the members of the committee on this particular amendment, and I think that it represents a compromise from our point of view on the subject that the Senator from Illinois has pressed for very diligently. So at least for my part, I am ready to accept the amendment and take it to conference.

Mr. WILLIAM L. SCOTT. Mr. President, I am not going to object to nor work against the amendment. I do have a concern about the overall cost of this bill. This would increase the cost, I understand, by \$5 million. I understand it is a worthwhile thing, but we are going to have more and more worthwhile activities in our various States; so again, while the amendment is acceptable to me, I would hope that we might have fewer or no more of these amendments, certainly, costing in the millions of dollars.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. HATHAWAY). The question now recurs on agreeing to the amendment of the Senator from New York.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BUCKLEY. I ask unanimous consent that a vote on my amendment be scheduled to follow immediately after the vote on the Proxmire amendment.

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

Mr. BUCKLEY. Mr. President, I relinquish the remainder of my time on my amendment.

Mr. GRAVEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

Mr. PEARSON. Mr. President, I should like to inquire of the distinguished Senator from Alaska, the manager of this

bill today, about an amendment which has been accepted by the Senate on two prior occasions, once when it was accepted in a bill which was subject to veto, and another time when passed by the Senate as a part of legislation not considered in the House.

That proposal, which was considered by the committee during the consideration of this bill, was one which dealt with provisions made for access roads to Federal lakes, and I have reference particularly to three Federal lakes within the State of Kansas. Two of these lakes are Pomona and Melvern in Osage County, and the other is Tuttle Creek in Pottawatomie County, Kans.

In Osage County, local officials have literally exhausted all possible funds to take care of the enormous traffic which has come into the area of the two lakes, particularly during the recreational seasons. The dust, the traffic—indeed, the environmental problems have been very great. I think it makes no sense at all to provide for these enormously beneficial lakes and then provide no way for people to get in or out. Much the same situation exists with regard to the Tuttle Creek project.

The proposal provided \$500,000 for the two lakes in Osage County, and \$500,000 for the one lake in Pottawatomie County which is the Tuttle Creek Reservoir. I note with great satisfaction that this particular proposal has been adopted by the House. I note also that the Senate has, on two prior occasions, as I have indicated, seen the wisdom of adopting this sort of program. So I had an amendment to provide for these improvements and I have discussed them with the chairman of this subcommittee, the able manager of this bill.

I would therefore like to inquire as to what he sees as the possible future for these kinds of improvements and what he may see as to how we may accommodate this bill to this particular proposal. These are questions of parochial interest, but they touch on the larger issue of what we are going to do with these problems in future days.

Mr. GRAVEL. Mr. President, there is no question in my mind that the Senator from Kansas has defined the situation accurately. We have expended moneys to provide for the lakes and these kinds of projects, but then we do not come forward with the necessary money to provide for the appurtenances or the improvements on the land to make them immediately available to the people so that they can enjoy them.

The committee went on record against the proposal, I am chagrined to say. If it were not for that, I would be prepared to accept the amendment at this time. But since the committee is on record, let me assure the Senator from Kansas that the issue will be pressed in the House bill since it is in the House bill, and the conferees will press the issue very strongly. It will be my view to accede to any House pressure in this regard.

Mr. PEARSON. I thank the able Senator from Alaska. I have every confidence in the conferees, and that the Senator will be most vigorous in seeing to it that we get a start on this particular program.

I also want to thank the other members of the Public Works Committee for scheduling hearings on this proposition, so that in the future we will have some program available and will not have to come in here with amendments piecemeal but have an effective program in the years ahead. I thank the Senator very much.

Mr. DOLE. Mr. President, I wish, as a member of the Public Works Committee, until January 1973 to address several points concerning the Water Resources Development Act.

This is the third water resources measure to be considered by the Senate in little more than a year. The first, S. 4018, in the second session of the 92d Congress, passed Congress, but was vetoed by the President. The second, S. 606, was passed by the Senate in February 1973, but did not receive consideration by the House. Today we consider the third bill, S. 2798, which was reported by the Public Works Committee in December 1973.

I believe this bill, as did the others, takes a constructive approach to the job. However, it omits two provisions dealing with projects in Kansas which were considered during the course of action on the previous two bills and which were included in them.

ROAD IMPROVEMENTS FOR MELVERN, POMONA, AND TUTTLE CREEK LAKES

They deal with road improvements in the facility of three Federal lakes and recreation areas, Melvern and Pomona Lakes in Osage County and Tuttle Creek Lake in Pottawatomie County. These improvements have been made necessary because of the heavy traffic generated over local roads and highways near these lakes. And I would imagine that the energy crisis will draw even greater numbers of individuals and families to these facilities as long-distance driving is limited.

By way of explanation of the need for these three projects, I attach as appendix I my introductory remarks for S. 46, a bill sponsored by Senator PEARSON and myself, to deal with the Osage County situation growing out of Melvern and Pomona Lakes. The circumstances involved with Tuttle Creek Lake in Pottawatomie County are quite similar.

These projects have been approved twice by the Senate. They are now contained in the House version of the Water Resources Act, and I believe it would be appropriate for the Senate to include them in S. 2798. Therefore, I have joined with Senator PEARSON in sponsoring an amendment to restore these projects to the bill. As appendix II, I attach the language of the conference report on S. 4018—92d Congress—discussing approval for these projects.

BRIDGE LOCATION FOR ONAGA LAKE

I wish to call attention to section 22 of the bill which provides authority for advance relocation of a bridge involved in the Onaga Lake project.

This section is identical to S. 45 which I introduced in January 1973, and I believe it is a constructive measure, meeting a real need of local citizens without any additional expense to the Federal Government.

As appendix III, I include the text of my introductory remarks for S. 45.

INCREASED FUNDING FOR SMALL FLOOD CONTROL PROJECTS

I also wish to compliment the committee for its work on section 75 which increases the ceilings on Federal funding for local flood control projects to \$2 million. These projects are vitally important to many small communities in Kansas which face the threat of recurring floods each year. As the report points out, inflation has raised the costs of these projects by more than 90 percent since the last congressional action on a ceiling in 1962. The result has been real hardship on many localities which cannot bear these increased costs through their own resources and which, therefore, have been unable to proceed with providing the necessary flood protection for their citizens, their homes, and businesses.

By increasing the annual Federal expenditure on such projects to \$50 million and the limitation on the Federal share for any individual project from \$1 million to \$2 million, Congress will provide significant assistance to many Kansas communities which are actively seeking to increase their level of protection from disastrous floods.

EXPEDITED CONSTRUCTION FOR SMALL PROJECTS IN DISASTER AREAS

A second provision of section 75 provides much-needed flexibility and capability for the Corps of Engineers to construct these small local protection projects in areas which have been victimized by major disasters. It authorizes \$25 million to enable the Chief of Engineers to proceed with the construction of small projects without the time-consuming requirement for congressional approval.

Many Kansas communities which did not have existing or previously authorized flood protection projects suffered major flood damage with last year's unusually heavy precipitation, and a program to protect them from recurrence of similar catastrophes on a priority and expedited basis will be most valuable. The same dollar limitations on Federal participation and the requirements for local cooperation as for any such small project will apply. And I believe this step will be one of the most worthwhile and important actions taken by Congress in the management of our water resource.

REVIEW OF ACCESS PROBLEMS

I am also pleased that, following my appearance before the Public Works Committee, language was included in the report to express the committee's awareness of the problems of providing safe and adequate access to Federal lakes and their recreation facilities. And I wish to express my appreciation to the committee for its commitment to review these problems in its 1974 oversight hearings.

I believe the committee has recognized an important area of concern for the Federal Government, and I look forward to participating in these upcoming hearings.

The texts of the three appendices are as follows:

APPENDIX I

By Mr. DOLE (for himself and Mr. PEARSON):

S. 46. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

ROAD AND BRIDGE CONSTRUCTION ASSISTANCE FOR OSAGE COUNTY, KANS.

Mr. DOLE. Mr. President, construction of a Federal multipurpose dam and reservoir is a highly valuable addition to any county or region. The construction process initially has a favorable economic impact in the area. And completion of the facility often means assurance of nearby communities' water supplies; valuable flood protection for homes, businesses and farms; and the establishment of a new leisure-and-recreation economic base for the area.

A new reservoir, however does not bestow its benefits without cost to its locality, for it necessarily removes substantial acreage from the tax rolls. A dilemma is posed in that reduction of the tax base is accompanied by an increased need for outlays to finance construction of improvements—particularly roads and bridges—which will enable the tax base to be built up through business, recreational, and residential developments.

In most cases, the problems of financing the expenditures required to stimulate this compensating growth of the tax base are within the capabilities of the affected local and State governments. Most citizens recognize the need and respond by supporting tax levies and bond issues to underwrite these costs. Frequently, such efforts require significant sacrifices, but they are made in the realization that such investments in future growth will pay handsome dividends.

Ten years ago, the Pomona Reservoir was constructed in Osage County, Kan., and it has proven to be a highly successful project, providing substantial flood protection for a wide area of eastern Kansas and proving to be an outstanding attractive recreation area with its 246,000 acre-feet impoundment in a beautiful natural setting.

But Osage County has been doubly blessed; for, now nearing completion is the 360,000 acre-feet Melvern Reservoir. Completion of Melvern will make Osage County one of the prime tourist attractions in the eastern Kansas-western Missouri area and will give the county a unique status in having two Federal reservoirs within its borders. But while this county has benefited substantially from the development of its water resources, it must contend with an unusual set of problems raised by this double helping of attractive features.

Only 13,000 people live in this county, and some 12,000 acres of its most valuable agricultural land have been removed from the tax base. Thus diminished, the tax rolls have been squeezed, and the burdens of the taxpayers have, for the time being, been increased. Even so, the citizens of the county have welcomed and supported these additions to their area. In recognition of the need to stimulate the lakes' business, recreational and residential development by making them more accessible, a countywide \$1.5 million bond issue has been passed to support a replacement program for the oldest and most unsafe bridges. But the capacity of local citizens to do more is seriously limited. The State of Kansas has also made an effort to help by improving the highway which runs near both reservoirs, but much more must be done.

I would point out that the improvement of these roads and highways is not simply a matter of local economic interest. It also reflects a broader public interest in seeing that these federally funded projects return the maximum possible benefits for the American taxpayer's dollar, and those returns can be measurably enhanced by making access to those reservoirs easier and safer for visitors. Nearly 1 million people visited the Pomona

Reservoir last year, and more than 7 million have come since it opened. When Melvern also becomes operational, the volume of visitors can be expected to increase substantially and thereby overtax the local bridges and roads which were originally designed and constructed with no idea of carrying the volume of traffic which they are now facing. A first-rate crisis in terms of capacity, accessibility and safety will occur unless major steps are taken to expand and improve the local road and highway system.

Therefore, I am introducing legislation to provide authority for the Army Corps of Engineers to undertake a substantial road improvement program for Osage County in the vicinity of the Melvern and Pomona Reservoirs.

I have been in contact with the Osage County Commissioners and am aware of the major efforts the county has undertaken to solve the problem on its own. Yet, there is only so much that can be done locally and additional assistance should be made available.

Therefore, I would hope this proposal can receive favorable and speedy consideration so that the improvements may be completed at the earliest possible date and the visitors and residents in Osage County can be provided safe and adequate roads in the Pomona and Melvern Reservoir areas.

APPENDIX II

EXCERPTS FROM CONFERENCE REPORT

SECTION 15

This section modifies the projects for Melvern Lake and Pomona Lake, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve surface roads in the vicinity of the projects which he determines to be necessary for appropriate utilization of the projects. Not to exceed \$500,000 is authorized to be appropriated to carry out the section.

Construction of these projects has resulted in an unexpectedly large number of persons visiting them and using their recreation areas. Existing roads providing access to the project are inadequate and in need of repair. The Committee considers it only just that if the Federal Government constructs a water resources project with recreation areas, it should provide adequate access to those areas. Section 15 provides authority to do this. Its authority is limited to such work as the Secretary of the Army determines necessary for appropriate utilization of the projects.

SECTION 16

This section modifies the project for Tuttle Creek Reservoir, Kansas, to authorize the Secretary of the Army, acting through the Chief of Engineers, to improve a portion of a highway providing access to the project. This section is similar to section 15, and the reasons for it are the same—to authorize the improvement of roads needed for access to recreation areas at a Federal project.

APPENDIX III

By Mr. DOLE:

S. 45. A bill to authorize advance relocation of FAS Route 1343 in connection with the Onaga Lake project in Kansas. Referred to the Committee on Public Works.

BRIDGE CONSTRUCTION IN POTTAWATOMIE COUNTY, KANS.

Mr. DOLE. Mr. President, a situation has arisen in Pottawatomie County, Kans., as the intersection of two Federal programs has put local citizens and local government in a difficult position.

The Federal Aid Highway Act of 1968 contained a provision—section 26—calling for inspections and engineering studies to be made on all bridges in the Federal aid secondary system of roads and highways in the United States. This legislation was wise and responsive to a real need to assess the safety

of these bridges many of which are quite old and have come to carry traffic loads far in excess of their original design specifications. Throughout the country, these studies have been undertaken, and in many cases it has been shown that bridges are unsafe and should be repaired, replaced, or closed. Of course, the closing and repair of some bridges has imposed some hardships on the county governments responsible for maintenance on the FAS system. But it is generally recognized that safety should be a prime consideration for any transportation system.

Pottawatomie County in northeastern Kansas has complied with the bridge inspection law by contracting for a 3 year, \$10,000 study of its bridges, giving first consideration to those structures lying within the general area of the Onaga project of the Corps of Engineers authorized by Congress in 1962. It was felt that these structures should be studied first, because of the expected requirements for quality bridges to serve the large numbers of tourists who will be drawn to the area and because it would not be wise to expand funds for the improvement of some bridges if they are soon to be closed and flooded when impoundment begins in the lake. As it has turned out five of these bridges are unsatisfactory and should be closed. The findings of this study are not disputed, and county officials readily accept the need for this action to be taken in the interests of public safety.

But a major problem presents itself in that if all five of these bridges—which extend along 16 miles of the Vermillion Creek—are closed, a major disruption in local traffic will occur and serious inconvenience for farmers and other local residents will result.

A tantalizing element is introduced into this matter by virtue of the fact that one bridge on FAS route 1343 approximately midway along this 16-mile distance is near a site considered by the Corps of Engineers in its preliminary planning for the Onaga Lake to be desirable for a lake crossing. Construction of such a crossing would, therefore, provide an ideal solution for the traffic problems of Pottawatomie County. The problem, however, is that, although the lake project is well into development with \$250,000 appropriated in fiscal year 1973 for advanced engineering and design work, actual construction probably will not begin for 2 years.

So the county is faced with a serious need to provide a bridge to allow traffic movement across this 16-mile length of Vermillion Creek, and at the same time it sees that any money spent on improvement of one of these bridges will be wasted when the Onaga Lake is completed, both because the bridge will be inundated and because the Corps of Engineers will proceed with its road relocation plans in any event. The Corps of Engineers, as it has indicated in extensive correspondence with my office, appreciates the country's problem, but it cannot proceed with advance relocation of this FAS route on the basis of its current authority.

In view of these facts and the obvious good sense, economically and practically, of helping both the country and corps to do their jobs in the best interests of the taxpayers, I am introducing legislation to authorize the Corps of Engineers to proceed with advance relocation of FAS 1343 over the Vermillion Creek in accordance with the requirements of the Onaga Lake project.

I believe this legislation will provide the best possible solution for the problems which have been encountered. The citizens of Pottawatomie County will be able to travel through the area without unreasonable inconvenience; the county government and its taxpayers will be spared the unnecessary expense of repairing or replacing a bridge that will be of no use in 2 or 3 years; and the Corps of Engineers will be able to complete a necessary and important segment of its project in a manner which will be entirely consistent with the project's overall goals and requirements.

By Mr. DOLE (for himself and Mr. PEARSON):

S. 46. A bill authorizing the improvement of certain roads in the vicinity of Melvern and Pomona Reservoirs, Osage County, Kans. Referred to the Committee on Public Works.

ROAD AND BRIDGE CONSTRUCTION ASSISTANCE FOR OSAGE COUNTY, KANS.

Mr. DOLE. Mr. President, construction of a Federal multipurpose dam and reservoir is a highly valuable addition to any county or region. The construction process initially has a favorable economic impact in the area. And completion of the facility often means assurance of nearby communities' water supplies; valuable flood protection for homes, businesses and farms; and the establishment of a new leisure-and-recreation economic base for the area.

A new reservoir, however, does not bestow its benefits without cost to its locality, for it necessarily removes substantial acreage from the tax rolls. A dilemma is posed in that reduction of the tax base is accompanied by an increased need for outlays to finance construction of improvements—particularly roads and bridges—which will enable the tax base to be built up through business, recreational, and residential developments.

In most cases, the problems of financing the expenditures required to stimulate this compensating growth of the tax base are within the capabilities of the affected local and State governments. Most citizens recognize the need and respond by supporting tax levies and bond issues to underwrite these costs. Frequently such efforts require significant sacrifices, but they are made in the realization that such investments in future growth will pay handsome dividends.

Ten years ago, the Pomona Reservoir was constructed in Osage County, Kans., and it has proven to be a highly successful project, providing substantial flood protection for a wide area of eastern Kansas and proving to be an outstandingly attractive recreation area with its 246,000 acre-foot impoundment in a beautiful natural setting.

But Osage County has been doubly blessed; for, now nearing completion is the 360,000 acre-foot Melvern Reservoir. Completion of Melvern will make Osage County one of the prime tourist attractions in the eastern Kansas-western Missouri area and will give the county a unique status in having two Federal reservoirs within its borders. But while this county has benefited substantially from the development of its water resources, it must contend with an unusual set of problems raised by this double helping of attractive features.

Only 13,000 people live in this county, and some 12,000 acres of its most valuable agricultural land have been removed from the tax base. Thus diminished, the tax rolls have been squeezed, and the burdens of the taxpayers have, for the time being, been increased. Even so, the citizens of the county have welcomed and supported these additions to their area. In recognition of the need to stimulate the lakes' business, recreational, and residential development by making them more accessible, a countywide \$1.5 million bond issue has been passed to support a replacement program for the oldest and most unsafe bridges. But the capacity of local citizens to do more is seriously limited. The State of Kansas has also made an effort to help by improving the highway which runs near both reservoirs, but much more must be done.

I would point out that the improvement of these roads and highways is not simply a matter of local economic interest. It also reflects a broader public interest in seeing that these federally funded projects return the maximum possible benefits for the American taxpayer's dollar, and those returns can be measurably enhanced by making access to those reservoirs easier and safer for visitors. Nearly 1 million people visited the Pomona

Reservoir last year, and more than 7 million have come since it opened. When Melvern also becomes operational, the volume of visitors can be expected to increase substantially and thereby overtax the local bridges and roads which were originally designed and constructed with no idea of carrying the volume of traffic which they are now facing. A first-rate crisis in terms of capacity, accessibility and safety will occur unless major steps are taken to expand and improve the local road and highway system.

Therefore, I am introducing legislation to provide authority for the Army Corps of Engineers to undertake a substantial road improvement program for Osage County in the vicinity of the Melvern and Pomona Reservoirs.

I have been in contact with the Osage County Commissioners and am aware of the major efforts the county has undertaken to solve the problem on its own. Yet, there is only so much that can be done locally and additional assistance should be made available.

Therefore, I would hope this proposal can receive favorable and speedy consideration so that the improvements may be completed at the earliest possible date and the visitors and residents in Osage County can be provided safe and adequate roads in the Pomona and Melvern Reservoir areas.

Mr. DOLE. Mr. President, I support the position taken by my senior colleague from Kansas. I appreciate the comments of the distinguished Senator from Alaska (Mr. GRAVEL). Having just returned from Kansas last night, having been in Osage County where the two facilities are located, and having visited the county commissioners, I can understand the great strain this puts on any county's resources. As my colleague from Kansas has just said, it is a small county, the only county with two such Federal projects, and this situation has caused rather great distress insofar as revenue capabilities and the tax base are concerned.

Now, I recognize the difficulty of the Public Works Committee, having served on that committee, in accepting every amendment that comes from the floor. I recognize that the amendment is contained in the House bill and I would assume that the position stated by the Senator from Alaska would also apply to the minority conferees—the Republican conferees; so if that is the case, then we are home free. But, does the Senator from Alaska speak for all the conferees?

Mr. GRAVEL. I obviously cannot speak for all the conferees, but I think the chances are that we will succeed.

Mr. DOLE. I thank the Senator.

Would the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT) like to comment on it, at least?

Mr. WILLIAM L. SCOTT. Mr. President, I think the Senator is justified in his confidence in the Senate.

Mr. DOLE. I have not only great confidence in the Senate, but I have great confidence in the statement made by the distinguished senior Senator from Kansas (Mr. PEARSON), and also in the merits of the proposal.

Having served on the Committee on Public Works, I know that no measure is passed out of that committee without merit. At least, we did not do so when I was a member of the committee, and I do not think that policy has been changed. But this is a serious matter, one that de-

serves consideration. I join my distinguished senior colleague in expressing my thanks to both the distinguished Senator from Alaska (Mr. GRAVEL) and the distinguished Senator from Virginia (Mr. WILLIAM L. SCOTT).

The PRESIDING OFFICER. The bill is open to amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

I also ask unanimous consent that the distinguished senior Senator from Kansas (Mr. PEARSON) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in full in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 88, between lines 22 and 23, insert the following.

"Sec. —. (a) The project for Clinton Reservoir, Kansas River, Kansas, Nebraska, and Colorado, authorized by the Flood Control Act approved October 23, 1962 (76 Stat. 1193) is hereby modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct a highway in Douglas County, Kansas, to be known as the Clinton Parkway. Such highway shall run from Twenty-third and Iowa Streets in Lawrence, Kansas, westward approximately four and one-tenth miles to the Clinton Lake Access Road A and shall be constructed in cooperation with the State of Kansas and affected political subdivisions.

"(b) The Federal share of the work performed under this section shall not exceed 70 per centum of the costs of such work. The Secretary may enter into such agreements with the State of Kansas and political subdivisions thereof as he deems necessary to provide for the cost sharing and construction by such non-Federal interests of the work authorized by this section.

"(c) The highway shall be placed in the Federal-aid secondary highway system of roads and maintained by the State of Kansas or political subdivisions thereof upon completion.

"(d) There is authorized to be appropriated to the Secretary not to exceed \$6,000,000 to carry out this section.

"Re-number Sec. 83 as Sec. 84."

Mr. DOLE. Mr. President, let me state briefly that having disposed of road problems and other problems requiring attention in the State of Kansas, a more difficult situation has developed in connection with Clinton Lake, in Douglas County, Kans.

This major multipurpose Corps of Engineers project is now under construction, with impoundment of water expected to begin in 1975. When completed, it will be one of the major attractions for the city of Lawrence and for the entire northeast area of the State. Millions of people are expected to visit the lake each year to enjoy its water, its shores and many other attractive features associated with it.

The problem, however, lies in the lack of adequate access routes to the project—

particularly from the southwestern portion of Lawrence at the intersection of two major highways from the south and east of the city. At the present time only a two-lane road leads from this intersection westward to the project area, and it is entirely inadequate to carry the traffic which is expected to be going to and from the project.

By way of a further explanation of the city's plight, I ask unanimous consent that an editorial published in the *Lawrence Daily Journal-World* be printed at this point in the *RECORD*.

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

CLINTON PARKWAY

Immediate action is necessary at the city, county and state level to get work started as soon as possible on the Clinton Parkway route. Water is scheduled to be impounded in Clinton Reservoir starting in 1975, yet some local officials are talking about not contracting the road work until 1976, and one spokesman speculated the project might take eight years to complete. Lawrence and Douglas County cannot afford to stumble around, twiddle their thumbs and do nothing.

Whether the Corps of Engineers, the Environmental Protection Agency, the Department of Interior or some other office has thrown the city, county and state a curve relative to making new requests for information about the impact of the roadway, it is essential that action be taken to get the necessary reports prepared as soon as possible and quit talking about the project taking eight years to complete.

The Corps of Engineers predicts three million visitors a year shortly after Clinton is opened, and evidently one study talked about 10,000 vehicles a day using the Parkway. Imagine what Twenty-Third Street and the already dangerous roadway now providing access to the Clinton Reservoir area will be like in only a few years with 10,000 additional vehicles a day.

Were local officials negligent in not providing complete information for the various state and federal agencies who now demand more facts and studies before they place their stamp of approval on the Parkway project? Something has gone wrong somewhere, and it should be corrected. According to reports the County Commission was informed in July, 1972, that a comprehensive study would be required because the road would pass through federally owned land. The report was due to be completed by early 1973, but evidently there have been numerous delays.

Now an official who talks about it possibly being another eight years before the project might be completed says, "That's the way the Federal government does things. There is no way to push it along."

This sounds like a defeatist attitude and the city, county and state should join forces and start "pushing" as hard as possible right now! There might be surprising results.

The roadway is badly needed and cannot be put off for a 1982 completion date.

Mr. DOLE. Mr. President, I believe that special action is required to deal with this problem. And I offer an amendment to expand the project to include construction of this very important road leading from Lawrence to the Clinton Lake project area.

The amendment would provide Federal funding for 70 percent of the road's cost, up to a limit of \$6 million. The road would be constructed, as is the usual case, in cooperation with State and local authorities, who would also assume re-

sponsibility for maintaining it after completion.

I have discussed this proposal with my distinguished senior colleague from Kansas (Mr. PEARSON) and with members of the Committee on Public Works. The amendment has not been fully considered by the Committee on Public Works, so it is my hope that rather than to adopt the amendment at this time—unless the committee is willing to have it adopted, and I shall ask the manager of the bill now whether he will agree to that—

Mr. GRAVEL. Mr. President, I am very sympathetic to the issue propounded by the distinguished Senator from Kansas and would be prepared to accept the amendment if it were not for one simple fact: It comes before the Senate at a time, I should say in all fairness, when the committee has not had an opportunity to hold hearings. So I would hope that the Senator from Kansas, who has made his point, might withdraw the amendment, with my assurance that the subcommittee will take it up, hold hearings on the proposal, and report the matter to the full committee. I am sure that as a result of that process, the proposal will receive more favorable treatment.

Mr. DOLE. I appreciate that assurance, and I have the same assurance from the chairman of the full committee, the distinguished Senator from West Virginia (Mr. RANDOLPH). I understand that it is in many ways a departure, that it does deserve serious consideration, and hopefully sympathetic consideration, which I know it will receive from that committee.

Based on the statement of the distinguished Senator from Alaska, the chairman of the subcommittee, I withdraw the amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. RANDOLPH. Mr. President, the Senator from Kansas, who has the floor with respect to the pending amendment, I am sure realizes that the procedure by which we will look into this matter is the procedure which is followed traditionally. We shall not delay. We will give this matter attention in the subcommittee and in the full committee.

I commend the knowledgeable Senator from Kansas for discussing this proposal in the Senate today. I want him to be assured, as he has been assured, that, as with all projects that are presented to us through the Corps of Engineers or through the authorities that act in matters of this kind, including the understandable concern of a Senator—in this instance, both able Senators from Kansas—the matter will be given an expeditious hearing and a decision. We will do that, as has been indicated here today. I say that to the Senator who now speaks and to Senator PEARSON, who is in the Chamber at this time.

Mr. DOLE. I thank the distinguished chairman. I certainly appreciate his statement and the statement of the Senator from Alaska. I have served on the Public Works Committee, and I am certain that the matter will be heard expeditiously and fairly and that a decision will be reached. That is really all we can

expect or should expect. On that basis, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At an appropriate place in the bill, insert the following:

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake the removal of silt and aquatic growth from Broadway Lake, Anderson County, South Carolina, at an estimated cost of \$400,000.

Mr. THURMOND. Mr. President, the wording of this amendment is identical to that in section 98 of the House bill. This amendment was included in the bill passed by the House. Its only purpose is to save a major recreational facility in Anderson County, S.C.

This facility, Broadway Lake, was built as a WPA project during the depression years. It is on a tributary of the Savannah River, and is the major facility in Anderson County for such recreational activities as boating, skiing, swimming, and fishing.

No provision has ever been made to retard silt running off from the river that feeds the lake. As a result, silt has been deposited over the years until sections of the lake are no longer usable. The depth of the silt has contributed to a rapid increase in the growth of aquatic life.

Both the Corps of Engineers and the Soil Conservation Service, USDA, have studied this problem. They have recommended that the lake first be cleaned and dredged. This will be followed by the building of dams and sluices above the lake to avoid future silt buildup. The estimated cost of the cleaning and dredging is around \$400,000. My amendment would authorize the Corps of Engineers to undertake this cleaning and dredging.

Mr. President, suitable recreation areas are necessary for the continued growth of every State, and this proposal would be a major step in preserving an existing facility in South Carolina.

It would cost a large amount now to build a facility such as this. We have the facility, but the silt has come in from the Savannah River and has clogged the facility and has practically made it unusable.

As I have stated, the House of Representatives included this proposal in its version of the public works bill. We did not have the opportunity to appear before the committee and explain this matter in more detail, or I feel certain that the committee would have approved it at this time.

I have talked to the able chairman who is handling this bill, the distinguished Senator from Alaska, and I hope he will see fit to accept the amendment.

Mr. GRAVEL. Mr. President, I am extremely impressed with the proposal as the Senator from South Carolina has propounded it. However, I am informed by the staff that we have some difficulties. To propound the proposal as he

presently does would fly in the face of the Federal Water Pollution Control Act, which has a clean lakes provision, and which contains an authorization of \$150 million for fiscal 1975, for grants to States.

I hope that the Senator from South Carolina will not press his amendment. I will give him a personal guarantee that we will alter the House language in the conference so that the authority will come under the Federal Water Pollution Control Act, but the work will be done by the Corps of Engineers.

As with assurance I have given earlier on the floor, the issue will be pressed in conference, and we will see that Broadway Lake is accommodated. But it will be under laws which Congress has already enacted.

I hope the Senator will see that as a solution to his proposal. I can assure him that it will be an actual solution, because I am sure the House will accommodate us on this language, to make sure the project is undertaken.

Mr. THURMOND. Mr. President, if the distinguished manager of the bill feels that that is the best procedure and assures me, as he has, that he will support this matter in conference in the way that is best under the law to get approval of the project and to get action in order to remedy this situation, I will not press the amendment; and I will leave it to the distinguished manager of the bill to handle it in conference.

Mr. GRAVEL. I appreciate the Senator's confidence. I was just made aware of the existing authorization and the vehicle through which it can be undertaken. The corps can do the job, and we will correct the language of the report, so that when the conference is completed, Broadway Lake will be taken care of.

Mr. THURMOND. I thank the able and distinguished chairman for the assurance he has given in this important matter.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw the amendment?

Mr. THURMOND. In view of that assurance, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TAFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 88, line 23 of S. 2798, add a new Section 83 which states: Section 123 of the River and Harbor Act of 1970 (84 Stat. 1818, 1823) is hereby amended by adding at the end of subsection (d) of such section the following: "In the event such findings occur after the appropriate non-Federal interest or interests have entered into the agreement required by subsection (c), any payments due after the date of such findings as part

of the required local contribution of 25 percent of the construction costs shall be waived by the Secretary of the Army."

Renumber the following sections of the bill.

Mr. TAFT. Mr. President, the unprinted amendment I have offered to S. 2798 would amend section 123(c) of the River and Harbor Act of 1970, Public Law 91-611, to provide for the construction and financing of containment areas for the disposal of polluted dredged materials and requires that non-Federal interests furnish all lands, easements, and rights-of-way.

In addition, the non-Federal interests must contribute 25 percent of the construction costs. Subsection (d) of the River and Harbor Act permits the Corps of Engineers and the EPA to waive the 25 percent construction repayment if non-Federal interests are participating in and in compliance with an approved plan for construction, expansion or rehabilitation of waste treatment facilities and the Administrator of Environmental Protection Agency has found that water quality standards are not being violated.

My amendment adds to this law that in the event that the findings occur after the non-Federal interests have entered into the agreement to make the 25 percent payments, any payment due after the date of the finding as part of the required local contribution of 25 percent of the construction costs shall be waived by the Secretary of the Army.

On future agreements, the repayments will be scheduled in such a manner as to insure that in the event of a waiver during payments, those payments which have been made will reflect the percentage of the facilities' life which has been used up to that point.

This amendment has been urged by the Great Lakes Task Force in a letter to the Members of Congress from the Great Lakes States, and in my own State, by the Port Authority of Cleveland, Ohio.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Richard L. Schultz, executive director, Cleveland Port Authority, dated December 14, 1973.

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

PORT OF CLEVELAND,
Cleveland, Ohio, December 14, 1973.
HON. ROBERT TAFT, JR.
U.S. Senate,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR TAFT: I am writing to solicit your assistance with legislation of great interest to Great Lakes ports including all of Ohio's ports—and of paramount importance to the Port of Cleveland and the Cleveland-Cuyahoga County Port Authority. Our legislative problem occurred when a specific section of the Omnibus Public Works bill reported out by the House Committee was not included in the Senate version reported out on Tuesday, December 11th.

The section involved was Sec. 23 of H.R. 10203 and H.R. 10204, identical bills except as to sponsors. The section amended Sec. 123 of the 1970 River and Harbor Act (PL 91-611) which provided a cost-sharing program for construction of dredging spoil retention dikes for Great Lakes ports. It had been my understanding that the bill reported out Tuesday by the Senate Public Works Committee, S-

2798, would contain all of the key sections of the House bills that were of interest to ports generally. (Sec. 109, 170, and 180 as well as Sec. 123). In fact, most of these did survive, although Sec. 180 was changed significantly.

Our dismay at losing Sec. 23 requires explanation. Under the 1970 legislation, spoil dike costs were to be shared 25% local and 75% federal with a proviso for waiving the local cost share if the port community involved had an acceptable (to EPA) water pollution control program. Several Great Lakes ports have received such waivers (Milwaukee, Buffalo) and are proceeding with spoil dikes. Many other ports have not qualified for waivers and have therefore not started their dikes (Toledo, Conneaut, Ashtabula, Fairport Harbor, plus others out-of-state). Because of our dredging crisis at Cleveland, we were the first port (and apparently still the only one) to proceed with dikes without the 25% share waiver. The Port Authority has contracted as the "local cooperator," and we could be obligated to pay 25% of as much as \$50 million—although God knows where that amount of money would come from.

However, there is hope that Cleveland will qualify for a waiver soon, before the first dike under our program is completed next August (1974) and before our first installment payment of the dike cost is due. Unfortunately the language of PL 91-611 did not clearly provide for a waiver once the cooperation agreement had been signed, but there appeared to be time to cure this legislatively before our payments were due. We were encouraged to go this route by the House Public Works Committee staff who helped draft the 1970 legislation.)

Accordingly, Representative James V. Stanton, a member of the House Public Works Committee and in whose 20th District the Port of Cleveland is physically located, introduced H.R. 9842, a very brief but vital piece of legislation for us. In time, 9842 was consolidated into 10204, and until Tuesday we thought everything was going well.

There has been interest in the Sec. 123 amendment by ports throughout the nation, and numerous endorsements by Great Lakes agencies including the Great Lakes Commission and various Ohio ports. The amendment would not produce a retroactive waiver, but would provide a pro-rate waiver in the case when a port community qualified during the useful life of the dikes. This would avoid the inequity we face of paying for dikes years after we have a waiver.

I have enclosed some explanatory materials including a copy of Sec. 123, my letter to Chairman Randolph of the Senate Committee (which was acknowledged), the Great Lakes Commission statement, and a Conneaut endorsement.

I am certain we could produce impressive evidence of Ohio and regional support for retaining the Sec. 123 provision when the Senate and House bills go to Conference Committee. We are concerned, however, that waiting until the conference leaves no margin for error.

Senator Taft, do you think it feasible and would you be willing to offer an amendment from the floor to include Sec. 123 in the Senate bill when it is voted on by the Senate?

We shall appreciate any assistance you can give us.

Sincerely,

RICHARD L. SCHULTZ,
Executive Director, Cleveland-Cuyahoga
County Port Authority.

Mr. TAFT. Mr. President, this amendment is in the exact language that is presently in the House bill. My understanding is that it did not get included in the considerations of the Senate committee. I have talked with the chairman of the committee and the chairman of

the subcommittee in this regard, and I have also talked to the ranking member of the subcommittee. I understand the matter will come up in conference. I ask the chairman of the subcommittee if he would make any observations with regard to the proposal.

Mr. GRAVEL. I can assure my colleague that when we get to conference it will have a very receptive ear. A number of items are coming up in conference that we have not had hearings on. I do not know whether some of the issues are of a nature that would require hearings on the Senate side, but if we depart from that position, I can assure the Senator that one of the issues that will benefit from that departure is the issue he presented so ably today.

Mr. TAFT. I thank the Senator. With that assurance, rather than pressing the matter at this time on the floor without having had full consideration of it, I withdraw the amendment at this time and I hope it will be taken up and acted upon favorably in conference.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. GRAVEL. Mr. President, I believe we have handled all the amendments on this particular bill except the two which will be voted upon at 2:45 p.m. or shortly thereafter.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. HART. Mr. President, earlier today my colleague (Mr. GRIFFIN) indicated that he and I had a great concern with one aspect of the bill that the committee has reported. He and I had drafted an amendment, which I ask unanimous consent be printed at this point in the RECORD, although after discussion we have had with the floor manager of the bill (Mr. GRAVEL), it is our intention not to offer the amendment.

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

On page 88, between lines 22 and 23, insert the following:

"Sec. 83. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to remove from Manistee Harbor, Michigan, the sunken steamer Glen."

On page 88, line 23, strike "Sec. 83" and insert in lieu thereof "Sec. 84."

Mr. HART. Mr. President, in brief, the House-approved bill provided the sum of \$33,000 and authorized and directed the Secretary of the Army, through the corps, to remove a sunken steamer, the *Glen*, from Manistee Harbor in Michigan. Twice before the Senate has approved this language.

In discussion with the Senator from Alaska (Mr. GRAVEL), he, as I understood him, assured us that there is the authority under existing law in the

corps to undertake this action, that it now has the authority to act under its general responsibility for eliminating obstructions and hazards.

Without detailing or seeking to determine the basis for the action of the subcommittee in eliminating this factor, I would like, as would my colleague (Mr. GRIFFIN), to insure that this RECORD arm the Senate conferees with some specifics which we believe argue strongly that a very sound use of Federal money would be reflected in agreeing with the House and authorizing the \$33,000, which is the cost of removing this hazard to navigation.

First of all, it is my understanding that the corps agrees that there is a hazard to people using Manistee Harbor. They take the position that those people can live with it for a little while longer.

People who use the harbor, understandably, feel that this is both unwise and uneconomic. In the last several years, facts establish the seriousness of the obstruction caused by the sunken hulk. Twenty-five ships struck the wreck in 1968. Thirty ships struck it in 1970. So it goes. These accidents cost thousands of dollars in damage and personal injuries, and this will continue for so long as that hulk is permitted to sit there.

Measured against just the damage to property which has already been inflicted on boats using the harbor, forgetting potential damage in the future, \$33,000, which the corps estimates, would be required to move the wreck, will be a sound investment.

My colleague (Mr. GRIFFIN) and I hope very much that, with this factual explanation as to the reasons, it will persuade the Senate, which has been persuaded twice before to adopt this language, and the House now, to go forward with this provision for the removal of this hulk and will persuade the conferees that it is a wise and prudent and responsible action.

I yield to my colleague from Michigan. Mr. GRIFFIN. Mr. President, I thank my senior colleague for yielding, and I wish to associate myself with his remarks.

When I was privileged to be a Member of the other body, I represented the congressional district that includes Manistee, and I am very familiar with the harbor there and the situation which exists.

It should be noted as a part of the factual presentation that in recent years the Michigan Department of Natural Resources, with Federal assistance from the Federal Government, has planted a great many coho salmon in the Lake Michigan area, and the project has been successful—indeed, very successful, so much so that boating activity has greatly increased in the Manistee Harbor and up and down the west shore of Michigan.

It seems to me that the very recitation of the number of accidents, as my senior colleague has done—there have been from 20 to 30 boating accidents by reason of boats striking this submerged ship in the Manistee Harbor—speaks very loudly for the expenditure of a very, very small amount—\$35,000 or \$33,000, whatever it is—to remove this sunken ship, which has been there for too long.

It is only because this particular provision or measure has been included in other omnibus bills from time to time that have fallen between the chairs or have been vetoed for one reason or another, having nothing to do with this particular project, that the funds have not heretofore been made available.

I certainly join with my senior colleague and wish to underscore what he says and urge the committee to see that the Corps of Engineers takes what is long overdue action with respect to this sunken ship at Manistee Harbor.

Mr. GRAVEL. Mr. President, I would like to congratulate my two colleagues from the State of Michigan for pressing so strongly and so vigorously on this particular issue.

The Senator from Michigan (Mr. HART) has spoken to me privately on this matter. And I express my support for what I think is a serious problem. I think it is ridiculous to have such a situation. I am aware of the problem, because we have a similar situation in Cook Inlet in Alaska.

The corps has existing authority to do this. The sum is indeed modest. I can assure the Senators from Michigan that I will address a letter to the corps and ask them to give some degree of priority to this particular undertaking. And if that does not appear to have sufficient force, then I think we can reconcile something in the conference with the House Members.

I can assure the Senators that they have my full and complete support in seeing that this obstruction to healthy navigation is removed as quickly as possible. The sum is so modest that it is not asking for a great deal.

Mr. HART. Mr. President, I know that I can speak for my colleague from the State of Michigan when I extend thanks to the Senator from Alaska for his understanding of the problem.

I am glad to hear that there is a comparable situation in Cook Inlet. I hope that both situations can be remedied.

Mr. GRAVEL. Mr. President, I only wish that ours could be remedied as quickly as the situation existing in Michigan.

Mr. DOMINICK. Mr. President, I would like to take a couple of minutes before the vote to ask a question of the manager of the bill.

The provision contained in section 68(a) concerned me when I read it the other day. I have not had a chance to ask about this before now. It refers to nonstructural alternatives whereby a Federal agency can act if a project involves flood protection. Apparently it refers to any Federal agency, and almost every reclamation project in the country has some element of flood protection in it.

One of the projects we are going forward with at this time has a good deal of flood protection involved, perhaps 40 percent.

Would that mean that the dam or flood control project would be overruled, or how long would that continue?

Mr. GRAVEL. Mr. President, I think that all we are trying to establish here is a new direction of policy; namely, if

a funding problem can be handled in a fashion that is cheaper, we would not hesitate to take that new approach.

The best example of this is what we are doing in Boston in acquiring land north of Boston in that drainage area, which would have a flood impact on the community of Boston. So we would have to pay something along the way.

Mr. DOMINICK. Would the manager of the bill be receptive to any kind of time limitation? The particular dam I am thinking of is in the South Platte of Colorado. It has been authorized and reauthorized time and again. Now they are going to go ahead and give approval to a new kind of project.

Mr. GRAVEL. No. I think that the Senator from Colorado is reading much more into the section than is there.

We are suggesting that this situation could exist on any project in the future as it comes up. I am sure that this must have been considered before. However, we are giving a definition of policy.

Mr. DOMINICK. This would apply to new projects then?

Mr. GRAVEL. It would apply to new projects as I see it. However, if an old project came up for reconsideration for some reason or other, and we have a device by which that could happen, we might require a new and different approach to be undertaken for the simple reason that nothing had been done on the project up to that point in time. Where we deal in items of reclamation, particularly where it is more important than the flood aspect of it, obviously the judgment would prevail in favor of the present phase, to give greater weight to the reclamation aspect. And certainly that could not be done without some additional activity. They would go hand in hand.

Mr. DOMINICK. Mr. President, it is not the intention of the manager of the bill or of the committee to have this approach applicable to authorized projects that are in the process of going forward.

Mr. GRAVEL. No, not unless good judgment dictated their reexamination.

Mr. DOMINICK. I thank the Senator.

Mr. WILLIAM L. SCOTT. Mr. President, let me add to what the distinguished floor manager of the bill has said. This matter came before us in committee in connection with the Charles River in Massachusetts. I note that the distinguished Senator from Massachusetts (Mr. BROOKE) is present in the Chamber. I was opposed to this matter, but I was defeated in committee and did not bring it up on the floor of the Senate.

We are talking about a flood area. It seems to me that the State and locality can prevent the building on flood plains through their zoning and planning powers, thereby alleviating flood problems.

The PRESIDING OFFICER. The hour of 2:45 having arrived, under the previous order the Senate will proceed to vote on the Proxmire amendment.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays on the Proxmire amendment and on the Buckley amendment.

The PRESIDING OFFICER. Is there a sufficient second for the yeas and nays on the Proxmire amendment (putting the question)?

The yeas and nays were ordered. Mr. ROBERT C. BYRD. Mr. President, how many rollcall votes are back to back?

The PRESIDING OFFICER. Two.

UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all rollcall votes after the initial rollcall vote this afternoon be limited to 10 minutes with the warning bell to be sounded after 2½ minutes.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I ask the distinguished majority whip how many are back to back?

Mr. ROBERT C. BYRD. Two are back to back. The first would be 15 minutes.

Mr. WILLIAM L. SCOTT. Mr. President, I am going to object any time there is a request for a 10-minute rollcall vote. During the 1st session of the 93d Congress, I missed two votes. I was over on the House side and missed the votes.

I do not think that we save sufficient time of the Senate in having 10-minute rollcall votes. I do object to the request.

The PRESIDING OFFICER. Objection is heard.

Is there a sufficient second for the yeas and nays on the Buckley amendment? (Putting the question.)

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Proxmire amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. TUNNEY), and the Senator from Texas (Mr. BENTSEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Wyoming (Mr. HANSEN) are absent on official business.

I also announce that the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 9, nays 75, as follows:

[No. 6 Leg.]

YEAS—9

Brock	Clark	Proxmire
Buckley	Ervin	Ribicoff
Case	Hart	Roth

NAYS—75

Abourezk	Goldwater	Montoya
Aiken	Gravel	Moss
Allen	Griffin	Muskie
Baker	Gurney	Nelson
Beall	Haskell	Nunn
Bellmon	Hatfield	Packwood
Bennett	Hathaway	Pastore
Bible	Hollings	Pearson
Biden	Hruska	Pell
Brooke	Huddleston	Randolph
Burdick	Hughes	Schweiker
Byrd,	Jackson	Scott, Hugh
Byrd, Harry F., Jr.	Javits	Scott,
Byrd, Robert C.	Johnston	William L.
Chiles	Kennedy	Stafford
Church	Long	Stennis
Cook	Magnuson	Stevens
Cotton	Mansfield	Stevenson
Curtis	Mathias	Symington
Dole	McClellan	Taft
Domenici	McClure	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Weicker
Eastland	Metcalf	Williams
Fong	Metzenbaum	Young
Fulbright	Mondale	

NOT VOTING—16

Bartlett	Hansen	Percy
Bayh	Hartke	Sparkman
Bentsen	Helms	Tower
Cannon	Humphrey	Tunney
Cranston	Inouye	
Fannin	McIntyre	

So Mr. PROXMIRE's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. McCLURE). The vote now occurs on the amendment of the Senator from New York (Mr. BUCKLEY) No. 936.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on this vote of 10 minutes, with the warning bell to be sounded after 2½ minutes.

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

Mr. ROBERT C. BYRD. Mr. President, is my understanding correct that the vote on final passage will follow immediately after the vote on the Buckley amendment?

Mr. GRAVEL. To my knowledge, everyone has put in the amendments so there is no reason why we cannot move right on to final passage. I would hope for a short vote.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on H.R. 10203.

The PRESIDING OFFICER. Without objection, it will be in order at this time to order the yeas and nays.

Mr. GRAVEL. Mr. President, I ask for the yeas and nays on H.R. 10203.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with the understanding that the vote on final passage will occur right after the vote on the Buckley amendment, that there be a similar time limit of 10 minutes on the vote on final passage.

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

The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY) No. 936.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Arizona (Mr. FANNIN), and the Senator from Wyoming (Mr. HANSEN) are absent on official business.

I further announce that the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 21, nays 63, as follows:

[No. 7 Leg.]

YEAS—21

Baker	Clark	Proxmire
Beall	Goldwater	Ribicoff
Brock	Gurney	Roth
Brooke	Hart	Taft
Buckley	Javits	Thurmond
Byrd,	Mathias	Weicker
Harry F., Jr.	Pastore	
Case	Pell	

NAYS—63

Abourezk	Gravel	Montoya
Aiken	Griffin	Moss
Allen	Haskell	Muskie
Bellmon	Hatfield	Nelson
Bennett	Hathaway	Nunn
Bible	Hollings	Packwood
Biden	Hruska	Pearson
Burdick	Huddleston	Randolph
Byrd, Robert C.	Hughes	Schweiker
Chiles	Jackson	Scott, Hugh
Church	Johnston	Scott,
Cook	Kennedy	William L.
Cotton	Long	Stafford
Curtis	Magnuson	Stennis
Dole	Mansfield	Stevens
Domenici	McClellan	Stevenson
Dominick	McClure	Symington
Eagleton	McGee	Talmadge
Eastland	McGovern	Williams
Ervin	Metcalf	Young
Fong	Metzenbaum	
Fulbright	Mondale	

NOT VOTING—16

Bartlett	Hansen	Percy
Bayh	Hartke	Sparkman
Bentsen	Helms	Tower
Cannon	Humphrey	Tunney
Cranston	Inouye	
Fannin	McIntyre	

So Mr. BUCKLEY's amendment (No. 936) was rejected.

Mr. RANDOLPH. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I might note that on page 7 of the committee

report there appears a paragraph on "effective utilization of the dredging industry." While I did not attend every meeting, I recall no discussion of this matter in the committee, and I am not certain that the paragraph added to the report constitutes the considered judgment of the committee.

It may be of little or no effect, but in the last sentence—which purports to predict what the result of policy guidance from the Congress should be, in the event the Congress establishes a national dredging policy for the guidance of the corps—one may draw an inference that the corps should utilize private dredgers and leave its own equipment idle, wherever possible. That may be desirable or not, but the only point I make at this time is that I do not consider that the question has yet been addressed by the committee.

Before we vote on final passage of the bill, I would like to extend a word of thanks and appreciation to three members of the committee who worked long and hard on this bill. Chairman RANDOLPH, as always, was fair and considerate in his handling of this bill in committee. He is to be commended. The distinguished chairman, Mr. GRAVEL, and ranking member, Mr. WILLIAM L. SCOTT, of the subcommittee, spent long hours on this bill, seeking to develop a sound and reasonable bill. They, too, are to be commended. While other members of the committee were active in development of the bill, I want to reiterate a special word of respect for the junior Senator from New York (Mr. BUCKLEY). The attention of these four members has been particularly valuable in bringing a good bill to the Senate.

Mr. STEVENSON. Mr. President, for more than 3 years the residents of the neighborhoods in which the Little Calumet River flows in Illinois, have been working to clean this stream.

Yet the job has proven too big for the community. As a result, the Little Cal remains part sewer, part river. This is particularly distressing in northeastern Illinois, which has less than half the open recreation space needed for a healthy urban environment.

Last summer I introduced a bill to authorize the Army Corps of Engineers to clean this river. This fall I modified the bill to include a provision for the annual maintenance of the stream.

When the Water Resources Subcommittee considered the modified two-part bill, it rejected the entire Little Cal section. I understand the subcommittee objects to the second part, the annual maintenance provision. If that is so it would be more appropriate to strike that half alone and allow the first part, the section authorizing the initial cleaning of the river to remain in the bill. That would have been in accord with the Federal policy of assisting communities with the one-time cleaning of a river.

Section 66 of H.R. 10203 authorizes the cleaning of the Little Cal. I have no desire to take up the time of the Senate with a futile amendment. Instead, I will express the hope that the Senate conferees will not resist inclusion of the House provision in the final version of

the Water Resources Development Act of 1973.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my strong support for S. 2798, the Water Resources Development and River Basin Authorization Act of 1973, which was reported by the Senate Public Works Committee to the Senate on December 11, 1973. This is a comprehensive piece of legislation which authorizes the construction, repair, and preservation of certain public works on rivers and harbors, for both navigation and flood control purposes. I think the Public Works Committee has creditably performed a sizable task in holding the extensive hearings which preceded the writing of this legislation and in considering the literally thousands of requests for assistance which the committee received.

I am particularly grateful for the committee's inclusion of several items which are of particular interest to West Virginia. I have been working toward realization of these items and urging their inclusion for many years, and I hope that this bill is quickly signed into law in order that they may finally become a reality. The projects to which I specifically refer are, as follows:

1. Pocatalico River Basin, West Virginia: Section 5 of this Bill authorizes works of improvement in the amount of \$3,772,700, to provide for accelerated conservation land treatment on about 2,400 acres of basin lands and in the construction of two multiple-purpose dams for serving the purposes of water supply, flood prevention, and low-flow augmentation. The main objective of this work is to obtain an adequate water supply source for the communities of Walton, Sissonville, Pocatalico, and Grandeville.

2. Ohio River Bank Erosion Control: Section 12 authorizes \$25 million over a five-year period for a streambank erosion control demonstration program. One of the locations for testing this pilot demonstration and development work will be along the Ohio River banks in West Virginia. This section also directs the Corps to develop new construction and vegetative techniques to provide low-cost bank protection and to develop new methods to prevent and control streambank erosion.

3. Flood Control Program for the Tug Fork Valley: Section 231 of this Bill authorizes advanced engineering and design work to develop a comprehensive flood control program for the Tug Fork Valley. The authorization for this badly needed project was included last year in the Public Works Act which the President vetoed. This section will provide badly needed protection for one of the most flood-prone areas in the country—an area which has been recurrently inundated by severe flooding, the last such disaster occurring January 11 of this year. I offered an amendment to the Fiscal Year 1972 Supplemental Appropriations Bill to include \$150,000 for planning this Project. My amendment was adopted but, at the insistence of the House Conferees, those funds were agreed to by the House, contingent upon the enactment of authorizing legislation. If this bill becomes law, those funds could readily be made available thus allowing the advanced planning work to proceed immediately and prior to the obtaining of additional appropriations which will be required to plan the more comprehensive program authorized in this Act.

4. Cleaning and snagging of the Guyandotte River: Section 53 authorizes up to \$2,000,000 to clean out the lower Guyandotte River and the immediate tributaries where chronic and persistent flooding has occurred. The accumulation of silt-sediment and de-

bris has severely aggravated the flooding conditions in this area of the lower Guyandotte River Basin.

5. Stonewall Jackson Lake: Section 54 removes a possible impediment to the timely construction of the Stonewall Jackson Lake project by specifying that Section 221 of the Flood Control Act of 1970 shall not apply to any agreement between the Federal Government and the State of West Virginia. It is important to resolve any remaining doubt as to the Secretary of the Interior's authority to enter into this agreement.

I hope that the passage of S. 2798 will move these items closer to reality. Therefore, I urge the passage of this bill.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from the further consideration of H.R. 10203 and that the Senate proceed to the immediate consideration of that bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

H.R. 10203. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. GRAVEL. Mr. President, I move to amend H.R. 10203 by striking all after the enacting clause and inserting in lieu thereof the text of S. 2798, as amended, as it is at present before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. GRAVEL. Mr. President, I ask unanimous consent that S. 2798 be indefinitely postponed.

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

The bill (H.R. 10203) having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), and the Senator from Indiana (Mr. BAYH) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Arizona (Mr.

FANNIN), and the Senator from Wyoming (Mr. HANSEN) are absent on official business.

I also announce that the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 78, nays 6, as follows:

[No. 8 Leg.]

YEAS—78

Abourezk	Fulbright	Montoya
Alken	Gravel	Moss
Allen	Griffin	Muskie
Baker	Gurney	Nelson
Beall	Hart	Nunn
Bellmon	Haskell	Packwood
Bennett	Hatfield	Pastore
Bible	Hathaway	Pearson
Biden	Hollings	Pell
Brooke	Hruska	Randolph
Burdick	Huddleston	Ribicoff
Byrd	Hughes	Schweiker
Harry F., Jr.	Jackson	Scott, Hugh
Byrd, Robert C.	Javits	Scott,
Case	Johnston	William L.
Chiles	Kennedy	Stafford
Church	Long	Stennis
Clark	Magnuson	Stevens
Cook	Mansfield	Stevenson
Curtis	Mathias	Symington
Dole	McClellan	Taft
Domenici	McClure	Talmadge
Dominick	McGee	Thurmond
Eagleton	McGovern	Weicker
Eastland	Metcalf	Williams
Ervin	Metzenbaum	Young
Fong	Mondale	

NAYS—6

Brock	Cotton	Proxmire
Buckley	Goldwater	Roth

NOT VOTING—16

Bartlett	Hansen	Percy
Bayh	Hartke	Sparkman
Bentsen	Helms	Tower
Cannon	Humphrey	Tunney
Cranston	Inouye	
Fannin	McIntyre	

So the bill (H.R. 10203) was passed.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRAVEL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, I move that the Senate insist upon its amendments to H.R. 10203 and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GRAVEL, Mr. RANDOLPH, Mr. BENTSEN, Mr. BURDICK, Mr. WILLIAM L. SCOTT, Mr. BAKER, and Mr. STAFFORD conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the Senators from Alaska (Mr. GRAVEL) and West Virginia (Mr. RANDOLPH) deserve the highest commendation of the entire Senate for their able and competent handling of the water resources measure that was adopted overwhelmingly today. Senator RANDOLPH, the distinguished chairman of the committee, and Senator GRAVEL, the floor manager of the bill, both demonstrated great knowledge and understanding of the Nation's needs with respect to control of our vast water supplies and their uses. Indeed, Senator RANDOLPH and Senator GRAVEL have been in the forefront in bringing new ideas into

play regarding the problems of flood control and navigation concerning our waterways. The Senate and the Nation stand in their debt.

Joining with Senators GRAVEL and RANDOLPH in presenting thoughtful views on the matters involved was the Senator from Oregon (Mr. PACKWOOD). He contributed a great deal to the high caliber of the entire debate. So, too, did Senator PROXMIRE, Senator BUCKLEY, and Senator WILLIAM L. SCOTT—who managed the bill so ably in behalf of the minority. Their contributions were immeasurable.

Finally, the Senate appreciates the contributions made by all who participated in this most important and timely debate.

Mr. RANDOLPH. Mr. President, earlier in the discussion of this important legislation it was my privilege to commend the work of the members of our Subcommittee on Water Resources, and especially to direct the attention of our colleagues to the very able management of this legislation by the knowledgeable Senator from Alaska, Senator GRAVEL. These words are just to reinforce what I said earlier during the debate. They are well deserved by the distinguished Senator from Alaska and all members of the subcommittee, and the Committee on Public Works, of which I have the responsibility to be chairman.

Mr. GRAVEL. Mr. President, I thank the distinguished chairman of the Committee on Public Works for his very kind remarks about our efforts, and particularly about me.

This bill was particularly difficult. It was the first time, for many of us, to be involved in such a large undertaking. If it had not been for the wise counsel of the chairman, for his advice as we proceeded to work on this piece of legislation, our task would have been much more difficult. It would not have been handled as smoothly on the floor as it was today without his efforts. For that I am personally grateful, and find it a great pleasure to serve with him on the Public Works Committee.

I also want to thank the ranking Republican member of the subcommittee, the Senator from Virginia (Mr. WILLIAM L. SCOTT), who attended all the meetings and participated in a leadership role in the legislation that evolved.

I also want to thank the members of the subcommittee and the full committee who participated, particularly the Senator from New York (Mr. BUCKLEY), with whose views I did not necessarily agree, but I must say I was impressed with his economic perspectives, which he espoused in the finest tradition of the Senate.

I think we owe a great debt to the individual who counseled the committee and who has always been of value to the committee. I refer to our chief counsel, Mr. Barry Meyer. I think our committee is particularly blessed in having such a gentleman to guide us in our deliberations.

We are also indebted for having on the subcommittee Mr. Wes Hayden, who is next to me on the floor at the present time, and Ann Garrabrant, who was assigned to the subcommittee.

They worked long and hard and over weekends to meet certain deadlines so we could bring this measure to the floor.

Special mention, of course, should be made of Phil B. Cummings, John Yago, Bailey Guard, Hal Brayman, Steve Swain, Rick Herod, and Ann Brown.

And a very special note of gratitude should be paid to our friends in the executive, particularly Irwin Reisler, Alex Shwarka, and Ron Allen, of the Corps of Engineers, who assisted us with technical counsel in our deliberations.

As a result of their real help, we have a fine bill, and we go forward to deliberations in conference confident that much of the policy we have developed in committee and on the floor will be sustained.

Mr. DOMINICK. Mr. President, today the Senate passed S. 2798, the Water Resources Development and River Basin Monetary Authorization Act of 1973. This legislation provides for the construction, repair and preservation of certain public works on rivers and harbors for navigation and flood control purposes.

S. 2798 is of particular importance to the people of the State of Colorado. It establishes 18 new water resources projects, one of which involves the water management problems of the Arkansas River and Tributaries above the John Martin Dam in Colorado. It is estimated that this project, when completed, will have cost \$47 million, of which \$41.5 million will have come from Federal funding. However, expenditure of these funds will prevent recurrences of the record 1921 flood in that area, which today would cause damage estimated at more than \$56 million, and the 1965 flood, which resulted in the loss of four lives, nearly \$18 million in damages, and the disruption of badly needed water supply to lands outside the flood plain.

The bill also increases the monetary authorization for sixteen comprehensive river basin plans previously approved by Congress. One of these is the Arkansas River Basin occupying parts of the States of Colorado, New Mexico, Oklahoma, Texas, Missouri, and Arkansas, for which an additional authorization of \$14 million has been provided.

In addition, S. 2798 contains a provision modifying the project for flood control below Chatfield Dam on the South Platte River near Littleton, Colo. It authorizes the Secretary of the Army to allow the Corps of Engineers to participate with the city of Littleton in acquiring lands and developing recreational facilities immediately downstream of the Chatfield Dam. The project plans originally called for channel improvements and levees downstream of the dam to handle flood releases. Subsequently, the city of Littleton proposed that for the first mile or so below the dam the channel improvements be deleted and the money used instead to help acquire lands as a flood plain park area.

Mr. President, since I had previously introduced legislation to accomplish this nonstructural approach to flood control on the South Platte River, I am particularly pleased to see this provision enacted today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1070) to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969.

The message also announced that the House had passed the bill (S. 1125) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11385) to amend the Public Health Service Act to revise the programs of health services research and to extend the program of assistance for medical libraries was read twice by its title and referred to the Committee on Labor and Public Welfare.

SUBPENA DIRECTED TO ALFHILD M. MICHAL

Mr. MANSFIELD. Mr. President, on behalf of Senators HUGH SCOTT and GURNEY and myself, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution.

The legislative clerk read the resolution by title, as follows:

A resolution (S. Res. 233) relating to a subpoena directed to Alfhild M. Michal, an employee on Senator GURNEY'S staff.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 233

Whereas a subpoena issued on application of the United States addressed to and served upon Alfhild M. Michal, an employee on Senator Gurney's staff, directs her to appear and testify before a grand jury impaneled by the United States District Court for the Middle District of Florida, Jacksonville Division, on January 23, 1974, at 9:30 a.m.: Now, therefore, be it

Resolved, That by the privileges of the Senate of the United States no evidence in the possession and under the control of the Senate of the United States can, by the mandate of process of ordinary courts of justice, be taken from such possession or control but by its permission; be it further

Resolved, That by the privilege of the Senate and by rule XXX thereof, no Member or Senate employee is authorized to produce Senate documents, papers, or evidence but by order of the Senate, and information se-

cured by Senate staff employees pursuant to their official duties as employees of the Senate may not be revealed without the consent of the Senate; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that testimony of an employee of the Senate is needful for use in any court of justice or before any judge or legal officer for the promotion of justice and that such testimony may involve documents, papers, or evidence related thereto under the control of or in the possession of the Senate, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That Alfhild M. Michal, an employee on Senator Gurney's staff, be authorized to appear at the time and place and before the court named in such subpoena; but shall not take with her any papers, documents, or evidence on file in her office, under her control, or in her possession as an employee on that staff and of the Senate; be it further

Resolved, That the said Alfhild M. Michal, in response to such subpoena may testify to any matter determined by the court to be material and relevant to matters investigated by the grand jury before whom she is subpoenaed to appear; and be it further

Resolved, That a copy of this resolution be transmitted to such court as a respectful answer to such subpoena.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. GRIFFIN. Mr. President, I ask unanimous consent that Fred Craft, of the staff of the Committee on Interior and Insular Affairs, be permitted on the floor during the debate in the Senate on the energy conference report.

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

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HOUSE CONCURRENT RESOLUTION 413—A JOINT SESSION OF THE TWO HOUSES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 413.

The Chair laid before the Senate House Concurrent Resolution 413, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, January 30, 1974, at 9:00 o'clock p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the resolution (H. Con. Res. 413) was considered and agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRISONERS OF WAR AND MISSING IN ACTION TAX ACT

Mr. ROBERT C. BYRD. Mr. President, for the purpose of making it the pending business today and the unfinished business on tomorrow, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 530, H.R. 8214, with the understanding that there be no action on the bill today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows: Calendar No. 530 (H.R. 8214) a bill to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Finance with amendments, on page 1, after line 2, strike out "Section 1. Amendment of 1954 Code."; and insert "That (a) this Act may be cited as the 'Prisoner of War and Missing in Action Tax Act'"; at the beginning of line 6, insert "(b)"; on page 2, after line 14, strike out "any month beginning more than 2 years after the date of the termination of combatant activities in such zone", and

(3) by adding at the end thereof the following new sentence:

"With respect to service in the combat zone designated for purposes of the Vietnam conflict, paragraph (2) shall not apply to any month beginning more than 2 years after the date of the enactment of this sentence." And, in lieu thereof, insert "any month beginning more than 2 years after—

"(A) the date of enactment of the Prisoner of War and Missing in Action Tax Act, in the case of service in the

combat zone designated for purposes of the Vietnam conflict, or

"(B) the date of termination of combatant activities, in the case of any other combat zone."

On page 3, after line 7, insert:

(b) CONFORMING AMENDMENT.—Subsection (c) of section 112 is amended by striking out paragraph (5).

(c) AMENDMENT OF SUBSECTION (d).—Subsection (d) of section 112 (relating to prisoners of war, etc.) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) PERIOD OF CONFLICT.—For purposes of this subsection, the Vietnam conflict began February 28, 1961, and ends on the later of the date designated by the President by Executive order as the date of termination of combatant activities in Vietnam, or the date occurring 2 years after the date of enactment of the Prisoner of War and Missing in Action Tax Act. For purposes of this subsection, an individual is in a missing status as a result of the Vietnam conflict if immediately before such status began he was performing service in Vietnam or was performing service in Southeast Asia in direct support of military operations in Vietnam.

"(4) PERIOD OF SERVICE IN COMBAT ZONE.—For purposes of this section, and sections 692, 2201, and 7508, the terms 'while serving in a combat zone' and 'the period of service in such area' include the entire period a person designated in paragraph (1) or (2) was in a missing status during the Vietnam conflict."

On page 4, at the beginning of line five, strike out "(c)" and insert "(d)"; after line 21, strike out "2 years after the date designated under section 112 as the date of termination of combatant activities in such zone,

then such spouse may elect under subsection (a) to file a joint return for such taxable year. With respect to service in the combat zone designated for purposes of the Vietnam conflict, no such election may be made for any taxable year beginning more than 2 years after the date of the enactment of this sentence."; and, in lieu thereof, insert "2 years after—

"(i) the date of enactment of the Prisoner of War and Missing in Action Tax Act, in the case of service in the combat zone designated for purposes of the Vietnam conflict, or

"(ii) the date designated under section 112 as the date of termination of combatant activities in any other combat zone, then such spouse may elect under subsection (a) to file a joint return for such taxable year."

On page 7, line 22, after the word "of", strike out "this paragraph."; and insert "the Prisoner of War and Missing in Action Tax Act";

On page 8, line 5, after the word "in", where it appears the first time, strike out "that zone, in the case of any combat zone other than that referred to in clause (1)" and insert "any other combat zone"; on page 9, line 3, after the word "section", insert "555 or"; in line 7, after the word "of", where it appears the second time, strike out "this subsection" and insert "the Prisoner of War and Missing in Action Tax Act"; in line 12, after the word "in", strike out "that zone, in the case of any combat zone other than that referred to in paragraph (1)" and insert

"any other combat zone"; on page 10, line 19, after the word "of", where it appears the second time, strike out "this subsection" and insert "the Prisoner of War and Missing in Action Tax Act"; in line 24, after the word "in", strike out "that zone, in the case of any combat zone other than that referred to in paragraph (1)" and insert "any other combat zone"; on page 13, after line 13, insert a new section, as follows:

SEC. 8. COOPERATIVE INVESTMENT ACTIVITIES OF EDUCATIONAL INSTITUTIONS.

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, etc.), is amended by redesignating subsection (f) as (g), and by inserting after subsection (e) the following new subsection:

"(f) COOPERATIVE SERVICE ORGANIZATIONS OF OPERATING EDUCATIONAL ORGANIZATIONS.—For purposes of this title, if an organization is—

"(1) organized and operated solely to hold, commingle, and collectively invest and reinvest (including arranging for and supervising the performance by independent contractors of investment services related thereto) in stocks and securities, the moneys contributed thereto by each of the members of such organization, and to collect income therefrom and turn over the entire amount thereof, less expense, to such members.

"(2) organized and controlled by one or more such members, and

"(3) comprised solely of members that are organizations described in clause (ii) or (iv) section 170 (b) (1) (A)—

"(A) which are exempt from taxation under subsection (a), or

"(B) the income of which is excluded from taxation under section 115(a),

then such organization shall be treated as an organization organized and operated exclusively for charitable purposes."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1973.

On page 14, after line 19, insert a new section, as follows:

SEC. 9. ORDINARY TREATMENT PROCESSES FOR TRONA.

(a) IN GENERAL.—Section 613(c) (4) (E) (relating to treatment processes considered as mining) is amended by inserting after "phosphate rock," the following: "the decarbonation of trona."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1970.

On page 15, after line 2, insert a new section, as follows:

SEC. 10. APPLICATION OF SECTION 82 AND SECTION 217 TO MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Notwithstanding the provisions of section 82 (relating to reimbursement for expenses of moving) and section 217 (relating to moving expenses), of the Internal Revenue Code of 1954, the Secretary of the Treasury, in the administration of those sections, is authorized—

(1) to enter into an agreement with the Secretary of Defense under which the Secretary of Defense will not be required to withhold tax on, or to report, moving expense reimbursements made to members of the uniformed services;

(2) to permit any taxpayer who is a member of the uniformed services not to include in adjusted gross income the amount of any reimbursement in kind of moving expenses made by the Secretary of Defense; and

(3) to permit any taxpayer who is a member of the uniformed services to deduct any amount paid by him as moving expenses in connection with any move required by the Secretary of Defense, in excess of any reimbursement received for such expenses, with-

out regard to the provisions of section 217(c) (relating to conditions), to the extent it is otherwise deductible under section 217.

(b) **DEFINITIONS.**—For purposes of this section, the term "unformed service" has the meaning given it by section 101(3) of title 37, United States Code, and the terms "adjusted gross income" and "moving expense" have the meanings given them by sections 62 and 217(b), respectively, of the Internal Revenue Code of 1954.

(c) **EFFECTIVE DATE.**—The provisions of this section shall apply with respect to taxable years ending before January 1, 1975.

On page 16, after line 9, insert a new section, as follows:

SEC. 11. DISTILLED SPIRITS FROM PUERTO RICO OR THE VIRGIN ISLANDS.

(a) **IN GENERAL.**—Section 5008 (relating to abatement, remission, refund, and allowance for loss or destruction of distilled spirits) is amended by—

(1) inserting "or section 7652" in subsection (b) (1) after "the tax imposed by this chapter";

(2) striking out "under section 5001(a) (1) or under subpart B of this part" in subsection (b) (2), and inserting in lieu thereof the following: "under section 5001(a) (1), subpart B, this part, or section 7652";

(3) inserting "or section 7652" in subsection (c) (1) after "section 5001(a) (1)"; and

(4) inserting "or section 7652" in subsection (d) (1) after "section 5001(a) (1)".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the loss or destruction of distilled spirits occurring after the date of enactment of this Act.

On page 17, after line 3, insert a new section, as follows:

SEC. 12. REDEMPTION OF STOCK WITH APPRECIATED PROPERTY.

(a) **IN GENERAL.**—Section 311(d) (2) (A) (relating to appreciated property used to redeem stock) is amended by inserting after "owns" the following: "(directly or constructively under the rules of section 318(a), which shall apply in determining ownership of stock for purposes of this subparagraph to the same extent and in the same manner as such rules apply for purposes of section 302(b) (3))".

(b) **CONFORMING AMENDMENT.**—Section 318(b) (relating to cross-reference) is amended by redesignating paragraphs (4), (5), (6), (7), and (8) as paragraphs (5), (6), (7), (8), and (9), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) section 311(d) (2) (A) (relating to taxability of corporations on distributions of appreciated property in redemptions of stock);"

(c) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to distributions made after the date of enactment of this Act.

At the top of page 18, insert a new section, as follows:

SEC. 13. REPEAL OF REGULATORY TAXES ON FILLED CHEESE.

(a) **IN GENERAL.**—

(1) Part II of subchapter C of chapter 39 (relating to regulatory provisions affecting filled cheese) is repealed.

(2) The table of parts of such subchapter is amended by striking out the item relating to part II.

(b) **TECHNICAL AND CONFORMING CHANGES.**—

(1) Section 7236 (relating to false branding, etc.) is repealed.

(2) The table of sections of part II of subchapter A of chapter 75 is amended by striking out the item relating to section 7236.

(3) Section 7266 (relating to offenses relating to filled cheese) is repealed.

(4) The table of sections of subchapter B of chapter 75 is amended by striking out the item relating to section 7266.

(5) Section 7303 (relating to property subject to forfeiture) is amended by striking out paragraphs (4) and (5) and inserting in lieu thereof the following:

"(4) **PURCHASE OR RECEIPT OF ADULTERATED BUTTER.**—All articles of adulterated butter (or the full value thereof) knowingly purchased or received by any person from any manufacturer or importer who has not paid the special tax provided in section 4821.

"(5) **PACKAGES OF OLEOMARGARINE.**—All packages of oleomargarine subject to the tax under subchapter F of chapter 38 that shall be found without the stamps or marks provided for in that chapter."

(6) Section 6808 (relating to cross references) is amended by striking out paragraph (5).

(7) Section 7103(d) (3) (relating to cross references) is amended by striking out subparagraph (C).

(c) **EFFECTIVE DATE.**—The repeals and amendments made by this section shall apply to filled cheese manufactured, imported, or sold after the date of enactment of this Act.

On page 19, after line 13, insert a new section, as follows:

SEC. 14. ACCRUED VACATION PAY.

Section 97 of the Technical Amendments Act of 1958 is amended by striking out "January 1, 1973" and inserting in lieu thereof "January 1, 1974".

On page 19, after line 17, insert a new section, as follows:

SEC. 15. CERTAIN CASUALTY LOSSES.

(a) **IN GENERAL.**—Notwithstanding the provisions of section 61 (relating to gross income), section 165 (relating to losses), or any other provision of the Internal Revenue Code of 1954, any taxpayer who was allowed a deduction under section 165 of such Code for a loss attributable to a disaster described in section 165(h) occurring during calendar year 1972, and who received compensation (not taken into account in computing the amount of the deduction) for such loss in settlement of any claim of the taxpayer against a person for that person's liability in tort for the damage or destruction of that taxpayer's property in connection with the disaster, may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to exclude from gross income the amount of such compensation if the taxpayer enters into an agreement with the Secretary or his delegate under which—

(1) the basis of any property of the taxpayer which was damaged in such disaster, or which is replacement property of like kind for property destroyed in such disaster (acquired within 36 months after such destruction), is reduced (but not below zero) by the amount of any part of such compensation, the exclusion of which does not result in a tax benefit in excess of \$5,000, allocable to such damage or destruction, and

(2) the taxpayer will include in his gross income, in equal installments over not more than 5 consecutive taxable years (beginning with the taxable year in which such compensation was received), any amount of such compensation the exclusion of which would result in a tax benefit in excess of \$5,000.

(b) **DEFINITIONS.**—For purposes of this section, the term—

(1) "tax benefit" means an amount equal to the amount of the difference between—

(A) the liability of a taxpayer under chapter 1 of the Internal Revenue Code of 1954 for tax for the taxable year in which the compensation was received, computed without regard to the provisions of this section, and

(B) the liability of that taxpayer for such tax for that taxable year computed after

the application of the provisions of this section (without regard to the requirements of paragraphs (1) and (2) of subsection (a));

(2) "gross income" means gross income as defined in section 61 of the Internal Revenue Code of 1954; and

(3) "basis" means the basis of property determined in accordance with the provisions of part II of subchapter O of chapter 1 of such Code (relating to basis rules of general application).

(c) **RULES.**—In applying the provisions of paragraph (1) of subsection (a) of his property, a taxpayer shall reduce the basis of any depreciable property to which that paragraph applies before he reduces the basis of any of his other property, then he shall reduce the basis of any trade or business property (other than depreciable property) to which that paragraph applies, and finally he shall reduce the basis of any other property to which that paragraph applies. For purposes of this subsection, the term "trade or business property" means property which is not described in section 1221 of the Internal Revenue Code of 1954 (relating to the definition of capital assets), and the term "depreciable property" means property of the taxpayer with respect to which a deduction is allowable under section 167 of such Code (relating to depreciation).

On page 22, after line 9, insert a new section, as follows:

SEC. 16. APPLICATION OF FEDERAL UNEMPLOYMENT TAX ACT TO CERTAIN EMPLOYEES OF SCHOOL-RELATED ORGANIZATIONS.

(a) **IN GENERAL.**—Subparagraph (B) of section 3306(c) (10) (relating to definition of "employment" for purposes of the Federal Unemployment Tax Act) is amended by striking out so much of such subparagraph (B) as precedes "(1)" and inserting in lieu thereof the following:

"(B) service performed in the employ of a school, college, or university, and service performed in the employ of an organization described in section 509(a) (3) (but only if such organization is organized, and at all times thereafter is operated, exclusively for the benefit of, to perform the functions of, or to carry out the purposes of a school, college, or university and is operated, supervised, or controlled by or in connection with such school, college, or university), if such service is performed".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to remuneration paid after December 31, 1973.

On page 23, after line 5, insert a new section, as follows:

SEC. 17. APPLICATION OF SECTION 4942 TAX ON FAILURE TO DISTRIBUTE INCOME.

(a) **IN GENERAL.**—Section 101(1) (3) of the Tax Reform Act of 1969 (relating to savings provisions under section 4942 of the Internal Revenue Code of 1954) is amended by—

(1) striking out "and" in subparagraph (D),

(2) striking out the period at the end of subparagraph (E) and inserting in lieu thereof "; and", and

(3) adding after subparagraph (E) the following new subparagraph:

"(F) apply, in the case of an organization described in paragraph (4) (A) of this subsection,

"(i) by applying section 4942(e) without regard to the stock to which paragraph (4) (A) (i) of this subsection applies,

"(ii) by applying section 4942(f) without regard to dividend income for such stock, and

"(iii) by defining the distributable amount as the sum of the amount determined under section 4942(d) (after the application of clauses (i) and (ii)), and the amount of the dividend income from such stock."

(d) The amendment made by this section

shall apply to taxable years beginning after December 31, 1971.

On page 24, after line 5, insert a new section, as follows:

SEC. 18. APPLICATION OF SECTION 117 TO CERTAIN EDUCATION PROGRAMS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) **IN GENERAL.**—Any amount received from appropriated funds as a scholarship, including the value of contributed services and accommodations, by a member of a uniformed service who is receiving training under the Armed Forces Health Professions Scholarship Program (or any other program determined by the Secretary of the Treasury or his delegate to have substantially similar objectives) from an educational institution (as defined in section 151(e)(4) of the Internal Revenue Code of 1954) shall be treated as a scholarship under section 117 of such Code, whether that member is receiving training while on active duty or in an off-duty or inactive status, and without regard to whether a period of active duty is required of the member as a condition of receiving those payments.

(b) **DEFINITIONS.**—For purposes of this section, the term "uniformed service" has the meaning given it by section 101(3) of title 37, United States Code.

(c) **EFFECTIVE DATE.**—The provisions of this section shall apply with respect to amounts received during calendar years 1973 and 1974.

And, on page 25, after line 3, insert a new section, as follows:

SEC. 19. DOMESTIC INTERNATIONAL SALES CORPORATION AMENDMENT.

(a) **IN GENERAL.**—Section 993(b)(3) (relating to qualified export assets) is amended by striking out "such corporation" and inserting in lieu thereof "such corporation or of another corporation which is a DISC and which is a member of a controlled group which includes such corporation".

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1973. Such amendment shall, at the election of the taxpayer made within ninety days after the date of the enactment of this Act, also apply to any taxable year beginning after December 31, 1971, and before January 1, 1974.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD, FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR CONSIDERATION OF PRISONERS OF WAR AND MISSING IN ACTION TAX ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on tomorrow, after the two leaders or their designees have been recognized under the standing order, that the distinguished minority leader, the Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 10 minutes, that he be followed by the undistinguished majority whip, for not to exceed 10 minutes, that there then be a period for the transaction of routine

morning business not to exceed 10 minutes with statements made therein limited to 3 minutes, at the conclusion of which the Senate will resume its consideration of the unfinished business, calendar No. 530, H.R. 8214.

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

THE ENERGY EMERGENCY ACT

Mr. LONG. Mr. President, if the Senator will yield, I want to state to the acting majority leader and the acting minority leader for their information, as well as for the information of the Senate, that as far as I am concerned there will be no filibuster on the conference report on the energy bill.

I would hope that I would have an opportunity to explain to the Senate the dangers and the faults that we find in the tax proposal which I fear would make it absolutely impossible for the oil and gas industries to do their share toward solving the energy crisis.

I feel that those things must be acted upon, and if Congress is determined to make its own mistake in passing some unconstitutional measure that will do more harm than good to the tax structure, at least we will have an opportunity to correct that mistake.

As chairman of the hearings before the Finance Committee, I will do my best to see that we correct whatever unwisdom we do in the tax area.

I would hope that the majority and minority leaders would accord us a few days to complete our hearings so that we might hear from experts in that area and lay that information before the Senate. If the matter extends for more than a week, I would withdraw my request.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Louisiana. We all appreciate his statement.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at the hour of 12 noon tomorrow. After the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), will be recognized for not to exceed 10 minutes, after which the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 10 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 10 minutes, with statements made therein limited to 3 minutes, at the conclusion

of which the Senate will resume its consideration of the then unfinished business, calendar No. 530, H.R. 8214, a bill to modify the tax treatment of members of the Armed Forces of the United States and civilian employees who are prisoners of war or missing in action, and for other purposes.

Yea-and-nay votes could occur on amendments thereto or on passage of the bill.

The conference report on the National Energy Emergency Act may be called up at any time tomorrow, it being a privileged matter. I do not foresee final action on the conference report on tomorrow. However, Senators are alerted to the fact that there will likely be yea-and-nay votes on the unfinished business at least.

Other items that are unobjected to and cleared for action in the meantime may be called up and acted on by unanimous consent on tomorrow.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 12 noon tomorrow.

The motion was agreed to; and, at 3:49 p.m., the Senate adjourned until tomorrow, Wednesday, January 23, 1974, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate January 22, 1974:

DEPARTMENT OF STATE

Joseph John Sisco, of Maryland, a Foreign Service Officer of the Class of Career Minister, to be Under Secretary of State for Political Affairs.

David B. Bolen, of Colorado, a Foreign Service Officer of Class two, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana, to the Kingdom of Lesotho, and to the Kingdom of Swaziland.

James F. Campbell, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

G. McMurtrie Godley, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

William J. Jorden, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

David L. Osborn, of Tennessee, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of the Union of Burma.

William J. Porter, of Massachusetts, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Robert S. Smith, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ivory Coast.

DEPARTMENT OF JUSTICE

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years. (Reappointment)

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years. (Reappointment)

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington for the term of 4 years. (Reappointment)

Robert G. Renner, of Minnesota, to be U.S. attorney for the district of Minnesota for the term of 4 years. (Reappointment)

Wayman G. Sherrer, of Alabama, to be U.S. attorney for the northern district of Alabama for the term of 4 years. (Reappointment)

Thomas F. Turley, Jr., of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years. (Reappointment)

Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin for the term of 4 years. (Reappointment)

Harry D. Berglund, of Minnesota, to be U.S. marshal for the district of Minnesota for the term of 4 years. (Reappointment)

Harry Connolly, of Oklahoma, to be U.S. marshal for the northern district of Oklahoma for the term of 4 years. (Reappointment)

J. Keith Gary, of Texas, to be U.S. marshal for the eastern district of Texas for the term of 4 years. (Reappointment)

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years. (Reappointment)

George A. Locke, of Washington, to be U.S. marshal for the eastern district of Washington for the term of 4 years. (Reappointment)

Lee R. Owen, of Arkansas, to be U.S. marshal for the western district of Arkansas for the term of 4 years. (Reappointment)

John W. Spurrier, of Maryland, to be U.S. marshal for the district of Maryland for the term of 4 years, vice Clarence A. Butler, resigned.

FEDERAL RESERVE SYSTEM

Henry C. Wallich, of Connecticut, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1974, vice J. Dewey Daane, term expiring.

INTERSTATE COMMERCE COMMISSION

George M. Stafford, of Kansas, to be an Interstate Commerce Commissioner for a term of 7 years expiring December 31, 1980. (Reappointment)

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of rear admiral:

Robert I. Price	G. H. Patrick Bursley
Winford W. Barrow	Robert W. Durfey
James P. Stewart	James S. Gracey

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

To be senior surgeons

John C. Ballar III	Gerald D. LaVeck
Vivian Chang	Wandyr J. Moore
Ellen E. Garrecht	Lawrence R. Rose
James M. Gilbert	Paul C. White, Jr.
David W. Johnson	

To be surgeons

Stephen P. Bartok	Leonard B. Krich
Robert L. Bergman	Richard T. Light
Donald R. Bergsma	Harold D. McDonald
George R. Brenneeman	Charles L. McIntosh
Joe H. Davis	Dean F. Obenchain
Thomas C. Davis	Betty A. Paeth
Evan Elsenberg	Peter L. Putnam
Stephen J. Kraus	Jerry A. Shoukas
Floyd M. Kregenow	Robert T. Simpson

To be senior assistant surgeons

Thomas Bender	Randall H. Lortscher
Alfred L. Brassel, Jr.	David A. McGuire
James D. Felsen	Kenneth P. Moritsugu
Mitchell H. Gall	John J. Mulvihill
Roger H. Halterman	William A. Paton
Charles L. Hostetter	Frederick R. Pintz
David G. Kaufman	Bernard E. Schatz
William H. King	Robert M. Schmidt
Robert F. Knouss	Derald L. Seid
Oliver M. Korshin	George F. Sheckleton
Rice C. Leach	Richard W. Smith
Sanford S. Lefingwell	Verner Stillner
David L. Levin	Mark H. Zweig

To be senior dental surgeon

Roald J. Shern

To be dental surgeons

Robert W. Beck John Folio

To be senior assistant dental surgeons

Robert S. Andrews	Philip C. Rake
Stephen R. Curtice	Lawrence R. Sarmiere
John L. Drager	Richard A. Spagna
Marvin A. Eichner	John R. Sundell
Darrell R. Hazle	Edwin E. Thorp
William J. Kline	James D. Vesbach
John R. Ludington, Jr.	Charles R. Wanner
Robert F. Martin	William J. L. Williams
Lawrence H. Mellor	Raymond C. Winters
Neil H. Nilsson	Stephen M. Young
Terry J. Ortmann	

To be nurse officers

Rose A. Britanak	Margaret A. McCombs
Claire M. Coppage	Susan E. Milman
Lois M. Dommert	Jane A. Moretto
Celeste B. Evans	Katheryn E. Renney
Eleanor V. Flynn	Barbara A. Rolling
Margaret J. Howe	Elizabeth D. Watrous
Elizabeth L. Iddings	Arthur C. Williams

To be senior assistant nurse officers

Paul A. DuCommun Robert L. Oshins

To be assistant nurse officer

Bernice M. Sextro

To be sanitary engineer director

Aleck Alexander

To be sanitary engineers

Robert E. Hatten
George B. Martin
Thomas J. Sorg

To be senior assistant sanitary engineers

Joseph S. All	Peter R. Johnson
David W. Alton	Ralph C. Olsen
J. Douglas Ashbrook	Gary K. Radtke
Francis W. Bennett	Ira J. Somerset
Gunther F. Craun	Ronald R. Speedy
Kenneth R. Harper	Linden E. Witherell
Allan P. Heins	

To be assistant sanitary engineer

John A. George

To be senior scientists

Martin I. Goldenberg
Leon J. Greenbaum, Jr.

To be scientist

Larry K. Lowry

To be senior assistant scientists

William A. Betts	Donald V. Lassiter
Bobby D. Brayboy	James B. Wade
David L. DeMets	Lawrence A. Yamamoto
James M. Everts	
William Kroes	

To be sanitarians

John P. Conrad, Sr.	Laren J. Suckles
Curtis A. Golden	Jerome J. Smith
H. Harold Lehman	Robert J. Weatherby
Safety E. Reynolds	

To be senior assistant sanitarians

Thomas R. Bonfield	Richard M. Tanimoto
Donald W. Payne	Ray A. Van Ostran
Darrell J. Schwaim	Joseph W. Winkler

To be veterinary officers

Charles G. Liddle
James L. Murray

To be senior assistant veterinary officers

John R. Broderson
Russell W. Currier II

To be senior assistant pharmacists

Robert J. Aleksun	Archie R. Hill
Alvin E. Arneson	James K. Hooper
Cletis V. Bonnett	Edgar R. Jeter
Gary J. Buehler	Dale L. Johnson
Gerald M. Burge	William H. Kehoe, Jr.
William H. Caldwell	Larry M. Kleinman
Gary L. Chadwick	Christopher P. Konrad
John S. Cipriano	Harry A. Milman
Gary C. Collins	Gary L. Nelson
James C. Cradock	Johnny B. Peebles
Roger L. Dinwiddie	Mary L. Pengelly
Norman C. Dittman	Theodore B. Pukas
Aubrie L. Duncan	Richard M. Taffet
David C. Ewing	Lawrence A. Trissel
Roger D. Gorton	Paul J. Vilik
Stephen C. Groft	Theodore A. Westley
Paul K. Hiranaka	

To be assistant pharmacists

Gordon R. Baldeschwiler	Paul V. McSherry
Michael S. Brown	Robert G. Nolan
Ira J. Fox	Ronald E. Powell
Steven C. Garrett	William M. Singleton, Jr.
Gill D. Gladding	Joseph A. Tangrea
James A. May	Robert L. West

To be dietitians

Mary E. Ferrell
Catherine G. Waters

To be senior assistant dietitians

Michael A. Bernstein
Virginia E. Spangler
Peter M. Stegmayer

To be assistant dietitian

William J. Jajensnica

To be therapists

Ronald E. LaNeve
Helen L. Woods

To be senior assistant therapists

Robert B. Beach	Walter P. Schneiderwind
Harry T. Bergholdt	
Judith V. Culver	

To be assistant therapist

James A. Birke

To be health services officers

Lawrence T. Barrett	Gordon G. McLain
Arthur N. Jarvis	Michael J. Speshock

To be senior assistant health services officers

Robert J. Bettjes	Daniel L. Mintz
John C. Bernson	Judith L. Munsterman
Vernon H. A. Bowman	William E. Murray, Jr.
Sang R. Chol	Jennings E. Partridge
Frederick C. Churchill	Marc R. Rose

To be assistant health services officers

John J. Cohn	Martiniano R. Sandoval
Winston J. Dean	Dale F. Schramm
Stephen D. Finstein	Paul F. Schulze
Arthur J. Forest	Edwin L. Sensintaffar
Allen R. Forman	George J. Vasconcelos
Norbert P. Heb, Jr.	William M. Wagner
John R. Heinz	David E. Weber
John M. Kutch, Jr.	Samuel T. Windham, Jr.
Gary R. Lounsberry	Gerald G. Wheeler
Douglas A. Mahy	

To be assistant health services officers

Kenneth R. Bahr	Johnny R. Rainey
Laurence W. Grossman	Jon P. Yeagley

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Robert E. Pursley, XXXX FR (colonel, Regular Air Force) U.S. Air Force.

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be brigadier general

Col. Robinson Risner, [redacted] FR, Regular Air Force.
 Col. Garth B. Dettinger, [redacted] FR, Regular Air Force, Medical.
 Col. Thomas M. Groome, Jr., [redacted] FR, Regular Air Force, Chaplain.
 Col. Norman C. Gaddis, [redacted] FR, Regular Air Force.
 Col. Howard R. Unger, [redacted] FR, Regular Air Force, Medical.
 Col. William J. Holton, [redacted] FR, Regular Air Force.
 Col. George W. Rutter, [redacted] FR, Regular Air Force.
 Col. Charles F. G. Kuyk, Jr., [redacted] FR, Regular Air Force.
 Col. Donald R. Klang, [redacted] FR, Regular Air Force.
 Col. Howard M. Estes, Jr., [redacted] FR, Regular Air Force.
 Col. Howard W. Leaf, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Bruce K. Brown, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Robert A. Foster, [redacted] FR, (major Regular Air Force) U.S. Air Force.
 Col. Stuart H. Sherman, Jr., [redacted] FR, (major Regular Air Force) U.S. Air Force.
 Col. Richard B. Collins, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Kermit Q. Vandenbos, [redacted] FR, Regular Air Force, Medical.
 Col. William R. Coleman, [redacted] FR, Regular Air Force.
 Col. Alonzo J. Walter, Jr., [redacted] FR, Regular Air Force.
 Col. Don H. Payne, [redacted] FR, Regular Air Force.
 Col. Edwin A. Coy, [redacted] FR, Regular Air Force.
 Col. James B. Currie, [redacted] FR, Regular Air Force.
 Col. William L. Nicholson, III, [redacted] FR, Regular Air Force.
 Col. Hans H. Driessnack, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Paul A. Kauttu, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. William B. Maxson, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Robert B. Tanguy, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Harold E. Gross, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Thomas G. Bee, [redacted] FR, Regular Air Force.
 Col. Francis A. Humphreys, Jr., [redacted] FR, Regular Air Force.
 Col. Albert L. Melton, [redacted] FR, Regular Air Force.
 Col. William W. Dunn, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. John E. Ralph, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. George A. Edwards, Jr., [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. John H. Jacobsmeyer, Jr., [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. William G. MacLaren, Jr., [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. Gerald E. Cooke, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. Frank M. Drew, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Jerome F. O'Malley, [redacted] FR, (major, Regular Air Force) U.S. Air Force.

Col. Fred A. Haefner, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Harry A. Morris, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Robert T. Herres, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Melvin G. Bowling, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. William R. Usher, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Sidney L. Davis, [redacted] FR, Regular Air Force.
 Col. John W. Collens, III, [redacted] FR, Regular Air Force.
 Col. Charles B. Knudson, [redacted] FR, Regular Air Force.
 Col. Jack W. Waters, [redacted] FR, Regular Air Force.
 Col. William C. Branam, [redacted] FR, Regular Air Force.
 Col. Elwood A. Kees, Jr., [redacted] FR, Regular Air Force.
 Col. Doyle E. Larson, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Michael E. DeArmond, [redacted] FR, Regular Air Force.
 Col. David L. Gray, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. John W. Hepfer, [redacted] FR, Regular Air Force.
 Col. Warren C. Moore, [redacted] FR, (lieutenant colonel Regular Air Force) U.S. Air Force.
 Col. Dewey K. K. Lowe, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. Martin C. Fulcher, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. James H. Ahmann, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Claire M. Garrecht, [redacted] FR, Regular Air Force, Nurse.
 Col. Robert W. Bazley, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. James W. Wold, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Len C. Russell, [redacted] FR, (lieutenant colonel, Regular Air Force) U.S. Air Force.
 Col. George D. Miller, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. James A. Abrahamson, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Dan A. Brooksher, [redacted] FR, Regular Air Force.
 Col. Van C. Doubleday, [redacted] FR, (major, Regular Air Force) U.S. Air Force.
 Col. Bobby W. Presley, [redacted] FR, (major, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Herron Nichols Maples, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Daniel Orrin Graham, [redacted] Army of the United States (brigadier general, U.S. Army).

The following-named officer for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Thaddeus F. Malanowski, [redacted] U.S. Army.

The U.S. Army Reserve officers named herein for promotion as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Willie Earl Dixon, Jr., [redacted]

Brig. Gen. Benjamin Lacy Hunton, SSN [redacted]

Brig. Gen. George William McGrath, Jr., [redacted]

Brig. Gen. Frederick Arthur Welsh, [redacted]

To be brigadier general

Col. Charles Elmer Blaker, SSN [redacted] Transportation Corps.

Col. Julius Hoesterey Braun, [redacted] Ordnance Corps.

Col. Edwin Francis Dosek, [redacted] Infantry.

Col. Robert Lewis Frantz, [redacted] Infantry.

Col. John David Jones, [redacted] Artillery.

Col. John Q. T. King, [redacted] Medical Service Corps.

Col. Paul Shepard Oliver, Jr., [redacted] Infantry.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. William Stanley Lundberg, Jr., [redacted]

Brig. Gen. James Lee Moreland, [redacted]

Brig. Gen. D. A. Thompson, SSN [redacted]

To be brigadier general

Col. John Glover Castles, [redacted] Field Artillery.

Col. Allen Anderson David, [redacted] Infantry.

Col. William Herbert Duncan, SSN [redacted] Signal Corps.

Col. William Emmett Ingram, [redacted] Infantry.

Col. Carl Frederick Mauger, [redacted] Infantry.

Col. Ben Lane Upchurch, [redacted] Infantry.

IN THE AIR FORCE

The following-named officers for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended.

MEDICAL CORPS

Lieutenant colonel to colonel

Box, Benjamin E., [redacted]
 Campbell, John L. II, [redacted]
 Chambers, Clint E., [redacted]
 Chapman, Robert M., [redacted]
 Cheng, Alfred K., [redacted]
 Dake, Theodore, Jr., [redacted]
 Dibbell, David G., [redacted]
 Downs, Spencer R., [redacted]
 Ferguson, Emmett B., Jr., [redacted]
 Fitzrandolph, Raymond H., [redacted]
 Flamm, Melvin D., Jr., [redacted]
 Gaines, John W., Jr., [redacted]
 Grillo, Donald, [redacted]
 Hallowell, John D., [redacted]
 Harada, William S., [redacted]
 Hart, James E., [redacted]
 Hauver, Robert C., [redacted]
 Hoffman, James F., Jr., [redacted]
 Igelman, Jon M., [redacted]
 Jennings, James F., [redacted]
 Johnson, Willard L., Jr., [redacted]
 Jones, Otis W., [redacted]

Lecuyer, Robert L., xxx-xx-xxxx
 Lewis, Sidney T., xxx-xx-xxxx
 Mediavilla, Antonio E., xxx-xx-xxxx
 Metheny, Ralph S., Jr., xxx-xx-xxxx
 Moser, Royce, Jr., xxx-xx-xxxx
 Neal, Joseph A., xxx-xx-xxxx
 Nonas, Constantine J., xxx-xx-xxxx
 Price, Terrill E., Jr., xxx-xx-xxxx
 Ramos, Edwin D., xxx-xx-xxxx
 Sandiego, Armardo G., xxx-xx-xxxx
 Savage, Hilbert B., Jr., xxx-xx-xxxx
 Schaller, Laird F., xxx-xx-xxxx
 Schultz, Morris A., xxx-xx-xxxx
 Shallow, James T., xxx-xx-xxxx
 Shepherd, Virgil J., xxx-xx-xxxx
 Smith, Oren R., Jr., xxx-xx-xxxx
 Stahl, Norman L., xxx-xx-xxxx
 Swift, James T., xxx-xx-xxxx
 Thomas, Charles N., xxx-xx-xxxx
 Triebwasser, John H., xxx-xx-xxxx
 Watson, Clarence F., Jr., xxx-xx-xxxx
 White, Jerry A., xxx-xx-xxxx
 Whiteside, Clarence K., Jr., xxx-xx-xxxx
 Wiley, John R., xxx-xx-xxxx
 Wingert, Robert I., xxx-xx-xxxx

DENTAL CORPS

Andrews, Roy W., xxx-xx-xxxx
 Aronovitz, Robert, xxx-xx-xxxx
 Basse, Adolph F., xxx-xx-xxxx
 Binzer, William C., xxx-xx-xxxx
 Birmingham, Frederick D., xxx-xx-xxxx
 Bottom, James G., xxx-xx-xxxx
 Brown, Cecil E., Jr., xxx-xx-xxxx
 Davis, Earl W., xxx-xx-xxxx
 Derricotte, Eugene A., xxx-xx-xxxx
 Garner, Robert S., xxx-xx-xxxx
 Hamrick, Joseph E., xxx-xx-xxxx
 Jividen, Glenn J., xxx-xx-xxxx
 Kramer, Donald C., xxx-xx-xxxx
 Nassif, N. Joseph, xxx-xx-xxxx
 Richardson, James E., xxx-xx-xxxx
 Risk, Donald L., xxx-xx-xxxx
 Rymarz, Frank P. E., xxx-xx-xxxx
 Schell, Jerome, xxx-xx-xxxx
 Smith, Ralph H., Jr., xxx-xx-xxxx
 Taylor, Carroll G., xxx-xx-xxxx
 Turner, Donald C., xxx-xx-xxxx
 Westin, Richard P., xxx-xx-xxxx
 Wettlaufer, Robert K., xxx-xx-xxxx
 Wilson, Brice N., xxx-xx-xxxx
 Wymer, William E., xxx-xx-xxxx
 Zwick, Harold W., xxx-xx-xxxx

MEDICAL CORPS

Major to lieutenant colonel

Barrett, Robert T., xxx-xx-xxxx
 Biedermann, Eric R., xxx-xx-xxxx
 Bitsef, Edward L., xxx-xx-xxxx
 Bude, Frederick R., xxx-xx-xxxx
 Bodker, James A., Jr., xxx-xx-xxxx
 Bornstein, Myer S., xxx-xx-xxxx
 Brown, Frederic M., xxx-xx-xxxx
 Cabrerahamirey, Lorenzo, xxx-xx-xxxx
 Calico, Forrest W., xxx-xx-xxxx
 Candy, Jon W., xxx-xx-xxxx
 Carmody, John L., xxx-xx-xxxx
 Castaneda, Thistan A., xxx-xx-xxxx
 Cloyd, Dale E., xxx-xx-xxxx
 Corbett, James E., xxx-xx-xxxx
 Cronk, Richard V., xxx-xx-xxxx
 Diorlo, David A., xxx-xx-xxxx
 Durr, Maurice M., xxx-xx-xxxx
 Dumas, Paul A., xxx-xx-xxxx
 Fogel, Lawrence J., xxx-xx-xxxx
 Gaines, Larry S., xxx-xx-xxxx
 Grant, William H., xxx-xx-xxxx
 Gray, Neal H., xxx-xx-xxxx
 Grossman, Jerome H., xxx-xx-xxxx
 Halverson, James L., xxx-xx-xxxx
 Hamilton, Carlos R., Jr., xxx-xx-xxxx
 Hilleboe, John W., xxx-xx-xxxx
 Hinzman, Gary W., xxx-xx-xxxx
 Hughes, Thomas J., xxx-xx-xxxx
 Jaffe, Bernard M., xxx-xx-xxxx
 Jecha, Larry D., xxx-xx-xxxx
 Johnson, Matthew T., xxx-xx-xxxx
 Kaplan, Michael F., xxx-xx-xxxx
 Klegan, Kirk A., Jr., xxx-xx-xxxx
 Kincaid, Charles A., Jr., xxx-xx-xxxx

King, Roy D., xxx-xx-xxxx
 Klein, Michael R., Jr., xxx-xx-xxxx
 Kuhn, Charles R., xxx-xx-xxxx
 Mahoney, John T., xxx-xx-xxxx
 Martin, Stephen H., xxx-xx-xxxx
 McNutt, Neil S., xxx-xx-xxxx
 Meyer, George W., xxx-xx-xxxx
 Mozersky, David J., xxx-xx-xxxx
 Mueller, Kenneth H., xxx-xx-xxxx
 Murray, Arthur J., xxx-xx-xxxx
 Notske, Robert N., xxx-xx-xxxx
 Novicki, Donald E., xxx-xx-xxxx
 Olson, Barry E., xxx-xx-xxxx
 Orren, Jerry M., xxx-xx-xxxx
 Paget, Edward T., xxx-xx-xxxx
 Palmer, Jacques J., xxx-xx-xxxx
 Pearson, Harve D., xxx-xx-xxxx
 Powell, Jerry R., xxx-xx-xxxx
 Rogers, Woods W., III, xxx-xx-xxxx
 Schaberl, Karl N., xxx-xx-xxxx
 Simpson, Charles L., xxx-xx-xxxx
 Snider, William J., xxx-xx-xxxx
 Thabalsantos, Jose F., xxx-xx-xxxx
 Walters, William E., II, xxx-xx-xxxx
 Wanerka, Gary R., xxx-xx-xxxx
 Welsh, George F., xxx-xx-xxxx
 Whelchel, John D., Jr., xxx-xx-xxxx
 Wilder, Thomas C., Jr., xxx-xx-xxxx
 Wiley, John K., xxx-xx-xxxx
 Williams, Robert A., xxx-xx-xxxx
 Yatteau, Ronald F., xxx-xx-xxxx

DENTAL CORPS

Adan, Cirilo L., Jr., xxx-xx-xxxx
 Bernhard, Lee F., xxx-xx-xxxx
 Brannon, Robert B., xxx-xx-xxxx
 Buchen, Baward A., xxx-xx-xxxx
 Carey, Rubert J., xxx-xx-xxxx
 Cooley, Robert L., xxx-xx-xxxx
 Davis, Jerry N., xxx-xx-xxxx
 Donnelly, Maurice W., xxx-xx-xxxx
 Duran, Paul C., xxx-xx-xxxx
 Drake, Philip L., Jr., xxx-xx-xxxx
 Ellerbruch, Eldon S., xxx-xx-xxxx
 Fazio, Louis J., xxx-xx-xxxx
 Ferland, Norman G., xxx-xx-xxxx
 Freedman, Irving, xxx-xx-xxxx
 Freestone, James T., xxx-xx-xxxx
 Gleason, Robert W., xxx-xx-xxxx
 Green, Larry E., xxx-xx-xxxx
 Herbold, Edward T., xxx-xx-xxxx
 Hoerath, John C., xxx-xx-xxxx
 Knowles, Kenneth I., xxx-xx-xxxx
 Kolker, Stanley L., xxx-xx-xxxx
 Koutnik, Alfred W., xxx-xx-xxxx
 Mauthe, Donald J., xxx-xx-xxxx
 McIlwain, James E., Jr., xxx-xx-xxxx
 Mills, Donald E., xxx-xx-xxxx
 Morlang, William M., II, xxx-xx-xxxx
 Moskowitz, Donald G., xxx-xx-xxxx
 Osborne, Harold W., xxx-xx-xxxx
 Powell David L., Jr., xxx-xx-xxxx
 Richard, Glenn E., xxx-xx-xxxx
 Ruane, James B., xxx-xx-xxxx
 Rucco, James J., xxx-xx-xxxx
 Ryan, Doran E., xxx-xx-xxxx
 Shibuya, Francis S., xxx-xx-xxxx
 Smith, Howard F., xxx-xx-xxxx
 Sorensen, Donald C., xxx-xx-xxxx
 Stanger, James H., xxx-xx-xxxx
 Staup, James C., Jr., xxx-xx-xxxx
 Strohaber, Robert A., xxx-xx-xxxx
 Strosnider, Roger R., xxx-xx-xxxx
 Vugue, Harvey L., xxx-xx-xxxx
 Wampler, Henry W., xxx-xx-xxxx
 Weinman, Morris L., xxx-xx-xxxx
 Wilson, Aaron H., Jr., xxx-xx-xxxx
 Wong, Shannon, xxx-xx-xxxx
 Wright, Gordon L., xxx-xx-xxxx

IN THE NAVY

The following-named officers of the U.S. Navy and Naval Reserve for temporary promotion to the grades indicated in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Commander

Almy, Gary Lee
 Angelo, Don Stuart
 Antonio, Melvin Quetull

Bright, Robert Wayland
 Branch, John Wayne
 Bloustine, Stanley Aaro
 Charles, Clive Robert
 Clayton, William Ellis
 Connolly, William James
 Davis, McWilliam Henry
 Dennis, David Tappen
 Dirkers, Jerome David
 Dodson, Jon Harrol
 Engeler, James Edward J.
 Farrell, Raymond L.
 Filo, Ronald Steven
 Fink, Lawrence Holliday
 Geeslin, James Menard J.
 Gray, John E.
 Gross, Theodore Donald
 Habib, Michael Anthony
 Hendricks, Philip Lance
 Higgins, Robert W.
 Hoskins, William John
 Howard, Noel Scott
 Humphrey, Chester Bowde
 Ines, Mario Bayuga
 Jackson, Charles Thomas
 Janovich, John Richard
 Jochimsen, Peter Rudolph
 Ketrone, Gary Don
 Knopf, Alan Ben
 Krishnigner, Gene Laver
 Lee, Wayland Sherrod
 Lipkin, Philip
 Maginnis, Michael Allen
 McAlary, Brian Gerard
 McClurkan, James Michael
 McDonald, Harrison Robe
 McQuarrie, Irvine G.
 Noel, Ewell Carlyle, Jr.
 Nye, Charles Erik
 Osborne, John Edward
 Pepine, Carl John
 Rasco, Jerry Lynn
 Ricketson, George Manni
 Roberts, James Douglas
 Robertson, Nathaniel R.
 Sands, John Porter, Jr.
 Sanfilippo, Joseph Anthon
 Scheidt, Kenneth Anthon
 Siao, Newton Tiu
 Symonds, Ronald Delbert
 Tomm, Karl Elmer
 Velat, Gary Frank
 Williams, Anderson Rodd
 Williams, Loy Engene

SUPPLY CORPS

Arnold, James Leslie
 Austin, Walter Ivy
 Avery, Bruce Floyd
 Awada, James George
 Bayles, Ronald Stuart
 Bender, James Lawrence
 Bian, John William
 Biver, David Albert
 Blackwell, Lind Bergh
 Boesch, Frederick Erskin Jr.
 Boese, Fred Merritt
 Boylan, Charles Theodore
 Brassington, Abram Austin
 Bush, William John
 Christen, Jimmy Ellette
 Clemente, Vincent Francis
 Cooper, Donald Reid
 Crooks, Robert Edward Jr.
 Crosby, Alexander Clayton
 Crouch, Donald Glenn
 Culbertson, Morris Dean
 Cunningham, John Joseph Jr.
 Dardis, Ernest Charles
 Dolan, Henry James
 Dowling, John Patrick Jr.
 Drake, Claude Howell
 Dyches, James Wilson
 Ebey, John Robert
 Evans, Steven Harrison
 Farley, Robert Howard III
 Fedora, John
 Felt, John David
 Frizzell, Frank Lee Jr.
 Goss, Roland Alfred
 Hatchett, John Wayne

Hauenstein, William Harry
 Haver, David John
 Henton, Alan Martin
 Huddleston, Roy Lynn
 Huffman, Haldon James
 Huth, Carl Fredrick Jr.
 Hutto, John Aaron
 Jackson, Leon Arvil
 Jarrett, William Augustus
 Johnson Edward Matthew, Jr.
 Jones, Everett Leslie III
 Julian, Gerald Patrick
 Kelly, James Andrew
 Koncar, William Robert
 Krakower, Matthew Arthur
 Krummel, John Cary
 Kruse, Marlin Lewis
 Lavelly, Lawrence William
 Leeson, Donald Dozier
 Lynam, Edward Joseph
 Maginniss, Christopher M., Jr.
 McAdams, William Michael
 McAllister, Dudley Shaw, Jr.
 McCloskey, Michael A., Jr.
 Muenster, William Stephens
 Napier, William Lloyd
 Overman, Douglas Ray
 Parker, Charles Edwin
 Parsons, Frank Woodhall
 Rader, Lynden Larue
 Rose, Russell Livingston
 Rumpf, Robert Lewis
 Russell, Joseph Francis III
 Schlenker, Robert Louis
 Shaw, Jerry Wayne
 Sherwood, William Charles
 Smellow, Edwin Neil
 Spillane, James Jerome
 Stauffer, John Lloyd
 Stehly, Frederick Raebel
 Stigliano, Carmen Nicholas
 Tempest, Edward Harry
 Verplaetse, Ronald Arthur
 Vevoda, George Lee
 Walker, Samuel John
 Walther, Harrison Nicholas
 Weatherson, Harvey Donald
 Webber, Randall Edward
 Webb, Robert Donald
 Wheeler, J. C., Jr.
 Willis, Gerald Worth

CHAPELAIN CORPS

Antos, Paul Joseph
 Boyer, Richard Alfred
 Boyette, Earl Lawrence
 Cronin, James Edward, Jr.
 Cunningham, Robert Ross
 Dempsey, Richard Joseph
 Doffin, James Elvin, Jr.
 Dorsey, Jack Edmond
 Frates, Joseph Henry
 Gibson, William Moses
 Goodwin, Norman
 Hamilton, Edward Anthony
 Hanawalt, Edward Alan
 Hathaway, Dudley Chase
 Hiskett, Walter Alvin
 Holwager, Philip Joseph
 Hughes, Edward Lee
 Lewis, Herbert Tilford
 Mack, Wilfred Benson
 McCoy, Marion Wilbert
 McCue, Richard Theodore
 McNamara, John Richard
 Mowry, John James
 Pearson, Paul Warren
 Pfannenstiel, James Dixon
 Plishker, Richard Alan
 Seeland, Arthur David
 Smith, Hugh Dwight
 Trent, Robert Earl
 Waite, Patrick John
 Witting, Martin Joseph
 Wuebbens, Everett Peter

CIVIL ENGINEER CORPS

Austin, Donald Ralph
 Boothe, Allen Perry
 Brockwell, John Albert
 Byers, Eugene Waite
 Davis, Gene

Enyedy, Joseph Michael II
 Gunther, John Albert
 Ives, Jon Robert
 Jacobsen, John Reinholdt
 Martin, Roger Gene
 Matthews, William Garfield
 Muir, Michael David
 Naegele, Frederick Donald
 Oswald, Thomas Hepworth, Jr.
 Parisius, Philip James
 Podbielski, Victor
 Reeves, Dwain
 Riley, James Leonard
 Shackelford, Robert H., Jr.
 Smart, Robert Dalton
 Swistock, John Richard
 Tack, Curtis Allen
 Tibbitts, Jonathan Cilley J.
 Wagner, David Roy
 Young, John Archie, Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Brickson, Herbert Orion
 Crane, William Abraham
 Drapeau, John William
 Gormley, Matthew Joseph, III
 Hoffman, James Lyle, Jr.
 Hradecky, Rudolf
 Jones, Augustus Bennette, III
 Kercheval, John William, II
 Nersteth, Marvin Peter
 Stumbaugh, Everette D.
 Sweeney, James Wallace
 Trocki, Daniel Bernard
 Vanslate, Jean Ellsworth
 Walsh, John Joseph
 Ziemniak, Daniel John

DENTAL CORPS

Albright, Jimmy Edward
 Alexander, Roger E.
 Allen, John M.
 Andrzejewski, David Ale
 Antrim, Donald D.
 Archer, Jerald Joe
 Back, Jim Palmer
 Barron, Don Morrow
 Barton, Terry Lee
 Bauman, John Calvin
 Bickenbach, Alan Paul
 Billy, Edward Joseph
 Blake, James Harris
 Blanchard, Donald Georg
 Blank, Byron Edgar
 Boles, Michael Eugene
 Bollinger, Thomas Edwar
 Bosley, James Edward
 Branham, Gerald Brown
 Branon, Anthony William
 Bryant, Frederic Stephe
 Buchholtz, William J.
 Burk, Jimmie Leon Jr.
 Burke, Robert Stuart
 Butlin, Roderick Willia
 Calder, David Robertson
 Chandler, Leonard P., Jr.
 Charbonneau, Paul Cook
 Coggeshall, William Tho
 Cook, Robert Corwin
 Cornell, Michael Thomas
 Crowell, Nelson Thomas
 Curtice, Frederick Aust
 Davis, Charles Madison
 Davis, Norman Lindell
 Delaossa, Arthur Dwight
 Demeyer, John Hilaire
 Ebert, Patrick Corcoran
 Emery, Clare Allison, Jr.
 Ervin, Melvin, Jr.
 Esquire, Robert Gregory
 Fady, James A., Jr.
 Felger, Milton Robert
 Fields, Marion Spencer
 Fjerstad, James Harold
 Fletcher, Ernest Clinto
 Flinton, Robert John
 Fortman, Kenneth Vernon
 Foster, George Stavros
 Frank, Sam Robert
 Frazier, James L.
 Gant, Lewis Edward
 Glazer, Sanford Allen

Good, Richard James
 Greeley, William Edmond
 Grisham, John Paul
 Groat, Jack Eugene
 Gustafson, Duane Olin
 Hale, William Franklin
 Hancock, Everett Brady
 Haro, David Pierce
 Hawse, Richard Allen
 Hedge, Herbert Roy
 Heibel, John Lawrence J.
 Hensley, Paul Edwin
 Hicks, Morris Lamar
 Hillenbrand, Dennis G.
 Hinman, Robert Winfield
 Hirschfeld, William Ern
 Hirst, Robert Charles
 Ho, Patrick
 Holtan, James Raymond
 Horton, Charles Bunion
 Howe, David James
 Huelster, Peter Charles
 Hunter, Thomas Allen
 Imlach, William Edward
 Isaacs, Jerome Ernest
 Jann, Robert Charles
 Johnston, William Charl
 Julienne, Charles Hunte
 Kawahara, Charles Masar
 Kehoe, Joseph Clark
 King, Ronald Coulter
 Kjome, Robert Louis
 Knehans, William Edmund
 Kobes, Peter
 Koenigs, Joseph Francis
 Kosobud, William Orvill
 Kozma, Ernest Sylvester
 Lane, Jerry Lee
 Lawton, Robert Anthony
 Lehman, Paul Clinton
 Leonard, Edward Paul
 Lequire, Anton Kilgore
 Lineberger, Luther True
 Lohr, John R.
 Longenecker, David Paul
 Lufkin, John Cordell
 Luton, Jonathan Paul, Jr.
 Maastricht, William Hen
 MacLeod, George
 MacPherson, John Herman
 Mansfield, Thomas Walla
 Martin, Richard Leonard
 McDavid, Paul Thomas, Jr.
 Milford, Michael Louis
 Mitchell, Donald Leo
 Morris, Don Raymond
 Morris, M. Dan
 Mowad, Massoud Gazell
 Muir, Theodore Erwin
 Mullins, Harry Charles
 Nelson, Emory Russell
 Nelson, Ronald Thomas
 Newell, Thomas James, II
 Nicklin, Charles Ross
 Niesar, George Francis
 Nieuwsma, Gerald Edwin
 Nissenon, Marvin
 Nowak, Joseph Paul
 Orthmeyer, Harold Joseph
 Ostrowski, John Stanley
 Paulk, Glenn Lamar, Jr.
 Perry, Frank Upshaw
 Peru, Charles Blaine
 Petri, William Henry, II
 Phillips, Charles Kenne
 Porter, John William
 Preece, Richard Golden
 Rackley, Otis Dowe, Jr.
 Richardson, William Gos
 Ridley, Michael Travis
 Roberts, William Wallis
 Robertson, Gustav Rober
 Ross, George Robert
 Sadler, John Frank
 Sanders, Arthur Ray
 Sawyer, Hershel Garvin
 Schaberg, Siegfried, John
 Scott, Ronald Weldon
 Seck, Dale Werner
 Selby, Vernice Boyd
 Sepe, Walter William

Shafer, Robert Theodore
 Shanley, James John
 Sharrow, Barry Eugene
 Shoemaker, Philip Withe
 Siegal, Don Edward
 Smith, Maurice Mahlon
 Snell, William Howard J.
 Splitgerber, Thomas Cla
 Stalb, Douglas Bradford
 Stanton, Herbert Joseph
 Stob, John Albert
 Tagge, David Lee
 Taylor, Kent Lee
 Thetford, Oris Hannon
 Vath, Charles Richard
 Vazzana, Lorenzo S.
 Webster, Roger Allan
 Whitlock, Richard P.
 Whittaker, James F.
 Wible, James Howard
 Wickord, Richard W.
 Wight, Thomas Alden
 Wilson, Noel Charlton J.
 Wisser, Robert C.
 Woodsmall, James T.
 Young, Raymond Francis
 Zendt, Robert Richard

MEDICAL SERVICE CORPS

Brugman, Arthur Paul
 Elfstrom, Berger Rudolph, Jr.
 Fitts, Marvin Lee
 Hunt, James Arthur
 Jenkins, Lawrence Jacob, Jr.
 Johnson, Ralph Walter
 Nelson, Jack Arian
 Roper, Charles Austin
 Shedlosky, Albert Frank
 Eplegler, Joel Benjamin

NURSE CORPS

Brase, Beverly Jane
 Butler, Lois Jeanne
 Clunan, Claudette Cecelle
 Cope, Patricia Ann
 Emal, Janice Ann
 Holbrook, Helen Anne
 Johnston, Georgia Fay
 Kelly, Margy Sue
 Kendall, Kathleen Margaret
 Kieley, Sally Ann
 Ledgerwood, Mary Charline
 Lukacs, Mary Cecelia
 Majak, Patricia Louise
 McNair, Joan Aline
 Meehan, Mary Katherine
 Nehr, Rosalie Rae
 Oregon, Helen Ann
 Peters, Edna Lucille
 Ross, Stella Ann
 Sovich, Patricia Ann
 Spellman, Georgia Elizabeth
 Stelzer, Kathleen
 Stewart, Nicola Joan
 Swanson, Joan Frances
 Swetonic, Marjorie Ann
 Warner, Patricia Ann
 Young, Mary Leonard

MEDICAL CORPS

Lieutenant commander

Alexander, Alan Ray
 Aronen, John Gary
 Barber, Martin Steven
 Bellisle, Charles Mauric
 Brett, Charles Burden
 Creutz, Robert E.
 Dainer, Michael Jeffrey
 Depry, Dennis Lee
 Everidge, George Jeryl
 Fabry, Gerald Roy
 Fetter, Theodore Walker
 Fischbach, Howard Phill
 Gamza, Francis Charles
 Gibbons, Gary Ray
 Gobien, Rolf Peter
 Gray, Kenneth Stewart
 Hanlon, Jon Jerold
 Harper, Robert David
 Hartman, Robert Joseph
 Heye, George Henry
 Hinckley, James Arthur

Johnson, Dennis Lee
 Kachkowski, Sandra Lee
 Knispel, John W.
 Kuykendall, Stephen Art
 LaPoint, John Malcolm
 Larsen, Loren Gene
 Long, Harry Joseph
 Lowe, Jon Bishop
 Lutz, Thomas George
 Lynch, Donald Francis J
 McCord, William Keith
 McPhall, Ronald Craig
 Menghini, Peter Packard
 Miller, George Douglas
 Murphy, James George
 Nisbet, John Robert
 Otsuki, Richard Edward
 Packard, Russell Calver
 Powell, Randall Wayne
 Reece, Donald Brooks II
 Richmond, David Samuel
 Robinson, Lawrence Herb
 Ronlov, Carsten Svend
 Ross, Cecily Denise Gul
 Ross, William Bruce
 Schuetz, Michael Willia
 Schwarz, David Gerard
 Sell, Barry James
 Smith, Joseph Jermyn
 Soballe, Peter Warren
 Sowden, Richard Guy
 Stolanoff, John Roger
 Street, Henry Huriabut
 Tanner, William Woodrow
 Travers, Henry
 Wagoner, David Kirk
 Walker, Michael David
 Westby, James Soren
 Williams, Louis Simon
 Wimmer, John Easter, Jr.
 Winkler, Christie Westo

SUPPLY CORPS

Ashley, Robert Edward, Jr.
 Berzins, Alvars Talis
 Bishop, Henry Harold, II
 Bland, Gerald Hall
 Bolling, Terry Lynn
 Boyt, George Richard
 Burnette, Jimmy Darwin
 Campisi, Ronald Alexander
 Chertock, Stephen Herman
 Chiomento, Thomas Vincent J.
 Christophersen, Wilhelm G.
 Cosgrove, Patrick Michael
 Eager, Donald Richard
 Elliot, Ernest, Alexander
 Enrich, William Daniel
 Danielson, Richard Arnold
 Davies, David Alan
 Douglas, Bruce Leroy
 Fabry, Steven Edwards
 Fitzgerald, Preston Hodges
 Freeman, James Kirk
 Fuller, John Anson
 Pyfe, John Kerr, Jr.
 Gaunt, John Richard
 Geroe, Marvin Kenneth
 Gordon, Jeffrey Leroy
 Gray, Cameron Rathbone
 Groves, Floyd Abram
 Gudgen, Richard Abbott
 Haynes, James Michael
 Hiltbrand, Jon Haden
 Jordan, Douglas Saunders
 Kalas, Frank Joseph, Jr.
 Kennedy, Hunter Lee
 Keyworth, Richard Evans
 Krause, Donald Edward
 Krejci, Stanley Leon
 Lamm, David Vincent
 Lerner, Kenneth Ward
 Lester, Timothy O'Connell
 Lewis, Richard Earl
 Macarthur, Chester Bruce
 Marlin, Frederick Russell J
 Mayes, Robert David
 McKechnie, Arnold Wilfred J
 McLaughlin, Robert
 McNabney, James Richard
 Meyer, Fred Lewis

Miller, Barry James
 Mitchell, Ralph Melvin, Jr.
 Modrowski, Richard Walter
 Munro, David Thomas
 Nelson, Napoleon B. III
 Oswald, John Stephen II
 Pearce, Charlie Albert
 Poulin, Robert Alfred
 Price, Donald Edward
 Schandel, George William
 Schooley, Robert Allen
 Schweitz, James Joseph, Jr.
 Seuffer, Stephen John
 Sheffo, Donald George
 Smith, James Lewis
 Smith, Roger Joseph
 Steffens, Paul Bernard, Jr.
 Taylor, Richard Eugene
 Turley, Marion Choyce
 Turner, Harry Leon II
 Valenty, Patrick Paul, Jr.
 Vanhaaren, Cary Grant
 Walton, William Heritage, Jr.
 Wheaton, Kenneth Walter
 White, Gordon Rollins, Jr.
 Wilson, Charles Alden
 Wright, Harry Neil
 Ziegler, Lee Alan
 Zitzewitz, Robert Frank

CHAPLAIN CORPS

Hlers, Homer Thomas, Jr.
 Mintjal, Frank Delano
 Snyder, Edgar Alfred, Jr.
 Waterson, Allan Frederick

CIVIL ENGINEER CORPS

Brown, Harry John Jr.
 Buntley, Ronald Eldred Jr.
 Carlson, Richard Eric
 Conniff, David Denniston
 Cook, Roy Herbert III
 Corcoran, Anthony Edward
 Cugowski, Ralph Marshall
 Curtis, Elmer Ross
 Dames, Thomas Allan
 Dodson, James William Jr.
 Elkins, John Carroll
 Gant, James Bryant
 Hamilton, Charles Dewalt
 Harrison, Lloyd Jr.
 Kennedy, Ronald Edward
 King, Donald Madison
 Koski, William Arthur
 Meeke, Kenneth Wayne
 Thorp, Robert Douglas
 Vizza, William Kane
 Weston, James Edward
 Wood, John Fairbanks
 Woodhull, Roger Blake Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Barr, Phillip Conrad
 Griffin, Michael Airey
 Hughes, Winston Jackson
 Neutze, Dennis Richard
 O'Boyle, Thomas Robert
 Riedel, Charles Thornton
 Rosintoski, Lawrence John
 Rossi, Robert Raymond
 Swayze, Frank Benjamin
 Wells, George Lawrence

DENTAL CORPS

Ancowitz, Stephen Jay
 Anderson, Denis David
 Anderson, Joseph Humphe
 Antimarino, Ronald Fran
 Beastal, Raymond Howar
 Bokmeyer, Timothy John
 Boland, Francis Patrick
 Brandt, Alfred Edward
 Brennan, Mark Anthony
 Burkey, Richard William
 Butler, Lee Mark
 Cairns, Donald George
 Campbell, Larry Gene
 Carlberg, Terry Lee
 Carlson, Robert Bruce
 Chang, Ronald Sai Ngew
 Clark, John Charles
 Clausen, Donald John

Coleman, Carl James
 Cook, Dean Lewis
 Coleman, Leroy Dean
 Constantine, Patrick Jo
 Cothren, Toby Gregory
 Crowley, Leo Vincent, Jr.
 Culpepper, Lawrence Daf
 Cunningham, Walter Turn
 Curren, Jack Thomas
 Cuscianna, Leonard Geor
 Daley, Arthur Stuart, Jr.
 Darnall, Richard Thomas
 Davies, Jonathan Franci
 Davis, Kenneth Junior
 Doms, William Fleetwood
 Durso, Peter John
 Eakin, Donald Richard
 Ersland, Nile Peter
 Eschete, Earl Francis J.
 Farace, Anthony J.
 Ferguson, Charles D.
 Forgeng, Thomas Josep
 Furin, Gregory
 Galliani, Robert Edward
 Garrett, John Steven
 Garrett, William Riddic
 Gartner, Richard Ray, Jr.
 Gear, Robert Dale
 Gerstein, Kenneth Allan
 Glere, Robert Adams
 Gile, Franklyn Dennis I
 Grantham, Gary Bernard
 Griffee, Michael Browning
 Haag, Russell Edward
 Hamilton, Jack Nelson
 Hanst, Michael T.
 Hargrave, John Walter
 Harrigan, Daniel Michael
 Haring, Ronald Francis
 Harper, Richard Hubert
 Hayhurst, William Joseph
 Hecht, Frederick Louis U.
 Hendrickson, William G.
 Hertzberg, Stephen E.
 Hintzen, Edward Robert
 Hoffman, David Russell
 Holton, John Jay
 Holton, William Lindsey
 House, Ronald Cleve
 Hubbard, Thomas Motley
 Hwang, William Shaoru
 Innes, Joseph Crist
 Jester, Craig Willard
 Johnson, Jerry Kay
 Johnson, Peter Fink
 Jones, Harold Lee
 Keller, John Jay
 Kennard, John Thomas
 Kucaba, Walter Joseph
 Labore, Wayne Anthony
 Lange, Walter Marcus, Jr.
 Larson, Jeffrey Frank
 Lauth, Dennis Wayne
 Leff, Eldon Ray
 Ligotti, Benedict
 Lippert, James Leonard
 Maass, Robert M.
 Mackenbach, John Charle
 Maddox, Don Collin
 Malin, David Morgan
 Matheson, John D.
 McGuire, Dennis John
 McLaughlin, Richard Phi
 Mellonig, James Thomas
 Moore, Gerald Francis
 Moore, James David, Jr.
 Mudler, James Thomas, Jr.
 Mullins, Edmund Eugene
 Nelson, Dennis Lynn
 Olson, Glenn Robert
 Owens, Gayle Ainsley
 Oyler, Robert E., Jr.
 Patterson, Michael Will
 Pentecost, Robert Leeso
 Perkins, Timothy Ray
 Peskin, Howard Val
 Post, Robert Michael
 Potter, Michael Irvin
 Provencher, Robert F., Jr.
 Pugh, George Spencer

Quine, Gary Don
 Reiff, Gregory Joseph
 Richards, Mark Warren
 Riemann, Richard Allan
 Rizas, John Joseph
 Rog, Richard Paul
 Rohrbaugh, Edward Allen
 Rothermel, Richard Alle
 Russo, Edward, Jr.
 Sailor, Bruce Joel
 Schai, Neal Andrew
 Scott, Steven Hall
 Shelly, Tom Howard
 Siciliano, Frank
 Silverthorn, Thomas Law
 Smith, Ernest Ray
 Smyth, Robert Neil
 Soteris, James Spiros
 Stauffacher, Richard K.
 Sweet, Phillip Michael
 Terezhalmay, Geza Tibor
 Tontz, Russell Clyde, Jr.
 Tremann, Charles Freder
 Vinton, Jeffrey Ralph
 Vosskuhler, Robert Jose
 Waters, Warren Parker
 Wattenbarger, Clyde Kit
 Wells, Thomas Dwight
 Werrell, Joseph Michael
 Widmer, Leonard W.
 Wilson, William Harrison

MEDICAL SERVICE CORPS

Anderson, David Edward
 Arnold, Leroy Edward
 Baldwin, Jeffrey Winfield
 Barbee, Benjamin Douglas, Jr.
 Barnhill, Russell Wynn
 Belter, Lyle Edward
 Beene, Joe Ray
 Bobola, Edward
 Bruhn, John Evan
 Butler, Raymond Andrew, Sr.
 Call, Douglas William
 Carney, William Patrick
 Carpenter, Gordon Lee
 Chaput, Raymond Leo
 Charland, Norman Louis
 Closson, David Eugene
 Cole, Dennis Earl
 Coleman, Robert Curtis
 Cote, Robert Raymond
 Cunningham, Orlin Eugene
 Curran, Raymond Michael
 Dally, Otis Patrick
 David, Dennis Duane
 Davis, Donald Marion
 Davis, Donald Ralph
 Devine, Robert Thomas
 Dodson, Jerrold Homer
 Glaser, Zorach Raphael
 Goodhart, William Ryan
 Gutshall, Richard Brice, Jr.
 Hamas, Michael, Jr.
 Hammons, Johnnie David, Jr.
 Hansel, George Joseph
 Hayes, Charles Herbert
 Hazelton, Terril Lynn
 Herron, Don Montelle
 Heston, Frank David
 Hill, Charles Ray
 Jones, Thomas Newton
 Julius, Leonard Jackson
 King, Glen Meredith
 Lindberg, John Robert
 Loos, Ernest James
 Maassen, Leland Richard
 Mann, Charles Frank, Jr.
 Markley, Edward Grant
 Milliken, Paul Robert
 Mincer, Arvin Andy
 Moore, Leonard Lee
 Moore, Patrick Holmes
 Moroney, William Francis
 Nacrelli, Walter Andre
 Newman, Reginald Edward
 Owens, Kenneth Lee
 Pheeny, Harold Thomas
 Raymond, Lawrence Foster
 Reynolds, Richard Dale
 Rice, Edward Allen, Jr.

Riley, Michael Terrence
 Robinson, Ralph Eugene
 Sander, Dale Frank
 Schlegel, Elvin Lee, Jr.
 Schroll, John Egmont
 Sherwood, Walter Ollie
 Sides, Alfred Leroy, Jr.
 Smith, David Gary
 Smith, James Peter, Jr.
 Smith, Robert Edgar
 Smith, William Walter
 Spencer, Robert Frank
 Sperry, Douglas Ray
 Stewart, Gene Nicholas
 Taylor, Lloyd Cecil, Jr.
 Thorson, Donald Dean
 Turco, Ronald Fisher
 Wachal, Frederick Joseph
 Waln, William Edward
 Weber, Herta Antoinette
 Wilson, Everett Lynn
 Wolf, Lavern Vernon
 Wooll, Earl Ronald

NURSE CORPS

Bagbey, Stanley Robert
 Bousquet, Virginia Mae
 Cortez, Ida Marie
 Gierman, Richard Lawrence
 Goss, Barbara Ann
 Henderson, Rebecca Robertson
 Jackson, Charles Ray
 Kerdus, Mary Beth
 Klefman, Gloria Gay
 Kondash, Anne Marie
 Krzewinski, Barbara Ann
 Learned, Charles Everett
 Nye, Margaret Catherine
 Peace, Shirley Ann
 Pollock, Linda Sue
 Quayle, Leo Claude
 Raach, Carolyn Diane
 Rieder, Karen Anne
 Schneider, Victoria Ann
 Snider, Stephen Emmitt
 Stratton, Mariann
 Wadner, Carol Ladzinski
 Yahner, Ann, III

Lieutenant Kathleen A. Hammel, Supply Corps, U.S. Navy, for permanent promotion to the grade of lieutenant commander in the Supply Corps, U.S. Navy, subject to qualification therefor as provided by law.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of lieutenant colonel in the Marine Corps, subject to the qualifications therefor as provided by law:

Post, Robert J., [REDACTED] USMC.

The following-named temporary disability retired officer for reappointment to the grade of major in the Marine Corps, subject to the qualifications therefor as provided by law:

Claburo, Michael A., [REDACTED] USMC.

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Agrati, Stephen P.	Latsko, Thomas C.
Carrese, Robert T.	Murray, Cornelius
Clark, Donald E.	Passeno, William J.
Elm, Benjamin E.	Stapler, Conrad E.
Felly, John H.	Tipple, James A.
Grimshaw, James T.	Walsh, John J.
Hagood, Daniel K.	Way, Bruce L.
Henderson, James R.	Work, Robert D.
Hogan, John P.	

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Burke, Steven F.
 Miller, John S.
 Pagel, John M.

The following-named U.S. Naval Academy graduates for permanent appointment to the

grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

- Albano, Michael C. Krummel, Terry W.
- Alderson, Patrick L. Kuhlmeier, Theodore
- Baker, William C., Jr. A.
- Ball, Fredrick J. Larson, Robert D.
- Ballard, Douglas D. Leitch, Scott E.
- Bartlett, William J. Leupold, Gary C.
- Beale, Charles H., III Loes, Michael J.
- Beam, Doyle H. Madrid, Ronnie R.
- Becker, Michael D. McKay, Patrick J.
- Bednar, George A. Mildenstein, Boyd A.
- Bennett, William A., Milligan, Mark A.
- Jr. Minor, Thomas E.
- Blahnik, Mark A. Mitchell, John W., Jr.
- Boling, Ernest M., III Mooney, Mark E.
- Brown, John R. Morris, William L.
- Bruno, John C., Jr. Nebbia, Karl B.
- Carey, Patrick L. Niflis, Andrew P.
- Champagne, Lynn M. Phelps, Anthony F.
- Chappell, Donald P. Pugh, Dale H.
- Cole, Jeffrey U. Reed, Robert M.
- Condra, Mark E. Riemer, James D.
- Culver, Richard L., Jr. Rowan, Christopher J.
- Davenport, Richard Rucks, James L.
- W. Schmidt, Ross A.
- Davis, Bryan M., Jr. Sergeant, John W.
- Davis, Paul Shigley, Stephen D.
- Diehl, Albert J., III Short, Francis R.
- Driscoll, Daniel A., Jr. Smith, Duane A.
- Duer, Leslie F. Spies, Harry C.
- Edwards, Stephen B. Stephan, Bradley A.
- Evans, Thomas J. Stewart, Jeb E. B.
- Fohtyn, Robert W. Stith, Scott C.
- Gombo, Johnnie Stuvek, Fred L., Jr.
- Harris, William M. Tabbot, William D., Jr.
- Heinzman, William E., Thrash, Gary D.
- II Van Loan, Lawrence R.
- Hill, Howard E.
- Hughes, Jack L.
- Hutcherson, Charles Wagner, Donald J.
- W., Jr. Walters, Robert J.
- Jacobson, David L. Watson, Thomas R.
- Johnson, Mark K. Weiss, Donald L.
- Johnson, Timothy A. Welter, Robert M.
- King, Gregory S. Westfall, Carl D.
- Koch, Glenn F. Whomsley, Bruce A.
- Koenig, Larry D. Witesman, Frederick B., II
- Kramer, James R. Zavala, Saul
- Kramer, Jeffrey N.

DEPARTMENT OF DEFENSE

Leonard Sullivan, Jr., of the District of Columbia, to be an Assistant Secretary of Defense, vice Eberhardt Rechtin, resigned.

DEPARTMENT OF STATE

Thomas W. McElhiney, of the District of Columbia, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

FEDERAL COMMUNICATIONS COMMISSION

James H. Quello, of Michigan, to be a Member of the Federal Communications Commission for a term of 7 years from July 1, 1973, vice Nicholas Johnson, term expired.

INTERSTATE COMMERCE COMMISSION

Charles L. Clapp, of Massachusetts, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1980, vice Chester M. Wiggin, Jr.

IN THE AIR FORCE

The following named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

SECOND LIEUTENANT TO FIRST LIEUTENANT LINE OF THE AIR FORCE

- Abene, Peter V., xxx-xx-xxxx
- Abshier, Stephen E., xxx-xx-xxxx
- Acuff, Gregory M., xxx-xx-xxxx
- Adams, Patrick O., xxx-xx-xxxx
- Adams, Randolph K., xxx-xx-xxxx
- Adams, Ronald M., xxx-xx-xxxx
- Agnew, Richard H., Jr., xxx-xx-xxxx

- Almone, Michael A., XXXX
- Alderson, William H., III, xxx-xx-xxxx
- Aldridge, Lee F., xxx-xx-xxxx
- Alexander, Dana L., xxx-xx-xx...
- Alexander, Marian F., xxx-xx-xxxx
- Alexander, Stephen D., xxx-xx-xxxx
- Alexander, William S., xxx-xx-xxxx
- Allen, Danny R., xxx-xx-xxxx
- Allen, William A., xxx-xx-xxxx
- Allhiser, Gary L., xxx-xx-xxxx
- Allison, Clinton D., xxx-xx-xxxx
- Almquist, Marilyn J., xxx-xx-xxxx
- Alonso, Francis A., xxx-xx-xxxx
- Amos, David E., xxx-xx-xxxx
- Anderson, Alan J., xxx-xx-xxxx
- Anderson, Glenn E., Jr., xxx-xx-xxxx
- Anderson, Nolan H., Jr., xxx-xx-xxxx
- Andrew, Myron C., xxx-xx-xxxx
- Anthony, Richard W., xxx-x...
- Arentz, Eric G., xxx-xx-xxxx
- Armstrong, Michael S., xxx-x...
- Arnold, Craig E., xxx-xx-xxxx
- Arnold, Jerry H., xxx-xx-xxxx
- Ashton, Warren A., xxx-x...
- Autry, Larry D., xxx-xx-xxxx
- Bachand, Stephen M., xxx-xx-xxxx
- Backlund, Donald R., xxx-xx-xxxx
- Bader, Walter L., Jr., xxx-xx-xxxx
- Bagley, Ronald L., xxx-xx-xx...
- Bailey, Larry A., xxx-xx-xxxx
- Bain, Thomas C., Jr., xxx-xx-xx...
- Baker, James M., xxx-xx-xxxx
- Baker, Robert D., xxx-xx-xxxx
- Baldwin, Miles A., xxx-xx-xxxx
- Ballas, Richard D., xxx-xx-xxxx
- Ballintine, Richard G., xxx-xx-xxxx
- Banks, Reginald I., xxx-xx-xxxx
- Banks, Robert K., xxx-xx-xxxx
- Bard, Nathan R., Jr., xxx-xx-xxxx
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 Williams, Larry J., xxx-xx-xxxx
 Williams, Michael L., xxx-xx-xxxx
 Williams, Stephen V., xxx-xx-xxxx
 Williford, Randolph J., xxx-xx-xxxx
 Willis, Larry D., xxx-xx-xxxx
 Wilson, Gary S., xxx-xx-xxxx
 Wilson, Samuel H., xxx-xx-xxxx
 Wimberley, Amos D., xxx-xx-xxxx
 Wimberley, Bruce P., xxx-xx-xxxx
 Wingado, David G., xxx-xx-xxxx
 Wingo, Gary A., xxx-xx-xxxx
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 Woods, Terry L., xxx-xx-xxxx
 Woodson, John L., III, xxx-xx-xxxx
 Workman, Joseph F., xxx-xx-xxxx
 Worsham, Richard E., xxx-xx-xxxx
 Worthington, Robert G., xxx-xx-xxxx
 Wright, Karen L., xxx-xx-xxxx
 Wright, Michael D., xxx-xx-xxxx
 Wright, Robert G., xxx-xx-xxxx
 Wright, Ted D., Jr., xxx-xx-xxxx
 Wroblewski, Jon E., xxx-xx-xxxx
 Wuerslin, Thomas H., xxx-xx-xxxx
 Yanek, Joseph R., xxx-xx-xxxx
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 Yassenovsky, Andrew, Jr., xxx-xx-xxxx
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 Young, Joseph D., xxx-xx-xxxx
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 Zambeck, Arthur K., xxx-xx-xxxx
 Zavada, Francis J., xxx-xx-xxxx
 Zedaker, William D., xxx-xx-xxxx
 Zelmet, Richard H., xxx-xx-xxxx
 Zeller, Dale L., xxx-xx-xxxx
 Zerull, Lynn J., xxx-xx-xxxx
 Zettler, Michael E., xxx-xx-xxxx
 Ziegler, George W., xxx-xx-xxxx
 Zietlow, John E., xxx-xx-xxxx
 Zwanzigler, Jon H., xxx-xx-xxxx

NURSE CORPS

Devries, Elwayne L., xxx-xx-xxxx
 Zwick, Cecelia A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Adams, Donald D., Jr., xxx-xx-xxxx
 Aenchbacher, Arthur E., Jr., xxx-xx-xxxx
 Arnold, Anthony C., xxx-xx-xxxx
 Balsden, Clinton E., xxx-xx-xxxx
 Biron, Laurent J., xxx-xx-xxxx
 Brandler, Sidney, xxx-xx-xxxx
 Brown, Robert P., xxx-xx-xxxx
 Brumlow, James W., Jr., xxx-xx-xxxx
 Craig, Randall G., xxx-xx-xxxx
 Dorwart, Robert H., xxx-xx-xxxx
 Douville, Douglas R., xxx-xx-xxxx
 Frestman, Gerald R., xxx-xx-xxxx
 Gray, Mark B., xxx-xx-xxxx
 Holmes, Terry F., xxx-xx-xxxx
 Johnson, Thomas G., xxx-xx-xxxx
 Jones, Lynn M., xxx-xx-xxxx

Kirby, William C., xxxx
 Kruyer, William B., xxx-xx-xxxx
 Magee, Joe W., xxx-xx-xxxx
 Maldazys, John D., xxx-xx-xxxx
 Markellos, David N., xxx-xx-xxxx
 Marler, Phillip L., xxx-xx-xxxx
 McAnally, Thomas P., xxx-xx-xxxx
 McCarthy, Michael J., xxx-xx-xxxx
 McKiernan, Thomas L., xxx-xx-xxxx
 Modliszewski, Charles S., xxx-xx-xxxx
 Owens, Robert H., xxx-xx-xxxx
 Paglen, Patrick G., xxx-xx-xxxx
 Qualey, Thomas F., xxx-xx-xxxx
 Range, David R., xxx-xx-xxxx
 Rogers, Robert L., xxx-xx-xxxx
 Schutt, David C., xxx-xx-xxxx
 Simmons, Willis M., Jr., xxx-xx-xxxx
 Soltman, Donald J., Jr., xxx-xx-xxxx
 Statzer, Fred C., xxx-xx-xxxx
 Stovall, William M., xxx-xx-xxxx
 Sutherland, Edward, xxx-xx-xxxx
 Temple, Thomas R., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Bolerjack, Thomas G., xxx-xx-xxxx
 Cox, John D., xxx-xx-xxxx
 Cunningham, William D., xxx-xx-xxxx
 Eyl, Arland W., Jr., xxx-xx-xxxx
 Gorman, Richard W., xxx-xx-xxxx
 Hill, Ronald C., xxx-xx-xxxx
 Lundquist, Fred A., xxx-xx-xxxx
 McCloy, David L., xxx-xx-xxxx
 McLaughlin, William H., xxx-xx-xxxx
 Murata, Steven M., xxx-xx-xxxx
 Palagi, Peter A., xxx-xx-xxxx
 Patrick, Clarence S., xxx-xx-xxxx
 Peterson, Lamont R., xxx-xx-xxxx
 Pinkovsky, Dennis D., xxx-xx-xxxx
 Rice, Robert M., xxx-xx-xxxx
 Shadowens, Melvin R., xxx-xx-xxxx
 Tanner, Merle R., Jr., xxx-xx-xxxx

The following officer for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with the date of rank to be determined by the Secretary of the Air Force:

To be captain (Judge Advocate)

Schiefelbein, Lester H., Jr., xxx-xx-xxxx
 The following named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE
To be colonel
 Tittsworth, James H., Jr., xxx-xx-xxxx
To be lieutenant colonel
 Hess, Marvin J., xxx-xx-xxxx
 Lantz, John A., xxx-xx-xxxx
To be colonel (Medical Corps)
 Strub, Giles J., xxx-xx-xxxx
 The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

LINE OF THE AIR FORCE
Lieutenant colonel to colonel
 Sullivan, Dwight E., xxx-xx-xxxx
Major to lieutenant colonel
 Chubbuck, Robert M., xxx-xx-xxxx
 Feld, David A., xxx-xx-xxxx
 Flood, John J., xxx-xx-xxxx
 Skinner, William B., xxx-xx-xxxx
 Vittitow, Charles D., xxx-xx-xxxx
 Wooten, Talmage J., xxx-xx-xxxx

CHAPLAIN CORPS

Gerdes, Everett E., xxx-xx-xxxx

DENTAL CORPS

Ausich, Joseph E., xxx-xx-xxxx

NURSE CORPS

Smith, Alma M., xxx-xx-xxxx
 The following person for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of section 593, title 10, United States Code:

To be colonel

Hales, J. Vern., xxx-xx-xxxx
 The following officer for appointment as a Reserve of the Air Force in the grade indicated (Line of the Air Force), under the provisions of sections 593 and 1211, title 10, United States Code:

To be lieutenant colonel

Cyganowski, Gerald D., xxx-xx-xxxx
 The following person for appointment as a Reserve of the Air Force (Medical Corps), in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation as a Medical Officer under the provisions of section 8067, title 10, United States Code.

To be lieutenant colonel

Skeel, David A., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—Tuesday, January 22, 1974

The House met at 12 o'clock noon.
 The Chaplain, Rev. E. G. Latch, D.D., offered the following prayer:

Let not mercy and truth forsake thee; bind them about thy neck; write them upon the table of thine heart.—Proverbs 3: 3.

Eternal God, above us yet within us, beyond us yet very near, always good and seeking out good, loving us with a love that never lets us go, and strengthening us with a strength that never lets us down, we enter the life of this new day praying that Thou wilt guide us in the ways of righteousness, truth, and peace. Reveal to us the path of duty and service and give us courage to walk in it until our life's end.

Help us to realize that in this Capitol we are making history with our decisions and our actions—each year a volume, each month a section, each week a chapter, each day a page. In faith and hope and love do Thou lead us in our writing that our people today and the generations to come may be grateful

that we served our country as their representatives.

In Thy holy name 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

that the Senate had passed sundry resolutions of the following titles:

S. RES. 229

Resolved, That a committee consisting of two Senators be appointed by the Vice President to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 230

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 232

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Honorable Charles M. Teague, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns