SENATE—Monday, January 28, 1974

ATTENDANCE OF SENATORS


WAIVER OF THE CALL OF THE CALENDAR

Mr. Mansfield. Mr. President, I ask unanimous consent that the following be dispensed with:

The ACTING PRESIDENT pro tempore.

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 ACTING PRESIDENT pro tempore.

AMTRAK

Mr. Mansfield. Mr. President, ever since the advent of Amtrak and the significant reduction in passenger train service in many areas of the Nation, my able colleague, Senator Metcalf, and I have been attempting to convince Amtrak officials that they made a mistake in reducing service to a 3-day-a-week basis on the old Northern Pacific Railroad or the southern route. This route serves the most populous part of the State. The passenger demand is there and, in many cases, Amtrak has been unable to provide the service.

I am delighted to say that Amtrak now has agreed with Senator Metcalf and me and that effective May 19 of this year they will begin daily rail passenger service on the southern Montana route.

What happens after the summer season will depend on patronage during this period. There is no question in my mind that this passenger service will be utilized to the fullest if the service is provided in an efficient and competent manner.

Mr. President, I ask unanimous consent that the provisions of the Appropriations for the House of Representatives for the Fiscal Year ending September 30, 1974, to include the following:

Amtrak

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Mr. President, I ask unanimous consent that the provisions of the Appropriations for the House of Representatives for the Fiscal Year ending September 30, 1974, to include the following:

Amtrak
as Amtrak has seen in the past, when given an opportunity to use an attractive rail passenger service the people of Montana have responded.

Kindest regards,

Sincerely,

ROBERT G. MOOT,
Vice President, Government Affairs.

Mr. MANSFIELD, Mr. President,

In addition, I wish to take this opportunity to compliment the Interstate Commerce Commission for the order issued at the end of 1973 ordering Amtrak and the other railroad passenger trains to upgrade their equipment, services, reservations, and timetables comparable to that now available from the commercial airlines. I agree there is no reason to believe that these same services cannot be offered by our Nation's railroads; it may take a little more effort and a little more dedication.

CAMBODIANS CAN MANAGE THEIR OWN AFFAIRS

Mr. MANSFIELD. Mr. President, in the week prior to the opening of the 3d session of the 93d Congress, I received a cabledgram from Prince Norodom Sihanouk, Chief of State of the Kingdom of Cambodia and President of the United National Front of Cambodia. A second cabledgram was received on Thursday, January 21. Copies of these cabledgrams have been forwarded to President Richard M. Nixon and Secretary of State Henry Kissinger.

The second cabledgram was in the course of his first telegram that The Cambodians . . . be left to manage their own affairs.

The second cabledgram states:

The current regime in Phnom Penh survives by the will of the United States and not by the will of the Khmer people.

The situation in Cambodia today is a tragedy involving innocent people who have had and have no interest in the war which has been waged for the past several years. What we are witnessing is a civil war in which Khmers kill Khmers. A war which is totally unnecessary. A war which the United States, through American aid, could and should bring to a conclusion.

And a war in which all outside assistance from all countries should be refused until there is a political solution.

There is a deep desire on the part of Prince Norodom Sihanouk to once again establish friendly relations with the United States, despite all that has happened, and it would be my strong belief that the best thing this Nation could do would be to allow the Cambodian people, themselves, to settle their own differences and govern their own future, in their own way, and on the terms of their own people.

Mr. President, I ask unanimous consent that the transcripts of the rough translations of the cabledgrams be incorporated at the appropriate point in the Record.

There being no objection, the cablegrams were ordered to be printed in the Record, as follows:

FIRST CABLEGRAM TRANSLATION

Senator MANSFIELD,

Respected Senators, permit me to reveal to you with sorrow that the Government of Lon Nol in Phnom Penh is going to ask next of the U.S. Government. It will ask for re-intervention in Cambodia with U.S. tactical and strategic air power under the false pretext that the offensive now under way on the part of the Cambodian National Front of which I am the President is "an aggression of North Vietnamese Communist forces against Cambodia." I have the honor to affirm to you with complete sincerity and loyalty that the armed offensive against the Phnom Penh regime is purely a Cambodian affair and operation in which the North Vietnamese and the South Vietnamese National Liberation Front have absolutely no part.

The American correspondents who have followed the military situation on the spot in Cambodia have ignored the orders of the Lon Nol Government which insist that they describe, in their cables, that the current offensive as well as the entire war in Cambodia is the work of North Vietnam. The UPI and AP cables have made no mention since 1970 of the Phnom Penh regime and since 1972 of the Lon Nol regime.

I have the honor to inform you that the offensive was not approved by the anti-constitutional, anti-national, and anti-popular regime of Lon Nol. Respected Senators, as you have both stated so many times, there is no way not to becoming "the Cambodian" i.e. reinvolved in the war in Cambodia and the Cambodian problem ought to be left entirely to the Cambodians.

The United States has already given a maximum chance of survival to the regime of Lon Nol, its King, M. Norodom, Sirik Matak, Cheng-Heng, Longboret, Sothene-Ferandes in granting this very large military and economic aid. The level of aid is colossal and without precedent in the history of aid grants in small countries.

More recently, that is to say, since January 4, 1974, the new government in Phnom Penh of which Mr. Longboret is Prime Minister has refused to the entire world, through the Minister of Information, Mr. Thinl Hoanh, that the government of the Khmer Rouge has made a new intervention by the U.S. Air Force even if the situation continues to deteriorate. We have suffered ourselves, and we can also count on the people.

Respected Senators, you know that even if we were unable to maintain in U.S. Cambodia the United States can never force the Cambodian people or their FUNC, their representative, the legal chief of state, Norodom Sihanouk to their knees.

A new intervention of the United States Air Force can only bring about the two following terrible results: First, the horrible suffering and irreparable devastation of poor little Cambodia and her population which does not exist and which is already cast in this fashion by a great nation; second, the gulf between the Cambodian people and the American people which could only lead to the conclusion that it will never again be able to be bridged.

The future relations between the people of our two countries will be irreparably compromised.

In conclusion, I solicit, through you, the intercession of the Congress and the Government so that the end that the Cambodians will be left to manage their own affairs, and the U.S. Air Force will not do by destroying our country our bit of little country and kill our people and the Cambodian patriots.

Please, accept, Senators, my thanks and my highest esteem.

NORODOM SIHANOUK.

Second cablegram translation

Addressed to:

Senator MANIFIELD and Senator FULBRIGHT.

Esteemed Senators: Permit me to present for your information and for that of the Congress of the United States the public remarks of the President of the Government of Phnom Penh. It is set forth in an Agence France Prese dispatch from Phnom Penh. Here are the principal passages of the dispatch, citing the virulent communique issued by the students at the Faculty of Letters of Phnom Penh on Wednesday. With this communiqué, the students, at the president silence which they had observed with regard to the Khmer political situation. They go on to read the following on that day by a respected Cambodian, M. Son Sann. The latter had demanded the voluntary departure of Marshal Lon Nol in order to accelerate the process of negotiation with the other side. In their communiqué, the association of students emphasized:

"If one wishes the people to gain . . . one ought not to demand the departure of a minor and insignificant individual. What is necessary is the departure of the fratricidal men who caused the misery of the people . . . the departure of the entire institutional apparatus and the semblance of administration which stands only by the grace of the aid of ignoble strangers . . .

The association, which represents the majority of some two thousand students in Letters, expressed the judgment in the communiqué that the United States are "involving the Cambodia in a civil war juxtaposing, on one side, the armed peasants and, on the other, the privileged minorities allied with well-known vultures."

The communiqué affirms that "to throw out oppression, there is no other way except radical struggle."

Thus, Senators, you see, that the students of Phnom Penh, who but a short time ago flattered the Phnom Penh Republic, condemned it today by calling thereby all that I have had the honor to bring to your attention: First, that the group of Lon Nol, Sirik Matak, In Tan, Cheng Heng, Long Boret, whom President Nixon is maintaining in power at all costs is seen to be rejected by Khmer patriots, even those who do not belong to FUNC. Second, the current regime in Phnom Penh survives by the will of the United States and not by the will of the Khmer people. Action by a great nation, conducted by the Khmer regime in Phnom Penh survives by the will of the United States and not by the will of the Khmer people. Action by a great nation, conducted by the Khmer regime in Phnom Penh will be a victory of the United States and not of the Khmer people.

I hope that one day in the near future, President Nixon will see fit to end his aid to this regime, as Cambodia will in the very near future, and soon to become the friend of the FUNC and the GRUNC which are the incarnation of the real Cambodia.

Highest esteem,

NORODOM SIHANOUK.
ter from coming to a vote. I am hopeful that the Senate will overcome this obstacle that "this program attracts young, idealistic lawyers, and sometimes they have more zeal and adrenalin than judgment and skill." But I cannot imagine that this fact could be used to defeat the fundamental right to counsel of so many poor people in this Nation.

Both to the society as a whole, and the individuals concerned, the services performed by Legal Aid are worthwhile far beyond the costs involved. The support which S. 2686 would provide such organizations is essential. I urge my colleagues to invoke cloture on this debate and to act legislatively to provide for the continued operation of Legal Services programs. We should not become mired in a debate as to whether or not, on one particular date, in one particular county, a young revolutionary was in fact represented by the Legal Aid Society, or whether or not any legal aid money was spent representing some young person who wanted to exercise his or her right to use an obscenity in an underground paper.

I think we cannot lose our perspective here. We should address ourselves to the most fundamental question of whether or not we, as a society, are prepared to use the mechanism by which the poor and the disadvantaged can take advantage of the rule of law to which we pay so much lip-service.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

THE AMERICAN VETERAN TODAY—MESSAGE FROM THE PRESIDENT

The Presiding Officer (Mr. Haskell) laid before the Senate the following message from the President of the United States which was referred to the Committee on Veterans Affairs. The message is as follows:

To the Congress of the United States:

Yesterday, January 27, 1974, marked the first anniversary of the date on which the United States took action against the enemy in Vietnam and began the long-sought disengagement from the longest war in our Nation's history.

It is particularly fitting that today, a year later, we should focus our attention on what has been done—and what remains to be done—to repay the debt American veterans owe those who served.

There are twenty-nine million living American veterans today—men and women who have given military service to their country. Nearly 7 million of them are Vietnam-era veterans. We owe these men and women our best effort in providing them with the benefits that their service has earned them. Accordingly I will request $13.6 billion in spending for veterans' benefits and services in my new budget, an increase of $5.9 billion over the comparable 1969 request.

On the whole, the situation of the American veteran today is a good one.
The average veteran has a higher income, more education, and better health than non-veterans of the same age. He or she is a vital, productive member of the civilized community—an national asset in peace as well as in war.

The years since 1969 have marked important progress for the American veteran. Between 1969 and 1975, outlays for veterans' programs will have increased from $2.2 billion to $2.9 billion, covering 2.4 million beneficiaries, while compensation for service-connected disabilities paid under the GI bill has increased from $2.7 billion to $3.9 billion. The benefits we pay to our veterans should continue to reflect the generous appreciation of the American people.

Since 1969, 4.1 million veterans have financed their educations under the GI bill. Of those, 2.7 million are Vietnam-era veterans. The rate at which Vietnam-era veterans have participated in the GI bill surpassed that of any previous GI bill. At the same time, the number of veterans assisted through guaranteed mortgage loans has increased by 16 percent.

In the last year alone, it was my pleasure to sign into law two major measures benefitting veterans and their dependents. The final form of both pieces of legislation was the result of close cooperation between the legislative and executive branches, and I wish to take this opportunity to repeat my thanks to the Congressional leaders and committee members who helped us arrive at the desired results.

The Veterans Health Care Expansion Act of 1973 was a landmark measure. It provided two important advancements in our expansion of medical and nursing care for veterans and extends treatment benefits to certain dependents of veterans.

The National Cemeteries Act of 1973 consolidated the bulk of veterans cemeteries and set up a National Cemetery System within the Veterans Administration to provide better administered benefits and services. Based on a study authorized by the act, I intend to submit further proposals for improving the cemetery system.

Improved veteran health care has also taken the form of greater flexibility in treatment and more numerous treatment facilities as evidenced by:

- 16 new outpatient clinics and 668 new specialized medical services;
- Strengthened affiliation of 106 VA hospitals with 89 medical schools; and
- Consolidation of medical regions and the strengthening of regional management to provide faster responses to problems at individual hospitals.

A vigorous program of modernization and new construction has also played an important part in improving veterans' health care. Ten new or replacement hospitals have already been established or are under construction. In the period 1970-75 the ratio of staff to patients in VA hospitals will have increased by more than 30 percent. We have spent over $250 million to modernize the medical facilities of the veterans hospitals since 1969, and my budget proposals for fiscal year 1976 will provide for an additional 7,600 medical personnel.

Veterans Administration hospital construction funding in fiscal 1975 will reach an all-time high of $776 million and, when these funds are brought to bear, the VA will be in the midst of its greatest program of hospital construction in history.

As I look forward to proposing my National Health Insurance plan—to make more and better health care available to all Americans—it will be more than ever important to place the health care system into consideration. It is my strong view that it should continue as a system, under VA, to insure the proper care of eligible veterans. The Veterans Administration now operates the largest civilian medical care system in the world. It is only fitting that it remain one of the best.

Two important Administration initiatives in veterans affairs should receive the attention of the Congress in its coming session.

(1) PENSION REFINEMENTS TO HELP THE NEEDIEST

In the field of pensions, Administration proposals will benefit one million veterans and 1.3 million survivors of veterans whose in-service injuries are a direct result of their inability or loss of a breadwinner. Although VA pensions have been increased by 27 percent since 1969, some of the most needy are least provided for under the current structure. Many needy veterans and their wives receive less money from the pension system than they would have from welfare and no automatic adjustment is provided for increases in the cost of living. There are other inequities as well.

As I mentioned in my message to the Congress on national legislative goals on September 10, the Administration pension program is necessary. The program has so many problems that it cannot be corrected unless the entire framework of the program is overhauled.

I regard the following principles as vital to a realistic and equitable VA pension program, and I will propose legislation to achieve these goals:

- VA pensioners should have some regularized way of receiving cost-of-living adjustments in VA pension payments tied to the automatic increases now available to social security recipients.
- The VA pension program should be structured to assure that additional income flows to the neediest pensioners. The objective would be to make VA payments to those pensioners who receive less total income than adult welfare recipients under recent amendments to the Social Security Act. A family's total income should be considered in determining the amount of pension needed.
- Veterans and widows should be treated equally with regard to income and pension payments.

(2) INCREASE IN EDUCATION BENEFITS

The cost of living is also a problem for those veterans now taking advantage of the GI bill to further their training or education. They need additional help if their allowances are to keep pace with inflation. There are 2.1 million current beneficiaries of the GI bill from Vietnam-era veterans. Payments to each trainee have increased sharply—by 1976 they will be more than double the level of 1969. To help meet the rising cost of living, the budget will request an additional $300 million to provide an 8 percent increase in education benefits in 1975.

INCREASING PRIVATE EMPLOYMENT OF VETERANS

No group of veterans is more in the minds and hearts of Americans today than those who have recently returned from Vietnam and our Nation's longest war. Beyond the readjustment problems faced by veterans of past wars, this Administration has recognized that the Vietnam-era veteran faces special challenges in re-entering a highly complex and competitive civilian society. We have done our best to help him meet those challenges.

Of particular importance have been our efforts in the field of employment. In 1970, for example, more than a million veterans left the Armed Services and entered the civilian economy. By the end of that year, the unemployment rate for Vietnam-era veterans had grown very serious. This led to the launching of the Administration's job placement efforts which have so far helped 2.2 million returning veterans to find jobs. The unemployment rate for Vietnam-era veterans, which once far exceed that of the general public, was reduced from a high of 11 percent in early 1971 to 4.4 percent by the end of 1973. Both Government and the private sector—through Jobs for Veterans and the National Alliance of Businessemess—played a part in this remarkable success story. We will continue to make these efforts. In fiscal year 1974 our goal is to place 1.2 million additional veterans in jobs or training programs.

PAYING TRIBUTE TO ALL AMERICAN VETERANS

The tangible benefits extended to our veterans such as medical assistance, education grants and pensions are only one of the ways that America should repay to those who have served her well. We should accord them a high degree of respect and appreciation in our everyday contacts with them. And we should set aside certain days each year to commemorate their heroic deeds.

In 1974, there should be at least two occasions on which we pay special honor to those who have served in the Vietnam conflict.

One such commemoration was held yesterday, January 27, the first anniversary of the Vietnam cease-fire. I officially proclaimed January 27 as the first Vietnam Awareness Day. There are still 1,300 Americans missing and unaccounted for in Southeast Asia, and there are more than 1,000 American casualties whose bodies have not yet been recovered. Their experiences, as well as those of their relatives and loved ones, have been a wrenching sacrifice that deserves special recognition. That is why we set aside a special day dedicated to these Americans and to their families.

In honoring the missing and fallen in
the Vietnam conflict, we should also remember the countless others who served and fell and whose memory we honor today. Last month, I was pleased to sign into law a joint resolution of the Congress authorizing me to proclaim March 20th of this year as "Vietnam Veterans Day". It is appropriate that we choose that date—the first anniversary of the return of all of our POWs—as an occasion to honor all of the veterans of the Vietnam era.

For more than 29 million Americans who served in the Armed Forces during the Vietnam era, the American uniforms they wore once again later in the year on Veterans Day itself, an observance which gives us the opportunity to pay tribute not only to the seven million who served during the Vietnam era but also to the 22 million other men and women who have proudly worn the American uniform in years before.

For more than 29 million Americans, Veterans Day is traditionally associated with November 11th of each year. That was the day more than half a century ago when an historic and dramatic ceasefire was achieved in that first world war.

Legislation approved in 1968, however, changed the traditional observance of Veterans Day from November 11 to the fourth Monday of each October. That change, as it was intended, has stirred up considerable confusion and not a small amount of resentment. In many places—including the Tomb of the Unknowns in Arlington National Cemetery, there are now dual observances of Veterans Day, while in others, observances are held not in October but on November 11th.

With the efforts of State legislatures have now enacted resolutions declaring that within their jurisdictions November 11th will be officially observed as "Veterans Day." In addition, all of the major veterans organizations have indicated their strong support for returning to the November 11th observance.

In view of the confusion which has arisen and in view especially of the possibility that the observances themselves, I believe it would be wise to repeal the 1968 change in the Veterans Day observance. I therefore urge the 93rd Congress, as part of its effort to honor our veterans, to enact legislation restoring November 11th as the official date for the entire Nation to commemorate Veterans Day.

As we celebrate Veterans Day this year, let us do so with the hope that the 29 million Americans who have served in our Armed Forces represent our last generation of veterans and the last of America's wars. May we never forget that we will only be worthy of the blessings of peace and freedom they have won for us as long as we continue to honor them, and may we do everything we can to repay our boundless debt to them.

Richard Nixon

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HASKELL) laid before the Senate messages from the President of the United States submitting current nominations which were referred to the appropriate committees.

The nominations received today are printed at the end of the Senate proceedings.

INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Mr. WILLIAM L. SCOTT. Mr. President, I take this time to discuss the genocide treaty scheduled to come before us later today. Understand that the feeling being given to schedule the treaty for consideration after it has been on the calendar for several months. Yes, Mr. President, the treaty has not been ratified even though it was agreed to in the United Nations more than two decades ago. Frankly, I do not believe the necessary two-thirds vote of the Senate will be obtained, and I doubt the wisdom of letting it take up the time of the Senate when we have important national business to consider.

This Nation prides itself on due process; notice and an opportunity to be heard; a trial before a jury of one's peers; presumption of innocence until proven guilty. It seems contrary to the American system of justice for one to be subject to trial before an international tribunal outside the territorial limits of this Nation. Yet, article VI of the treaty permits trial "by such international penalt tribunal as may have jurisdiction."

The core of the debate today is opposition to any effort to exterminate any national, ethnic, racial, or religious group—but this treaty refers to causing the physical extermination of one person. The acts the treaty refers to are not referred to the physical extermination in "whole or in part" of members of the group. Would this include murder of an individual? Would it be an international crime rather than a domestic one? Would it include mental harassment? Among the punishable acts are "direct and public incite intent to commit genocide." Would this include "persuasion or attempt to persuade the constitutional guarantee of freedom of speech or freedom of the press."

Mr. President, this treaty is effective in time of war or peace; the acts are punishable anywhere and the person accused are subject to extradition. It is a vague treaty. Article II refers to preventing births and forcibly transferring children from one group to another. Does this include birth control measures? Does it include the busing of children to obtain racial balance? During World War II, if a soldier had said, "We will have to kill all of the Japanese on this island, or they will kill us," why then have we been public incitement to commit genocide under article III? This is a proposal that is subject to a multitude of interpretations and should be defeated for that reason alone.

As you know, Mr. President, vague ness is a serious violation of one of the most important premises of our American legal system; that a person must know with certainty that his actions will violate legal prohibitions as being criminal acts. Another example of the rampant vagueness throughout the treaty is found in article II subparagraph (C) which defines genocide as being or "inflicting conditions of life calculated to bring about its physical destruction."

No attempt is made in the convention itself or in the report of the Foreign Relations Committee to define or give by example the meaning of what is meant by the words "conditions of life calculated to bring about its physical destruction."

It appears to me that this vague language used throughout the treaty would lead to a myriad of charges being brought by disenfranchised groups interested in embarrassing the American Government.

This treaty would make the specified acts international crimes punishable by imprisonment or fines or both. As a result, if ratified, the treaty would become a criminal law enforceable in this country and beyond its boundaries. It is required in our country that criminal statutes be strictly construed and any ambiguity be resolved in favor of the defendant. There is no doubt in my mind that a criminal law enacted by a legislature in this country containing similar language as found in this convention would be declared invalid because of its vagueness.

I believe this treaty would be an infringement upon the basic constitutional right of our citizens to be put on notice of what activity is a crime and what activity is not. It is said that a treaty cannot be valid if it infringes upon the Constitution, that the Constitution, therefore, to the treaty making power, and that one such limit is that what an act of Congress could not do, unaided, in derogation of the power of the Constitution, cannot do through treaty. I am of the opinion that this treaty if approved would be a serious derogation of a constitutional right. There is American case law to support this position: United States v. Sampley, D.C.N.C., 256 F. 479 and Missouri v. Holland, 252 U.S. 416 where the right of the courts to invalidate a treaty in a proper case has been apparently recognized.

It is interesting to note that the American Bar Association has refused to support the treaty. It is doubtful whether a person tried before an international tribunal could be accorded all the constitutional safeguards which are guaranteed to a person charged with domestic crimes in the United States. The American system does not, moreover, indicate the penalties or punishments which will be applied to those who commit the various crimes.

Our ratification of the treaty would have no binding force on other nations and could not effectively prevent potential genocide in another national state. The Genocide Convention in this sense, although an important step, does not really deal with an international problem. The treaty attempts to make uniform domestic criminal laws for all parties to II. International agreement is not, however, important for the American people to regulate their internal affairs. We have clearly established constitutional processes by which our Federal and State legislative bodies dominate to regulate our domestic affairs.

Mr. President, there was an interesting article a few days ago in the Wall Street Journal which comments on various aspects of this treaty and undoubtedly would be of interest to other Senators.
Therefore, I ask unanimous consent that it be inserted in the Record at this point. There being no objection, the article was ordered to be printed in the Record, as ordered.

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Mr. SCOTT. Mr. President, I ask unanimous consent that it be inserted in the RECORD at this point.
The following reports and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

By Mr. DOLE (for himself, Mr. COOK, Mr. CURTIS, Mr. BARTLETT, Mr. TALMAGE, Mr. MCCOY, Mr. CLARK, Mr. NUNN, Mr. MANSFIELD, and Mr. BENTSEN):

By Mr. DOLE:
S. 2896. A bill to amend the Economic Stabilization Act of 1970 to stabilize the price of propane. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CLARK (for himself, Mr. BENTSEN, Mr. MANSFIELD, Mr. HELMS, Mr. Moss, Mr. COOK, and Mr. NUNN):

By Mr. KENNEDY:
S. 2897. A bill to amend the Internal Revenue Code by increasing the personal exemption from $750 to $850, and for other purposes. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. TOWNS) (by request):
S. 2899. A bill to modify reserve requirements of member banks of the Federal Reserve System; to extend such requirements to other institutions on demand deposits or certain other types of deposits; to authorize Federal Reserve banks to extend credit to such institutions; and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABOUREZK:
S. 2887. A bill to amend the Clayton Act to preserve and promote competition among corporations in the production of oil, natural gas, coal, oil shale, san, geothermal steam, and solar energy. Referred to the Committee on Commerce.

By Mr. MCGOVERN:
S. 2890. A bill to improve the safety of motor vehicle fuel systems. Referred to the Committee on Commerce.

By Mr. MONToya:
S. 2891. A bill to change the date of Veterans Day from the fourth Monday in October to November 11. Referred to the Committee on the Judiciary.

By Mr. CANNON:
S. 2892. A bill for the relief of Miss Clemente Castillo; and
S. 2893. A bill for the relief of Dr. Lok Teek Ying. Referred to the Committee on the Judiciary.

By Mr. BURDICK (by request):
S. 2900. A bill to improve judicial machinery by amending subsection (g) of section 1407, chapter 97, title 28, United States Code, to exempt actions brought by the Securities and Exchange Commission under the Federal securities laws from the operation of that section, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. HUDDLESTON):

By Mr. MONDALE:
S. 2906. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to utilize purchase transactions as under present law or to claim a credit against tax of $200 for each such ex-
Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any emergency legislation relating to the Emergency Daylight Saving Time Energy Conservation Act of 1973 such act shall terminate at 2 o'clock eastern standard time on the first Sunday in September in which case the Senate and House shall be those cost increases which are related to the production of crude oil.

Mr. DOLE: Mr. President, in my travels across Kansas during the holiday recess, the first and most recurrent issue addressed by constituents was the high cost of propane. The complaints ranged from a general concern to specific incidents where the added cost of propane had exceeded $200 for home heating.

In investigating this matter and discussing the issue with the Federal Energy Office, I found general agreement that the rapid increase in propane prices was not caused by a shortage of the commodity nor by increased costs in its production, but rather was the result of a number of factors.

Mr. President, I am proposing a bill that would prohibit the passage of the January 1, 1973 price, plus a percentage of the increases on cost of refining— which have incurred since that time. The added cost which could be passed through to the public, however, would only be those cost increases which are related to the production of propane. Since that price was fixed by the refiner then passed to the producer and then the consumer, I do not feel that this situation is fair. I feel that this would be unfair and inequitable and am offering legislation which would help rectify the situation as it has been done to the propane users and dealers.

The legislation I am proposing would solve the problem by providing that effective the date of enactment no refiner shall increase the price of crude oil for home heating effective the date of enactment. I am proposing a bill that would prohibit the passage of the January 1, 1973 price, plus a percentage of the increases on cost of refining— which have incurred since that time. The added cost which could be passed through to the public, however, would only be those cost increases which are related to the production of crude oil.

Unfortunately, in the past the proportionate passage through the costs to the various byproducts, namely, propane, has not been observed. Due to provisions in the CLC guidelines, the increased costs to the refiner could be passed through to the consumer. In addition, the increased cost of propane, however, is not associated with the refining process. It comes from natural gas, and the actual cost of producing it, if anything, should rise even less than that for crude oil production.

Mr. DOLE: S. 2895. A bill to amend the Economic Stabilization Act of 1970 to stabilize the price of crude oils as related to the Committee on Banking, Housing and Urban Affairs.
CONGRESSIONAL RECORD—SENATE

January 28, 1974

My bill would rectify this inequity. It would not only prohibit the pass-through of refining costs to propane, but it would also roll back prices by permitting the sale of propane from the date of enactment at a price which reflects the January 1, 1973, price. It is important to note that this bill would only roll back the cost of refining crude that has been incurred since that time and which is attributable directly to the production of propane. The January 1, 1973, base price period was selected, because at that time the majority of the companies were selling propane at the same base price, 5.13 cents a gallon. By using this base price, the adjusted price of propane from various companies would, in the end, be nearly equal with differences attributable only to the different costs of operation of each company.

The need for the bill is obvious. On January 1, 1973, a distributor in Kansas could obtain propane for slightly over 5 cents a gallon. By December of 1973, it will be costing the distributor as much as 25 cents a gallon. The costs of production have increased because of higher costs of crude oil. The costs of production have increased because of higher costs of crude oil. The cost to the LP gas dealers of production handled up to 1973, with those charged January 21, 1974, together with the text of the bill. There being no objection, the table and bill were ordered to be printed in the Record, as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Per gallon</th>
<th>Price 21, 1973</th>
<th>Price 21, 1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phillips</td>
<td>22.9</td>
<td>22.9</td>
<td>22.6</td>
</tr>
<tr>
<td>Cities</td>
<td>19.66</td>
<td>19.66</td>
<td>19.66</td>
</tr>
<tr>
<td>Cenisco</td>
<td>20.9</td>
<td>20.9</td>
<td>20.9</td>
</tr>
<tr>
<td>Exxon</td>
<td>17.19</td>
<td>17.19</td>
<td>17.19</td>
</tr>
<tr>
<td>Mobil</td>
<td>35.8</td>
<td>35.8</td>
<td>35.8</td>
</tr>
<tr>
<td>Skelgas</td>
<td>10.4</td>
<td>10.4</td>
<td>10.4</td>
</tr>
<tr>
<td>Sun</td>
<td>32.5</td>
<td>32.5</td>
<td>32.5</td>
</tr>
<tr>
<td>Texaco</td>
<td>18.27</td>
<td>18.27</td>
<td>18.27</td>
</tr>
<tr>
<td>Warren</td>
<td>22.6</td>
<td>22.6</td>
<td>22.6</td>
</tr>
<tr>
<td>Diamond</td>
<td>22.3</td>
<td>22.3</td>
<td>22.3</td>
</tr>
<tr>
<td>Signal</td>
<td>18.3</td>
<td>18.3</td>
<td>18.3</td>
</tr>
<tr>
<td>Sid Richardson</td>
<td>17.5</td>
<td>17.5</td>
<td>17.5</td>
</tr>
<tr>
<td>Wards</td>
<td>19.19</td>
<td>19.19</td>
<td>19.19</td>
</tr>
<tr>
<td>Arco</td>
<td>17.13</td>
<td>17.13</td>
<td>17.13</td>
</tr>
<tr>
<td>Northern</td>
<td>14.68</td>
<td>14.68</td>
<td>14.68</td>
</tr>
<tr>
<td>Union Texas</td>
<td>12.19</td>
<td>12.19</td>
<td>12.19</td>
</tr>
</tbody>
</table>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(2) permitting adjustments in such prices to reflect cost increases or decreases which are related to the production and distribution of propane, and which are incurred after January 1, 1973, "

By Mr. CLARK (for himself, Mr. BERMAN, Mr. MANSFIELD, Mr. HELMS, Mr. MOSS, Mr. COOK, and Mr. NUNN):

S. 2896. A bill to terminate the Emergency Daylight Saving Time Energy Conservation Act, approved March 13, 1973, and to create an Energy Conservation Commission. (Introduced to the Committee on Commerce.)

Mr. CLARK. Mr. President, the Senator from Montana (Mr. MANSFIELD) and I today have introduced a bill to terminate the Emergency Daylight Saving Time Act.

Recent events have pointed clearly to the need for a reassessment of the switch to daylight saving time.

If we were to change to year-round daylight saving time in December, it would be in the midst of great concern about the severity of the energy crisis and predictions of cold homes and no gas.

Daylight saving time seemed like a quick way to save energy—without considering the costs of doing it. The Senator from Montana (Mr. MANSFIELD) and I are proposing to apply the savings that would result from year-round daylight saving time as its potential for joining people together in an effort to save energy. My experience in Iowa indicates that it is doing nothing to join people together. It is creating more anger and frustration than any other single energy conservation measure.

I just spent most of this month traveling from county to county throughout the State of Iowa, holding some 25 separate meetings, where people came and talked about the problems of the country. The energy situation in general and DST in particular came up more than any other issue.

Original estimates late last year were that we might save 1 to 3 percent of our energy. Now that appears to be an exaggeration. The Podesta commission report estimates that there is probably only about a 0.2-percent saving of energy consumption from daylight saving time. A report on energy savings from DST is not expected until June. So, we still do not have any figures on how much has been saved in the last 3 weeks.

But the results are already in on the dangers it can cause. A recent study recognizes that we may have made a mistake with emergency DST, and that is why I am introducing this bill today to repeal it. This bill will give us a vehicle to reexamine the evidence, both national and international.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. MANSFIELD. Mr. President, I am delighted to join with the distinguished Senator from Iowa (Mr. CLARK), the distinguished Senator from Kentucky (Mr. PROVan), and the distinguished Senator
from Kentucky (Mr. Cook), and other Senators who are interested in the matter of daylight saving time at this time of the year.

May I say I agree wholeheartedly with what the Senator from Iowa has just said, because what applies to the State of Iowa applies equally to the State of Montana.

The bill which we have introduced repeals daylight saving time. Fundamentally, daylight saving time demonstrated that—

First. This swiftly passed remedy to meet the problem of energy conservation has raised an even more significant crisis.

Second. The increased jeopardy to young schoolchildren in the predawn, predaylight hours of the weekday demonstrates the utter failure of year-round daylight saving time. It will be upon its enactment. The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOLE. Mr. President, the time of the Senator from Iowa having expired, may I just continue this matter?

During the debate on the original passage, this Senator's remarks, which are in the record, I would like to state again relative to the question raised by the distinguished majority leader. I consulted with one school board in my State that has 500 school buses, and approximately 80,000 school children that it picked up at varying times in the morning, such as 7:30, 7:45, 8, 8:15, and 8:30—at 15-minute intervals. I asked the officials if they could change the schedule.

They said they could, but then they would be doing would be, instead of putting all of their 500 school buses on the road, at 3, 3:15, and 3:30 in the morning, it would be at 4:15, 4:30, and 4:45, and so on, putting them on the highways when people are coming back from work. So it would take those buses 1 hour to 1 hour and a half longer to discharge the children in the evening than it otherwise would. Consequently, if we changed the hour so that youngsters could go to school in daylight, we would be imposing an additional half additional use of fuel for 500 buses in the afternoon, which would include also the automobiles that had to stop every time a big red school bus stopped.

So the argument that it could be scheduled it would be summarily changed did not hold merit then, it does not hold merit now, because we would be increasingly utilizing fuel. We would not be decreasing the use of fuel. And I thank the Senator for raising the question relative to transportation and relative to school hours.

Mr. NUNN. Mr. President, I ask unanimous consent that I may be listed as a co-sponsor of the bill introduced by the Senator from Iowa (Mr. CLARK) and the Senator from Kansas (Mr. DOLE).

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

Mr. COOK. Mr. President, I ask unanimous consent that I be listed as a co-sponsor of the bill introduced by the Senator from Iowa (Mr. CLARK).

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

Mr. HELMS. Mr. President, I ask unanimous consent that I be listed as a co-sponsor of the bill introduced by the Senator from Iowa (Mr. CLARK).

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be listed as a co-sponsor of the bill of the Senator from Kansas (Mr. DOLE).

Mr. NUNN. Mr. President, it has become quite clear that congressional approval of daylight saving time on a year-round basis was a mistake. In the State of Florida, there have been several predawn accidents resulting in the deaths of eight school-age children. Reports of similar tragedies can be found in newspapers throughout the country. Last fall, I joined Senator MARLOW COOK of Kentucky in sponsoring a bill that would have established daylight saving time for the period between Memorial Day and September 30 each year. It was one of the bills which, if enacted, it would be on standard time. This legislation was ignored by Congress in the rush to implement daylight saving time. The Senate was rushed into passage of this legislation by its advocates who claimed a 2 percent savings of our national energy requirements. However, the proponents of this measure were never able to offer conclusive evidence to support their contentions, I discounted these claims of fuel savings and voted against the daylight saving time bill which unfortunately, is now in effect.

While I have received many letters from constituents complaining of the new law, none have expressed their concern with more candor than the children affected by it.

I commend to the Congress the following letters from the second grade class of Mrs. Ellen Feinberg at Morris Brandon school, Atlanta, Ga.

Dear Mr. Nunn: I think that children that are walking to school in the dark, it's dangerous. You might get kidnapped.

Sincerely,

Rory Johnson.

Dear Mr. Nunn: We do not like Daylight Saving Time. We do not like going out on dark mornings. It is dangerous. Like if you go by the buses somebody will grab you.

Sincerely,

Patsy Denise Ashley.

Dear Mr. Nunn: Why do we have Daylight Saving Time? We have to use more energy. We have to wait for our buses in the dark. It's not fun at all. It is not safe. You might hurt yourself. You might get kidnapped. I liked it how it was.

Sincerely,

Thomas Coughlin.

Dear Mr. Nunn: I do not like Daylight Saving Time. I get mixed up when I wake up in the morning. When I wake up I think it is still night but it's not—it's morning. I don't like it. It's too dark. We have to use a lot of electricity, but we don't use much electricity we have an hour extra hour.

Sincerely,

Sandy Draper.
CONGRESSIONAL RECORD—SENATE

January 28, 1974

DEAR Mr. NUNN: We do not like Daylight Saving Time. We do not like going out on dark mornings. From,

KEN ALTMAN.

DEAR Mr. NUNN: I think we should ride instead of walk to school. We are just wasting electricity. I don't think children should wait for buses in the dark.

Sincerely,

MEREDITH STONE.

DEAR Mr. NUNN: I don't think you think saving energy. We do not like Daylight Saving Time. We do not like going out on dark mornings.

Sincerely,

KIM ROBINSON.

DEAR Mr. NUNN: It is dangerous in the mornings. Some children have to walk for buses. Some children have to walk to school. And people have to get up in the dark. It burns energy. I don't like Daylight Saving Time.

Sincerely,

RUTH TRAVIS.

DEAR Mr. NUNN: I don't think getting up in the dark is good because you have to turn on all the lights and heat because it's dark. If it was old time we would not have to turn on all the lights, the sun would have been up. And I don't think it is safe for children to walk in the dark.

Sincerely,

JILL BONNER.

DEAR Mr. NUNN: I don't think riding to school with the lights on because it is dangerous. The bus driver can have a jam up.

From,

JOHN ARMOUR.

DEAR Mr. NUNN: I think we would be saving more energy because if we went to school at 9:00 to 4:00.

Sincerely,

KEN MASON.

DEAR Mr. NUNN: There are some good things and bad things about getting up in dark. Children get to play more. But it is dangerous to go to school in the dark and getting up in the dark. If you were the first to get up, you have to turn on the lights. It uses more energy. That doesn't help. I think we should of stayed at the old time. We do not like Daylight Saving Time.

Sincerely,

NEAL HIBBERT.

DEAR Mr. NUNN: I do not like Daylight Saving Time. I think people like me should be able to write to you. When people get up in the morning they have to turn most of their lights on. Do you think that is saving energy?

Sincerely,

RESS HAMAN.

DEAR Mr. NUNN: I do not like Daylight Saving. I was wawing to the bus stop and I tripped over a rock. And if you tripped over a rock and if there was a little rock in front of it the dark is hurt yourself.

Sincerely,

DAVID WALKER.

DEAR Mr. NUNN: We do not like Daylight Saving Time. We do not like going out on dark mornings. We do not like waiting at bus stops in the dark. It isn't fun. We used to have pine cone battles at the bus stops. Because of we, we can't.

JOE DOUGHERTY.

DEAR Mr. NUNN: I do not like Daylight Saving Time. I bet you don't either. I got a reason why. You could be asleep and wake up and look out the window and find that it was still dark in the morning. And you go back to sleep. Then you wake up again and look at the clock and see it is late. And it would be in a carpool and it would be harder to see. Don't you think?

Sincerely,

JOHN CARROLL.

DEAR Mr. NUNN: I don't like the idea of saving energy. It's not much help. Some people may get hurt, while others may run over people by accident and it is dangerous for people who drive.

Sincerely,

JACK CALHOUN.

DEAR Mr. NUNN: I think Daylight Saving is bad. I don't like going to school in darkness. So I think children that walk in the dark to school is really dangerous. I think Daylight Saving is really! really! bad. And I don't like the dark. We do not like Daylight Saving Time. We do not like it.

Sincerely,

TERRA HALEY.

Mr. NUNN. Senators DICK CLARK and MARLOW COOK have introduced separate legislation today which would repeal the emergency provision of the Daylight Saving Time Act of 1966. Their bills, which I have cosponsored, would return the Nation to the provisions of the Uniform Time Act of 1893, which established daylight saving time from the last Sunday of April to the last Sunday of October.

With daylight saving time in effect less than 30 days, Members of Congress are witnessing the effects of this legislation. I am hopeful that the Senate and Congress will consider the detrimental and dangerous effect of this legislation and will support these new efforts to pass corrective legislation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill that was introduced by the Senator from Iowa (Mr. CLARK) and the bill introduced by the distinguished Senator from Kansas (Mr. Dole) calling for the repeal of daylight saving time be held at the desk for the remainder of the day.

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

By Mr. KENNEDY: S. 2897. A bill to amend the Internal Revenue Code by increasing the personal exemption from $750 to $850, and for other purposes. Referred to the Committee on Finance.

TAX CUT TO STIMULATE THE ECONOMY

Mr. KENNEDY. Mr. President, I send to the desk a bill to increase the personal exemption in the Federal income tax from its present level of $750 to a new level of $850, retroactive to the 1973 tax year. The bill is identical to the amendment offered by Senator Barry Goldwater on the Senate floor, which was accepted by a strong 53-to-27 majority of the Senate, before it was recommitted as part of the overall bill to the Finance Committee.

The purpose of this amendment is to offset the increase in the cost of living since the personal exemption was last increased in 1971, and to provide a needed fiscal stimulus for the economy, so that we may avert the imminent danger of recession.

The biggest danger facing the Nation today is an energy-induced recession in 1974. The problem was clear before the Arab oil embargo last October, but it became worse as the oil crisis was the oil shortage worsened. Early last fall, the administration was already talking of a "soft landing" for the economy in 1974, but the sudden new crisis over energy has forced "crash landing's" long more likely. Economists are virtually unanimous now in predicting a recession, with 6 to 8 percent unemployment, in 1974. Already, the unemployment rate is creeping up.

No one can miss those early warning signals of recession. Annual real growth in GNP dropped precipitously from well over 3 percent in the third quarter of 1973 to little more than 1 percent in the fourth quarter, an ominous sign that recession is imminent and that growth will be zero or negative in the early quarters of 1974. And to the extent there was growth at all in the first quarter of 1974, it was largely by businesses still producing goods, even though sales were dropping off. Does anyone seriously believe businesses will keep producing goods while sales keep falling? Even this relatively minor aspect of growth will vanish if things go on as they are today.

The figures on unemployment tell the same story. The Increase from 4.5 percent in October to 4.9 percent in December is an increase of 10 percent. How can we stand by, when hundreds of thousands of workers are being laid off, and when millions more are newly worried about their jobs and about their families' future?

The classical economic remedy for a recession is a tax cut, to stimulate the economy. Once before, in the early 1960's, Congress used a tax cut to pull the economy out of an economic tailspin, by stimulating growth and eliminating the effects of a recession and a long period of stagnation. Thanks to that wise action, we got the country moving again, and the Nation enjoyed the longest sustained period of real economic growth and prosperity without inflation in our history.

That same principle can work well again today. If we can get more purchasing power into the hands of consumers to stimulate the economy, we can blunt the recession before it takes hold. And at the same time, we can help offset the impact of high food and fuel costs in every family's budget.

The best prompt dose of fiscal stimulus is through the Tax Code, and that is the purpose of the bill I am proposing. A $100 increase in the personal exemption, from $750 to $850, would provide $3.6 billion in new consumer purchasing power, as a badly needed shot in the arm for our sick economy. Its impact can be felt at once. By making it retroactive to tax year 1973, people filling their returns between now and April 15 will benefit immediately, and the Nation will be the winner.

At the same time, such a fiscal stimu-
In the Revenue Act of 1971, Congress accelerated the increases and established a level of $750 for 1971 and $750 for 1972, where it remains today. Wherever it appears, and inserting in lieu thereof "$850".

Mr. Kennedy. Mr. President, it is rare that tax relief is also sound fiscal policy for the economy. And it is also rare that tax relief itself can take the form of a positive action capable of keeping the economy on an even keel, without the need for elaborate bureaucratic machinery or implementation by an unresponsive branch. But we have such an opportunity today, and we cannot afford to miss it.

I hope that both the Senate and the House of Representatives will give prompt consideration to the need for this sort of immediate tax stimulus to the economy, in order to keep the current economic downturn from materializing into the recession that economists now foresee for 1974.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

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

Sec. 2. (a) Effective with respect to taxable years beginning after December 31, 1971, the Consumer Price Index has risen from 123.1 to 138.5, for an overall 2-year gain of nearly 13 percent. The increase in 1973 alone was nearly 9 percent. A rise in the personal exemption from $750 to $850 is an increase of slightly over 13 percent, which thus almost exactly offsets the rise in the cost of living since Congress last acted. Of course, to those anticipated inflation in 1974, the personal exemption would have to exceed $850.

I recognize that questions will arise as to the extent to which we have already adjusted to inflation. Unlike 1969, where inflation was a serious problem in many sections of the economy, inflation is not out of hand in only two areas today—food and fuel. What we need is strict price controls on food and gasoline, and a more rational approach to agricultural policy, especially in the area of wheat exports. We do not have to put the whole economy through the wringer, in order to stop the upward march of prices on food and fuel alone.

To be sure, a small portion of this new consumer spending will find its way into food and gasoline, the two import areas where inflation today is a serious problem. But the real advantage of a tax cut in so many other areas of the economy where recession, not inflation, is the problem may well outweigh the disadvantage of any increased spending for food and fuel. The administration has other tools to control inflation here, if only it uses them. Congress may not be able to legislate economic competence in the administration's management of the economy, but at least Congress can act now to try to prevent a serious recession in 1974, especially when the warning signs are so obvious.

The bulk of the increment in consumer spending produced by this legislation will go into areas where the economy is already sagging, and where recession is now an imminent threat. In fact, the proposal means an employment for workers, extra income for families, and extra profits for business in all of the areas now facing serious dangers of layoffs, economic hardship, idle plant capacity, and, all of the other distressing consequences of recession.

Relief like this is needed now for millions of workers and their families, hard hit to keep up with the cost of living. In 1974, for the first time in modern history, prices went up faster than wages. From December 1972 through December 1973, prices rose by 8.8 percent, but hourly wages rose by only 6.7 percent. Almost invariably in the past, there has been a 2-3 point differential between prices and wages, but it has always been the other way around—wages surpassing prices because of normal increases in productivity. But in 1973 the pattern was reversed. Prices outrun wages, with extremely serious consequences for every working man and woman.

By increasing the personal exemption, Congress can halt the impact of today's continuing inflation for American families. The cost of living has risen by 13 percent since the personal exemption was increased to $750 in 1971. By raising the exemption to $850, an increase of 13 percent, Congress can set the exemption precisely at the level it should now have if the inflation of the past 2 years is taken into account.

In the Tax Reform Act of 1969, Congress enacted progressive increases in the personal exemption, raising it from the pre-existing level of $600 where it had been since 1948. The increases were as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>$625</td>
</tr>
<tr>
<td>1971</td>
<td>$750</td>
</tr>
<tr>
<td>1972</td>
<td>$775</td>
</tr>
<tr>
<td>1973</td>
<td>$850</td>
</tr>
</tbody>
</table>

The 1971 increase of $475 is a 78 percent increase, whereas the 1972 increase of $250 is a 32 percent increase. The 1973 increase of $150 is an 18 percent increase.

In my opinion, the combined tax relief of $1,685 would provide adequate tax relief for families with incomes below $15,000, and for all other persons with incomes below $30,000 as well. It will provide urgent needed stimulus for the economy.

Mr. President, I ask unanimous consent that the table to which I have just referred be printed at this point in the Record.

The table being so ordered, it was so ordered, as follows:

<table>
<thead>
<tr>
<th>Adjusted gross income</th>
<th>Number of returns</th>
<th>Number of returns with tax liability</th>
<th>Decrease in tax liability (millions)</th>
<th>Cumulative percent of adjusted gross income</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to $3,000</td>
<td>3,221 (thousands)</td>
<td>221</td>
<td>45</td>
<td>1.3</td>
</tr>
<tr>
<td>$3,000 to $5,000</td>
<td>7,746 (thousands)</td>
<td>466</td>
<td>184</td>
<td>5.6</td>
</tr>
<tr>
<td>$5,000 to $7,000</td>
<td>12,299 (thousands)</td>
<td>89</td>
<td>616</td>
<td>12.4</td>
</tr>
<tr>
<td>$7,000 to $10,000</td>
<td>15,995 (thousands)</td>
<td>10</td>
<td>1,059</td>
<td>19.9</td>
</tr>
<tr>
<td>$10,000 and over</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
</tr>
</tbody>
</table>

Total: 60,910 (1,592) 5,551 99.5 99.9

1 Less than 500.

Mr. President, I ask unanimous consent that the table to which I have just referred be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

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<tbody>
<tr>
<td>0 to $3,000</td>
<td>3,221 (thousands)</td>
<td>221</td>
<td>45</td>
<td>1.3</td>
</tr>
<tr>
<td>$3,000 to $5,000</td>
<td>7,746 (thousands)</td>
<td>466</td>
<td>184</td>
<td>5.6</td>
</tr>
<tr>
<td>$5,000 to $7,000</td>
<td>12,299 (thousands)</td>
<td>89</td>
<td>616</td>
<td>12.4</td>
</tr>
<tr>
<td>$7,000 to $10,000</td>
<td>15,995 (thousands)</td>
<td>10</td>
<td>1,059</td>
<td>19.9</td>
</tr>
<tr>
<td>$10,000 and over</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
</tr>
</tbody>
</table>

Total: 60,910 (1,592) 5,551 99.5 99.9

Mr. President, I ask unanimous consent that the table to which I have just referred be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:
Chairman Burns indicates that under the bill nonmember institutions which fail to meet the new requirements will have access to the Federal Reserve’s discount window, subject to regulations to be issued by the Board. This contrasts with the present provisions of law which allow such access only under highly unusual circumstances and under relatively restrictive conditions. Another provision in the legislation requires the reporting of data on deposit liabilities by member banks. Such data become subject to reserve requirements.

Mr. President, I am well aware that the subject matter of the Board’s proposal is highly controversial within the commercial banking industry and is becoming so among depository institutions generally. In fact, the senior Senator from Texas (Senator Tower) and I introduced the Board’s proposal today.

The extent to which the effectiveness of the implementation of monetary policy will be as a result of a part of the public’s money banks under the Board’s proposal is the subject to a broader range of financial institutions when and as they come under unusual liquidity pressures. At the same time, it should be noted that the bill does not require member banks to make Federal Reserve credit assistance to a broader range of financial institutions when and as they come under unusual liquidity pressures. At the same time, it should be noted that the bill does not require member banks to make Federal Reserve credit assistance to a broader range of financial institutions when and as they come under unusual liquidity pressures.

Proposals for uniform reserve requirements are not new. Comparable reserve treatment for member and nonmember banks was embodied in the recommendations of the Committee chaired by Senator Douglas in 1960, repeated in 1962 in the report of a Federal Reserve Board-appointed committee, and in 1963, and urged again in 1971 in the report of the President’s Committee on Financial Institutions.

Since 1964 the Board has repeatedly urged the application of reserve requirements set out in Federal Reserve Board Rules as well as member banks. In 1970 the Board requested that such reserve requirements be extended to so-called NOW (negotiable order of withdrawal) accounts, which serve a function similar to demand deposits.

A main benefit to be derived from the legislation proposed by the Board is that it would establish a basic role of reserve requirements in the functioning of monetary and credit policy. Before the Federal Reserve System was founded, reserve requirements were established by legislative directive and State levels as a means of protecting bank liquidity. That philosophy was reflected in the original reserve requirements established for Federal Reserve member banks. Higher requirements were set for country and urban banks, and still higher requirements were imposed on central reserve city banks. It is true that the initial structure remains, even today.

Reserve requirements have proved in practice to be an important source of operating liquidity for banks, except as they can be used within a statutory reserve accounting period to absorb large fluctuations in check clearings. The reserves required to back deposits cannot be withdrawn

The principle that underlies the proposed legislation is simplicity and straightforwardness—namely, that equivalent cash reserve requirements should apply to all deposits that effectively serve as a part of the public’s money banks under the Board’s proposal.

Mr. President, I now ask unanimous consent to include in the Record immediately following my remarks the texts of the letter Chairman Burns addressed to me, the Reserve Board’s bill and the bill as submitted.

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

Chairman Burns’ recommendations the required reserves would be phased in over a period of 4 years, at the rate of required reserves to back deposits of $2 million of net demand deposits. Chairman Burns’ recommendations the required reserves would be phased in over a period of 4 years, at the rate of required reserves to back deposits of $2 million of net demand deposits.
to finance a rise in loan demand, and they are available to supply only a small portion of the funds needed to meet reserve requirements—policy—that is, to provide a known and controlled base through the Federal Reserve can affect the supply of money and credit.

To achieve good management over the supply of money and credit, reserve requirements must be met by holding assets which are outside the payments stream and whose aggregate value is under the control of the Federal Reserve. Whatever their role may be in protecting bank liquidity, the reserve requirements set by the various States do not meet this test.

State-determined reserve requirements on nonmember banks are basically a Federal Reserve System creation, to another, ranging for net demand deposits around the level of reserve requirements set by the Federal Reserve. More important, however, is the form in which these reserves are held. State requirements can be satisfied not only by the holding of cash but also in a manner of depositing with other banks or by holding interest-bearing securities. Holdings in the last two forms do not meet the monetary-policy function of reserves, since the funds so used remain available to finance additional deposit and credit expansion. With the funds so satisfied, we wondered about the effect of its State reserve requirement by holding deposits at a member bank, that bank member's institution affected by the Federal Reserve to hold cash reserves at a Federal Reserve Bank or in the bank vault against these deposits in the same way as for any holdings at member banks. In this case, the cash reserve held by the member bank is quite small relative to the initial deposit at the member bank. The minor degree to which deposits in nonmember institutions are indirectly backed by reserves that satisfy reserve requirements of the Federal Reserve as well as the lack of uniformity in reserve requirements among the States—complicates the task that reduces the precision of monetary policy, principally because the proposed legislation is to change the form in which nonmember banks may hold their reserves, including Federal Reserve deposits, with respect to vault cash and reserve balances held with Federal Reserve Banks.

The task of monetary policy is complicated because shifts in deposits between member banks and nonmember institutions affect both monetary growth in an inflationary period, it will be providing bank reserves more slowly. If the public's preferences for deposits at nonmember institutions as compared with member banks were unchanged, the increase in the nation's bank deposits and money supply would be largely offset with the growth in bank reserves. But if the public is at the same time shifting deposits into nonmember institutions at an even greater rate to a large and unpredictable extent—there would be a greater monetary expansion than desired. This would be so because the funds needed to accommodate demand at nonmember institutions require less cash reserves than at member banks, and thus the total of deposits that could be supported by the available base of cash reserves would be enlarged.

The growing dimension of this problem can be measured statistically. Since 1960 the demand deposit component of the nation's money supply held at nonmember banks has grown at an annual compound rate of 17 per cent, while deposits held at member banks have grown by only 61 per cent. By the end of 1973, about 25 per cent of demand deposits in the money supply are held at nonmember banks.

Not only are the demand deposits at nonmember banks growing more rapidly than in member banks, but evidence in the attached Table I further indicates that deposit growth at nonmember banks has varied much more from year to year than for member banks. In fact, as shown in the attached Table I. The more erratic growth rates at nonmember banks compound the difficulties of monetary control under the prevailing reserve structure.

The net increase in the number of nonmember banks is shown in Table 2, Over the past three years all but 570 of the Federal Reserve System through withdrawal or mergers. About 160 State-chartered banks have elected to join the System since 1960. Just over 1,700 others receiving new State charters chose to remain outside the System. The increase in relative importance of both the number of nonmember banks and their deposit holdings has accelerated since 1968, with growth particularly rapid in the past three years.

The main reason for this trend toward avoidance of Federal Reserve membership is the reserve requirements, which, though they may not suffer in meeting Federal Reserve requirements. Banks must forego earning assets to build up a reserve balance in the Federal Reserve. That reserve balance pays no interest, although member banks do receive some interest on their Federal Reserve deposits. The potential development at thrift institutions of savings accounts with transfer powers similar to checking accounts poses a new risk of slippage in monetary control. In 1973, experimentation with NOW accounts was authorized by the Congress under certain regulatory conditions in two States. These accounts in important degree are capable of substituting for demand deposits, since, as checking accounts, depositors can make payment to third parties on the basis of withdrawals in the form of transferable or negotiable instruments. It may well come to the point where the average householdmaker makes a sizable share of his ordinary payments through these accounts. Under present law, these accounts are not subject to reserve requirements set by the Federal Reserve, except at member banks. But in the two States affected, all kinds of depository institutions are authorized to issue these accounts. Recently, the Recency of demand deposit accounts and in the development of NOW accounts surely presage a continued, and perhaps accelerated, trend in the use of demand deposits at nonmember financial institutions.

Reserves required to hold demand deposits and to savings accounts with third party payment features. The proposal does not reduce reserve requirements to time and savings deposits other than NOW accounts. These deposits do not have checking powers, but they are not highly active deposits. Also, under present conditions, there do not appear to be any reserve requirements per se, but in the form of requiring depository institutions to meet the depositor is allowed to make withdrawals in written orders on demand accounts.

The proposed legislation extends reserve requirements set by the Federal Reserve only to accounts which are directly employed in transactional or checking powers. That is, to demand deposits and to savings accounts with third party payment features. The proposal does not reduce reserve requirements to time and savings deposits other than NOW accounts. These deposits do not have checking powers, but they are not highly active deposits. Also, under present conditions, there do not appear to be any reserve requirements per se, but in the form of requiring depository institutions to meet the depositor is allowed to make withdrawals in written orders on demand accounts.

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same as the reserve requirement on ordinary savings deposits of member banks.

The Board recognizes that uniform reserve requirements may impose some burden on nonmember institutions, depending on the level of reserves required and to what extent the Board might give latitude to the extent to which they are not satisfied by existing vault cash holdings. This is so because legislation under consideration would permit Federal Reserve credit to be made available at a significantly lower interest rate than the market rate in the open market, and because the reserve requirements for member institutions are currently being reduced.

If the legislation is enacted as proposed, the Board might use this additional latitude to permit Federal Reserve credit to be made available at the market rate in the open market. The Board might require reporting of deposit liabilities by member and nonmember institutions subject to reserve requirements set by the Federal Reserve. This information is needed for monitoring purposes and will permit comparative analysis of the various financial institutions as the proposed reserve structure goes into effect.

I and other members of the Board would be pleased to discuss these proposals more fully with you and other members of your Committee. I urge that you consider scheduling public hearings on the matter at an early date.

Sincerely yours,

ARTHUR P. BURNS

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**TABLE 1. MEMBER AND NONMEMBER DEMAND DEPOSIT COMPONENTS OF THE MONEY SUPPLY**

<table>
<thead>
<tr>
<th>Year</th>
<th>Member</th>
<th>Nonmember</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>896.2</td>
<td>3.1</td>
</tr>
<tr>
<td>1961</td>
<td>92.7</td>
<td>3.1</td>
</tr>
<tr>
<td>1962</td>
<td>105.2</td>
<td>3.1</td>
</tr>
<tr>
<td>1963</td>
<td>105.7</td>
<td>3.1</td>
</tr>
<tr>
<td>1964</td>
<td>105.8</td>
<td>3.1</td>
</tr>
<tr>
<td>1965</td>
<td>105.8</td>
<td>3.1</td>
</tr>
<tr>
<td>1966</td>
<td>105.8</td>
<td>3.1</td>
</tr>
<tr>
<td>1967</td>
<td>105.7</td>
<td>3.1</td>
</tr>
<tr>
<td>1968</td>
<td>105.8</td>
<td>3.1</td>
</tr>
<tr>
<td>1969</td>
<td>105.8</td>
<td>3.1</td>
</tr>
</tbody>
</table>

---

**TABLE 2. NONMEMBER BANKS COMPARED TO ALL COMMERCIAL BANKS**

<table>
<thead>
<tr>
<th>Year</th>
<th>Nonmember banks</th>
<th>Nonmember banks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
<tr>
<td>1961</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
<tr>
<td>1962</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
<tr>
<td>1963</td>
<td>7,260</td>
<td>5.4%</td>
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<td>1966</td>
<td>7,260</td>
<td>5.4%</td>
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<tr>
<td>1967</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
<tr>
<td>1968</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
<tr>
<td>1969</td>
<td>7,260</td>
<td>5.4%</td>
</tr>
</tbody>
</table>

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1. Average of daily figures, not seasonally adjusted.
2. As of Dec. 31.
3. As of Nov. 30.
to develop it themselves. Welles argued in the introduction to his most fascinating book, "Interfuel Competition," that the "giant oil companies are being forced to pay monopoly prices for their energy needs.

The major oil companies are able to control the exploration, production, transportation, refining, and distribution of petroleum in the United States, if not the entire world. Every day my office receives complaints from individuals who have been promised that Congress has consistently refused to take action against this giant oil oligopoly. While it may be difficult to eliminate the major oil companies from the domestic fields and further technical progress in the methods of extracting oil from the shale.

Senator Douglas also urged that if the oil companies do begin to develop shale oil, that they should not receive any kind of depletion allowance. He argued that:

"In the case of oil drawn from shale owned by the people through their government, the argument is entirely false. It is the government's asset, not the oil companies', that will be depleted, and to compensate private producers who are not owners for this would be highway robbery.

Perhaps, we might consider eliminating the depletion allowance on all energy resources and minerals produced on Federal lands for a very reason.

Unfortunately, some years the U.S. Department of the Interior has translated the public interest to mean that what is good for the major oil companies is good for the people. The policies of the Interior Department with respect to energy resources on Federal lands have consistently benefited the major oil companies to the detriment of the rest of the American people. As a result, over the years, the Department of the Interior has contributed to the increasing domination over America's energy resources by a handful of powerful major oil companies.

As recent evidence in congressional hearings and in Federal Trade Commission studies indicates, the free market in mineral and natural gas does not exist. For all intents and purposes the marketplace is not workably competitive. The results of this lack of competition for America's energy resources have been a handful of powerful major oil companies.

In competitive fuels--such as coal, oil shale, tar sands, uranium, geothermal steam, and solar energy. They are also involved in research and development of new technology. They must not capitate to the greedy and arrogant demands of the major oil companies, who have shown us that not only are they more concerned with their own profits, but that they will operate against the public interest without the slightest misgivings.

I ask unanimous consent that the bill be printed in the Record. There being no objection, the bill was ordered to be printed in the Record, as follows:

"S. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Interfuel Competition Act of 1974.

Sec. 2. That the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12f), is amended by inserting after section 7 the following new section:

"Sec. 7A. (a) It shall be unlawful for any oil company--

(1) to acquire any coal, oil shale, tar sands, uranium, geothermal steam, and solar energy asset after the enactment of this section, or

(2) to own or control any coal, oil shale, tar sands, uranium, geothermal steam, and solar energy asset after the expiration of three years after the enactment of this section.

(b) Each oil company which owns or controls any coal, oil shale, tar sands, uranium, geothermal steam or solar energy asset shall, within the hundred twenty days after the enactment of this section, file with the Attorney General and the Chairman of the Federal Trade Commission such reports respecting its coal, oil shale, tar sands, uranium, geothermal steam and solar energy assets as may by regulation require and it shall be the duty of the Attorney General and Chairman of the Federal Trade Commission to immediately examine and report.

(c) It shall be the duty of the Attorney General and/or the Chairman of the Federal Trade Commission to commence a civil action in equity to require the permanent or temporary injunction, whenever any person violates subsection (a) or (b). Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or, in any other case, where it shall have jurisdiction to restrain such violation and to require compliance.

Any person knowingly violating the provisions of this Act shall upon conviction be punished by a fine of not to exceed $100,000 or by imprisonment not exceeding ten years, or both, in the discretion of the court. A violation by a corporation shall be deemed a violation by the individual directors, officers, agents, or employees of such corporation who shall have authorized.

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ordered, or done any of the acts constituting the offense.

(e) For purposes of this section—

(1) The term 'oil company' means any company engaged in the production or refining of petroleum and includes any affiliate of such corporation.

(2) The term 'coal, oil shale, tar sands, uranium, geothermal steam or solar energy asset' means—

"(A) any asset used for the mining, drilling, exploration, production or sale of coal, oil shale, tar sands, uranium, geothermal steam and solar energy, or

"(B) any asset in any corporation which engages in (or an affiliate of which engages in) the mining, drilling, exploration, production or sale of coal, oil shale, tar sands, uranium, geothermal steam and solar energy.

(3) The term 'acquisition' includes acquisition of control.

(4) The term 'control' includes actual or legal power or influence over another person, whether direct or indirect, arising through direct or indirect ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements, or leasing arrangements.

(5) An affiliate of a corporation is any other corporation which (directly or indirectly) engages in (or has control over) a common control with such corporation."

BY MR. MONTOYA.
S. 2900. A bill to improve the safety of motor vehicle fuel systems. Referred to the Committee on Commerce.

Mr. MONTOYA. Mr. President, the legislation which I am introducing today concerns minimum fuel tank safety standards. The bill has two basic provisions. First of all, it would advance, by 1 calendar year, the effective date of the Federal standards proposed by the National Highway Traffic Safety Administration in August 1973. Second, it would require that all supplemental fuel tanks which are added to a vehicle after its original sale meet standards which provide at least as much safety as that provided by original equipment standards.

The magnitude of the dangers involved in the failure of fuel tanks is the existence of available technology to remedy tank deficiencies and the seeming reluctance on the part of the Department of Transportation to implement safety standards in an acceptable fashion. This provides persuasive evidence of the necessity for this legislation.

Currently the only safety standard applying to fuel tanks involves a frontal collision test at a speed of 30 miles per hour—which each vehicle sampled must undergo with a maximum allowable fuel loss of its tank of 1 ounce per minute with fuel loss measured for a 20 minute period.

The standards proposed by the National Highway Traffic Safety Administration in the August 20, 1973 Federal Register require that each fuel tank have a fuel loss of 1 ounce per minute when a vehicle is tested under specified impact and rollover conditions. The proposed standards for passenger car fuel tanks include a 30 minute fuel loss test, a 30 mile-per-hour rear end crash test, a 30 mile-per-hour angular frontal crash test, and a 20 mile-per-hour front rollover test. Of these proposed standards are due to take affect as of September 1, 1976, except for the dynamic rollover test which does not go into effect until September 1, 1977. The legislation which I am introducing today would move these effective dates up 1 year to September 1, 1975 and September 1, 1976, respectively. This would mean that 1977 and 1978 model year cars would have to meet these standards.

The importance of fuel tank safety standards can only be understood when one considers the frightening statistics compiled by the Department of Transportation. The Department estimates that fires in traffic accidents account for somewhere between 2,000 and 3,500 deaths annually. Moreover, the Department estimates that fires following frontal collisions, sideswipe impacts, and rollovers make up almost 15 percent of all fatality accidents in the United States. A large percentage of these deaths are caused by fires resulting from gasoline leaking from fuel tanks.

All that I have said to cause a deadly fire in the presence of spilled gasoline is a spark from one of many possible sources—from the car's electrical system, a short circuit, a discarded cigarette, a broken power line, or the scraping of metallic vehicle parts along the pavement. Thus it is clear that in reality we have had a fuel crisis for a long time: a fuel crisis represented by the threat of gasoline spilling from ruptured fuel tanks, ready to serve as fuel not for cars but rather for a raging and lethal inferno.

The Department of Transportation has established National Commission on Fire Prevention and Control, in its report of last year, estimated that more than 450,000 fires occurred in motor vehicles in 1971. In fact, motor vehicle fires each year cause almost 35 percent of all fire deaths in the United States. The importance of fuel tank safety standards, explained that there are several practical solutions currently available.

One possible approach is to build a structure around the tank in such a way that impact forces are less likely to reach the tank. Another approach is to build a fire wall around the tank so that the gasoline inside the tank would be shielded from positions adjacent to the tank.

Thus it is very important that the proposed standards, which include both the year end and rollover tests, be adopted, and that the Department of Transportation enact that requirement 1 year earlier as proposed in this legislation.

The death toll resulting from traffic accident fires is inexcusably high, especially in light of the fact that the technology exists to remedy the design defects which allow excessive leakage from fuel tanks. The National Commission on Fire Prevention and Control came to this conclusion when it stated:

"The indications are, that is, that motor vehicles, especially cars, are not as safe as modern technology would allow. Improvements by better design, better materials, without significant additional costs."

Testimony last year before the House Subcommittee on Commerce and Finance also indicated that the answers to the question of what government or automobile manufacturers are doing to improve safety in the area of fuel systems was being left to the companies themselves could also be made more rugged so that they could withstand impact without rupturing. In addition, designs in threats to the integrity of gas tanks could be avoided by the removal of sharp bolts, ridges, and other hardware from positions adjacent to the tank.

The technology exists but it has not been put into effect because of the reluctance on the part of the Department of Transportation and the National Highway Traffic Safety Administration to issue adequate and timely safety standards which would require the use of this technology. The National Traffic and Motor Vehicle Safety Act of 1966 granted the Department of Transportation the authority to issue motor vehicle safety standards. Yet there is still no standard to protect the public from the threat of automobile fuel tanks to withstand a rear end collision with only a minimal amount of leakage. Nor are there current proposed standards for side or rollover impacts. According to the proposed standards proposed by the Department of Transportation last August passenger cars would not be subject to rear end collision tests until September 1, 1976. And, of course, it precisely this type of rear end collision which most frequently causes fuel tank leakage and the resultant fire hazards.

The only fuel tank integrity test which presently exists involves frontal collisions. And since the vast percentage of automobiles have their fuel tanks in the rear, the result is that fuel tanks are not required to be proven durable or strong and thus not very safe.

The Department of Transportation has received numerous reports indicating that fire-producing deficiencies in vehicle fuel systems are responsible for many people each year.

The National Transportation Safety Board in its report on a 1969 multiple-vehicle collision involving fires recommended that "the National Highway Traffic Safety Administration and the Automobile Manufacturers' Association..."
initiate programs leading to the development of automotive fuel tank systems which will minimize the escape of fuel in the event of a crash. Over the years, there has been a significant reduction of vehicle fires in recent years.

Within the National Highway Traffic Safety Administration, there have been recent increases in the number of accidents resulting in fires. These accidents have been examined in detail by the agency, revealing that many are due to tank ruptures or other mechanical defects.

A National Transportation Safety Board study conducted in 1971 contained an appendix entitled "The Continuing Problem of Vehicle Fires." It said in part:

As long as motor vehicles use liquid combustible fuels, the hazard of fire will persist. But this hazard can be materially reduced by attacking both the spillage of fuel and the common ignition sources, similar to both a readily ignitable fuel and ignition.

Therefore, two main goals need to be considered in a systems approach to this problem:

A. The limiting of fuel spillage... at present, fuel-system components seem to be among the most vulnerable of all vehicle subsystems in terms of design, construction, and placement, when vehicles are involved in a crash.

B. Better management of electrical ignition potentialities... Both of these approaches are well within the state of the art and should require only direction and development to meet realistic performance parameters.

Some of the most recent data providing persuasive evidence of the need for speed action in setting fuel tank standards came from tests conducted by the Insurance Institute for Highway Safety in April, 1973. The Institute conducted six tests of six fuel tanks in 72 cars. Despite the fact that these crashes occurred at speeds less than 40 miles per hour, the results were leaking fuel tanks. Each crash produced either fire, or one of the three rows of gasoline. In short, each crash had the potential of becoming a flaming and very deadly inferno.

Unfortunately, the Department's response to these alarming reports and statistics has been either too late or too late. In October 1967, the Department of Transportation issued an advance notice of proposed rule making announcing as its purpose to require "lateral and end-read longitudinal collision tests, prevention of fuel spillage due to rollover, puncture resistant fuel tanks, and protection of fuel lines and fittings." Then on January 17, 1969, the National Highway Traffic Safety Administration issued a notice of proposed rule making which, if enacted, would have required a rear end impact test effective January 1, 1970. No action was taken on this proposal. On August 24, 1970, the National Highway Traffic Safety Administration, "recognizing the provisions of the proposed rule making...row in scope," issued another notice of proposed rule making which included rear end collision test requirements more stringent than those proposed in 1969. The agency stated that "the requirements, if implemented, would significantly reduce the likelihood of fuel spillage fires.

And yet the standard requiring rear end collision tests is now not due to take effect until September 1, 1976, a full 7½ years after the only other standard presently applicable, the frontal collision test, came into effect.

Further illustration of the National Highway Traffic Safety Administration's intransigence is provided by a comparison of the actions taken by the agency with the deadlines and timetables set forth in the agency's own proposed rule books. The first "Program Plan for Motor Vehicle Safety Standards," published in September 1970, proposed March 1971 for the first implement

As can be seen from the above data, the National Highway Traffic Safety Administration's actions with regard to fuel system integrity safety standards may well rank as one of the foremost instances of bureaucratic delay in recent history. Meanwhile thousands of people every year continue to die on our Nation's roads and highways as a result of this intransigence. As a result of the effective date of a rear-end collision standard until September 1976 would represent a 4-year, 9-month delay past the date proposed in August 1970; a 6-year, 9-month delay past the date proposed in January 1969; and an incredible delay of over 8 years since the National Highway Traffic Safety Administration announced its intention to devise a fuel system standard covering rear-end collisions.

Mr. President, the legislation which I am introducing today calls for only a modest 1-year speedup in the effective date of the proposed safety standards regarding rear-end crash tests, lateral crash tests, angular frontal crash tests, and static and dynamic rollover tests. This would bring the standards into effect in 1975 and 1976, depending on the standard and the class of vehicle, instead of on the 1976 and 1977 dates proposed by the National Highway Traffic Safety Administration. This is a long way but very important step which represents the least we can do to accelerate the pace of establishing adequate auto safety standards.

The rationale behind the second part of this legislation, that pertaining to safety standards for supplemental fuel tanks, is the belief that standards for supplemental fuel tanks should provide for just as much safety as that provided by original equipment standards. This part of the legislation is especially important in light of the current fuel shortage and the increasing tendency for people to install supplemental fuel tanks in order to add to the fuel tanks which are not available as factory option. By that time these tanks will have the full protection called for in the proposed standards. If some 2,000 to 3,000 people died each year in airplane crashes as a result of faulty fuel tanks, we would see a similarly casual attitude on the part of Government officials toward remedying the situation? I doubt it. We owe it to the millions of drivers and the people of this country to insure that adequate automobile safety standards are implemented as soon as possible. The legislation introduced today is a necessary step in this direction.

Mr. President, I ask unanimous consent to have printed in the Record following my remarks the text of the bill as well as three items prepared by the Insurance Institute for Highway Safety: "Federal Motor Vehicle Safety Standard No. 301: Anatomy of a Delay," second, a fact sheet entitled "Federal Motor Vehicle Safety Standard No. 301: Anatomy of a Delay," and, third, a table giving the "status of requests for the proposed speed front-into-rear crash tests." It should be pointed out that the legislation introduced today would advance by 1 calendar year the effective dates for the proposed standards listed in the first table. There being no objection, the bill and material were ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the motor vehicle safety standards with respect to fuel system integrity, proposed by the National Highway Traffic Safety Administration in Docket Number 73-20, as parts of the Federal Register of September 1, 1973, and September 1, 1975, and September 1, 1976, respectively, shall include provisions to provide assurance that any supplemental fuel tank installed in a motor vehicle after manufacture meets safety standards promulgated by the Secretary for the class of vehicle. In the event that any such supplemental tank is at least as safe as fuel tanks installed in such vehicle at the time of manufacture.
### Federal Motor Vehicle Safety Standard

**Title No. 301: Anatomy of a Day**


**Advance Notice of Proposed Rulemaking**


**Advance Notice of Proposed Rulemaking**

Issued to extend to rear-end and side collisions, Oct. 16, 1967, as well as extension to multipurpose passenger vehicles, trucks, buses and motorcycles.

1968—Standard No. 301 takes effect, Jan. 1, 1968, as it is amended, the only protection required in this area for the next 7½ years.


1972—No action.

1973—Insurance Institute for Highway Safety reveals its new crash-test research at Consumers' Research May 29, 1973, showing designs in deficiencies leading to leaking gasoline and fire ever in moderate-speed rear-end and side collisions.

Rep. John E. Moss (D-Calif.), chair of the hearings, writes Transportation Secretary Claude S. Brinegar, May 31, 1973, based on IIHS testimony, rejecting explanations for previous delay.

Center for Auto Safety writes NHTSA seeking amendment to Standard No. 301, June 6, 1973, citing IIHS 31m results.


Department of Transportation issues new test requirements to strengthen Standard No. 301, Aug. 15, 1973, adopting one previous proposal and proposing others (see chart on page 3) to take effect Sept. 1, 1975—77.

**Insurance Institute for Highway Safety—Summary of Results, 1973 Moderate Speed Front-to-into-Behind Crash Tests**

<table>
<thead>
<tr>
<th>Moving car</th>
<th>Speed (mph)</th>
<th>Gas leakage</th>
<th>Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 Plymouth</td>
<td>30 ft</td>
<td>30 gpm</td>
<td>300</td>
</tr>
<tr>
<td>1973 Ford</td>
<td>30 ft</td>
<td>30 gpm</td>
<td>300</td>
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</tbody>
</table>

**FUEL SYSTEM TESTS: PRESENT AND PROPOSED**

<table>
<thead>
<tr>
<th>Effective dates</th>
<th>Other vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger cars</td>
<td>Under 6,000 lbs</td>
</tr>
</tbody>
</table>

**Proposed:**

- Static rollover (following frontal crash) Sept. 1, 1977
- Static rollover (following frontal crash) Sept. 1, 1977
- Static rollover (following frontal crash) Sept. 1, 1977
- Static rollover (following frontal crash) Sept. 1, 1977
- Static rollover (following frontal crash) Sept. 1, 1977
- Dynamic rollover Sept. 1, 1977
- Dynamic rollover Sept. 1, 1977

**Note:** In addition to the moderate speed front-into-rear crashes of 1973 vehicles tabulated above, an earlier pilot test a 1973 Chevrolet Vega was crashed into the rear end of a 1964 Mercury Comet at 32.8 m.p.h. Spontaneous ignition occurred.

**By Mr. ALLEN:**

S. 2801. A bill to change the date of Veterans Day from the fourth Monday in October to November 11. Referred to the Committee on the Judiciary.

**VETERANS DAY SHOULD BE RETURNED TO NOVEMBER 11 OF EACH YEAR**

Mr. ALLEN. Mr. President, I introduce today a bill to amend title 5 of the United States Code to return observance of Veterans Day to November 11, its traditional date of observance. While I was not a Member of this distinguished body at the time Public Law 90–338 was enacted by the 90th Congress, I am informed that none of the major veterans organizations had an opportunity to testify on this legislation in either the House or Senate nor were they aware that the measure had been amend to change the observance of Veterans Day from November 11 to the fourth Monday in October until after the hearings were closed and the bill favorably reported by the House Judiciary Committee. Given the opportunity, I believe that all of the veterans organizations would have testified in opposition to the measure. This belief is based on a telegram from the American Legion's national legislative director, Gerald Stringer, which was read into the Record May 7, 1978, by Congresswoman Whitener in the House of Representatives when H.R. 15951 was debated on the floor. The telegram reads as follows:

At a meeting last week The American Legion's National Executive Committee adopted a resolution opposing that portion of H.R. 15951 which would change the dates for observing Memorial Day and Veterans Day. The date of these national holidays are established by tradition and are rich in patriotic meaning.

Neither should be arbitrarily changed simply to produce economic benefit. Your efforts in opposition to this proposal are deeply appreciated.

H.R. 15951 passed the House on May 7, 1966. It was favorably reported without amendments by the Senate Judiciary Committee on June 21, 1968. I am informed that most of the major veterans organizations asked for the opportunity to testify in opposition to the change in the date of observance for Veterans Day before it was reported, however, no further hearings were held and it passed the Senate June 24. It was approved by the President as Public Law 90–338 on June 28, 1968, and the Monday holiday observances commenced in the year 1971.

The President, I believe, it is obvious that this legislation may have been enacted in haste and some of the people most concerned with the holiday changes were neither consulted nor given an opportunity to register their opposition. Certainly the major veterans organizations should have been given this opportunity with respect to Veterans Day. After all, who has a better right to recommend when their day will be observed than the veterans themselves?

Observance of Veterans Day on the fourth Monday in October commencing in the year 1971, has proven to be so uneventful that 31 States which had previously changed their laws to conform with the Federal act subsequently reconsidered and enacted legislation to return the observance of Veterans Day to November 11.

I should like to place in the Record at this point in my remarks a list of the 31 States whose legislatures have restored to November 11 the traditional and rightful date for observing Veterans Day:

**Veterans Day to November 11**

[Effective date]

- California, January 1, 1974.
- Georgia, January 1972.
- Indiana, 1971.
- Iowa, November 11, 1974.
- Kansas, November 1976.
- New Mexico, 1974.
The demonstrated wishes of the preponderance of our Nation's population? I hope not.

Certainly no other single group of our citizens are more deserving in this honor than our Nation's veterans, who have fought so gallantly in at least five major wars this century. These veterans know that our effort to establish a Day of Remembrance, founded upon freedom, has never been and will never be free of pain, free of struggle and free of individual and collective sacrifice. I respect their wishes and return the observance of Veterans Day to November 11.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2901
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, Veterans Day shall be celebrated as a legal public holiday on November 11 of each year.

Sec. 2. Section 8123(a) of title 5, United States Code, is amended by striking out "Veterans Day, the fourth Monday in October."

"Veterans Day, November 11."

By Mr. BURDICK (by request):

S. 2904. A bill to improve judicial machinery by which section 1407 of title 15, United States Code, to exempt actions brought by the Securities and Exchange Commission under the Federal securities laws from the operation of that section, and for other purposes. Referred to the Committee on the Judiciary.

AMENDING JUDICIAL PROCEDURE IN CERTAIN SEC. 2904

Mr. BURDICK. Mr. President, I am introducing today at the request of the Securities and Exchange Commission a bill to amend section 1407 of title 15 of the United States Code. That section, enacted by the commission, provides a procedure for consolidated trial proceedings for cases in which two or more actions involving one or more common questions of fact are pending in different judicial districts. The purpose of the bill I am introducing would be to exempt actions brought by the Commission under Federal securities laws from the operation of section 1407. The Securities and Exchange Commission is of the considered opinion that enactment of this bill is very essential to permit it to provide adequate protection of the public interest in the rapid enforcement of Federal securities laws through expeditions enforcement of the Federal securities laws which it administers.

On two occasions recently, the Judicial Panel on Multidistrict Litigation, acting under section 1407, ordered SEC injunctive suits consolidated for prejudicial purposes with private damage suits which arose out of overlapping facts. The effect of these consolidated orders has been to delay significantly the Commission's action in seeking prompt injunctive relief to prevent violations of Federal securities laws in one case, involving National Student Marketing, Inc., a complaint was filed in February of 1972 by the SEC in the district court of the District of Columbia. Meanwhile, other private actions involving National Student Marketing were filed in the southern district of New York, the southern district of Ohio, and the northern district of Texas. In April, motions for consolidation were filed with the Multidistrict Litigation. Oral argument on consolidation was held in June, but no order was rendered by the judicial panel until late in 1972. The effect of this action was to delay for nearly a year the enforcement action of the Commission.

The need for placing civil injunctive actions instituted by the U.S. Government on a different footing from private civil litigation was recognized by the Congress when it enacted Public Law 90-296 which added section 1407 to title 28 of the United States Code and which provides for consolidation of civil actions arising under Federal securities laws in the Multidistrict Litigation. In paragraph (g) of section 1407, it excluded from the operation of the bill antitrust actions in which the United States is not the complainant. The Senate committee report stated with respect to this exclusion:

This limitation was requested by the Department of Justice and concurred in by the Coordinating Committee and the Judicial Conference of the United States, on the basis that consolidation might induce private plaintiffs to file actions merely to secure injunctive relief on the Government's cases. Government suits do not end then almost certainly be delayed, often to the detriment of injured competitors who would predicate damage actions on the outcome of the Government's suit... Mr. President, I believe there is a strong case for providing that injunctive actions brought by the Securities and Exchange Commission should be exempt from pretrial consolidation requirements under section 1407 and placed on the same footing as actions brought by the Department of Justice to enforce antitrust laws in order to give effective protection to the investing public.

I ask unanimous consent that the text of the bill be included in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2904
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (g) of section 1407, chapter 87, title 28, United States Code, is amended to read as follows:


(1) any action in which the United States is a complainant arising under the antitrust laws.

Mr. CHILES (for himself and Mr. HUDDLESTON): S. 3905. A bill to terminate the Emergency Daylight Saving Time Energy Conservation Act of 1973. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, we all know that the United States faces a serious energy crisis. As the days grew shorter this fall and the Nation moved into deep winter, the Congress passed the daylight saving time bill in an effort to save energy by shifting an additional 1 hour of daylight from early morning to early evening when human activity is more concentrated. News of the predicted saving for energy conservation in eight States prompted me, however, to introduce today, along with Senator Huddleston, a bill to repeal that act and urge a return to normal daylight saving time saving.

But our children are our most precious resource, and the inconvenience caused to many parents, farmers, and businessmen. I agree with Governor Askew of Florida that it is far more important to protect the lives of our schoolchildren than to save any amount of energy. Our energy supply may be limited. We all may need, in the days and months ahead, to change many things in our everyday life for the sake of better energy use and conservation. But our children are our most precious natural resource of all and any step we can take to increase their safety must surely be taken.

In my State, the deaths and injuries in Florida as well as other States oblige us to act quickly to turn the DST law around.

There were many reasons presented at the time which argued effectively for the action the Congress took. Many Congressmen knew the new law would inconvenience some people, but hoped that work and school schedules could be adjusted to help those adversely affected by early morning darkness resulting from DST. But no argument remains effective in the light of the loss of life suffered in Florida, the 885 deaths and injuries.

I believe now as I did then that the action taken in December was the wrong action, and I believe we should move to rectify the mistake that was made.

Our citizens are doing much to meet the energy crisis. They are, I believe, willing to do what needs to be done. But, at a time when they are being asked to turn down their thermostats and restrict their driving, they should not be further inconvenienced by a requirement that the conservation value is yet unproven.

By Mr. MONDALE:

S. 3905. A bill to amend the Internal Revenue Code of 1972 and provide a tax credit to aid families head off recession. Referred to the Committee on Finance.

The need for this additional legislation for the average family's tax bill by allowing taxpayers to take a $200 credit for themselves and each of their dependents. The average family's tax bill last year was $506. This bill would bring savings of $200 per family for the year.

The provision of the bill would be effective as of January 1, 1974, and be in effect for the year 1974 only.

The tax credit would be optional. Anyone who wished to continue paying the $750 personal exemption could do so. However, because the $200 credit could be subtracted directly from the final tax bill, it would be worth more in tax savings than the $750 exemption to almost all families earning $20,000 or less.

A family of four earning $8,000 a year would have $236 under this plan, while a family of the same size earning $15,000 would have $117.

Large families, of course, would save more. A family of six with an income of $8,000 a year would save $332, while a family of six earning $18,000 a year would save $187.

I ask unanimous consent that a series of executive order the tax savings for families of various sizes at different income levels be printed in the Record at the conclusion of my remarks.

This tax relief this new tax credit would bring to low- and middle-income families is desperately needed after the runaway inflation and higher taxes of 1973. In Florida, for example, we had the first of a series of bills I was on an Alice-in-Wonderland treadmill last year. He had to work harder and harder just to stay in the same place.

A study just released by the Joint Economic Committee, for example, shows that a family with a budget of $13,614 had to pay an extra $1,168 just to maintain the same living standards in 1973. In addition, that same family had to pay $281 more in social security and income taxes during 1973, a 15 percent increase. This study shows that low-income consumers were especially hard hit by last year's inflation—the worst in 25 years—since they had to spend more on necessities like food, housing, and fuel, where price increases were greatest. The price of food alone went up more than 20 percent last year, for example, while gasoline was up 19 percent and fuel oil and coal 48 percent.

Consumer prices as a whole went up 8.8 percent last year, while most workers were held to the administration's 5.5 percent wage guidelines. Not surprisingly, weekly pay adjusted for increases in prices and taxes—went down 3 percent during the year.

Another factor eating away at worker's paychecks was the little-understood inflation tax. When paychecks go up workers are no better off economically—they are just keeping even. But those whose paychecks remain stable have to face the fact that they are paying a bigger percentage of their income in taxes—leaving them worse off. This means raising the personal exemption to the average family's tax bill last year.

This new optional $200 credit I am pro-
The economy is headed into a recession, if we are not in one already. Real GNP—total output corrected for inflation—rose at an annual rate of only 12 per cent in the last quarter of 1973, and the outlook is for an actual decline in growth in the first half of this year.

This is the classic definition of a recession, and it could mean unemployment for many Americans. The number of people without jobs.

One of the most important factors in this threatened recession, economists say, will be a decline in consumer spending. With family budgets squeezed by higher prices for food and fuel, and higher income and social security taxes, consumers will have less real income to spend. Growing fear of unemployment and general economic uncertainty will put a further damper on consumer spending.

The best way to stimulate consumer spending and head off this impending recession is with a tax deduction. It worked in the early 1960's, and it can work again today.

The inflation predicted for 1974 is partly due to rising prices. The best way to deal with the economy more effectively than proposals which concentrate relief on those making less than $15,000 will stimulate the economy more effectively than proposals which concentrate more relief on the well off, who tend to save more and spend less.

Mr. President, I ask that the text of the legislation appear in the Record at this point, along with the tables mentioned, which are attached to a speech I made today at the Women's National Democratic Club discussing the proposal.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the amendments made by section 40 of subchapter A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) are amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

"Sec. 42. Personal exemptions."

"There shall be allowed to an individual, as a credit against the tax imposed by this chapter for the taxable year, $200 multiplied by the number of personal exemptions provided that individual under section 151 for that taxable year.

(b) Section 151 of such Code (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following subsection:

"(t) Election to Take Credit in Lieu of Deduction. If the tax imposed by this chapter for the taxable year is less than the amount of the credit provided by section 42 (relating to credit against tax for personal exemptions). The election shall be made in such manner and at such times as the Secretary or his delegate prescribes by regulation.

(c) The table of contents for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting the last item and inserting in lieu thereof the following:

"Sec. 43. Personal exemptions."

"Sec. 43. Overpayments of tax."

Sec. 2. The amendments made by this Act apply with respect to taxable years beginning after December 31, 1973."

TAX SAVINGS FROM MONDRALE PROPOSAL

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<thead>
<tr>
<th>Adjusted gross income</th>
<th>Present tax</th>
<th>Tax with credit</th>
<th>Tax saving</th>
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</table>

"Break even" points

(Adjusted gross income level at which the optional $200 tax credit is worth the same as the $750 personal exemption.)

Type of tax return and adjusted gross income level:

- Married couple with four dependents: $31,764.71
- Married couple with three dependents: $21,274.81
- Married couple with two dependents: $20,788.32
- Married couple with one dependent: $20,294.12
- Married couple with no dependents: $19,803.92
- Single person: $19,500.00
January 28, 1974

CONGRESSIONAL RECORD — SENATE

DECREASE IN TAX LIABILITY UNDER MONDALE PROPOSAL (BASED ON CALENDAR YEAR 1972 INCOME LEVELS)

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<td>$20,000 to $50,000</td>
<td>6,881.2</td>
<td>599.3</td>
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Total: 100.15, 54,878.5, 6,470.1, 100.1

Mondaile's proposal would...
could be called a children's allowance or a family allowance. It is hidden in our income tax law as a personal exemption. The problem is that the exemption provides the most help to those who need it least, but it helps all who need it most. Because the size of your benefit depends on the tax bracket you are in, this $750 personal exemption provides a sizable break in tax relief for individuals in families making over $200,000... but only about $150 in tax relief for individuals in the average American family.

This combination of inflation... high interest rates... restrictive federal budgets... and the 21% personal exemption called the personal exemption is placing tremendous pressures on American families. And it is dangerous economic policy as well. I fear that the squeeze of higher costs and higher taxes on the budgets of working Americans could well lead to reduced consumer demand, economic recession and increased unemployment.

That is why I am introducing today legislation to cut about $200 a year from the average family's tax bill. My proposal will pump roughly $6 1/2 billion into our economy over the next year and be directed to those who have the least to spare in their distress. It will be a major step toward greater tax equity and fairness for average families. It will give the taxpayer who has the option of taking a $200 credit for themselves and each of their dependents... or earning $200 more in income. Because the $200 credit would be subtracted from the final tax bill, it would be worth more in tax savings than the $750 exemption is worth to almost all families earning $200,000 or less.

A family of four, earning $8,000 a year would receive $1,600 a year under this plan, while a similar family earning $15,000 would save $1,177.

And my proposal would provide even greater relief for larger families... the very people who have been hit the hardest by inflation. A family of six, earning $10,000, for example, would save about $280 a year under my bill.

In the first year, my bill will add a much needed relief to a generation of families who are having great difficulty in making ends meet, and the only way they can do it is by heading off unemployment and recession. In later years, revenues from a tax directed toward the closing of the existing loopholes--of which there are about 600... together with reform of some of the most intolerable tax loopholes... will more than make up for the lost in tax revenues. This is a balance--a compromise that all who are concerned about the need for this kind of measure. Just last week, for example, the Senate tax subcommittee adopted a $100 increase in the personal exemption. This would have provided about $3 1/2 billion in tax relief. I supported that amendment because it was a good beginning toward tax relief. I am proposing a somewhat different plan--an optional credit--which provides more relief, and targets it on the families that need it most.

Our economic and tax policies are only one example of governmental policies that place pressure on families. Our programs for families under strain sometimes undermine and break up families who are encouraging placement of children in foster homes or institutions.

Over half our States have Welfare laws which require an unemployed father to leave his family if his wife and children are to be eligible for assistance.

The present cash and credit and urban renewal policies have too often destroyed neighborhoods and communities... or built huge "motel" suburbs.

And the transfer policies of our armed services clearly need to be reconsidered in terms of the needs of our families of the ages and children of the families.

Government policies like these need to be examined in terms of their impact on families. In addition to the bill I am proposing today, I hope to have introduced this year a number of legislative proposals in coming weeks to support and strengthen American families.

I will proceed with this statement... modeled in part after the environmental impact statement... designed to assess and anticipate the impact of governmental policies on families. And I will call for family strengthening legislation as well in the areas of day care and child development... public housing... and an increased minimum wage.

Proposals such as these could bring some much needed materials and relief to American families, but they will only clearly be part of the answer. The government doesn't have and shouldn't pretend to have the entire solution to the problems affecting American families. In some areas, changes in government policies could be very helpful. But I certainly don't want a national policy of what I call Big Brotherism... in which the Federal government assumes that it knows best how children should be raised and how families should be structured.

We're learning, rather painfully, that government can have impact beyond its specific programs and policies. Those of us in public life are examples for many American families. In some areas, changes in government policies could be very helpful. But I certainly don't want a national policy of what I call Big Brotherism... in which the Federal government assumes that it knows best how children should be raised and how families should be structured.

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By Mr. BENTSEN.

S. 2907. A bill to amend the General Education Provisions Act to provide that funds appropriated for applicable programs for fiscal year 1974 remain available during the succeeding fiscal year and that such funds for fiscal year 1973 shall remain available during fiscal years 1974 and 1975. Referred to the Committee on Labor and Public Welfare.

Mr. BENTSEN. Mr. President, for some time I have been concerned that the Congress and the Office of Education have not had enough time to review the school districts to engage in effective, long-range planning. Too often, we pass appropri-

ations bills late in the fiscal year, giving the school districts no adequate time to react. Too often, the bureaucracy does not explain changes in the law until well after the deadlines established by Congress for doing so. The result has been that officials must trea a thin line on their budgets; they cannot be assured that funds for staff or services, and, in consequence, must engage in elaborate guesswork to plan their programs for the year.

Last year, for example, we had problems with the funding under title I of the Elementary and Secondary Education Act. The Office of Education did not notify the school districts until very late in the year that 1970 census figures would be used in determining allocations. As a result, many districts, particularly in rural areas, found that their Title I funds had been cut by as much as 50 percent. Then Congress nearly compounded the problem by considering a new formula, allowing each school district to receive at least 56 percent of last year's funds, which would have taken funds from the urban districts.

During the debate on that continuing resolution, I offered an amendment on the floor which would have guaranteed to the school districts in every State their fiscal 1973 funding and would have also allowed the districts that had received gains to retain those gains.

But that amendment was narrowly defeated. And the alternative eventually adopted that assured that each State would receive 100 percent of what it received in fiscal 1973. Now there is a new problem affecting school district planning, and it involves, not only title I, but a wide range of Federal funds for education.

Until July 1, 1973, there was a provision in Federal law which allowed education funds appropriated in one fiscal year to carry over into the next year. That enabled school districts to have some degree of assurance that they could engage in orderly planning, but, under present circumstances, it may be that the funds will have to be spent before June 30 of this year.

In addition, fiscal 1974 funds, which have already been appropriated, could lapse on June 30 of this year, without a provision enabling them to be spent in fiscal 1975 as well.

The amendment I introduce today will accomplish two purposes: First, it will allow the recently released impounded fiscal 1973 funds to be spent either this year or during the fiscal 1975; and second, it will allow the appropriated fiscal 1974 funds to be spent either this year or in fiscal 1975.

Mr. President, I believe this amendment is most needed. If school districts do not know by March whether their funds will carry over into the next year.
fiscal year, they may be forced to fire staff and cancel projects. We do not want to pile uncertainty on uncertainty. We want to encourage long-range planning rather than guesswork. And we cannot wait for the final passage of the new Elementary and Secondary Education Act, for that will throw us too late into the school year. Let us give some rational directions to our representatives and senators and pass this amendment into law.

I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 414(b) of the General Education Provisions Act is amended by inserting "(4)" before "Notwithstanding", by striking out "subsection" and inserting in lieu thereof "paragraph", by striking out "1973" and inserting in lieu thereof "1974", and by adding at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of law, unless expressly specified, the sections of this Act, to which this title is applicable which are made available during the fiscal year ending June 30, 1973, shall remain available for obligation and expenditure during the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2875

At the request of Mr. ROBERT C. BYRD (for Mr. NELSON), the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 2875, a bill to amend the Federal Aid Motor Vehicle Safety Act of 1966 to authorize safety design standards for school buses, to require certain safety standards be established for school buses, to require the investigation of school bus accidents, and for other purposes.

S. 1017

At the request of Mr. JACKSON, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 1017, the Indian Self-Determination and Educational Reform Act of 1973.

S. 2657

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

S. 2782

At the request of Mr. PROXMEER (for Mr. MANSELL), the Senator from Wyoming (Mr. McGEE) was added as a cosponsor of S. 2782, a bill to establish a new section on the subject of the creation of a national fire staff authorized by the Department of the Interior to undertake an inventory of U.S. energy resources on public lands and elsewhere, and for other purposes.

S. 2789

At the request of Mr. McGOVERN, the Senator from Massachusetts (Mr. BROOKS), the Senator from Iowa (Mr. CLARKE), the Senator from Minnesota (Mr. HARKER), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. TUNNEY), the Senator from North Dakota (Mr. YOUNG), the Senator from New Jersey (Mr. CASE), the Senator from New Mexico (Mr. MONTOYA), the Senator from New York (Mr. JAVITS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSELL), the Senator from Michigan (Mr. HARRIS), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Washington (Mr. MAGNUSON), and the Senator from Florida (Mr. GURNEY) were added as cosponsors of S. 2789, the Vietnam Veterans of Bill of Rights.

S. 2802

At the request of Mr. PROXMEER, the Senator from Colorado (Mr. DOMINICK), the Senator from South Dakota (Mr. ABURNEE), and the Senator from Wyoming (Mr. McGOVERN) were added as cosponsors of S. 2802, a bill to amend the Federal Aid Highway Act of 1956 to include a definition of food supplements and for other purposes.

S. 2875

At the request of Mr. HATHAWAY, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of 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 $50,000 for the entitlement period from the requirement that reports of use of funds be published in a newspaper.

SENATE CONCURRENT RESOLUTION 65—SUBMISSION OF A CONCURRENCE RESOLUTION RELATING TO PEACE THROUGHOUT THE WORLD

(Referred to the Committee on Foreign Relations.)

MR. PACKWOOD (for himself, Mr. CLARK, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. McGEE, Mr. McGOVERN, Mr. MOSS, and Mr. FELL) submitted the following concurrent resolution:

S. CON. RES. 65

RIGHT TO PEACE RESOLUTION

Resolved by the Senate (the House of Representatives concurring),

It is the sense of the Congress that:

1. A world without war is possible.

2. In such a world nations will rely for their external protection on world institutions established to promote peace, capable of assuring peaceful and just settlements of international disputes and reliable enough to be entrusted with such powers.

3. It is the policy of the United States to initiate, develop, and implement with other nations practical steps consistent with our commitment to the United Nations for the expeditious realization of such institutions.

RIGHT TO PEACE RESOLUTION

Mr. PACKWOOD, Mr. President, in his address to the delegates to the 28th General Assembly of the United Nations, Secretary of State Kissinger stated:

The U.S. has made its choice. . . We strive for a world in which the rule of law governs the relations of all. Beyond the bilateral diplomacy, the pragmatic agreements and dramatic steps of recent months, is a comprehensive, institutionalized peace—a peace which this organization is uniquely suited to foster and to anchor in the hearts of men.

I bring Secretary Kissinger’s remarks to the attention of the Senate because they relate most particularly to legislation I introduce today on behalf of myself and eight of my Senate colleagues. The “Right to Peace” resolution expresses a sense of the Congress that a world without war is possible. Further, it declares that in such a world nations will rely for their external protection on world institutions strong enough to stop any nation from making war, capable of assuring peaceful and just settlements of international disputes and reliable enough to be entrusted with such powers; and, finally, it asserts that it is the policy of the United States to initiate and to implement with other nations practical steps consistent with our commitment to the United Nations for the expeditious realization of such institutions.

The “Right to Peace” resolution is the end product of many months of drafting and discussion by the members of the Subcommittee on Foreign Relations of the Committee on Foreign Relations and by Members of Congress for Peace through Law, of which I am vice-chairman. Congressman DRINAN, who chairs the committee, is introducing identical legislation today in the House of Representatives.

The principle objective of the resolution is to draw attention to our belief that Hobbes no longer prevails, that war is not inevitable, and that the first statement of the resolution is a flat contradiction of that premise and an affirmative declaration that a world without war is possible needs to be heard on its neighbor. It has become painfully apparent in the past few months that any conflict that arises in the future between the United States and its allies will be an essential restatement of mankind’s capability to live together in peace on earth, and a critical precondition to the survival of humanity.

As President, if the United States, in fact, has made its choice, then the propagation of this assumption that a world without war is possible needs to be heard in open sessions of our Government. We introduced the “Right to Peace” resolution today with the hope that it will prompt the responsible congressional committees in both Houses to move expeditiously to hold public hearings, thus giving every member a chance to debate the merits of, as well as the potential vehicles which could be utilized in the search for war, world peace through law. If the United States, in the past few months, has not become a nation among nations, then the next few months that any conflict amongst nations of the world as a profound effect on the whole of the global community. This world needs a lot of help. I think the United Nations and its General Assembly most urgently is an institution which can prevent one nation from making war on its neighbor. If that alone could be achieved, it would be one of the most
significant steps forward in mankind's history. I firmly believe that this should be one of the expressed goals of the United States and I, therefore, urge my colleagues to support the "Right to Peace" resolution.

Mr. President, I ask unanimous consent that the remarks of the distinguished former Supreme Court Justice Arthur J. Goldberg, a member of your Committee on Peace through Law, be printed in the Record.

There may seem to some to be utopian, and, indeed, all agree that this will not be achieved today. But the pursuit of world peace through law may, in the long run, be the highest realism. It is becoming more and more evident that wars cannot be long tolerable, and nuclear wars not even conceivable.

My own view of the matter is that we must pursue a peace through law, seeking to establish the rule of law as the basis for settlement of international disputes. This is a matter of highest priority and is as evident from the recent war in the Middle East as it was from the war in Korea. The two great super-powers, the United States and the Soviet Union, are facing the two great super-powers, the United States and the Soviet Union, into confrontation.

When I left the Supreme Court to enter on my duties as Ambassador to the United Nations, I made a statement which may have sounded to some like a mere rhetorical flourish, but it was entirely serious. The statement was that I was moving from one area dedicated to the rule of law to another dedicated to the same principle; and that, to my mind, the effort to bring the rule of law to govern the relations between sovereign states—the central effort of the United Nations—is the greatest effort.

These beliefs come naturally to me from a lifetime in the law and in the pursuit of the principle of law. As a law professor I have been involved in the development and extension of law into the areas of human rights, intellectual property, the protection of the environment, the law of the sea, and the law of armed conflict. The rule of law matters not only in the United States, but throughout the world; and it is an extension of law into the areas of commerce, labor, and the environment which can be as important as the extension of law into the areas of human rights, intellectual property, the protection of the environment, the law of the sea, and the law of armed conflict.

My point is that the pursuit of world peace through law is not going to be achieved in one great Utopian stroke of the pen. In the future world history books, it will be noted that the United Nations Charter, and in age-old norms of international law, the community of nations already has a set of fundamental principles which it has written down as much as it needs to be observed. Our task, therefore, is to make greater use of existing machinery and extending norms—to build on what we have, rather than to start anew.

We must, therefore, develop international institutions that are susceptible to us.

To keep the matter in perspective, let us first recall that the areas of international law and order are already very broad—and they are constantly broadening to fit the emerging common interests of nations. Without law, international mail would not be delivered; shortwave broadcasts would drown each other out; ships and aircraft would collide in the night; international business contracts could be violated with impunity; free flow of food and medicine, protection of their governments; infectious diseases and insect pests would cross frontiers freely; nations would be incoherent. Nations, who are supposedly full-time practitioners of power politics—would be unable to carry on their business. And to this body of law, we have recently added the Antarctic Treaty, the Test Ban Treaty, the Space Treaty, the Nuclear Non-Proliferation Treaty and the SALT agreements. It is, I hope, to be consummated as a result of the SALT negotiations.

Many rules of the international order are so familiar as almost to be taken for granted. Some of them long antedate the United Nations. It is a great mistake to underrate them or to dismiss them as merely "technical" and "non-political." They are bridges of common interest among nations, and the sum of these common interests is one of the great unseen inhibitors of political conflict and international violence.

There are still some who dream of an international Utopia in which a few civilizations use their power to settle the affairs of the world. It is not the United States or powers of Europe did in the century after the Congress of Vienna. But we should remember that when the power of Europe finally fell apart, world war ensued. This happened in part because, in large part, the great powers of the nineteenth century did not redress grievances but merely submerged them—under the belief that eventually they would erupt in revolution and world war.

The world law we should seek should be different. It should extend impartially to white and black, north and south, old and new. It will still be imperfect; it will still depend for its effectiveness on the willingness of nations. For though law alone cannot be the solution to all the problems of the world, it can be a great help if we start with the recognition of the importance of the rule of law and the peace that law brings. In American history, this impulse has been especially strong from the beginning, and found its highest expression in our written Constitution.

Our hope for world peace depends on our ability to extend to the international sphere a dual concept of law, both creative and coercive.

This extension of law into the international order is not going to be achieved in one great Utopian stroke of the pen. In the future world history books, it will be noted that the United Nations Charter, and in age-old norms of international law, the community of nations already has a set of fundamental principles which it has written down as much as it needs to be observed. Our task, therefore, is to make greater use of existing machinery and extending norms—to build on what we have, rather than to start anew.
were no membership dues, no staff, no office, and only minimal structure. They met privately, but not as an anti-war bloc, said Senator Morris, chairman of the group, then Secretary of State; Lord Clement Atlee, former Prime Minister of Great Brita­in; President Habib Bourguiba of Tunisia; Dr. Tang Jiaxi, Premier of the People's Republic of China; John J. McCloy; and William C. Foster, then Director of the United States Arms Control and Dis­armament Agency.

1968 REORGANIZATION

By 1966, the informal group was becoming less active and badly needed to be reinvig­orated. Senator Rouse, Speaker of the House, invited John McKinnon, then Executive Di­rector for the Philadelphia World Federalists, to come to Washington and place her pro­posals for an independent office and staff before some of the past leaders.

At a small luncheon, it was decided to adopt McKinnon's proposals and to hire him as Executive Director, provided she could find the funds. She did, thanks to a few anomalies to MCPL's endowment, the wisdom and the vision to understand and appreciate the potential of such an organization of Members of Congress.

In October, 1966 John McKinnon arrived in Washington, D.C., rented an efficiency apartment, and opened the first independent office of the Longstanding Voluntary Organi­zation in the history of the United States Congress.

THE FORMATIVE YEARS

Twelve Members of Congress comprised the initial group which wrote the By-Laws, es­tablished a $10 annual dues, and shortened the name to Congress for Peace through Law (MCPL).

The purpose, as stated in the By-Laws, is "to coordinate Congressional concern for world peace into specific action and for the complete development of international cooperation, a strengthened United Nations and other steps necessary for the achievement of a world structure in which complete disarmament under enforceable world law is the purpose politically practical.

The By-Laws also spelled out the essential ground rules which have contributed so im­portantly to MCPL's growth, the wisdom and the vision to understand and appreciate the potential of such an organization of Members of Congress.

"A Membership in this organization is open to all members of Congress, both of the Senate and the House of Representatives.

"B. Membership of the Senate and the House of Representatives may be for purposes of the organization, but shall be free to join in any specific action or not, as they see fit to decide."


During 1967, the first Steering Committee was formed consisting of 14 members: Sena­tors Joseph S. Clark, John Sherman Cooper, Jacob K. Javits, Robert F. Kennedy, Eugene McCarthy, and George McGovern, and Repre­sentatives Jonathan B. Bingham, Donald M. Fraser, James G. Fulton, Robert W. Kasten­meier, Patay T. Mink, F. Bradford Morse, Beverly G. Rossenthal, and Richard S. Schwerin.

The members selected a wide range of for­eign policy issues for group study and ac­tion: the Middle East, the Vietnam, the US-DEA Affairs Agreement, and the US­US Brunelian Treaty.

During the first year, MCPL members, to­gether with 18 other Members (MCPL and House and 18 Senate cosponsors) introduced resolutions calling for US support for a permanent UN Peacekeeping Force, de­veloped a position statement for a negotiated Vietnam settlement contained a statement in support of UN efforts to reduce the war in the Middle East signed by 44 members, and supported the US-UNSCR Consular Treaty which won by only 2 votes in the Senate.

They also initiated the first Senate col­loquy in opposition to the deployment of American forces to the Middle East. They asked for the adoption of UN Human Rights Conventions, supported the Treaty on Peaceful Uses of Outer Space, and made a special trip to New York to see Foreign Secretary Henry A. Kissinger and top officials of the United Nations.

By the end of 1967, MCPL had 65 members, 21 Senators and 47 Representatives, from both parties.

During 1968, work continued on the issue-studying. Meetings were held with key US officials and with key spokesmen from other countries. In May, the full-member­ship of the group met up of Mr. Paul Nitze, prominent Soviet citizens for an exchange of views. The Soviet visitors had come to the United States as guests of the American Friends Service Committee. The group also met earlier with Mr. Cardinal of the United Kingdom to gain his views of the dangers and hopes at the UN and the slow progress toward international authority.

At the opening of the 91st Congress in January, 1969, MCPL had its first changing of the guard. In keeping with its bipartisanship and bicameral policy, the chairmanship went to Senator Joseph J. Clark, a Republican, F. Bradford Morse of Mas­sachusetts. Two Senate Vice Chairman were elected, Robert W. Kastenmeier and Democratic Senator George McGovern. Represent­ative Kastenmeier was reelected Sec­retary-Treasurer and Representative Clark was reelected Secretary, who was decided in the 1968 election by Richard S. Schwerin, was elected Honorary Chairman.

Under Chairman Morse's leadership, during the 91st Congress (1969-1970), MCPL formed working committees to explore various areas and recommend action for members of the membership. The organization had now grown 99 members who wanted action, so it was de­cided that the main work would be to look into a range of issues and determine what action to take was to set up issue committees on which those most keenly interested could serve. Committee chairmen were selected on the basis of interest, knowledge, and ability. All members were asked to volunteer to serve on the committee or committees which interested them.

In the spring of 1969, a Military Spending Committee was set up, the chair­manship of Senator Mark O. Hatfield and a knowledgeable physicist, Dr. Henry Myers, was retained as a Consultant to MCPL to staff the Committee and bring the staff to a grand total of two full-time persons and one consultant.

Fifteen members were selected to serve on the Military Spending Committee. At the first meeting, it was decided to focus attention on nine aspects of military spending. One or more members volunteered to research each of these aspects and to prepare a report with recommendations.

The work of this Committee resulted in analytical reports on: Advanced Manned Strategic Aircraft, Continental Air Defense, Strategic Arms Limitations, the F-14, Main Battle Tank (MBT-79), Chemical and Biological Weapons, Military Weapons, Military Manpower, and Procurement. These reports might be considered a turning point in Congressional attitudes toward military spending. For the first time, Members of Congress, most of whom were not members of the Senate or House Armed Services Com­mittees which oversee the Department of Defense, got in touch with themselves sufficiently on some aspects of the military budget so that they could form independent judgments on the effectiveness of the recommendations of the Armed Services Committees. Since the rep­ort of the MCPL committee, the Senate Permanent Subcommittee on Expenditures in the State would not be able to serve me with the invaluable contributions of the Senate and the House to the program of arms limitation. The Senate, in the spring of 1970, 70 members joined in a letter to President Nixon urging that the United States commit itself to make the wealth of the countries the property of mankind" and urged that international agreement be reached as soon as possible.

During 1970, MCPL's full membership on its committees met with such persons as Robert S. McNamara, President of the World Bank; Dr. Henry A. Kissinger, As­sistant Secretary of State for the Middle East Joseph J. Sisco; Dr. Ralph E. Lapp, arms critic; Philip M. Habib, arms expert; Judge Edith Lowry Court; Dr. Arthur Larson; Undersecretary of State Elliott Richardson; Ambassador Shafar of Jordan; Harrison Brown, New York Times; UN Ambassador Charles W. Yost; Paul G. Hoffman; UN Secretary-General U Thant; Alvin Hamilton of Canada; Ambas­sador Rabin of Israel; Christian A. Herter, Jr.; and Professor Louis B. Sohn of the Har­vard Law School.

On January 25, 1971, at the opening of the 92nd Congress, MCPL held its annual meet­ing and elected new officers and a new Steering Committee. The members also voted back to the Senate with the election of Republican Senator Mark O. Hatfield, Demo­cratic Representative Robert W. Kastenmeier...
and Republican Charles W. Whalen, Jr., were elected Vice-Chairmen. Democratic Senator Alan Cranston was elected Secretary-Treasurer.

Upon recommendation of a review committee, the number of committees was reduced, seven of the four major committees. Senator Hatfield appointed Senator William Proxmire Chairman and Representative Ogden H. Reid Vice Chairman of the Governmental Affairs and Disarmament and International Security Committee. Senator Charles McC. Mathias, Jr., Chairman and Representative Vito Fossati, Clerk of the United Nations and International Law Committee. Representative Gilbert Gube Chairman and Chairman W. Pickleman, Jr., Chairman and Representative John O. Culver, Vice Chairman of the World Trade and Development Committee. Senator Walter F. Mondale Chairman and Representative John T.違い치 Vice Chairman of the Foreign Relations Committee. He also named Representative Paul N. McCloskey, Jr. Chairman of an ad hoc Southeast Asia Committee and Representative Pays T. Min, Chairman of an ad hoc U.S.-China Relations Committee.

At this meeting, members also honored and bade farewell to Joan McKittrick, who retired as Executive Secretary. She also was appointed to "The First Lady of MCPL" paying tribute to her "her vision, courage, patience, inspiration and love... and the commitment to peace." Soon thereafter, Sanford Ederson, who was appointed by the Committee as Executive Director. The staff was now four full-time persons and no outside consultants and the budget adopted for fiscal year 1971 was 391,348.

The Military Spending Committee decided to focus on "the issues of war and peace" to criticism and reductions: The Navy's Undersea Long-Range Missile System (ULMS), the Air Force's Airborne Warning and Control System (AWACS), the Army's Large Target Information System (LITIS), the Air Force's Airborne Early Warning System (AEWS), the Navy's Nuclear Attack Aircraft Carrier (CVN-70). April 30, 1971, the report on ULMS was released at a well-attended press conference. The report was the combined work of three Senators and eight Representatives of both parties. Much of the work on the other sides was done behind the scenes in an effort to present the Committee's findings and recommendations. A full report of the Armed Services Committees of the Congress.

On April 25, 1972 Senator John Stennis, Chairman, and Representative James Oberstar, announced cuts totaling $418,000,000 in the military budget. The cuts were identical to four major MCPL recommendations.

The World Environment and International Cooperation Committee held meetings with the three top US officials in the environmental field: Russell Train, Christian A. Herter, Jr., and William Ruckelshaus and with Professors Francesco di Castro of Chile, Bernard Pfeiffer of Montan, and Arthur Westin of Vermont. From these meetings came action; a proposal calling for funding a new $100 million international environmental fund, one supporting the UN Stock­holding Fund for Common Development and a Senate and House urging funds for a study of the environmental consequences of modern weapons technology in South East Asia.

The Foreign Relations International Law Committee met with Secretary of State William P. Rogers and his top aides to indicate that the Senate, on funding UN peacekeeping efforts and forces. This Committee also worked on such issues as the US dues to the UN; the extension of UN sanctions against South­ian chrome, and the move to reduce the US share of the UN regular budget to 25%.

and government experts and organized three discussions of American trade policy on the House floor.

The South East Asia Committee initiated an April 12 letter to the President signed by 62 members urging grave concern over the escalation of bombings by North Vietnam and him to announce the size, purpose, and costs of future military action. Then on April 21, 81 Senators and Representatives with the President at the White House to discuss ending US involvement in the war in Vietnam. In his speech, President Nixon replied that the time was not foreseen when the President could find time for the meeting requested.

On June 24, 1972, Representative Pays T. Min, Chairman of MCPL's U.S.-China Relations Committee testified before the Senate Foreign Relations Committee. He also testified that the work of her Committee during 1972 and listed the 24 MCPL members who had associated themselves with her conclusion of her final paper which urged opening relations with the People's Republic of China long before ping-pong and the President's trip.

In February, 1972 MCPL formed its newest committee called the World Order Strategy Committee. An open meeting asked Representative Robert P. Drinan (Massachusetts) to head this unique effort within the Congress to establish US foreign policy in terms of its contribution to a World Order. A number of top Senators and representatives were agreed to and are the Committee held six hearings. Addressing a number of fundamental questions posed by the Committee, the following persons testified: Hans J. Morgenthau, John Kenneth Galbraith, Norman Cousins, Robert Tucker, Richard Barnett, and C. Cousins.

On April 25, 1972, MCPL's full membership honored Paul G. Hoffman, former Administrator of the UN Development Program, and his successor, Rudolph A. Peterson, at a luncheon to honor and bid farewell to MCPL's former Chairman, Representative Bradford C. Young, and his successor, Rudolph A. Peterson, at the White House.

As the 92nd Congress ends on January 3, MCPL's membership stands at an all-time high of 135 members, 32 Senators and 101 Representatives, that is, almost exactly 25% of the 535 Members of the United States Congress.

Last November's elections will leave MCPL's Senate membership at 29 since the five Senators in MCPL who ran for reelection lost and the two did not run will be offset by the two members who won Senate seats. In the House of Representatives, MCPL will lose 12 members, seven who died and five who lost their race for reelection. There is good reason, however, to expect that several of the new Senators and a substantial number of the newly elected representatives will join MCPL in the reassembly of its Membership Committee. If this occurs, MCPL's membership may well exceed the number of the House and Senate.

Thus there is every reason to believe that MCPL will continue to be a force for peace and for change for the years ahead. Why? Because MCPL represents Members of Congress to work together on world issues which concern them, without binding any one of them to any specific policy or approach. MCPL, in fact, provides a vehicle for bringing Democrats and Republicans and Senators and Representatives of a cooperative working relationship. Because MCPL helps its members obtain information, views and expertise that they want and need to forward their own beliefs. Because MCPL stretches the voice and vote of its members through numbers. Because MCPL has its own full-time staff and office independent of any members and either party which provides a professional secretariat for all MCPL members. Because MCPL looks for talent, interest, and ability, regardless of party or seniority. In selecting its leaders.

There is much talk today in the United States Congress of preserving the bicameral and bicameral leadership. In terms of its constitutional role of Congress. Both are desperately needed. In the midst of the ever-increasing legislation and hearings and through law goes quietly forward, dealing with neither topic explicitly, but actually building or taking one of the answers through its very existence!

ACHIEVEMENTS OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

1968—Full membership of MCPL met with seven eminent Soviet citizens for an exchange of views.

1969—Prepared for the U.S. Senate to explore the Constitutional role of Congress. Both are desperately needed. In the midst of ever-increasing legislation and hearings and through law goes quietly forward, dealing with neither topic explicitly, but actually building or taking of the answer through its very existence!

1970—Hosted a luncheon to honor the U.S. and General U. Thant and the UN's 25th Anniversary at the President's State Dinner at the White House.

1970—Fifty-seven MCPL Members joined in signing a letter to Secretary of State Rogers urging improved United Nations peacekeeping machinery and a stand-by force of 20,000 to 25,000 men.

1971—Conducted the most thorough exploration of U.S.-China relations in the Congress.

1972—In the hope of gathering more information on the development of modern weapons technology, the MCPL met with top US officials in the environmental field which led to a House of Representatives Resolution favoring a $100 million international environmental fund and a study of the environmental consequences of modern weapons technology in South East Asia.

1972—Organized a unique effort within the Congress to examine US foreign policy in terms of its contribution to world order.

WHAT MCPL MEMBERS HAVE SAID

Now, in this new age, it is the time for new thinking, for new approaches, and above all, for new ideas. Of these new ideas, most important is that it is not safe to be complacent. In fact, it is dangerous to do nothing. This new age is characterized by a world that is more interdependent than ever before, and it is up to the United States to understand and to participate in this new world order whose present reality cannot separate
us further from Africa, Asia, the depressed and needy. For we see in their dissatisfaction our own limitations increased; we see that truth, in a vibrant phrase, freedom is indivisible. Where in 1776 we fought for freedom, by 1976 we must see to it that no one must fight for freedom; that its peace and pursuit of happiness can be won by the efforts of goodwill.

But goodwill of itself can do nothing. It needs organization, leadership, the application of brain and ingenuity, of technology and morality, on a scale such as we have never known before. It is the kind of leadership which serves as my vision for the Department of Peace which I propose. It is appropriate that we set our sights on such a dream in this Human Rights Year.

BY SENATOR ALAN CRANSTON

The seating of the Peoples Republic of China in the United Nations is long overdue. Since the most populous nation on earth has now been offered membership, a major step toward universality of representation has at last been taken and an injustice lasting 22 years has been rectified. The United Nations could not pretend to tackle the world's problems as long as its membership did not include the government of the 600 million people of the Chinese Mainland who comprise one-fifth of the world's population.

BY SENATOR MARSHALL HUDSON

One of the characteristics of the nuclear age is the tendency to achieve political aims through the use of military force. We once lived in a world where military supremacy assured political supremacy. But today, with a capacity for destruction several times over resting in the hands of the major powers, military supremacy has far less of the advantage. What advantage is it for us to announce hearings in which we can kill the Russian population 10 times over, but they can only kill us six times over?

The truth we are discovering is that political stability and international security are the functions of political and economic power rather than military factors. Political stability—or peace—can seldom be imposed for long by one country over another through the mere use or threat of its military power.

SENATE RESOLUTION 247—SUBMISSION OF A RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Referred to the Committee on Rules and Administration.)

Mr. MOGECTO (for himself and Mr. PERRY) submitted the following resolution:

S. Res. 247

Resolved, That Section 9 of Senate Resolution 60, Ninety-third Congress, agreed to February 23, 1973, be amended by striking out $3,000,000 and inserting in its stead thereof $275,000.

DEEP SEALED HARD MINERALS ACT—AMENDMENT

AMENDMENT NO. 946

(Resolved to be printed and referred to the Committee on Interior and Insular Affairs.)

Mr. METCALF (for himself, Mr. JACKSON, Mr. BIBLE, Mr. FANNING, Mr. HANSEN, and Mr. STEVENS) submitted an amendment intended to be proposed by them following the amendment (No. 1154) to promote the conservation and orderly development of hard mineral resources of the deep seabed, pending adoption of an international regime relating thereto.

LEGAL SERVICES CORPORATION ACT—AMENDMENTS

AMENDMENT NO. 947

(Resolved to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (S. 2686) to amend the Economic Opportunity Act of 1964 to provide for the transfer of the Legal Services Program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes.

AMENDMENT NO. 949

(Resolved to be printed and to lie on the table.)

Mr. MCCLURE submitted an amendment intended to be proposed by him to the bill (S. 2686) supra.

MIDAIR COLLISION AVOIDANCE ACT OF 1973—AMENDMENT

AMENDMENT NO. 950

(Resolved to be printed and referred to the Committee on Commerce.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 1610) to amend the Federal Aviation Act of 1958 to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

ADDITIONAL COSPOROR OF AN AMENDMENT

AMENDMENT NO. 887

At the request of Mr. WILLIAM L. SCOTT, the Senator from Virginia, Mr. HARRY F. Byrd, Jr. was added as a co-sponsor of Amendment No. 887 intended to be proposed by him to the bill (S. 2686) to amend the Economic Opportunity Act of 1964 to provide for the transfer of the Legal Services Program from the Office of Economic Opportunity to a Legal Services Corporation, and for other purposes.

NOTICE OF HEARING ON WHEAT AND FEED GRAINS SITUATION HEARINGS

MR. HULLEDSTOWN, Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Senate Committee on Agriculture and Forestry will hold a 1-day hearing on Monday, February 4, 1974, in room 3302 of the Dirksen Senate Office Building on the current wheat and feed grain situation.

Both U.S. Department of Agriculture officials and public witnesses, including representatives of producers, the grain trade, millers and bakers have been invited to testify.

Mr. President, due to the current conflicting statements and projections that are being made about continued availability of wheat and feed grain supplies in the United States between now and the end of this marketing year, Senator HENRY BELLMON and I felt that our subcommittee should make every effort to immediately ascertain what the facts are concerning this vital matter.

It is one thing for our Nation to run short of a key resource such as petroleum, but it is quite another thing if we run out of one or more of our key food staples, such as wheat or feed grains.

The margin for error in estimating the available supply of these food commodities is very small today. An objective and careful analysis of this situation is essential if we are to be more prepared to deal with the shortage developments in the marketplace.

While USDA continues to reassure both U.S. consumers and foreign buyers that the United States will not run out of wheat or other grains during the balance of this year, other knowledgeable experts are predicting a dangerously low supply situation. Wheat prices currently are at all-time highs and much higher may be expected in the future which no one seems to know.

In addition to analyzing the current supply-demand situation on grains, I hope we will also have an opportunity in these hearings to examine what can be done to assure a more stable price and supply situation in the future.

NOTICE OF HEARINGS ON ADDITION TO NATIONAL WILD AND SCENIC RIVERS SYSTEM

MR. JACKSON, Mr. President, I wish to announce hearings by the Public Lands Subcommittee of the Interior and Insular Affairs Committee on S. 2439, a bill to amend the Wild and Scenic Rivers Act of 1968 designating a segment of the New River in New York as a potential component of the national wild and scenic rivers system.

The hearing will be held on February 7, 1974, at 10 a.m., in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles at 5-2856.

HEARING ANNOUNCEMENT ON CALIFORNIA DESERT NATIONAL CONSERVATION AREA

MR. JACKSON, Mr. President, I wish to announce hearings by the Public Lands Subcommittee of the Interior and Insular Affairs Committee on S. 63, a bill to establish the California Desert National Conservation Area.

The hearing will be held on February 19, 1974, at 10 a.m., in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles at 5-2856.

ADDITIONAL STATEMENTS

COMMITTEE ON PUBLIC WORKS REPORTS ON ACTIVITIES IN 1973

MR. RANDOLPH, Mr. President, during the first session of the 93d Congress the Committee on Public Works developed several major legislative proposals
the Federal Water Pollution Control Act, which provides for the allocation of funds authorized for the construction grant program. In October, the House-Senate Conference Committee approved S. 2612 with a recommended formula for fiscal year 1975 construction grants, which was the subject of 14 executive sessions. This report is due in August. The Committee also considered the EPA budget.

In late March, the Subcommittee held three days of hearings on the Environmental Protection Agency’s budget request and its adequacy to implement the programs within its jurisdiction. After evaluating testimony from officials of EPA, State and local officials, and citizen groups, the staff submitted a report to the Committee in June analyzing the budget request. The staff report was subsequently submitted to the appropriate subcommittee while considering the EPA budget.

On August 1, the Committee held a hearing to consider the nomination of Russell E. Train to be Administrator of the Environmental Protection Agency. After one execution the Senate confirmed the nomination.

On February 26, the Subcommittee held a hearing on several bills dealing with deepwater ports and their potential impact on the environment. Testimony was received from Senators sponsoring the bills, officials of interested coastal States and a representative of the Army Corps of Engineers. Subsequent to that hearing, a special ad hoc subcommittee on deepwater ports was established including members from the Public Works, Interior and Commerce Committees. No action has yet been taken by that subcommittee.

On September 24, the Committee held hearings on the impact of growth on the environment. Several academicians appeared at those hearings to discuss the economic, social, and environmental impacts of uncontrolled growth.

On September 24, the Committee held joint hearings with the Select Committee on noise pollution. Testimony was received on several reports that had been submitted on various aspects of noise pollution control.

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

The United States Federal Budget published in January, 1973, contained a recommendation that two programs under the jurisdiction of the Subcommittee on Economic Development be developed into legislative proposals. The Subcommittee on Economic Development chaired by Sen. Joseph Montoya, received new program funds as of fiscal year 1974. The two programs recommended for phase out were the Economic Development Administration (EDA) and the Federal Action Planning Commission. A third program under the jurisdiction of the Commission, would continue as authorized.

As an alternative to these two economic development programs recommended for phase out, the Subcommittee developed a different set of programs and presented them as objectives: improving the efficiency of renewable energy, reducing energy duplication, and providing greater decision-making authority to localities, communities and states. Under the Administration's program...
posals, the Department of Agriculture under the Rural Development Act would take over most of the responsibilities now held by the Economic Development Administration. Grant provisions under the Environmental Protection Agency were suggested as further alternatives to Economic Development Administration's functions. The Secretary of Commerce and the National Economic Development Administration would take over the Economic Development Administration's budget, personnel, and loan guarantee program. A series of special revenue sharing proposals were also put forward to take the place of the grants.

The Subcommittee had strong reservations concerning significant aspects of the Administration's proposals, and further hearing on a one-year extension of existing economic development programs was essential in order to give Congress a better chance for public works development legislation. In order to formulate new legislation, the Subcommittee held 15 days of public hearings on the Water Resources Development Act of 1974, at which it heard testimony from the United States in 1971. Building upon these hearings and upon seven years of experiences with existing programs, the Subcommittee introduced a bill in the Senate on March 21, 1972. This bill (S. 3381) outlined the establishment of a coordinated approach through a reorganized and better-run public works investment. The basic structure of the program would be a working capital loan and loan guarantee program for local public authorities, institutions, and governments, organized in multi-state commissions. Hearings on S. 3381 were held in Washington, D.C., on April 18, 20, 25, 26, and 27, 1972, with testimony from 38 witnesses. This legislation with certain technical changes was reintroduced as S. 220 on January 29, 1973.

Hearings on the public works-development legislation and additional suggestions presented to the Subcommittee by interested persons demonstrate the need for additional investigation and study of the role of public investment in economic and regional development and national growth policy. Under adequate legislation is formulated and executed, the Subcommittee feels that the current national effort to provide needed assistance to disadvantaged areas should not cease.

### Subcommittee on Water Resources

The Water Resources Subcommittee organized for hearings on the S. 606, in the 93rd Congress with a new chairman, five other new members and a new name.

The new title was picked by vote of the parent Public Works Committee whose members decided it more aptly described the expanded responsibilities of the previous designation of Subcommittee on Flood Control--Rivers and Harbors.

Senator Mike Gravel of Alaska was appointed chairman. Other Subcommittee newcomers included Senator Quentin Burdick of North Dakota, James McClure of Idaho, and Francis Sargent of Massachusetts, testified in favor of the one-year extension.

In the Senate, the Committee adopted H.R. 2246 as a substitute for S. 607 but reduced total authorizations from $1.2 billion to $635 million. The reduction was made in a spirit of cooperation with the President and reflected the Subcommittee's awareness of tight budgetary controls. The Full Committee in executive session reduced authorizations even further to $392.5 million. This reduction was made in order to save the Subcommittee's programs by minimizing the possibility of a Presidential veto. The bill as recommended by the Committee was passed by the Senate on May 8 by a record vote of 81 to 1. In conference with the House, authorizations were adjusted to $480 million, with $220 million for public works and development facility grants under Title I; $154 million for public works and development facility grants under Title II; $149 million for technical assistance, research, and planning under Title III; $45 million for flood control under Title IV; and $95 million for Regional Action Planning under Title V. The bill, H.R. 2246, was reported out of conference by the full Committee on June 6, and became Public Law 93-40 on June 18.

In addition to the $480 million in authorizations for fiscal year 1974, Public Law 93-46 continued for an additional year, to June 30, 1974, the moratorium on the designation of economic development districts and provided 100-per cent funding for administrative expenses under Title III. The Act also required submission to Congress of two reports. The first report, prepared by the President's Inter-Agency Economic Adjustment Council, was submitted to Congress in August and outlined the government's program in assisting areas affected by unemployment. The second report, by the President's Advisory Committee on Management and Budget, is to examine current and past federal efforts to secure balanced and sustained growth and recommend possible improvements.

The Subcommittee's investigations of and experience with current regional and economic development policies and programs have led to a new national effort to achieve balanced and sustained growth can be enhanced by new public works-development legislation. The bill combines various features of S. 606, of H.R. 10209, the bill fashioned in the House Committee on Appropriations, October 16, and of some of the proposals offered in the Senate subsequent to consideration of S. 606.

Total cost of the legislation is estimated at $1.28 billion, of which about $780 million is attributable to river basin authorizations. A significant component of the bill's total cost was authorized in connection with projects and provisions outlined in Title I. The Title I figure is the amount of legislation that would combine $609 million which had been proposed for similar purposes in the conference report on S. 4018. Had the latter measure not been proposed, it would have included a modest omnibus flood control bill since 1948.

Aside from its low price tag, the bill is noteworthy for the major and significant policy changes which it contains.

### Heading the list are provisions for two-stage project authorization allowing for congressional review of the first stage; for a system of deauthorization of outmoded and inactive Corps projects for which no money has been authorized or can be spent in the next eight years; and, finally, for use of higher interest-discount rates under the Water Resources Council for the evaluation of future projects but barring its application to those authorized in, or prior to, S. 2708.

This bill, as finally considered by the Senate this year, was passed on January 22.

Aside from the hearings hearing on current legislation, Chairman Gravel conducted a week of hearings in Alaska during August for the Subcommittee to assess the state's water resources development needs and the future and to determine what guideline changes are necessary to qualify for priority designation of areas for Federal civil works projects.

In other actions during the year, the subcommittee approved nine watershed proposals submitted by the Soil Conservation Service under provisions of Public Law 86-565 and one project for construction by the Corps of Engineers under provisions of Section 201 of the 1965 Flood Control Act.

A total of 32 resolutions were adopted during the year which would authorize the Chief of Engineers to initiate studies of existing projects to determine if modifications are appropriate to the function of flood control, navigation, and beach and streambank erosion control.

Under a new policy initiated during the year, the Subcommittee cleared eight separate bills naming civil works projects in honor of selected individuals, whereas such designations had previously been included as provisions within omnibus legislation. They included:

- New Hope Dam and Lake, North Carolina for former Senator B. Everett Jordan.
- Trotters Shoals Dam and Lake, Georgia and South Carolina, for the late Senator Richard B. Russell.
- Texarkana Dam and Reservoir, Texas, for Congressman Wright Patman.
- Beaver Dam, Arkansas, for the late Congressman James W. Trimble.
- Chartiers Creek Project, Pennsylvania for late Congressman James G. Fulton.
- Mansfield Lake, Indiana, for former Congresswoman Cecil M. Harden.
- Canyon Dam and Lake, California, for the late E. V. Eastman.

### A Central and Southern Florida Flood Control District structure for the late W. Turner Wallis

### Subcommittee on Transportation

In 1973, the Senate Transportation Subcommittee spent considerable time developing and working for passage of the Federal Aid Highway Act of 1973. In the previous...
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Congress, legislation had been passed in both
 Houses and an extensive Conference was held result­
ing in a compromise one-year extension of
 the highway user tax. Revenue legislation, with the
 exception of one amendment, failed of enactment on
 the final day of the session, when the House was unable to
 summon a quota of its members on the
 floor. On February 8, 9, 15, and 16, the Subcommittee
 received testimony from over forty witnesses, representing a
 wide range of viewpoints. The Subcommittee
 reported its bill in late February, and the full
 Committee ordered the bill reported on March 1. Debate followed in the Senate on
 March 14, 15, and 16, and a $3 billion was passed,
 with amendments, on March 15.

On February 10, Senator Bentsen, along with eight members of the Public Works
 Committee, introduced the Highway Safety
 Act of 1973. Two days of hearings were held
 on March 14 and 15, with testimony being
 submitted by some 150 witnesses. The
 Committee reported this separate safety
 measure on April 6.

On March 14 and 15, the Senate and House
 committee held their initial meeting on the Federal
 Aid Highway Act and the Highway Safety
 Act. Those meetings spanned the period from
 March 13 to 16, and included a total of
 23 Conference sessions. On August 1, the
 Conference Report was agreed upon by the
 Senate and House Committees. Both the
 Senate-passed bill and the House-passed bill, which set
 forth a uniform national speed limit which became
 law late in the year.

SUBCOMMITTEE ON DISASTER RELIEF

During the last three years the nation has
 been subjected to very severe and extensive
disasters. A number of floods, tornadoes, earthquakes and other
 natural causes, In that short period of time the
 President has made disaster declarations, more than one-fourth the
 number (409) of all those declared during the last 21 years.

More important than their frequency, per­
haps, is the fact that several of these catastro­
 phic events had devastating effects on
 the nation's economic health. Damages inflicted by the
 San Fernando earthquake (1971), Hurricane
 Agnes (1972), and repeated widespread
 flooding in the Mississippi Valley (1973), alone
 undoubtedly will total $5 or more billion in
 overall damages.

At the same time Federal expenditures for
disaster relief have increased significantly.
New and expanded types of benefits, both for
 disaster victims, and for communities,
 surrounding the President's proposals for
 providing an increase in Federal assistance to private
 relief organizations and other interest
 groups, and many private citizens. The
 hearings provided the Subcommittee with a
 valuable overview of the need for an expanded
 and produced a variety of interesting and
 useful suggested changes in legislation and
 implementation.

The Subcommittee has been preparing a
 bill to update and revise the 1970 Disaster
 Relief Act. This legislation contains some of the
 provisions of the S. 1840 and other pending bills as well as certain
 contests, assisted by members as a result of
 information obtained from the hearings and
 other sources. It is expected that this bill will
 be considered by the full Committee shortly
 and will be reported to the Senate early in
 this session.

SUBCOMMITTEE ON BUILDINGS AND GROUNDS

The Subcommittee on Buildings and
 Grounds, Chairman by Senator Clark Dick,
 came into being as the result of the legisla­
tive designation on March 29 of
 1973. Since that time the scope of activities conducted by the
 Public Buildings Service of the General Serv­
ces Administration, for which the
 Subcommittee has primary responsibility, has become
 increasingly complex. Its activities are gov­
 erned by a number of public laws, executive orders and
 Federal regulations.

A major Subcommittee activity in 1973 was the
 developing of improved procedures for
 expediting the evaluation of building proposals and
 conducting oversight reviews.

Assistance on this effort was received from
 the Comptroller General of the United States.

These improvements comprise disciplined
 methods of compiling and evaluating project
 data, in order to determine relative merits of
 proposals, and to expedite the overall
 systematic and consistent oversight activity.

During 1974, the Subcommittee intends to
 perfect these new procedures in order to
 effectively review all aspects of the General
 Services Administration's construction activity.

Among important legislative activities of the
 Subcommittee during 1973 was the ex­
 amining of a bill, H.R. 2922, to
 appropriate an appropriation to Interior Department for
 completion of the National Visitor Center in
 Yellowstone National Park.

Also was S. 1759, amending the Public
 Building Amendments Act of 1972 to author­
 ize additional funds for the operation and maintenance of non­performing
 arts functions of the Kennedy Center, which was
 included in Public Law 93-67 on July 10, 1974.

Further, S. 2079 was introduced and passed
 in the Senate, amending the Federal
 Property and Administrative Services Act of
 1949 to exempt Federal Courts from certain re­
 quirements. Imposed by Public Law 92-318, this bill
 S. 1618 became Public Law 93-92 on December
 17, 1973, designating a building at
 Reston, Virginia as the John Wesley Powell
 Visitor Center of the U.S. Geological Survey. S. 2903 was
 also signed into Public Law 93-187 on December
 22, 1973, and directed the President to
 authorize a building in New Orleans, Louisiana to be designated
 as the Ernie Cabell Federal Building, in honor of
 a former member of the House of Repre­
sentatives. The building is now under construction.

Senate Joint Resolution 169 was passed,
 authorizing a study to determine the feasibility of
 constructing an extension to the House of
 Representatives wing of the Capitol north of the
 oldest wing. Senate Joint Resolution 170 was
 passed, authorizing the study of an exten­
sion to the Senate wing of the Capitol.

More than twenty of the hearings and
 nearly 90 others
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duction of a sound and light show, featuring historical events.

The Subcommittee met 11 times to discuss proposed legislation and other matters. In addition, formal conferences were conducted at various times with officials of General Services Administration, General Accounting Office, Department of Interior, District of Columbia, Pennsylvania Avenue Development Corporation, and Congressional Research Service. Numerous meetings were also held involving other government agencies and the private sector.

A public hearing was held on February 5 on the proposed consolidation of three Social Security Administration Payment Centers. Hearings were held on May 16 to receive testimony from citizens who were concerned about the consolidation.

The Subcommittee requested the National Visitor Center and Kennedy Center, respectively. Hearings were held on June 18 and 19, at which testimony was given on Value Engineering as a cost and quality control procedure. Another hearing pertaining to the National Visitor Center was conducted on November 18. Acquisition of Square 787 in the District of Columbia was discussed at a public meeting on June 29. Hearings were conducted in connection with proposed building prospectuses, on October 8 and December 6, respectively.

During 1973, four resolutions were initiated, directing that surveys be conducted to determine the feasibility of Consolidated Superior and Minot, North Dakota.

During its hearings, the Subcommittee reviewed the approved 28 prospectuses for buildings with a total estimated cost of $295,026,157 which includes $60,608,940 requested to correct cost overruns for 14 previously authorized projects. Of the remaining, 9 were new building prospectuses totaling $156,174,000, and two were for new leases totaling $2,655,000 annually.

COMMITTEE FILM PROGRAM

The two films on air and water pollution which the Committee makes available for public viewing continue to be extremely popular.

During 1973, requests for the films, "II Will Clean Up the Air," and "The Untidy City," were shown a total of 1,333 times to 46,000 people. This almost doubles the number of people who viewed the films in 1972.

RICHARDSON DILWORTH

Mr. HUGH SCOTT. Mr. President, for Philadelphia, the loss of Richardson Dilworth will be immeasurable. He served that city with a love and dedication which will be impossible to duplicate.

An editorial in Friday's Philadelphia Inquirer describes Richardson Dilworth as a man of "unwavering faith in the capability of the urban environment and its peoples not merely to survive but to prosper and to provide a climate for zestful living."

Mr. President, I ask unanimous consent that this editorial be printed in the Record, as follows:

[From the Philadelphia Inquirer, Jan. 28, 1974]

RICHARDSON DILWORTH GAVE THIS CITY A SENSE OF DIRECTION

Richardson Dilworth was the consummate Philadelphia of his time—in the noblest sense. He most certainly will rank among the distinguished Philadelphians of all time in love for his city.

His death at 75 deprives our community and the nation of a man who achieved extraordinary results. He was at his post as a practicing public servant and played an inspiring role in the urban renaissance in America where many were ready to write off the cities as a lost cause.

To recite the record of Mr. Dilworth in public service is to recite the record of a city treasurer, district attorney, mayor and school board president—is to chronicle only one dimension of a wonderfully warm and energetic public servant. It was partly because he was an able administrator who surrounded himself with associates of superb character that he was so effective in his office and for that reason he held strong convictions about the bright future of cities, especially Philadelphia. He had unwavering faith in the capability of the urban environment and its peoples not merely to survive but to prosper—provides a climate for zestful, constructive living.

Philadelphia was Mr. Dilworth's adopted city but he soon came to love it with a passion that has never diminished. Born in Pittsburgh, he was 28 when he arrived here as a young lawyer in 1926. Although his interest in politics dated to his youth, his close political association with Joseph S. Clark had firmly been established in the 1930s. It was not until after the Clark-Dilworth form movement took the city by storm and swept Republicans out of offices they had held since the 19th century.

It was the street corner campaigning of Dick Dilworth that captured the public fancy and gave reformers the momentum they needed to win a contractual settlement best in the give-and-take of dialogue with voters in the informal setting that side-walks and corners provided.

The legacy of the Clark-Dilworth decade in the mayor's office—1933-39—is highly visible in the center-city renaissance from Penn Center and the Parkway to Independence Mall and Society Hill. No less important, these two dynamic mayors demonstrated the practicality of the new City Charter as an effective instrument of good government under capable leadership.

Reform, they said, was the key note. Mr. Dilworth's six-year tenure as president of the Board of Education, He fought tenaciously for increased state aid to Philadelphia and a percentage of the commercial rates of interest; and to projects best designed to help people who have next to nothing.

The United States has played an important role in seeing the future of IDA. Some critics have argued that we contribute too much and, accordingly, the United States has negotiated a reduction in our contribution for the next replenishment, from 40 to 35 percent of the total.

Even more important, the international negotiations that produced the new formula were a complex affair, involving an exchange of pledges by major developed and developing countries. As the longstanding leader in supporting IDA, what we do is critical to the whole effort to get many nations to sustain and increase their contributions. By rejecting our role in IDA, therefore, the United States has placed the entire effort in jeopardy. It will be small wonder if other developed states renounce on their commitments.

I am mindful of a new argument that was recently made in the House debate: That the oil-producing countries are now in a better position to provide development assistance; and that in view of the energy crisis they should be called upon to take up the slack, either through loans or through reduced oil prices for poor countries.

Mr. President, it is true that several of the major oil-producing states now each spend billions of dollars they could spend on their own development. It is true that they have surplus funds that could usefully be used for the development of other states. It is also true that most unfortunate but most iron law of economics: that the poor shall come last. But far fewer have been critical of the United States for its role in the IDA creation.

Richardson Dilworth will be missed with great sadness by all who knew him as a friend. His keen wit was his greatest charm. He was a man who enjoyed life tremendously and was able to laugh at his own foibles as well as those of others. He combined the mannerisms of a countryman and a cityman and the down-to-earthness of a salty politician in delightful blend. He was an entertaining conversationalist and an astute politician, an all-too-rare combination.

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states—and despite last week’s pledge of $200 million in 1-percent loans for African countries—these efforts are only just beginning.

A role for the oil-producing states in helping the poor countries will not take place in a vacuum. It will only take place if there is an international climate that supports greater social justice in the world, and that holds the development of the rich countries to be important.

We can encourage the oil-producing states to make more of their wealth available while it is needed most, but we will do this only if we demonstrate a willingness to do our part. This means bringing the oil-producing states fully into the world economy, where they will feel increased responsibility to play a continuing role in the world affairs of the poor countries, as a means for securing their cooperation.

For the survival and progress of the world economic system, it is essential that those divisions between rich and poor do not increase, or we all will suffer.

It is regrettable, therefore, that the administration, which sponsored the IDA legislation, so consistently fails to support it in the Congress. At the very time that the House was preparing to scuttle our IDA contribution, the Secretary of the Treasury was attending the October meeting of the IDA, appealing to the oil-producing states and others to work together in solving the energy crisis.

Now his words mock themselves, as the Administration’s view of how far we have to go in shaping institutions of world trade that will help us, because they help all nations. Not only the developing countries will suffer from the breakdown of the system, but the United States and other developed countries will suffer as well.

Our intentions are being tested—toward development, toward seeking an international structure more in line with the energy crisis, and toward building a new economic world that will benefit all nations during the remainder of this decade. We must not fail.

Mr. President, I ask unanimous consent to print in the Record an editorial from The Washington Post of January 25, 1974.

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

[From the Washington Post, Jan. 26, 1974]

Crises of Aid

The House yesterday saw funds for development aid is the remaining but logical result of the world economic crisis created by the oil price increases. In recent years, the margin of finance for aid, whether given straight to the recipients or channeled through the international development agencies, has been extremely thin. That margin utterly disappeared in the wake of the oil price increases, whose cost to the poor countries more than wipes out the foreign funds they could expect to get for development. Why should the United States help the poor, the Congress asked, when the rest of the world is doing so as well?

But in part this simply represents the inadequacy of the foreign aid programs, because they have been shredded. Whether the terms on which it will continue its operations must now be reappraised. This is a task that lies ahead of the United States, many nations, many years. The shock of today will make clear the need for the American public is just one early indication of the need to get the process under way.

NATIONAL STATUS OF FARMERS

Mr. DOLE. Mr. President, the general public has an increased understanding of agriculture these days. Consumers better understand the production costs farmers face in the prices of fuel, fertilizer, equipment and other essential materials.

But we still have a long way to go to get full public understanding of the meaning of the increased output from our Nation's farms. Agricultural production benefits the entire country and every American citizen. It may not be widely known, for instance, how much farmers have done to help counteract inflation over the years. Farm output has set a record for each of the last 3 years. This record production has been in large part due to the fact that the food dollar still goes further in getting quality and quantity than for any other commodities.

Many people are not fully aware that farmers' productivity per man hour has been increasing at twice the rate in industry. Farmers do not go on strike for higher wages. They are staying on the job and are working hard. Their work days are unusually long and at least 6 days to a week.

The schoolchildren who are growing up with affluence all around them are not learning how the farm output and efficiency have released 95 percent of the people from the land and the basic need to produce food. And our children are not learning that 50 percent of the population is thus able to work at something else, creating the great affluence, the culture, the medical care, the business, and the recreation and comfort that make this Nation such a mecca of affluence.
petition, against the efficiency of foreign competition, U.S. agriculture is meeting the challenge. In the first 10 months of this year, we were able to sell a record $11.6 billion worth of agricultural products—exceeding food imports by a trade surplus of $8.8 billion. This overcame the $8.6 billion deficit in nonagricultural trade, and provided valuable foreign exchange and a greater degree of self-sufficiency. Now we are buying less energy, other vital materials, and consumer goods.

**ECONOMIC FACTS**

This year during the fuss over food prices, many people learned about the economics of food production. They learned how controls can hamper production, not increase it. They also learned that farmers are like other people—that they need to get a decent return to stay in business to make the capital investments necessary to assure us all of having a plentiful food supply in the future.

Right now, people are learning one of the basic fundamentals of the food situation—the rule that when farm prices go up, they usually come down later. But when prices go down, they usually stay down. For example, between the middle of August and this month, farmers' corn prices fell 21 percent; feed steer prices dropped 32 cents; hog prices fell 34 percent; and soybean prices are down 37 percent. I challenge my colleagues to find any other group in the American economy who has taken this kind of a cut in the price of their products.

In addition, the market has met these situations by reducing the flow of goods and services. They need assurance that they can get fertilizer and the fuel necessary to plant the crop, take care of it, harvest it, and move it to market. These things are not fully understood by the nonfarm public. The recent national survey by the Facer group, made up of the six national professional agricultural communicator organizations, showed that 51 percent of the public do not communicate more effectively with the nonfarm public.

But let me say that things are much better than they were. We have made great progress in the last year or two in getting a better understanding of these vital matters.

**LEADER FOR AGRICULTURE**

One of the reasons has been the increased interest in food and food prices. Among those who have been most vocal in this effort is Secretary of Agriculture. He has been the most effective spokesman that agriculture has ever had. Not only does he know the agricultural situation from his great depth of background, but he knows how to explain it simply, directly and in an interesting fashion.

Secretary Butz has been a tireless worker in his office as Secretary of Agriculture. It was 2 years ago that this body confirmed his appointment—after some lengthy deliberation, I might add. In those 2 years, Secretary Butz has put a new spring in the step of the Department of Agriculture. He has worked effectively for a better understanding of agriculture. He has fought effectively against ill-conceived action that would harm farmers, and he has worked hard to find the kind of legislation needed to support the agriculture industry. He has brought new hope, and more well-deserved income, to farm people.

As an indication of Secretary Butz's effectiveness as a spokesman for food and agriculture, during his 2-year period of office, he has held 169 scheduled press conferences in all parts of the country. He has had 165 scheduled individual interviews with the press, and he has made 263 scheduled speeches, including 121 individual radio presentations. This comes to a total of 720 scheduled public information activities in these 2 years.

Anyone who has had an active role in public office can appreciate the energy, vitality, and dedication it takes to keep up that pace of public appearances.

In addition, Secretary Butz has met often with committees of the Senate and of the House. And, of course, there have been the demands of running the U.S. Department of Agriculture in a time of rapid change.

I am sure that you join me in this salute to a dedicated and competent Cabinet officer who has performed so magnificently during the last 2 years.

With this continuing growth and difficulties facing American agriculture, we need a man like him to provide continued leadership and support for our farmers. A big job remains to be done in bringing together the best understanding between agriculture and consumers and we need all the help we can get.

**SENATE LOSES DEDICATED AND EFFICIENT SERVICES OF STEWART E. McCLURE—RETIRES AFTER 24 YEARS OF PRODUCTIVE SERVICE**

**Mr. RANDOLPH.** Mr. President, when the 1st session of the Congress adjourned last month the Senate lost, through the retirement of Stewart E. McClure, the services of one of its most dedicated and able staff members. For 16 years, on two different occasions, he has served as staff director of the Senate Committee on Labor and Public Welfare.

It is traditional in the Congress that staff members function in virtual anonymity. Those of us who are Members of the Senate and House of Representatives occupy the public spotlight, but the growth of congressional responsibilities have made it necessary that we must have staff support of high quality if we are to adequately exercise our responsibilities.

For more than 24 years, Stewart McClure provided the kind of staff work that is essential to the effective functioning of Congress. On the occasion of his retirement it is eminently right to remove him the cloak of anonymity and to recognize the contributions he has made to representative government in the United States.

Mr. President, when I became a Member of the U.S. Senate in November of 1958, one of the first callers I received was Stewart McClure who came to welcome me and to discuss my appointment as a new member of the Committee on Labor and Public Welfare. In the intervening years I have come to know him well and to consider him a valuable Senate staff member as well as a conscientious and compassionate human being.

As a native of the State of Iowa, it was particularly fitting that Stewart McClure began his Senate career as administrative assistant to a Senator from that State, the late Guy M. Gillette with whom I enjoyed a cherished friendship. He served in that capacity from 1949 until 1958. He was then appointed staff director of the Committee on Labor and Public Welfare by former Senator Lister Hill, who was appointed chairman of the committee. From 1969 to 1971, Stewart served as a member of the professional staff of the Committee on Public Works and then returned to his previous position to complete Senator Clure's term.

Mr. President, these are the chronological facts of Stewart's tenure on the Senate staff. Such a brief summary obviously does not reveal the full extent of his contributions. His impact on the legislative process has been considerable and it came about during a period in which congressional responsibilities had grown rapidly. This growth is reflected in the increase in the Senate staff since Labor and Public Welfare has grown from 14 persons when Stewart McClure first assumed its direction to more than 100 today.

The expansion of staff would be meaningless if its energies were not channeled in productive directions, particularly on a committee with such direct and comprehensive jurisdiction. Several innovations in both committee organization and staff utilization were developed during Stewart McClure's tenure. In 1959, a special Subcommittee on Employment and Productivity was created. I was privileged to be a member of that subcommittee and to participate in an extensive series of hearings throughout the country to assess the particular needs of our elderly citizens. From these inquiries came the impetus that resulted in the enactment of the Medicare program, a significant breakthrough in providing medical care. From this work also came the creation of the 87th Congress of the Special Committee on Aging as a separate entity.

In the early 1960's a Special Committee on Unemployment conducted an exhaustive study of its findings a standing subcommittee on this subject was created within the Committee on Labor and Public Welfare. I was privileged to be in the first chairman of that subcommittee.

These two instances are indicative of the breadth and scope of the Committee on Labor and Public Welfare in the area of manpower. Mr. President, I am particularly attuned to the sensibilities of Stewart McClure.

Mr. President, this talented individual
has also been active outside the formal structure of the Congress. His concern for his community and for the form of government involved him in activities that led to the creation of the Fair Campaign Practices Committee and the National Committee for an Effective Congress.

During the 2 years he chaired this Committee, Mr. McClure labored with the Committee on Public Works' talents and experience were utilized in legislative areas of pressing concern. He was the professional staff member for the Subcommittee on Economic Development and, as such, directed staff work on legislation pertaining to the Appalachian Regional Commission and the Economic Development Administration. He also was responsible for important staff work during the development of the Disaster Relief Act of 1970 which, for the first time, created the mechanism for federal response to natural disasters.

Mr. President, it is indicative of the energy and wide-ranging interests of the man that Stewart McClure will not be inattentive or his intellectual capacity will make him a valuable contributor to the cause of better government.

Mr. President, Stewart McClure holds great respect for our former colleague, Lister Hill, with whom he was so closely associated for 14 years. That this feeling is reciprocal is indicated in a letter I recently received from Senator Hill. Captain Ackerman, the then Senate Clerk, with whom I was associated, has written:

I regret to see that Stewart McClure will not be in the Senate forever. He has served this body in different capacities for 30 years and has never been known to be anything but skilled, able, and sincere. It is a pleasure for me to extend my best wishes to him. I sincerely hope he will enjoy his retirement and that his years with us have been pleasant and profitable.

Sincerely yours,
CAPTAIN A. HENRY ACKERMAN


Sponsor Jennings Randolph,
Senate Office Building,
Washington, D.C.

MY DEAR JENNINGS: I want to thank you for your letter, but I must tell you that I regret to see Stewart McClure retire. He has been such a fine and able public servant. In fact, in all my years in the Senate I never knew a finer one. He is so able and could always write such a splendid report on legislation, and he was a beautiful speech writer. He was not only a man of great ability but one of great dedication and integrity, and his departure is indeed a loss to the Senate and to our country. Please convey to him my affectionate regards and all my good wishes for a happy and rewarding future.

With deep appreciation for your letter and with many thanks for your services to our country,

Sincerely yours,

LISTER HILL.

THE REVEREND JAMES LUKE GOODWIN

Mr. THURMOND. Mr. President, the Reverend James Luke Goodwin, a devout and dedicated man of God who served as minister of the First Presbyterian Church in Aiken, S.C., for 23 years, died last week. Characteristically, he was performing a service that had been part of his clerical stewardship at the time he was stricken.

In preparation for a marriage ceremony at his church, this beloved minister suffered a heart attack which ended his life. He had known of the vulnerability of his heart since an earlier attack, but chose to continue the ministry which his life represented.

Mr. Goodwin arrived in Aiken, when the heart attack occurred, was a dynamic force in the community, absorbing the distresses of his flock, and counseling the wisdom of the ages. His warmth, his faith, his inspiration and his grasp of the Christian role was imparted with clarity.

In addition to the eloquence of his message, however, he was also a man of action in the cause he espoused. Service to people through a host of outlets was his way. For example, he had been instrumental in activities of the Salvation Army and the Red Cross, among others. Yet, his greatest efforts were with individuals who could count on the strength of his support. He was one of the ministers who officiated at our wedding on December 22, 1968, and later, he christened our two children. We, as thousands whose lives he touched, have always held him in the highest esteem and affection.

The contribution which he served have lost an outstanding inspiration and friend. However, the Christian principles that he taught and the encouragement which he served will serve the spiritual and human needs of those he loved.

Mr. President, I extend my deepest sympathy to his devoted and lovely wife, Mrs. Sally Moorhead Goodwin; his two daughters, Mrs. Lynn Periano of Augusta, Ga., and Miss Kate Goodwin of Aiken; his son, James Allan Goodwin of Davidson, N.C.; his sister, Mrs. Roy C. Ryan of Moundsville, W. Va., and his elder brother, Earl Goodwin, of Wheeling, W. Va.


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

FROM THE AIKEN STANDARD, JANUARY 21, 1974

SERVICES SCHEDULED TODAY FOR REV. J. LUKE GOODWIN

The Rev. James Luke Goodwin, 56, who has been minister of First Presbyterian Church in Aiken since 1951, died Saturday just prior to a wedding at which he was scheduled to officiate.

Mr. Goodwin had been in ill health for over a year when he suffered a heart attack. He died in Aiken County Hospital.

Memorial services will be held this afternoon at 3:30 o'clock in the Aiken Presbyterian Church with the Rev. Jerry Robinson officiating.

Mr. Goodwin was a native of Wheeling, W. Va., a graduate of Finley College, Ohio, and a 1948 graduate of Yale Divinity School. After serving as a chaplain in the Army during World War II, he was pastor of the First Presbyterian Church, Jacksonville, Fla., from 1948 to 1951, when he became pastor of the First Presbyterian Church in Aiken.

He was past chairman of the board of trustees of the South Carolina Home at Montreat, N.C., and served on various committees of the Presbytery and Synod levels of the church.

Active in the Aiken Community, he served on the advisory board of the Aiken College Army, was a past president of the Aiken Rotary Club and a past chairman of the Aiken County chapter, American Red Cross.

Surviving are: his widow, Mrs. Sally Moorhead Goodwin; two daughters, Mrs. Lynn Periano, Augusta, Miss Kate Goodwin, Aiken; one son, James Allan Goodwin, Davidson, N.C.; one sister, Mrs. Roy C. Ryan, Moundsville, W. Va., and one brother, Earl Goodwin, Wheeling, W. Va.

Memorial contributions may be made to the Heart Fund or the First Presbyterian Church.

Friends may call at the residence or at George Funeral Home.

FROM THE AUGUSTA CHRONICLE, JANUARY 21, 1974

REV. LUKE GOODWIN, AIKEN MINISTERS DIES

AIKEN.—The Rev. James Luke Goodwin, 56, of the First Presbyterian Church, died Saturday in the Aiken County Hospital.

Memorial services will be held today at 3:30 p.m. in the First Presbyterian Church with the Rev. Jerry Robinson officiating.

The Rev. Goodwin was a native of Wheeling, W. Va., a graduate of Finley College, Ohio, and a 1948 graduate of Yale Divinity School.

After serving as a chaplain in the Army from 1944-47, he was associate pastor of the First Presbyterian Church, Jacksonville, Fla., from 1948 to 1951, when he became pastor of the First Presbyterian Church in Aiken. He was past chairman of the board of trustees of the South Carolina Home at Montreat, N.C., and served on various committees of the Presbytery and Synod levels of the church.

The Rev. Goodwin also served on the advisory board of the Aiken College Army, was a past president of the Aiken Rotary Club and a past chairman of the Aiken County chapter, American Red Cross.

Survivors include his widow, Mrs. Sally Moorhead Goodwin; two daughters, Mrs. Lynn Periano, Augusta and Miss Kate Goodwin, Aiken; one son, James Allan Goodwin, Davidson, N.C.; one sister, Mrs. Roy C. Ryan, Moundsville, W. Va., and one brother, Earl Goodwin, Wheeling, W. Va.

Memorial contributions may be made to the Heart Fund or the First Presbyterian Church.

Friends may call at the residence.

George Funeral Home, Aiken, is in charge.

FROM THE AIKEN STANDARD, JANUARY 21, 1974

THE REVEREND JAMES LUKE GOODWIN

Mr. Luke Goodwin died Saturday as he prepared to perform a marriage service at the First Presbyterian Church, where he had served as pastor for 23 years.

He had suffered a heart attack about eight years ago and after a second Finaly attack last spring had been advised by his physicians to retire. Fully warned of the gravity of his condition and with the knowledge that he could "go at any time" unless he drastically curtailed all his activities, Mr. Goodwin elected to continue to minister to his congregation.

Memorial services will be held at 3:30 p.m. this afternoon in the Aiken Presbyterian Church with the Rev. Jerry Robinson officiating.

Mr. Goodwin was a native of Wheeling, W. Va., a graduate of Finley College, Ohio, and a 1948 graduate of Yale Divinity School.

After serving as a chaplain in the Army from 1944-47, he was pastor of the First Presbyterian Church, Jacksonville, Fla., from 1948 to 1951, when he became pastor of the First Presbyterian Church in Aiken.

He was past chairman of the board of trustees of the South Carolina Home at Montreat, N.C., and served on various committees of the Presbytery and Synod levels of the church.

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Survivors include his widow, Mrs. Sally Moorhead Goodwin; two daughters, Mrs. Lynn Periano, Augusta and Miss Kate Goodwin, Aiken; one son, James Allan Goodwin, Davidson, N.C.; one sister, Mrs. Roy C. Ryan, Moundsville, W. Va., and one brother, Earl Goodwin, Wheeling, W. Va.

Memorial contributions may be made to the Heart Fund or the First Presbyterian Church.

Friends may call at the residence.

George Funeral Home, Aiken, is in charge.
January 28, 1974

Congressional Record—Senate

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Mr. HATHAWAY. Mr. President, in October, I sent out a questionnaire to 140,000 residents of Maine asking for their views on the pressing issues facing the State of Maine as well as the rest of the Nation at that time. More than 14,000 people responded, a return rate in excess of 10 percent, which is quite good for a questionnaire of this sort. I have completed tabulating the results and would like to share this information with my colleagues.

I would like to emphasize that at the time the questionnaire was put together and sent out, the energy shortages had not reached the critical stages which developed, at least in part, from the cutoff of Arab oil exports to the United States. In a visit to Maine earlier this month I learned that the fuel shortage was certainly the No. 1 concern of the people I talked with. This point should be kept in mind when reading the results of this questionnaire, particularly in evaluating the responses to the last question where the respondents ranked the issues believed to be most critical.

I ask unanimous consent that the questionnaire results be published in the Record at the end of this statement.

There being no objection, the results were ordered to be printed in the Record, as follows:

RESULTS OF HATHAWAY QUESTIONNAIRE

STATE OF MAINE

1. Are you in favor of withdrawing American military personnel and their dependents presently stationed in foreign countries?
   Yes ........................................ 51.4
   No ........................................ 35.1
   Undecided ................................ 13.5

2. Do you favor legislation protecting the claimed right of newspaper employees not to reveal the identity of their sources?
   Yes ........................................ 59.1
   No ........................................ 33.5
   Undecided ................................ 7.4

3. Are you willing to pay higher prices and/ or taxes to help solve the problems of air and water pollution?
   Yes ........................................ 58.1
   No ........................................ 36.2
   Undecided ................................ 15.7

4. Is the Volunteer Army more acceptable to you than the draft even though it requires higher pay to attract sufficient volunteers?
   Yes ........................................ 69.9
   No ........................................ 31.4
   Undecided ................................ 8.3

5. Should the owners of guns be required to register them?
   Yes ........................................ 86.2
   No ........................................ 13.8
   Undecided ................................ 0.0

6. Do you believe that the Office of Economic Opportunity should continue to administer the Nation's antipoverty programs?
   Yes ........................................ 88.4
   No ........................................ 11.6
   Undecided ................................ 0.0

7. Do you believe that the President is entitled to veto defense bills he deems unnecessary?
   Yes ........................................ 88.4
   No ........................................ 11.6
   Undecided ................................ 0.0

8. Do you believe that the overall rate of unemployment should be 6.0 percent or less for full employment to exist?
   Yes ........................................ 91.4
   No ........................................ 8.6
   Undecided ................................ 0.0

9. Do you believe that the President is entitled to veto foreign aid bills he deems unnecessary?
   Yes ........................................ 64.2
   No ........................................ 32.2
   Undecided ................................ 3.6

10. Do you believe that the executive branch should be able to use "executive privilege" as a reason for refusing to testify before congressional committees?
   Yes ........................................ 77.2
   No ........................................ 18.2
   Undecided ................................ 4.6

11. Do you favor public financing of campaigns for elections to Federal offices, that is, the President, Vice President, Senators, and Representatives?
   Yes ........................................ 74.0
   No ........................................ 26.0
   Undecided ................................ 0.0

12. Do you favor continuing efforts to increase U.S. trade with Russia and the People's Republic of China?
   Yes ........................................ 61.4
   No ........................................ 38.6
   Undecided ................................ 12.8

13. Are you in favor of Federal controls on wages and prices?
   Yes ........................................ 42.2
   No ........................................ 57.8
   Undecided ................................ 1.0

14. List in your order of importance (by placing numbers 1 through 8 after each) the issues you believe are most critical at the present time:

   [In percent]
   1 2 3 4 5 6 7 8

   (a) Encouraging industry to move
   ----- 12.6 11.0 12.7 9.2 11.2 11.4 9.4 2.8
   (b) Rural health
   ----- 4.4 11.2 10.7 16.6 15.9 12.9 4.4 1.6
   (c) Transportation
   ----- 2.3 1.9 6.4 7.9 1.4 28.3 8.5
   (d) Restoring confidence in govern-
   ----- 36.4 13.6 7.1 6.4 5.6 5.5 7.1 1.9
   (e) Care for aging
   ----- 6.4 16.7 22.0 15.1 11.2 6.4 2.3 1.7
   (f) Public housing
   ----- 2.0 2.9 11.0 12.4 17.8 14.7 14.1 3.7
   (g) National defense
   ----- 14.7 16.7 10.4 8.3 8.9 9.4 11.4 4.2

   Note: "Other issues" suggested by the respondents varied widely with no issue preeminent.

Richard Folson Cleveland

Mr. MATHIAS. Mr. President, many tributes to Richard Cleveland and to his accomplishments have been offered since his death on January 10. Few will be, however, more concise, yet more eloquent, than that of Dr. Richard D. Weigel, president of St. John's College. Dr. Weigel has justly called Mr. Cleveland "a great man, a wise counselor, and a firm friend.

Cleveland's service to St. John's College is one among many examples of the proof that he gave through his life that a man may be a public servant without holding public office. Through the production of law and through many significant organizations, Richard Cleveland did lead a lifetime dedicated to public service and countless Americans today benefit from his efforts. All of these and all of his friends joined St. John's College in bowing its head at the time of his death. I ask unanimous consent that

James Luke Goodwin

JAMES LUKE GOODWIN

By every standard, Luke Goodwin was an individual for whom the word "gentle giant" was appropriate. He had the soul of a poet and a magnificent nature that made him at home in any surroundings. Those who knew him best also knew that he was a kind and compassionate man, who bore on his shoulders the sufferings of his congregation. A kind and compassionate man for whom help was constantly sought by Aiken's law enforcement officials.

Few ministers in Aiken's history have made so strong an imprint on the character of our city as Mrs. John Goodwin chose as his minister the membership stood at less than 300. While all churches of the city have grown in the two decades since the opening of the Savannah River Plant, the Presbyterians have witnessed an unusual renewal of vigor and had the problems of others become his, the Rev. Mr. Goodwin served not only his own parish but counseled a whole generation of young people, giving no thought to denominational differences that Christians face in modern times.

Mr. Goodwin exerted during the influence of his delivery that were incomparable, Mr. Goodwin presented sermons that reflected great care and much study in the preparation. He read avidly and found inspiration in both sacred and secular literature, and especially in the works of nature.

He related Christianity to the major issues that Christianity faced in modern times. He had the soul of a poet and a magnificent gift with words, flavored by a fine sense of humor. He possessed the gift of words, a magnificent nature that made him at home in any surroundings.

His death came as no surprise to those closest to him, but the shock to the whole Aiken community was severe.

Few ministers in Aiken's history have made so strong an imprint on the character of our city as Mrs. John Goodwin chose as his minister the membership stood at less than 300. While all churches of the city have grown in the two decades since the opening of the Savannah River Plant, the Presbyterians have witnessed an unusual renewal of vigor and had the problems of others become his, the Rev. Mr. Goodwin served not only his own parish but counseled a whole generation of young people, giving no thought to denominational differences that Christians face in modern times.
Mr. ROBERT C. BYRD, Mr. President, on September 30, 1973, I asked the Chairman of the Atomic Energy Commission seven questions in a brief speech on the Senate floor. At the same time, I wrote a letter to Dr. Ray in which I repeated those questions, which dealt mainly with my concern for reports I had heard that surface emplaced nuclear powerplants constituted a potential danger to the safety of the public.

In addition to these questions, I asked reassurance that other reports concerning the possible hazards to life and property in the event of an accident at a nuclear powerplant were groundless. I also asked for detailed replies to my questions from the Chairman of the Atomic Energy Commission, and I asked unanimous consent that Dr. Ray's letter be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:

**PROLIFERATION OF SURFACE NUCLEAR POWERPLANTS**

Mr. ROBERT C. BYRD, Mr. President, on September 30, 1973, I asked the Chairman of the Atomic Energy Commission seven questions in a brief speech on the Senate floor. At the same time, I wrote a letter to Dr. Ray in which I repeated those questions, which dealt mainly with my concern for reports I had heard that surface emplaced nuclear powerplants constituted a potential danger to the safety of the public.

In addition to these questions, I asked reassurance that other reports concerning the possible hazards to life and property in the event of an accident at a nuclear powerplant were groundless. I also asked for detailed replies to my questions from the Chairman of the Atomic Energy Commission, and I asked unanimous consent that Dr. Ray's letter be printed in the Record. There being no objection, the material was ordered to be printed in the Record, as follows:


Hon. ROBERT C. BYRD, U.S. Senate.

Dear Senator Byrd: I am writing in response to your letter of September 30, 1973, in which you enclosed several questions on the safety of surface nuclear power plants.

I have attempted to answer each of your questions in a straightforward manner. The information provided in these responses should make it clear that these allegations are without basis in fact.

If you wish further information please do not hesitate to let me know.

Sincerely,

**DIXY LEE RAY,** Chairman.

**RESPONSE TO QUESTIONS**

1. Is the vast R&D expenditure undertaken by the United States in the field of commercial nuclear power justified in the light of what some experts claim is the very limited availability of uranium?

This is really two separate questions: How far and how much do nuclear power R&D expenditures of the U.S.?

How limited is uranium availability?

The answer is that the R&D expenditures are relatively easy to provide. During the last 25 years through FY 1973 the Government has spent about $1.5 billion on the development of Light Water Reactors (LWR). How big this expenditure can be gauged against the commitment of private industry to build commercial nuclear power plants. As of September 1, 1973, the private sector has in commercial operation, under construction, or on order 373 plants with a designed capacity of approximately 161,000 MWe and representing an investment of more than $60 billion. Thus compared to the industrial base which it has generated, government R&D expenditures on civilian nuclear power can hardly be considered "vast."

The second question deals with the availability of uranium which certain "experts claim is very limited." The fact is the estimate of total recoverable reserves has been reduced. In addition, the U.S. has purchased a great amount of raw materials and has developed a variety of techniques to attack by foreign or domestic enemies. I will deal with the issue of surface plants in my response to the other questions. In the meantime let me concentrate on the issue of vulnerability of surface nuclear reactors. The first question deals with the possibility of breeder reactor technology, which will increase the amount available from known resources by 50 to 70 times.
January 28, 1974
CONGRESSIONAL RECORD—SENATE 903

amount of effort or risk. Viewed in this light nuclear power plants make very unattractive targets for either a subverter or a foreign enemy. They are massive physical structures which are not easily damaged by conventional methods. Moreover, even if seriously damaged a nuclear plant would constitute a far less of a threat to the public's health and safety than would a number of other possibilities which do not need to be mentioned. A nuclear plant, therefore, is likely to rank quite low on a subverter's list of priorities.

The situation is much the same when we consider the possible terrorist threat. A surprise attack on U.S. nuclear power plants with conventional weapons is simply not a credible threat. Even if the nuclear retaliation which an attack would bring forth could indeed force the saboteur to consider the population, the economy or the war-making capability of the U.S. than would attacks on many other targets.

Much the same is true if we stretch our imaginations far enough to conceive of a nuclear attack. The level of damage thus inflicted would be considerably less than could be visited on other targets. Moreover, it should be recognized that in the event of a nuclear attack, the hazard from the nuclear warhead itself dwarfs any hazard from the nuclear plant.

Nuclear power plants simply do not offer an especially attractive target for attack. As such it can hardly be alleged that their existence poses some new and significant threat to our national security.

5. Has A.E.C. ever considered placing a moratorium on the construction of surface nuclear reactor power plants, with their obvious cost, to ensure that nuclear reactor plant construction be underground?

6. Have the additional costs of underground construction vis-a-vis surface construction been a controlling factor in the construction and location of these facilities, to the jeopardy of the lives and property of the American people?

It is not clear whether questions five and six are directed at the American people from the consequences of enemy action or whether they refer primarily to economic considerations. Studies of underground sitting concepts over a number of years have indicated that the cost of such sitting is not declinably greater than for above ground sites. Typically, sitting costs have been expected to add a cost penalty greater than 15% to 20% to the capital costs of a facility. Such costs are not a controlling factor if there were concomitant benefits.

These same studies, however, have found no real concomitant benefits from underground sitting. The advantages and disadvantages of underground sitting nevertheless are likely to be considerably affected as technology develops and as more information becomes available. We plan, for example, to take another look at this question in the near future.

If the questions refer to protecting the public from the consequences of enemy attack, they are not particularly credible since they would be difficult to mount successfully and would produce less damage than would attacks on other targets. The above known as the "obvious vulnerability" of a nuclear plant is wholly unwarranted.

7. Would the Atomic Energy Commission and the A.E.C. be in favor of or oppose the repeal of the Price-Anderson Amendment to the Atomic Energy Act?

In the event of the expiration of the Price-Anderson Act in August 1977, the Atomic Energy Commission is currently engaged in a study which focuses on the complete spectrum of alternative approaches for the post-1977 period. The Commission is currently reviewing all aspects of the existing utility indemnification system, including consideration range from retention of the present system without change through possible modifications of the indemnity system, to permitting the present statute to expire with the responsibility assumed by the nuclear industry for financial risk from any accident.

8. To assist us in our study, the Commission staff has held discussions over the last several months with representatives of the utility, nuclear supply, and insurance industries. Additional meetings have been scheduled in the coming weeks as well as discussions with interested members of the public not associated with these industries who might advance other viewpoints. In a manner as significant and as complex as this, we think it important that representative groups be consulted so that they may consider their own views before advancing any legislative proposal to Congress.

While an early legislative submission to Congress on the Price-Anderson Act is desirable, any proposal on our part must be as solidly based as possible and take appropriate account of the studies and actions which are now underway. Repeal of the Act prior to the completion of such activities would be premature at best. We expect these activities to be completed early in 1974 and we intend to make legislative proposals at the earliest possible date thereafter.

NATIONAL FOOD POLICY

Mr. McGovern. Mr. President, I recently had the pleasure of speaking at the Second National Conference in Hershey, Pa. This meeting was a vital step in reaching a solution to a problem which, because of the dedication of such people as the conference participants, we as Americans may never have to face in its full severity—lack of food.

I commend the conference planners, not only on their foresight in convening the meeting at this time, but on their selection of Bishop Edward E. Swanstrom as an opening speaker. As executive director of the Catholic Relief Services, Bishop Swanstrom has been close to the issues of hunger in the United States and suffering causes. He has taken the lead and worked diligently to identify and eliminate the gravity of this crisis. Many have yet to recognize or take seriously, his words. He has helped set the tone of the Food Policy Conference, and I would like to share them with my colleagues. I ask unanimous approval that they be printed in the Record.

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

TOWARD NATIONAL FOOD POLICY

If this were to be a sermon, I would take as my text that supplementation which most certainly has stormed the heavens more often than any other in the history of mankind. How often we have heard it. . . Give the poor. Never give the hungry. Give food, and its adequacy to feed the world's millions, always a matter of primary concern. And in the history of mankind, perhaps even more vital national and international importance than ever before.

This conference itself and the broad scope of leadership it has attracted. Most of all, ponder the task which the conference has set for itself, namely, as a first step, the formation of an international food policy, an attempt to hammer out a national food policy for America and the world. I submit that such a policy, which is certainly available to our fellow citizens in all walks of life and, in particular, to those public servants at local, state, regional and national levels to whom we have entrusted the welfare of our country.

This conference is meeting at a truly crucial time. The written and spoken word these days centers about the energy crunch, the dimensions of which we Americans are just beginning to realize. (It is said our existing air conditioning equipment alone consumes more energy than eight hundred million hamburgers consumed for a day.)

We meet at a time when our scientific and technical knowledge threatens us ever closer and closer to the edge of the future. The moral and ethical morals appear determined to sink equally as far into a morass of godless materialism with which the man of faith can hardly alter as a time when faith in our national institutions has fallen to an all-time low; a time when fear and uncertainty, fed by an apparently endless news of the family pocketbook, are on the rise; a time when more and more Americans seem only too willing to watch the world's problems and seek solace instead of the television tube. Perhaps most significantly of all, we meet at a time when our scientific and technical knowledge is combining to increase alarmingly the dependence of more and more of the peoples of this world upon the North American bread basket.

It is well, then, that this conference intends to come to grips with the problem of the world's food supply and America's role in assuring national hunger. In fact, the overwhelming challenge to this conference may well be to define the country's dedication to, and to once again assume its former role of, responsible world leadership.

We have improved our performance in the art of power politics and there is no doubt that this is tremendously important on a short-term basis to the stirring of the guns and the setting out of the battlefield. But I am talking about returning to that kind of societal world leadership which deals not with power but with people and which alone can chart for mankind the way to lasting peace with liberty and justice for all.

There is no doubt in my mind that the blessed abundance of our land, wisely administered, demands that America reasserts its role in guaranteeing freedom from want and even more determined warfare against that hunger which will afflict hundreds of millions of the world's population. We have been faced with concerted attack upon it is mounted now. And there is no time to waste! The fundamentals of our food to mankind's very survival can brook no delay.

Starting statistics, as well you know, abound. It is estimated that two-thirds of the world's people suffer from malnutrition. Millions live on the verge of starvation. An estimated 10,000 deaths each day are attributable to the lack of enough food to sustain life or of the right kind of food. Malnourished people are overfed in every sense; on a massive scale within the next decade is being predicted unless something is done to prevent it.
There are, however, and thank God, some encouraging signs on the horizon. The growing emphasis on a people-oriented U.S. foreign aid program, for instance, the increased national awareness of the need for the U.S. government to support long-term measures for providing food, health and education to the underprivileged nations of the world. This is a realization that is not only in the interest of the developing nations, but it is also in the interest of the world as a whole. The stability of the developing nations is vital to the stability of the world, and we must do all we can to help them. If we do not, we will be faced with an ever-increasing problem of food shortages and famines, which will only serve to further destabilize the world. We must work together to solve this problem, and we must do it now.
The major question posed by educators and the public in relation to the process of higher education has been: What is the proper role of the institution of higher learning in society today? Maharishi International University provides a unique answer to this question—education is only part when the ability to use their full creative potential. MIU accomplishes this by teaching the traditional academic disciplines along with the study of the Science of Creative Intelligence. The Science of Creative Intelligence is an interdisciplinary study, drawing upon the arts and sciences, which gives understanding of the nature, growth and development of creative intelligence in life. While MIU offers to its students the full range of academic disciplines, the Science of Creative Intelligence interests itself in the relationship of all knowledge as an expression of intelligence and creativity. In this way, educational matters that heretofore were isolated from personal experience.

The practical aspect of this science is Transcendental Meditation (TM), a simple, natural mechanical technique which enables students to experience directly and to develop the full range of this potential. The practical benefits of this technique have attracted the attention of scientists in the United States and Europe. Their research has demonstrated that Transcendental Meditation produces a unique state of the nervous system characterized by profound physical rest together with heightened mental alertness. This practice leads to greater mental and physical stability, efficiency and increased energy for purposeful activity. In addition, further studies have shown that practitioners of the technique exhibit a significant increase in intelligence and learning ability. Further, the MIU education is not limited to walls of a single campus or the needs of a single country. It has designed programs that bring the advantages of higher education to all members of society, independent of their geographic location, economic situation or ethnic background. In addition to the main MIU campus in Goleta, California, MIU teaching centers in every major American city will present these courses through closed-circuit color instructional television, and through the facilities of public broadcasting.

In our search for détente with the Soviet Union, we must not allow to go unnoticed the aspirations for self-expression of the people of the Ukraine. To omit our expressions of concern would be a betrayal of freedom and the human spirit.

THE VIETNAM CHART OF RIGHTS

Mr. McGOVERN. Mr. President, it is exactly 1 year ago today that the Vietnam peace agreement went into effect. That agreement brought to an end a massive American involvement that saw over 7 million young men enter the Armed Forces. Over 2½ million of them served in the war zone. Fifty thousand died. Twenty-five thousand came home without arms or legs. And hundreds of thousands came home expecting to find a better life than the one they had when they left.

It is no secret by now that these men have faced disappointment and disillusionment in the past year. A Veterans Administration study revealed that one out of five returning GIs is experiencing physical or psychological readjustment problems.

There can be no doubt that a major part of these problems has been caused...
by the unwillingness of the Congress and the administration to recognize the need to provide adequate educational and job training opportunities. In addition to fighting in a bitter and unpopular war, the young veteran has been burdened with the indifference of a nation known for its generosity.

No one is going to argue with the fact that society owes a huge debt to our young veterans, Mr. President. But we must realize that our commitment goes beyond recognition days and wooden plaques and gold boxes. What our young veteran needs is the tools to improve his own life here at home. These tools can only come from a college education or a vocational training program, or a decent job opportunity that takes into account the skills he learned in the War.

S. 2789, the Vietnam veterans GI bill. Each of us served in that war, and each of us were here in 1950, 1960, 1970, when the GI bill was turned into a program through the VA. That same program also helped produce 87,000 teachers and 360,000 subsistence allowance furnished by the Congress and the public at large indicated to the Defense Department for $99 billion during fiscal year 1975, an increase of 15 percent over fiscal year 1974. If the past record of the Congress is any yardstick, chances are good that the Defense Department will get a large share of this. It is only just the share of the federal defense budget by billions. It is only just the share of the federal defense budget that we can afford. The veterans are eligible, the veterans are entitled, and the veterans are deserving. The veterans are deserving of the GI bill for their service.

If we have not yet argued the past records of the Congress, there is an admission that the present GI bill is not adequate. We want to increase the rate of participation in the military. It is unfair to our future to have our young man go into the service with the knowledge that he will not have an opportunity, an opportunity for education. If that is true, it will be better educated and will hopefully be better educated and will hopefully be better educated and will hopefully be better educated. It is unfair to our future to have our young man go into the service with the knowledge that he will not have an opportunity, an opportunity for education. If that is true, it will be better educated and will hopefully be better educated and will hopefully be better educated. It is unfair to our future to have our young man go into the service with the knowledge that he will not have an opportunity, an opportunity for education. 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It is unfair to our future to have our young man go into the service with the knowledge that he will not have an opportunity, an opportunity for education. If that is true, it will be better educated and will hopefully be better educated and will hopefully be better educated.
WASHINGTON—One year ago today, President Nixon declared “peace with honor” in Vietnam as a ceasefire agreement was reached. He called on us to be proud of the two and a half million young Americans who have served in our Armed Forces. Later in his State of the Union message the President asserted: “A grateful nation owes its servitude to all who have served to defend the peace, even those who will not be called heroes. The nation may be weary of war, but we will never grow weary of those who have borne its heaviest burdens.”

When I returned home from World War II, like millions of other veterans, I was able to go to the college of my choice under the G.I. bill of rights. A “grateful nation” provided for my tuition, books and fees at the University of Hawaii and George Washington University Law School and a monthly subsistence allowance of $116. With my disability pension of about $200 and my wife’s salary, our income was about $800 a month. I don’t think anyone would have imagined that, and such high living was a new experience for us.

Seven million World War II veterans used the G.I. bill. The lives of each of us were changed by the opportunities provided to us. I do not believe I would be in the Senate today without having been a beneficiary of the bill.

Unfortunately, the homecoming of the Vietnam veteran is far different. President Nixon’s words ring hollow in the ears of hundreds of thousands of Vietnam veterans who can’t find work and can’t afford to go to school. These brave young soldiers who gave up the comfort of peaceful homes and years of economic and educational advancement to answer a call to duty are denied benefits or receive benefits not at all comparable to those received by veterans of World War II and Korea.

The Administration has fostered the illusion that today’s veteran is as well-treated as his father was. He is not. Presidential impoundment of funds designed to aid student veterans and Administration opposition to increased benefits of any kind, even while leading rhetoric, has caused the Vietnam veteran to feel that he fought the wrong war at the wrong time.

Today’s veteran is eligible for a lump sum of $2200 per month or $1,980 for each dependent child for which he plans to go to school. These young Americans who did go to Vietnam, many as involuntary draftees, are now denied the opportunity to be trained and educated to their fullest capabilities. TheirVA allowance has grown weary of doing right by those who did its fighting.

Mr. MATHIAS. Mr. President, 1 year ago today, the Vietnam cease-fire went into effect, marking the end of the direct involvement of American fighting men in that war-torn land. In the weeks and months that followed, the last of our troops and prisoners came home—returned from the longest and most controversial war in our Nation’s history—and joined the swelling ranks of the more than 6 million Vietnam-era veterans we count among our citizens today.

From the vantage point of this first anniversary, Mr. President, we can all look back with the deepest gratitude and relief that our men are no longer involved in the endless conflict. Indeed, with our own troops now home safely, and a year’s time already passed to cushion our memories, it must be tempting for many of us—citizens who never fought in Vietnam, who don’t want to close the books on that chapter in American history and forget the troubled past.

But for too many Americans, the books cannot be closed—the men who fought, whose civilian lives and education were disrupted by service in our Armed Forces; these Americans still face a conflict for survival, albeit of a more subtle nature.

Returning to civilian life, they find not a hero’s welcome, but ambivalence and averted eyes. They hear rhetoric about a grateful nation, but they seek in vain fulfillment. The real level among Vietnam-era veterans is nothing short of a national disgrace. And when they seek to turn to higher education, they find themselves limited to textbooks, fees and living expenses only. With such acceleration that in many States, college is now available only to those with independent financial resources.

The World War II GI bill, Mr. President, allowed millions of Americans who served their country to receive a higher education which would have otherwise been denied them. I count myself among those who could not otherwise have gone to college and I am told that roughly a quarter of the Members of this body similarly went to college on the GI bill.

But what about today’s veteran and today’s bill? In order to help answer that question, the Congress enacted an amendment I introduced to the 1972 Veterans Readjustment Assistance Act—Public Law 92–540—which instructed the VA’s Administration to provide for an independent study to determine whether educational benefits for Vietnam-era veterans are comparable with those which were available to World War II and Korean war veterans.

That study, conducted by the Educational Testing Service, was completed last fall and concludes that today’s veteran is being clearly short-changed when compared to his earlier counterparts. And while the VA continues to claim that educational benefits have kept pace with inflation since World War II, the ETS study explicitly concludes that the real value of the educational benefits available to today’s veteran is substantially less, primarily because: (a) of soaring tuition, fees, books and supplies. These are costs which have increased far more steeply than the overall cost of living, as any current student, or parent of students, can easily testify.

The most crucial of these variables is the extraordinary range of tuition costs, between States and within each State. The VA, for example, contends that the average tuition cost for public higher education nationally is about $400; and further, that a veteran paying such an average tuition is in roughly the same financial position as an average World War II veteran.

Even if this is true, however, it offers little solace to the millions of veterans who want to go to college but who can’t afford to do so. The VA’s claim that tuition costs for public education are above average. In my own State of Maryland, for example, the tuition for the University of Maryland is $989, and will rise to $748 next year. This means that after books and fees are paid for, today’s veteran attending the University of Maryland will have about $115 per month left from his GI bill benefits with which to feed, clothe and house himself, or a little over $25 a week on which to live—hardly an adequate level.

Furthermore, the University of Maryland is no measure of its high tuition cost. The major public universities in California, Connecticut, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania, and Rhode Island all charge more than $1,400 per year for tuition.

At this time, Mr. President, I ask unanimous consent to print in the Record the following table specifying tuition costs at State colleges and universities throughout the Nation.

There being no objection, the table was ordered to be printed in the Record, as follows:
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<tr>
<th>State</th>
<th>City</th>
<th>Tuition &amp; Fees (Resident)</th>
<th>Tuition &amp; Fees (Nonresident)</th>
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<td>UNITED STATES</td>
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TABLE A—RESIDENT AND NONRESIDENT UNDERGRADUATE TUITION RATES AT STATE COLLEGES AND UNIVERSITIES, 1973-74 ACADEMIC YEAR, (WHERE DIFFERENT, 1972-73 TUITION RATES IN PARENTHESES)

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>Resident</th>
<th>Nonresident</th>
<th>Undergraduate tuition and/or required fees</th>
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<tr>
<td>RHODE ISLAND</td>
<td>U. of Rhode Island</td>
<td>$761</td>
<td>$1,661</td>
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<td>SOUTH CAROLINA</td>
<td>Clemson U.</td>
<td>$690</td>
<td>$1,340</td>
<td>$485</td>
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<td>S. C. State U.</td>
<td>$690</td>
<td>$1,340</td>
<td>$485</td>
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<td>U. of South Carolina</td>
<td>$570</td>
<td>$1,280</td>
<td>$460</td>
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<td></td>
<td>Francis Marion College</td>
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Sources: National Association of State Universities and Land- grant Colleges and American Association of State Colleges and Universities.

Mr. MATHIAS. My colleagues will note that tuition costs fluctuate vastly within each State and between States. This fact led the ETS study to three crucial conclusions, as follows:

(a) The accessibility of postsecondary education for the Vietnam Conflict veteran is a function of not only his military service but also his particular state of residence. The effectiveness of the benefits is directly related to the availability of low-cost, readily accessible public institutions. The current veterans seeking to use his educational benefits finds that equal military service does not provide equal justifiable opportunities with respect to attendance at postsecondary schools. This is particularly true of institutions of higher education.

(b) It appears that the states are subsidizing the cost of education for veterans of the Vietnam Conflict as compared with earlier subsidization by the Veterans Administration. Since higher costs of education appear to reduce participation, this is a significant factor in determining whether the veteran in a particular state will participate in education.

(c) Current benefit levels, requiring as they do, the payment of tuition, fees, books, and supplies and living expenses provide the basis for "unequal treatment of equals." To reduce disparity between veterans remaining in different states with differing systems of public education some form of variable payments to institutions to ameliorate the differences in institutional costs would be required.

The consequences of these inequities, Mr. President, are quite predictable. A veteran living in Pennsylvania, for example, where tuition costs range from $750 to $1,000, has no realistic opportunity to attend college without substantial outside financial support. On the other hand, a veteran in California has a range of public colleges and universities to attend with tuition below $200.

Not surprisingly, VA figures show that California, with its highly developed, low-cost public college and university system, has educated a larger portion—27 percent—of its eligible veterans under the GI bill than any other State in the Nation; and that States such as New Jersey, Ohio, Pennsylvania, Indiana, and Vermont—with some of the highest tuition levels in the land—have the lowest participation rates for veterans under the GI bill.

At this time, I ask unanimous consent
I am gratified that nearly one-third of the Members of this body are already on record in cosponsorship of this crucial piece of legislation. If enacted, we may at least have taken some substantial preliminary steps toward redeeming the pledge of a "living Constitution." Never will I remember and honor the contribution and sacrifice of those whose lives were disrupted, and often risked, in service to their fellow citizens.

REVAMPING CALIFORNIA'S STATE CONSTITUTION

Mr. TUNNEY. Mr. President, California continues to go through the difficult process of revamping its bulky State constitution. Since 1964, Orange County Superior Court Judge Bruce W. Sumner has worked tirelessly as chairman of the Constitutional Revision Commission to simplify and modernize the basic documents of California governance.

While the life of the commission has now expired, I know that most helpful work by a successor commission will soon be created and that Judge Sumner can again be persuaded to serve as its chairman.

Judge Sumner, who served several terms in the Assembly, was twice elected presiding judge by his fellow jurists and commands the respect and affection of members of both political parties throughout the State of California.

At this point, I ask unanimous consent that the article, "Our Bulky Constitution—Is Pruning Season Over?", from the December 1973 California Journal be printed in the Record.

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

WHATEVER HAPPENED TO REVISION?

(By Dennis Campbell)

What happened to revision?

(If Bruce Sumner's smile brightened November 7th, voters who rejected Governor Reagan's initiative to take the Constitution to the people, summed up the mood of 3 million voters during the last months of the election. Judge Sumner, a former member of the Assembly and now an Orange County superior court judge, observed that "Constitutional revision" into the California Constitution and using 5,000 words to do it. Sumner was chairman of the Constitutional Revision Commission, which spent nine years and $2.6 million attempting to simplify the Constitution. Proposition 1, Sumner declared, was "in direct contradiction to the goals of the whole revision process."

(What were those goals and why do they remain unfulfilled?"

While school segregation and the San Francisco Panama-Pacific Exposition of 1915 have little in common, they illustrate the beauty of the United States Constitution and the beast in the California Constitution. The U.S. Supreme Court ruled school segregation a violation of 1866 merely by reinterpreting the same language in the federal Constitution used by the court 60 years earlier to uphold the Fourteenth Amendment. A lower court found that the San Francisco school system was "separate but equal.""

For an event of somewhat lesser social and political importance, educators, legislators and the public have asked, and the Constitution was codified in the Panama-Pacific Exposition not by statute or court ruling but by a 14,500-word constitutional amendment."

These examples illustrate the normal typical of each constitution. The U.S. Constitution has changed and grown with the times simply by the process of finding new meanings in its original 7,000 words. The California Constitution, on the other hand, has ballooned from 14,000 words on its adoption in 1879 to 80,000 words in 1964. The increase resulted from 360 amendments. The result, commented Paul Mason, "California's constitution is cumbersome, unelastic, inexact and inflexible. It has been too long, but it is almost everything a constitution ought not to be."

EASY TO AMEND

In the early 1960s, about 74 percent of the state Constitution dealt with matters more commonly covered by statute. California's first Constitution was relatively free of such material. But the Constitution was drafted at a time when the Legislature was responding more to vested interests than to the people. Consequently, the framers included in their document many laws that the Legislature had failed to enact. Some of those laws still remain in the Constitution 10 years ago.

Hiram Johnson opened the way for more statutory material when he became Governor. In 1911-12, his successful campaign to secure for California the right to legislate directly via the initiative, referendum and recall made it possible to amend the Constitution by a majority vote of the people, just as Governor Reagan hoped to do last month.

The unusual frequency of amendment in California has been attributed to existence of the initiative. But only 23 of the 360 amendments were proposed by initiative. More likely, political scholars suggest, rapidly changing social and economic conditions in the state put extraordinary strains on a Constitution already impossible to amend without the people's consent.

Attempts to deal with the resulting problems by amendment, they say, made the Constitution more detailed and rigid, leading in turn to even more amendments.

In 1960s, there was talk about doing something about a Constitution that seemed destined to keep on growing and expanding reached a peak. The Constitution Revision Commission was not the first attempt to modernize the document, but it was the most successful. Voters rejected proposals to establish constitutional conventions in 1898, 1914, 1920 and 1930. In 1934, the public surprised lawmakers by approving a convention, but voters were disappointed that by Social Security, a measure by which local courts of the time—failed to pass the law required to call the convention. The Legislature has made several attempts to revise the Constitution in 1929, and again in 1947, but neither effort had significant impact. The most successful one was a constitutional convention in 1929, which included 4,200 amendments to modernize the document.

In 1962, voters approved another attempt to revise the Constitution, and the following year the Legislature created the Constitution Revision Commission.

THREE GOALS

It was a mixed group that undertook that mandate, working without pay and supported by a small staff. It was a nine-year life, the commission's membership consisted of 17 lawyers, 11 business executives, 10 educators, 50 state associations and organizations, 6 members of the Legislature, 4 housewives, a newspaper editor and a physician."

"We had three broad goals," recalls Paul Mason, parliamentarian for the commission, "one was to establish a rational constitutional commission that established basic political concepts, outlined the organizational framework of our state government, and limited the power of state government."

The commission, Mason said, "started with an 80,000-word document that was full of obfuscation, irrelevance and contradiction. A constitution with that much verbiage made it too difficult to determine what we would find if we were to look for it. We had to set out to unravel its meaning. Most people, I think, have a general idea of what detail is too slow to respond to social change."

910 CONGRESSIONAL RECORD—SENATE

January 28, 1974

Mr. MATHIAS. I believe that these two tables viewed together, Mr. President, clearly demonstrate that cost of tuition is probably the single most important barrier to fuller use of the GI bill, and that veterans who happen to live in states with high-cost public education do suffer by the VA; in States with high-cost public education do indeed receive "unequal treatment of equals."

To remedy this situation, the Comprehensive Vietnam Era Educational Benefits Act, which the Senator from Kansas (Mr. Dole), the Senator from South Dakota (Mr. McGovern), the Senator from Hawaii (Mr. Inouye) and I introduced last month includes a special gift paid directly to educational institutions designated to ease this inequity. Under our provision, up to $500 in additional tuition costs above the $400 national "average" would be directly paid for by the VA; in States with high-cost public education do indeed receive "unequal treatment of equals."
The commission did manage to trim the Constitution to 49,000 words. It deleted a massive amount of language that had slipped in at the turn of the century, but half of the commission's proposals have not been acted on by the Legislature or offered to the voters. The Orange County Superior Court Judge Bruce Summer, who became commission chairman in 1964, fears that many of those proposals may die in the Legislature.

The failure of the commission to achieve a higher ratio of success stems from three factors:

- **The commission and the Legislature mis-calculated the public's willingness to accept a major revision to our Constitution.**
- **The Legislature appears to have lost interest in revision.**
- **Special interests have stalled action in key areas.**

**SOME SETBACKS**

The commission had a heady success with its first offering of revisions in 1964. A proposal dealing with the legislative, executive and judicial branches was approved by 40 percent of the voters. Seventeen thousand words were struck from the Constitution. A second revision package was prepared for the 1968 ballot, which cleared the Senate by a vote of 26 to 7. But a revision affecting education, local government, state institutions, public utilities, corporations, land and civil services fell more than 7 percent short of the necessary two-thirds majority to be adopted by statute.

The commission attributed the rejection to a lack of public interest. As soon as possible, separate proposals regarding local government, public utilities and corporations, state institutions, corporations, and civil services went on the June 1970 ballot. Only the local government revision was approved, since the proposal was approved in November 1970, and revisions dealing with suffrage, the Legislature, water, land and certain obsolete materials passed last winter.

But many of the significant issues that made the 1966 ballot—the proposals concerning education and public utilities among them—have not been given a second opportunity by the Legislature.

**WANING INTEREST**

Each commission proposal submitted to the voters must be approved by a two-thirds majority of the Legislature. The lawmakers may accept any of the commission's recommendations or revision but the pace at which commission proposals have been considered has slowed in the last three years—and for two reasons. First, the last major revision to the Constitution since the revision project was begun, and many of the new faces may lack both familiarity with the commission's goals and commitment to their fulfillment. Second, legislative interest in revision peaked in 1966 after passage of a commission proposal that removed constitutional restrictions on legislators' pay.

VICE CHAIRMAN Alex Garcia, now "is the only overseer of our state Constitution." When Assemblyman Garcia called the Secretary of State, he expressed hope that it would produce a clearer idea of how the commission might protect the Constitution.

The resurrection of the Constitutional Revision Commission was the idea that emerged.

**LESS IS MORE**

A new commission would find plenty of work remaining. The California Constitution remains no more than half revised after the first commission's prunings. It still provides, for example, constitutional status for the authority of the State Bar, county school boards and local public utilities, for the guarantee of free textbooks for school children, for the prohibition of sale taxes, and for prohibiting railroads from giving free passes to public officers. And four major revisions remain alive—

- a declaration of rights, revenue and taxation, recall of public officers, and motor-vehicle taxation. And the recommendation of sensitive areas such as taxes and exemptions that may be too controversial to be adopted, but, regardless, the most important chapter has been written in California constitutional law. This is true not only because half of our Constitution has been revised, but because the public attention given to controversial areas in our constitutional law.

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The commission work, however, is far from dead. Judge Sumner believes that much has already been achieved for the commission in a year that some proposals stand little chance of surviving the political realities of the Legislature. Some commission recommendations in sensitive areas such as taxes and exemptions that may be too controversial to be adopted, but, regardless, the most important chapter has been written in California constitutional law. This is true not only because half of our Constitution has been revised, but because the public attention given to controversial areas in our constitutional law.

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"I think it is fair to say," Judge Sumner said, "that most of the members of the commission feel that revision doesn't have the same importance that it did at the time we were dealing with the legislative article. We should have held up on the legislative article until we got considerable agreement from the other areas that were equally important. There just hasn't been a close enough look at what we presented."

The lack of commitment to the goals set for the commission is attested to by the fact that, since 1971, legislators have proposed 451 constitutional amendments. To the relief of Judge Sumner, few of those have cleared committee and have made any headway than the commission's leftover proposals.

**PROPOSED WRECKS**

The reluctance of special interests to support constitutional revision was no surprise. Indeed, special interests made up a large part of the commission's membership. Because the Constitution deals in such detail with so many areas of business and political life in California, special interests have been widespread. A constitutional tax exemption to certain businesses, for example, is far more valuable than a state tax exemption. A constitutional tax exemption can be changed virtually overnight by the Legislature; a constitutional amendment involves a cumbersome process ending with a vote of the people.

Prospects for the balance of the commission's proposals are not bright. For one thing, there is no longer any staff available to lobby for the proposals in the Legislature. "I'm convinced," says Judge Sumner, "that at least one proposal could have been adopted and could be accepted. What we need is a strong advocate who would present them and take the time to go into them."

Time is something else that is working against the commission's proposals. The education proposal, some legislators say, has become dated in the five years since it was first offered. Obsolescence is an argument likely to be heard with increasing frequency against the remaining revisions.

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astrous falling debris from falling out over any of the Western States.

Although the first sequence of launches is scheduled for Wing I at Malmstrom Air Force Base in Montana, several accounts have stated that the second series is planned to be fired from the missile wing at Ellsworth Air Force Base in my State of South Dakota, as early as the winter of 1976-76. With the potential hazards of such an operation, I cannot think of a more questionable program than this.

If, as reports have indicated, the second series of launches would be fired from Ellsworth, we can expect to encounter falling debris over Salt Lake City, Pocatello, Idaho, or even Yellowstone National Park—assuming maximum efficiency of the launch in the first place. With anything less, the outcome could be disastrous. Even the Air Force has admitted that the amount of debris which would have to be jettisoned is extensive. Approximately 2½ tons—the mass of at least two automobiles—would be delivered to the Earth under the flight path of one missile. Adding up the total sequence of eight missile launches, we can expect 20 tons of debris falling from the sky, significant in terms of the rail and auto-filling cause of the imminent danger of fires, falling debris, and explosions, evacuation and relocation of people near the flight path is already a foregone conclusion.

I have learned that the possibility exists of unprecedentely domestic priorities which cry for funding, there is no question that this country can ill afford the $26.9 million cost of this poorly conceived program. We have an effective testing program already underway at Vandenberg Air Force Base, and the difference in firing them from locations outside of Vandenberg is negligible. Furthermore I have learned that this possibility exists whereby the silo used for this costly operation may not be used again. If these operational silos may not be used again, there should be absolutely no question that the missiles to be fired from the silos involved would be absolutely prohibitive.

Mr. President, there seems to be little question that this whole program is nothing more than a product of the new Schlesinger Administration's policy toward the Soviet Union. It is little wonder that other powers strive with the same aggression as this nation. In this insane race for arms superiority, I strongly urge this Congress to stand up and say "No" to the Defense Department's program on this most questionable program.

The lives of thousands of people would be affected by this and it is worthwhile more than learning about the inconsequential difference between launching a missile from Malmstrom or Ellsworth and launching at Vandenberg.

A WORTHWHILE TRIP

Mr. GOLDWATER. Mr. President, might I write an introduction to the paper I want to submit to the Record, I am going to use what the publisher of the Armed Forces Journal International used in introducing the article:

A WORTHWHILE TRIP

There was the usual criticism of an alleged "boondoggle" when it was announced last month that a 21 man subcommittee of the Military Services Committee, headed by Rep. Samuel S. Stratton (D-NY), would visit the Middle East on a fact finding tour. The Special Committee visited Israel from 17-20 Nov. and visited Egypt from 21-24 Nov. The delegation consists of members of the U.S. Congress, defense authorities and military leaders in both countries and produced what may be the most valuable military report ever produced by a Congressional committee. Its review concludes that opposing military strategy and weapon systems so soon after hostilities is unprec­edented and produced information that will be of great use in dealing with American military posture. An unclassified version of the committee report is reproduced in full and AFV considers it of high interest.

I ask unanimous consent that this most interesting article on the House Armed Services Committee's visit be printed in my remarks.

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

CONGRESS FILES AN EXTRAORDINARY REPORT: THE MIDDLE EAST WAR

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There has been a tendency in the press to paint the Soviets as 10 feet tall because of what their weapons systems did in the October War, but the press has not recognized that the Congress has been fostered by the Department of Defense in its reports to Congress on Soviet weapons and has done much more. It has been created that the minimum. The attacks on defense spending have concentrated on the big, expensive strategic systems—the Trident, the B-1 and such. In the end, the amount of the barely reduced the funds for these major strategic systems. However, a climate has been created that has held, out of their least fashionable, conventional weapons to the minimum.

CONVENTIONAL, WEAPONS INVENTORIES

We must continue to work on developing superior conventional weapons (although these developments have sometimes met with strongest resistance, we have not supplied U.S. forces with weapons which in quantities matching Soviet forces. If the enemy had decided to repuls the Israeli forces at anywhere near the rate they were being destroyed and those supplies are taken out of inventory, the U.S. forces could end up with short­ages of conventional arms.

The United States has concentrated so heavily in developing weapons for the future that not enough thought has been given to producing already adequate systems.

For example, the Israelis lost around 30 armed vehicles in the October War. These could not be repaired and put back in use and what they could use of captured Arab tanks, they indicated a net loss of approximately [deleted]. They complained that the Israelis were getting only [deleted] replacement tanks from the United States. Since they want to move to more Israeli tanks than American tanks, we have not been able to supply the Israelis with more tanks than we have indicated we are prepared to furnish them. It is interesting to note that at present there is no producer of tanks in the United States for the U.S. Army and the present production rate of the U.S. Army tank is not sufficient to furnish the Israelis [deleted] tanks. One of the reasons they can furnish them with only the [deleted] production rate is that not enough money is being spent to furnish them with tanks that we have taken out of inventory.

Certainly one of the lessons of the October War is that the technical advantage that some systems can provide, such as antitank missiles and accurate air-to-ground missiles, can provide an important edge on the battlefield.

Equally important is the need to consider the importance of development of weapons in places of highly sophisticated, very expensive systems which we can only produce in large numbers. The Israelis expressed the belief that the Soviets can produce the Sagger antitank missile for $1,000 a piece. The U.S. TOW missile is far more accurate than the Sagger but far more expensive.

The subcommittee wonders whether adequate thought has been given by our military leaders to how we can afford to pay, we should provide a mix of weapons to assure adequate numbers for the battlefield.

The Russians very skillfully provided SAM defenses in astounding numbers to the Arabs to provide a new concept to the war. There is evidence that at the beginning of the war
the Arabs declined to use their air forces to any great extent and instead preferred to rely on their combat superiority for the attack of their own air forces. The Israelis ignored the lesson of North Vietnam.

The Arabs had indeed overcome difficulties with their own air forces, for in December, both the Egyptians and the Syrians had gained ground. Nor did they change their plans. Six months later, the Egyptians were fighting in Syria and the Israelis were fighting in Sinai.

For both sides, the Arab air force was an important element of the conflict. The Egyptians had a strong air force, while the Israelis had a stronger one. The Egyptians had more aircraft, while the Israelis had more experience.

The Egyptians were able to use their air force to great effect, but the Israelis were able to use their air force to even greater effect. The Egyptians were able to use their air force to support their ground forces, while the Israelis were able to use their air force to attack the Egyptians directly.

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The Israelis are somewhat perplexed by the fact that they are unable to impress upon our military the importance of their need for trucks. In the list of equipment they requested was a night sight for the TOW missile. They asked how the TOW was used, and replied that it had been reported that it was only useful in the daytime, involving a considerable expense the Army has gone to to develop a night sight for the TOW, the Israelis are somewhat perplexed by the fact that they are unable to impress upon our military the importance of their need for trucks. In the list of equipment they requested was a night sight for the TOW missile. They asked how the TOW was used, and replied that it had been reported that it was only useful in the daytime, involving a considerable expense the Army has gone to to develop a night sight for the TOW, the TOW missile was shipped to Israel toward the end of the conflict but was not used in combat. (During a briefing of the combat team two weeks before the trip, a Defense Department briefing officer was asked how the TOW performed in the war and had been reported that it had done quite well.)

On receiving the TOW, the Israelis ran around as fast as they could, the TOW performed in the war and had been reported that it had done quite well.)

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peme record. It was in the past, the years spent training to cross the Suez Canal and overcome the strong fortifications which line its banks.

In addition to the crossing itself as a man­
ifestation of Improved Egyptian combat ca­
pabilities, there was the Israeli deception and deception operation, which managed to conceal these intentions from the Israelis over a fairly significant period of time. The Israeli army officers did not go into great detail in discussing these deception procedures, but they referred to them as "the subcommittee.

Israeli sources indicate they were aware of Egyptian troop movements on the west side of the canal, but not of substantial Israeli army training maneuvers. Yet the Egyptians were able to move substantial numbers of troops, perhaps 5,000 or 6,000, plus sub­stantial tanks and trucks, into the canal area undetected. In view of the heavy emphasis which the Egyptians placed on Israeli bomb­
ing of homes and apartments in Port Said, an area that was well protected by SAM sites as well as dummy SAM sites, it seems pos­sible that the Egyptians were not aware of these forces on the west bank of the canal moving southward. It seems also that these forces advanced further on Octo­
ber 23 and by October 24 had reached the outskirts of Cai ro, where they finally came to a halt, he said.

The subcommittee received no information from the Egyptians as to the extent of Soviet involvement in the operation. Israeli offi­cers described the crossing, designed to confront the Is­
raelis at once with Egyptian attacks attacking "from all directions." In that way, the Egyptian of­
ciers said, the Israelis would be un­
erved and in particular would not know whether to shoot first or second.

The extent of military preparations in Egypt is awesome. From Cairo to the Suez Canal the subcommittee visited large military areas of tanks, trucks and other military equipment. There was not a kilometer between Cairo and the Suez Canal that had not been fortified. Also, the subcommittee noted great dispersal of tanks, trucks and other equipment, much of it dug into the sand in partial retreats. Extensive trenching in the sand was also noted.

It was made clear the Egyptians believe that their side during a peace negotiation because they have a large standing Army and would be paying their soldiers whether or not a peace agreement would be reached.

The Israelis believe that if there is a peace agreement they will have to pay their soldiers in a manner similar to that of the Arab states, who have a regular place in the business and industrial life of that country.

There is no need for the Israelis to be concerned on Arab pride is one of the factors in the situation that can­
fully be grasped until one visits Egypt, Egypt long history of hatred and of the Reserves, President Sadat spoke repetitively of the military "just one hand, but I am honored" his Army had suffered at the hands of Israel as the result of the Six-Day War. The Arab leader feel their soldiers have re­

superior discipline and morale compared to what the Israelis. It would appear to be impossible for the Arab leaders to go to a peace conference without the feeling that something had redeemed themselves on the battlefield.

The Egyptians are extremely proud of the American and Israeli equipment. It was de­

veloped by the Egyptians. The subcommittee saw no evidence of Russian troops or personnel during its visit.

Discussing the implementation of point 2 of the cease-fire agreement—withdrawal to the October 22 lines, the major sticking point in the subcommittee's 101-talufs—General Isma­

il, Egypt's Minister of War, told the subcommit­

teet that Egyptian aerial photography proved the Israelis had not reached halfway down Great Bitter Lake. He went on to say that these forces advanced further on Octo­

ber 23 and by October 24 had reached the outskirts of Cairo, where they finally came to a halt, he said.

Israel Viewed Regarding the $2.2 Billion Aid

For Israeli Legislation

The importance of the $2.2 billion pro­

posed for Israel in the 1974 fiscal year to the Israeli government was made very clear to the subcommit­

tee from the outset.

We were informed by the Israeli Defense Ministry that it had asked the United States for a total of $2.75 billion in arms shipments as a result of the October War. But the admin­

istration had asked Congress for only $2.2 bil­

lion. That at juncture Israel had received only about $800-$900 million. Where was the rest? What had not been delivered? What was the hold-up?

The subcommittee members explained that we were aware that not all of Israel's re­

quests had been granted. In fact, the short­

fall was due at least in part to the fact that America was still proceeding on a policy of rephasing shipments to a true annual basis. No decision had yet been made as to whether additional shipments should be authorized for the remainder of the year.

Israel leaders conveyed their strong feel­

ing that American policy should be geared to furnish Israeli weapons not merely to re­

place those lost in the war, but to match So­

viet shipments of new weapons to the Arab countries since the war, where in most cases totals far exceeded those on hand earlier.

Subcommittee members pointed out that the best chance for full funding of the $2.2 billion in the fiscal year 1974 is for the settlement in the Middle East to be possible to be assured by restoring a military balance in the area. That is also designed to reinforce a plea for speedy enactment of the $2.2 billion legislation was a briefing received from the Ministry of Finance, which is the Reserve of the Israelis' need for financial help. The 1967 war, for example, cost about $100 million per day; about $300 million per day, or a total cost of about $6 billion. Total defense imports in 1973 to date have amounted to $2.8 billion, or more than in 1966, and represented one-third of the total of all 1973 imports into Israel.

If we maintained, was being spent on defense in 1973; if such a rate was applied to the U.S. GNP, our annual de­

fense budget would amount to $600 billion. In addition, we were told that Israel's total foreign debt amounts to $6 billion, or $1,500 per capita. Repayment of charges on that debt would be equal to one-half of Israel's total reserve currency.

As an example of the tax burden on Israeli citizens, Mr. 101-talulf told us that $1,000 a month has a take-home pay after taxes, of $409 a month.

For all these reasons, we were advised. In addition only the Arab states could pass would strongly like to have it all extended as a grant rather than as a loan.

The Chances for a Permanent Peace

Essentially the mission of our subcommit­
tee was military, not diplomatic. Yet the fact is the Middle East situation represents a very close intermingling of military and diplo­

matic considerations that cannot be con­

sidered apart from one another. For example, the October War was initiated, it would appear, primarily in an effort to force a fresh political effort to alter the status quo line-up in that area. In this it certainly appears to have succeeded. Similarly, the overall Israeli defense effort, especially the tank battle of October 24, cut off the Egyptian Third Army during an opposition to pro­

vide increased leverage to preserve as much of Israel's pre-October War position as pos­

sible. And America's current effort to en­

sure a satisfactory political settlement is motivated primarily by a sincere desire to avoid a new instant replay of the series of wars that could ultimately lead to a face­

to-face military showdown between the So­

viet and ourselves.

Thus it follows that the most urgent busi­

ness for the United States in the Middle East at this time is to achieve a negotiated settle­

ment that would be acceptable to all the parties and would have a good chance of stability into the foreseeable future.

Given the long and involved history of hatred and suspicion between Jews and Arabs, such a settlement is not easily under­

taking. But there are a number of elements in the present situation that appear to offer hope.

First, is the military situation itself. Neither side won an overwhelming victory in this war, and neither side suffered a crush­

ing defeat. The Egyptians did much better militarily than many had expected, but they have wiped out what they feel were the "humiliations" of the Six Day War and thus their confidence in peace talks is relatively high. Peace table equals. At the same time, the Israelis have paid heavily for their military adventures of this past year. They face heavy initial losses during early days of the war could have been minimized by a pre­

emptive strike, they recognize clearly that they cannot simply continue to fight much wars periodically into the indefinite future. Both Mrs. Meir and General Dayan empha­

sized to us their desire for the establishment of peace and their belief that Jews and Arabs can and should live side by side in the Middle East under conditions of peace and mutual respect.

At the same time the subcommittee's 2­

hour session with Mr. 101-talulf demonstrated to us a similarly very prac­t

sive desire for a political and diplomatic settle­

ment between the parties concerned. Mr. Sadat said he believed that only a settlement could establish the existence and survival of Israel. He reminded us that he had been the first head of state to call for a settlement to the Middle East, that he had been the first Arab leader to have an agreement with Israel. But he needs something concrete from the U.S. to show for this willingness to come to terms. He needs to be able to build up the economy of his own country and to reduce the heavy burden of arma­

ment. People's Assembly emphasized their desire to start a new page in U.S.-Egyptian relations.
The fact that Israeli and Egyptian generals have been meeting with considerable gain has long been apparent to both Mr. Kissinger and Mrs. Meir, and would suggest that a start has already been made in this direction towards effective face-
to-face discussion of the matters at hand. If both sides are interested, one hopes. So, as the Secretary of State has said, we may, indeed, be closer to peace in the Middle East than at any time in the past 20 years.

**ISRAEL’S WAR DEAD—HALF OF MIAMI**

Revised Israeli casualty figures released in mid-December show that Israeli forces (in S.S. press) show 2,812 dead during Yom Kippur War, 50% more than the 1,854 dead announced earlier.

On the basis of relative population, Israel lost in 3 weeks what for the U.S. would be expected in the population of Miami or Wyoming. Had U.S. suffered casualties on a similar scale, nation would be reeling under the shock of having Hartford, Conn., Madison, Wis., Fresno, Calif., Baton Rouge, La., Tacoma, Wash., Salt Lake City, Utah, or Warren, Michigan, wiped out in 15 days.

Arab nations have not released their casu-
ality figures.

**WHO DO YOU BELIEVE—THREE SIDES TO TOW STORY**

A credibility gap has surfaced about Hughes Aircraft Company’s TOW antitank missile system. One is that the Soviets have three “authoritative” versions of the story: Israel used TOW in combat.

Israel left TOW, but too late to use them in combat.

Israel never did get TOWs during the Oc-
tober 4-5 war.

Within a week of a special House Armed Services Subcommittee’s departure for the Middle East in late November, it asked a Defense Department briefing officer how the TOW performed in the war and was told that “it had been reported that it had done quite well.”

But after the committee returned, it re-
quired its own briefing, this time on U.S. goals in the Sinai toward the end of the conflict and was not used in combat.

No wonder the intelligence community works so much overtime.

**FINANCING HIGHER EDUCATION**

Mr. PELL: Mr. President, there has been some recent discussion in academic journals concerning the question of who should bear the burden of financing higher education. Various private groups have been adopting one position or another.

As chairman of the Subcommittee on Ed-
a(cation, I have noted this debate and believe that it is a healthy discussion, for it focuses in the mind of the American public the questions of whether the edu-
cation of our citizenry is a private matter, or a public matter—Is there a role for private institutions in the future of higher education or not? Ultimately what will happen to higher education if we approach it on a piecemeal basis? Therefore, it was with interest that I read the report of the presidential group recently issued by the American Council on Educa-
tion, which is considered to be one of the major spokesmen on academic higher education.

Mr. President, I ask unanimous con-
sent for this article to be inserted in the Record at this point.

One of the problems many of us see in this discussion is bringing all the available information together and interrelating it. A very fine paper has been written by Howard R. Bowen, Asso-
ciation of American Colleges. He opens with a historical discussion of higher education, the Federal role, and what appear to be basic theses of the six major studies now being spoken about, The Bowen paper is a fine outline of the issues, I believe it will be helpful to my colleagues as they attempt to understand the debate which is now occurring in the field of higher education and ask unan-
imous consent that it be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

**FINANCING HIGHER EDUCATION: THE CURRENT STATE OF THE DEBATE**

(By Howard R. Bowen)

The perennial debate on the financing of higher education has been unusually spirited in the past five or six years. It may now be reaching a climax. Literature on the subject has been multiplying and no less than six major reports by eminent national groups have recently been issued. Also, controversy is heating up, especially over the frequent pro-
position that tuition and other public institutions should be raised and that larger portions of federal funds should be spent—more than in the past—through loans.

I have been asked to analyze and comment on the six recent reports. These include (in alphabetical order) reports of the Carnegie Commission, the Commission on Education, National Council on Independent Colleges and Universities, and the Special Task Force of the American Council on Education, released November 22.

When Dr. Elton Smith invited me to pre-
sent, he warned me that, however, he would make no promise. He said, “I want to give you a free hand as to what you will cover.” . . . Your paper could cover the reports of each of the groups or a subjective, personalized reaction. . . . And you may take as much time as you need.” Despite this opening, I shall try not to take advantage of your patience, but I must as well admit right from the start that the size of the subject does call for a bit more time than I would usually require.

My plan is to deal with the subject in three stages: First, to provide some historical per-
spectives of how we got here; second, then to present the major themes and broad implications of the six reports (being careful to get them down in technical details); and finally to present a few personal reflections on the major themes of the six reports. I believe it will be helpful to have a distinguished panel of expert discussants will keep me in check.

1. HIGHER EDUCATIONAL FINANCE BEFORE WORLD WAR II

World War II was a kind of watershed in the financing of higher education. Before the war, the theory and practice of higher educa-
tional finance had been quite settled.

The finance of higher education is primarily a responsibility of parents, and of students themselves through part-time earnings. Scholarships and loans were in use but were not prevalent or major forms of student sup-
port. Working one’s way through college was not derided, but was accepted and respected mode of student aid.

The finance of institutions, on the other hand, was primarily a mixture of “safety as represented by state and local governments, churches, and private donors. The federal government was involved only marginally and in very small amounts. An accepted pre-war dogma, scarcely debated, was that tuitions should be low to encourage a large and diverse student body. The pre-war system was biased in favor of public institutions.

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a little more. Private tuitions were about 10% of total college expenses, as compared with five times today. 3

2. POST-WAR CHANGES

Immediately after World War II, the GI Bill brought new vigor to higher education and encouraged many young men and women far beyond previous expecta-
tions. But the GI Bill was short-lived. When the last wave of those who had attended education lapsed back into a period of poverty, and remained in a depressed state in the early 1950's, the nation was aroused by the launching of Sputnik, some spectacular changes occurred: 1. Grants to students, based on a system-
atic means test, rather than on scholarship, became common, especially among the private colleges.

2. Loans to loans in financing students was expanded sharply. 3. With the increasing number of married students, a legacy of the GI period, support became a major source of support for students.

4. The federal government became a growing supplier of funds for both grants and loans to students. 5. The federal government became an im-
portant source of support for state institutions through a wide array of grants, contracts, and loans designated chiefly for research, training, and broad

6. Philanthropic foundations grew in numbers and resources.

7. Profit-making corporations became patrons of higher education. 8. Colleges and universities became more aggressive and professional in their fund raising.

9. State and local governments greatly increased their appropriations to public institutions; some established state scholarships on principle. 10. Some by economists who presented

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2. What will be the effects of the recent lowering to 18 of the age at which young people may vote in state or national elections? Will there be the administration of a mandatory test in the allotment of student aid? And how will it affect the student's career choice and the allotment of student aid? And how will it affect the amount of state aid? And how will it affect the amount of student aid?

The question of cost analysis was also considered by the National Board on Graduate Education. The problem of allocating costs is especially vexing in complex universities with graduate programs. The report of the Graduate Group contained an analysis of the methods of Professor Frederick E. Balderstone of Berkeley. He pointed out that in principle, even though the concept of a single uniform cost figure would be appropriate for all kinds of decisions, different cost concepts would be needed for different purposes.

The National Commission during its deliberations heard all of these worries and judgments about costs many times and took cognizance of them. But in the end they recommended that cost analysis be pursued in order to improve efficiency in higher education.

My own view of the cost question is that educators must be increasingly concerned with the financial resources of both the public and the private sector of higher education. The Carnegie group did not dwell on efficiency, only because one of their earlier reports was specifically directed toward this subject. The CED report contained an extended discussion on strengthening internal governance and management as a way to improve efficiency. I found this section of the report rather homiletical in tone and not very fresh or provocative. I appreciated, however, every word of the report. In dealing with matters such as faculty tenure, faculty and student participation in governance, and student aid it was persuasively and practically quite simple. The first is efficiency.

A. Efficiency. Two of the documents stressed institutional efficiency. I refer to the reports of the Carnegie and the National Commission. The Carnegie group did not dwell on efficiency, only because one of their earlier reports was specifically directed toward this subject. The CED report contained an extended discussion on strengthening internal governance and management as a way to improve efficiency. I found this section of the report rather homiletical in tone and not very fresh or provocative. I appreciated, however, every word of the report. In dealing with matters such as faculty tenure, faculty and student participation in governance, and student aid it was persuasively and practically quite simple. The first is efficiency.

I shall try to offer one other comment on institutional efficiency. This is that concerned outsiders—such as businessmen and legislators—are prone to underestimate the present efficiency of higher education and to exaggerate the gains that are feasible without inordinate disruption. It is the belief that the CED report was by implication unrealistic in its estimate of the amount of gain that could be achieved by greater management. Critics sometimes forget that higher education has been on the whole long been a derisory business and that it has been squeezed through a pretty tight wringer. There is not much fat. It is true that some institutions might make one-time cuts in cost per student of as much as five percent without serious damage to quality. Some might even manage to do this several years in a row. But no institution can do this year after year. As suggested in the Carnegie Commission report, The More Effective Use of Resources (1972), a reasonable goal for efficiency-improvement is to cut the annual increase in real cost (after allowance for inflation) by one percentage point. In a period of three years, an institution might, with sustained effort, reduce that rate of increase from four to one percent. A saving of two percent is worth striving for, but it will not solve many of the financial problems of higher education.

B. Tuitions and Student Aid. The central financial recommendation of several of the reports is that institutional tuitions should be gradually raised, provided adequate aid for low and middle income students. The Carnegie Commission proposed a gradual and very modest increase of public tuitions over a ten-year period to one-third of educational costs (with an exception for community colleges) and a slowing of the rise in private tuitions to no more than the growth of per capita disposable income. On the whole, the Carnegie report is quite moderate and generally favors continuation of the present system of finance rather than substantial change. It endorses the more drastic recommendation that public tuitions be raised over five years (ten years for graduate institutions) in the case of educational costs. The CED report incidentally recommended that in the accounting for colleges and universities depreciation on capital assets should be charged to the cost of costs. The net of their proposal, then, is that tuitions might rise to perhaps 53 percent of institutional costs as compared with 52.

The National Commission did not make specific recommendations for change in the financing of higher education, but rather analyzed various alternative programs from the standpoint of their costs and societal effects. The Commission report, nevertheless, confirms the CED and Carnegie views that student aid based on a means test is a more effective way of increasing access than the present subsidies to students.

The report of the Task Force of the National Council of Independent Colleges and Universities proposes that one would involve a moderate rise in public tuitions. The Newman report is not specific about financial details, but does emphasize that the increase in tuitions should be the vehicle for transporting funds to institutions, and so the implication is clear that the increase in tuitions should be used to increase institutional tuitions. The report of the National Commission is the most radical in all its financial implications.

The reports offer abundant testimony from able and public-spirited groups to the effect that tuitions should be raised. It is well worth striving for, but it will be a saving of two percent is worth striving for, but it will not solve many of the financial problems of higher education.

The tuition proposals of the Carnegie Commission contained one noted feature: namely, that tuitions should be graduated by level of education—lowest for freshmen and sophomores, next highest for juniors and seniors, and highest for graduate and professional students. It is that cost concept that the National Commission rejected. The Carnegie groups would be about 1.5 to 3. They proposed this kind of graduation for both the public and private sector of higher education. It is, of course, to be kept open opportunity at the beginning of college careers, and to encourage competition between the higher institutions, only when students have been well established. It is a way of increasing tuitions without necessarily raising the whole level of college. This proposal raises some philosophical questions about the allocation of expenditures among the various levels of instruction and about the unity of the university. It raises practical questions about potential effects on students' attitudes in how they will be affected by the belief that colleges and universities are unified entities producing many products, and that joint costs cannot readily be assessed for separate programs. Moreover there will be worry stems from a deep concern that measurement of cost will be grossly misleading unless there is a very precise measurement of the product. So, it is feared, with ample justification. I think that...
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portance, and those designed for minority groups and women.

The Carnegie reports were also explicit in recommending extension of the student loan system. They would emphasize long-term loan programs, and recommend self-help features. The reports recognized, however, that the nation is a long way from overcoming the problems of technique and capital for the nation they envision. The report of the National Board on Graduate Education was eloquent on freedom, efficiency, the need to preserve a financial system for graduate students on the basis of a proposed loan system which would be portable.

The reports suggest that student aid, including both grants and loans, should be portable in the sense that students would receive their allotments independently of the institutions they choose to attend. This portability would presumably widen student choice of institutions and would motivate colleges and universities to cater to the needs and wishes of students. Portable student aid would be especially potent if accompanied by cost-of-education allowances as it is frequently suggested. The Newman report especially emphasized the importance of student aid. In my judgment, the subject of portability raises some serious questions about institutional autonomy. The reports did not pay much attention to the portability of funds. I am not sure the matter is this simple.

C. Tuitions. Let me now consider the special problems of private institutions. All of the groups were concerned about the future strength and health of the private sector. All expressed appreciation of the contributions made by private institutions to the nation, and indeed to public higher education as well. However, most of the reports dealt with the private sector in a rather incidental fashion. Both the CED and Carnegie reports observed that private institutions should receive institutional aid up to the same levels as public institutions. The CED report was explicit in recommending general institutional aid, calling for grants to private institutions. The CED report was quite explicit in recommending general institutional aid, calling for grants to private institutions. The CED report and Carnegie reports were similar in their emphasis on institutional aid and on granting opportunities to private institutions. The CED report recommended that federal aid to private institutions be treated on a par with state aid for public institutions.

The Carnegie group recommended state aid in the form of capital grants to institutions or grants to students attending private institutions. The Carnegie group noted favorably the experiments with programs of this type now going on in many states, and implied that such programs should multiply and expand. However, the group emphasized that student aid, including aid for graduate students as well as undergraduate students, should be portable.

The underlying idea in all these reports was to find a way to narrow the dollar tuitions gap, and to provide an answer to the competitive position of the private institutions.

The CED report strongly emphasized the importance of the private sector, and recommended that federal aid be made available not only for institutions and students, but also for research. The recommendation of the National Council of Independent Colleges and Universities was devoted primarily to the private sector. It recounted the importance of the private sector to the nation, explained the mounting financial problems, pointed to the importance of financial aid to the private sector, and noted that the Carnegie Commission had recommended that federal aid be provided to private institutions.

The CED report recommended that federal aid be provided to private institutions, that such programs should be portable, and that the level of federal aid should be set in order to ensure the health and vitality of the private sector.

D. Graduate Education and Research. Many discussions of higher educational finance are confined to undergraduate instruction. The important functions of graduate and professional education, research, and public service are virtually ignored. Of the reports under consideration, only three dealt with this subject-National Board on Graduate Education, Carnegie, and Newman.

The Carnegie reports noted the rapid disappearance of federal fellowship and training programs, the leveling-off of federal support for research (especially basic research), the unpredictable fluctuations of federal support, the increasing federal irresponsibility for the welfare and continuity of institutions. The Board called for research on the impact of state and federal support, and on the development of realistic and adequate student loan programs. They raised many issues regarding the future of basic research, and its role in the advancement of our culture and our economy. They recommended institutional aid for graduate study and research. They recommended the Higher Education Amendments of 1972, and they cautioned against excessive reliance on man-made forecasts as a basis for educational planning.

The Carnegie Commission, as part of its advice to the nation, recommended that tuitions be raised three times as high for post-baccalaureate students as for freshmen and sophomores. The Commission was, however, somewhat cautious about this proposal as it might affect students seeking the Ph.D. They also recommended that the federal government make contributions to higher education programs and professional education and research and significantly increase its support "If the nation is to respond to our specific and technological developments." In a previous report, the Commission had recommended a massive program of federal fellowships for doctoral candidates together with cost-of-education allowances and the National Board had recommended that federal grants for university-based research be increased in proportion to the growth of GNP.

The Carnegie Commission had recommended that federal grants for university-based research be increased in proportion to the growth of GNP.

The Newman and Carnegie reports pointed to a current blindspot in the financing of higher education: namely, that no adequate provision is being made to finance recurring or lifelong education or the students (mostly adults) involved in such education. No solutions were offered; the problem was merely identified.

F. Summary of the Reports. Let me now recapitulate. Varying many variations, details, and nuances, the six reports are saying:

1. The efficiency of higher education should be improved.

2. Tuitions of public institutions should be raised to perhaps a third or even half of instructional costs, but long-term loan programs should be available to all qualified students. Student aid should be extended in the form of grants to low-income students and loans to low- and middle-income students.

4. Loans should become a more prominent part of student aid, and some long-term loan programs should be invented and adequate capital to fund them should be raised.

5. Student aid should be portable.

6. Private institutions should be assisted by any of several types of tuition offsets which would have the effect of reducing the tuition gap, and possibly by institutional grants.

7. Tax incentives for charitable giving should be strengthened.

8. Federal fellowships and traineeships for graduate students should be restored at least in part, and federal research should be supported at rising levels.

9. Ways of financing lifelong and recurring education should be studied.

Of these recommendations, those pertaining to tuitions and student loans are, of course, the most immediately attractive to the nation at large. The nation has become acutely aware of the increasing cost of higher education. The nation has become increasingly concerned for the nation's economic well-being, and is unwilling to sacrifice future generations of scientists and professionals. The nation has become aware of the need for federalization of education and research, and of the need to provide a financial system for graduate students.

Of these recommendations, those pertaining to tuitions and student loans are, of course, the most immediately attractive to the nation at large.
grants based on means tests for millions of young people and possibly leave many others far behind. What are the consequences of this line of development in the long run? I must confess, I do not know.

For more than a century in this country, efforts have been made to encourage young people of all classes to go to college. Higher education has both been a primary source of personal opportunity and as a source of major benefits to society. The accepted view—seldom challenged as long as three or four years ago—has been that higher education ought to be open to all the most generous talents, and particularly to all those founding the hundreds of private colleges, the land grant movement, the establishment in Illinois, the GI Bill, and the community college movement. Why, at this stage in our history, when we still have the task of bringing millions of young people—from ethnic minorities into the mainstream of American life and where there is so much educational work to be done for all classes, including adults, why are we striking out in a new direction? Have we been misguided over the years by the wisdom of the few? Or are we about to commit a colossal blunder?

The financing of higher education is more than a matter of technique to be decided by experts; it is a matter of educational and social values. My misgivings have to do with values.

A. The Widening and Deepening of Learning. First among my values is the widening of learning. This is a right in the H wallpaper of all ethnic and economic backgrounds, and at the same time the deepening of learning for everyone. By learning I mean humanistic, aesthetic, moral and ethical, as well as vocational education in many varieties. Such learning is a powerful means. It is the base of our culture, the foundation of the higher education system, and it is as we have seen, necessary and open to evasion. Moreover, it may be unworkable if young people, who may not present the best case for financial aid, become emancipated from their parents.

For our society to require its young people to go to college is a privilege, a generous attitude toward our youth. Even from the economic point of view, long-term benefits often may offset college costs. The social cost of providing and receiving an education must be borne at the time the education occurs. It cannot be transferred to the future. The student who incurs this cost is not under the present obligation to do a disservice to our citizens and civic responsibility, a way toward the solution of social problems, and a major influence toward humanizing individuals. Learning is also an end in itself. It is fun to learn and good to know. The great spread of learning that has occurred in the past century is far from complete. Our ignorance overpowers our knowledge and our folk wisdom exceeds our wisdom.

Learning occurs in many ways, by no means all of it through educational institutions. But institutions have an indispensable role in providing opportunities for millions of persons of ages 18 to 22, but for persons of all ages. Formal education is designated as the primary source of education. The traditionally sharp separation of life into three stages—education in youth, work in middle years, and retirement in old age—is likely to be radically altered.

Under these conditions who can say that the philosophy of the Morrill Act or of the Community College movement is passé? Who can say that higher education should not continue to be available at low cost to insure ready access and encouragement for persons of all ages and conditions? Who can argue that high tuitions, means tests, and long-term loans are really conducive to the widening and deepening learning? 34

B. Academic Freedom. Another cherished value, which is virtually unmentioned in the recent reports, is academic freedom. This consists in the right and duty of individual professors to seek and speak the truth. This is a recurring lifelong experience. The traditionally sharp separation of the public and private sectors has put the public educational system in jeopardy. The private sector is important because it contributes diversity and leadership, not simply in the name of the student but in their own right. The higher educational system serves the needs of more people and offers more choices than any other public system. Through the leadership given by the institutions, the nature of academic excellence is demonstrated, academic standards are set, professors are trained, knowledge is disseminated, and flourishing, a living example of academic freedom is provided, and a fruitful source of information and experimentation is maintained. The example, the mere presence of the private sector, is a factor in the freedom and quality of public education. Without the private sector as a brake on onerous public control, I would vigorously deny that private institutions have a monopoly on diversity or leadership, but I would argue with equal vigor that the whole higher educational system is stronger for its duality.

There is no doubt that raising the tuitions of public institutions would help the private colleges and universities. But I do not believe that such tuition increases are the best way of helping them. For survival, the private institutions must first of all live up to the competition of the public sector. They must be useful to society in special and unique and extraordinary ways. Second, they need a system of finance that will narrow the tuition gap and help the private institutions. This system of finance has already been invented and tried out. It now needs perfecting. The development of these plans and more realistic funding. The tuition offsets may be in the form of grants to private institutions or in the form of student aid. This grants to students attending private institutions. More than thirty states are experimenting with various forms of tuition offset. More are expected. These programs are quite varied. They include tuition scholarships with amounts adjusted to means and grants of fixed amount without means tests. Grants or fixed amount without means tests to students attending private colleges, grants of fixed amount to private institutions for each student enrolled, etc.

There is urgent need for further development of these plans and more realistic funding. There is need also for federal intervention partly to encourage the states to establish adequate plans and partly to bring about reciprocal among the states so that students may be covered who attend private (or public) colleges located outside their home state.

Another important part of the financial solution for the private sector is to strengthen federal assistance to the preparatory stages leading to education. This would include retaining present federal and state tax incentives and adding something comparable to the plan, proposed by Alan Pifer, which would provide both the effectiveness and the equality of income tax deductions for charitable giving. There is need also for liberalizing property tax exemptions for private institutions. The present trend in many states is to narrow these exemptions.

With these options open, I see no reason why they should be thought essential to the survival of the private sector, or why acrimonious controversy between the public and private sectors should be allowed to fester. Such controversy can only be harmful to the cause of higher education in its entirety. This solution does require a kind of compact between the public and private sectors. The compact would be used to support low public tuitions, and the public sector to support tuition offsets.

C. A Market Value of Adequacy of Finance. Without question another value is adequacy of finance. The several reports we have been discussing have rightly given this issue high priority. The assumption that society is not going to sustain high education adequately, under any circumstances, has been questioned. We have asked how limited public and philanthropic
and to the cation might be truly open to persons of ages and conditions, in which education thus acquired could be used for student aid to the poor and for institutional support. This is the issue that has already been raised from the middle class and given to the poor.

I would raise three questions. First, is the assumption valid that funds from con-
tinental conditions will fall short? I am not so sure it is valid, at least for the long run. Moreover, at the moment, the demand for education is high; and if the demands are actually realized, the supply might not be able to keep pace. These reports have not taken partial tuition fees into account.

What we now propose is another study group that will break away from depression mentality and short-term considerations, who will explore the vast educational potential of the country, and who will produce a financial plan commensurate with the educational work to be done.

FOOTNOTES


7 NASULCO strongly supported the Miller bill.


Mr. HRUSKA. Mr. President, this past weekend I read with interest a report that the distinguished majority leader of the Senate, Hon. Warren Magnuson, printed into the Record last week I read with interest a report that the distinguished majority leader of the Senate, Hon. Warren Magnuson, printed into the Record last week on the benefits of daylight saving time for this winter which was carried in the Record this spring. It was my suggestion that your Committee conduct an inquiry this summer, after there has been time to evaluate the operation of the scheme through the first four months of this year. It is my understanding that the Department of Transportation plans to have this year an evaluation available sometime in June.

As was acknowledged at the time the Senate considered the measure, my effort with which I urged your Committee to reevaluate daylight saving time was not worth trying. It was also recognized in your remarks during debate on the bill, Mr. Chairman, that "additional hours of daylight are a basic value of all of us daily of our obligations to conserve the Nation's precious energy resources."

The question which I urge your Committee to consider later this year is whether that daylight saving time was worth the cost. The Committee by mid-summer should be able to make a sound judgment on whether there have been significant energy savings. As you know, a great many Americans, and particularly those who live in the rural areas, such as you and I represent, have serious doubts this is the case.

Even more importantly, it seems to me, in the question which recurs in letters from Sarah Sieler, of Nebraska, and other concerned parents, is the question of children's health and well-being. As I will, to the right of this letter, Mrs. Sieler tells us:

I now ask unanimous consent to have a copy of my letter to Chairman Magnuson printed into the Record together with a resolution sponsored by the Nebraska Legislative Body simply requesting that Congress reevaluate daylight saving time. There being no objection, the material was ordered to be printed in the Record, as follows:
gasoline. We have to use more electricity than normally.

It is my suggestion that the Committee collect statistics on the number of fatalities and injuries resulting from these hours of darkness in the first four months of this year. That will be a most significant factor to weigh against projected economy in conserving electricity.

I realize that the Committee considered whether a four-month test would be adequate and it was concluded that it would not. Many of us are re-thinking of that point. Surely the weight of this argument rests with its proponents and they should determine that the danger and inconvenience to millions of Americans is justified or we should revert to the former system.

I freely acknowledge that like a majority of the Senate, I accepted the idea that the year-round system was worth trying in order to conserve energy. I still believe that is the case, but I do not believe we should continue the experiment for another full year. We should now before next October, when daylight time would normally end, whether it is worth doing.

It is, of course, that any state which wishes not to participate in the program can opt out. The Nebraska Legislature voted to participate in daylight savings this year. A vote, 31 of the Legislature's 46 members filed a Resolution calling upon the Congress to reevaluate its (DST) program "in the interest of all parties having there the farm population, the danger to school children and the economic loss to Nebras­ka."

A copy of that Resolution is attached.

I would appreciate your consideration of this request.

With kind personal regards.

Sincerely,

ROBERT L. HURKA,
U.S. Senator.

LEGISLATIVE RESOLUTION 92

Introduced by DeCamp, 40th District.

Whereas, on December 15, 1973, the Presi­dent of the United States signed into law PL 93-182 calling for daylong daylight savings time on a national basis; and

Whereas, the population of the State of Nebraska works from sunrise to sunset and as a result of PL 93-182 will be deprived, at the end of each day, of necessary shopping and social recreation time; and

Whereas, the school children of Nebraska will be forced to walk to school, or wait for buses, during the daylight saving time; and

Whereas, PL 93-182 will result in economic loss to many Nebraskans. Now, therefore, be it resolved by the members of the Eighty-Third Legislature of Nebras­ka, second session:

1. That the Legislature of Nebraska hereby goes on record as opposing PL 93-182 and hereby petitions the Congress of the United States to reevaluate its program in the interest of rural America.

2. That a copy of this resolution be sent to the President of the United States, to members of the Nebraska delegation in Con­gress, and to the Governor of the State of Nebraska.

CERTIFICATE

I, Vincent D. Brophy, Clerk of the Legisla­tive, do hereby certify that the foregoing resolution was filed with the Legislature on January 2, 1974, and that in accordance with the rules thereof, and within five days there­after, the following names were attached to said resolution.

Brown, 4th District; Burkhart, 19th Dis­trict; Carpenter, 48th District; C. Carsten, 2nd District; F. Carstens, 30th District; Chambers, 11th District; Clark, 47th District; Dickson, 31st District; Duris, 30th District; Eppke, 24th District; Goodrich, 20th Dis­trict; Grass, 37th District; Kelly, 36th Dis­trict; Kennedy, 21st District; Keyes, 3rd

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SKYLAB AND SPACE SHUTTLE

Mr. MOSS. Mr. President, as the Sky­lab 13 crewmen near the end of the final phase of their astounding mission of 85 days in orbit, thus bringing the Skylab program to an end, I think it is appropriate to reflect on the importance of this highly successful program to space lead­ership of this Nation and to the orderly transition to our next major step in space, the Space Shuttle program.

I would like to commend NASA for its leadership in the development of this nation's space program. It has carried through the Apollo program with great success, and the Apollo program has been an outstanding achievement of our nation's scientific and technological capability.

Now, therefore, be it resolved by the mem­bers of the Eighty-Third Legislature of Nebras­ka, as follows:

WHEREAS, the farm population, the danger to school children and the economic loss to Nebras­ka. A copy of that Resolution is attached.

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Shuttle investment from 1972 to 1991 of around $6.45 billion.

This substantial saving is possible because of three main factors: the cost of putting payloads in orbit with the reusable Shuttle is zero, and the reusable Shuttle is an expensive one-way rocket; the cost of designing and building payloads for launch is zero; and the Shuttle is a versatile vehicle that will make it possible to service and resupply payloads in orbit, re-Download error

The Space Shuttle has three main parts: the Shuttle Orbiter itself, a large external fuel tank which carries the liquid hydrogen and liquid oxygen burned by the Orbiter's engines; and two solid-fuel booster rockets to assist the Orbiter in takeoff.

The Orbiter is completely reusable. The external fuel tank will be jettisoned just before the Orbiter reaches orbital velocity and willimpact in the ocean. The two solid-fuel booster rockets will fall into the ocean near the launch site and will be recovered for reuse.

The Orbiter will have plenty of cargo room and lifting capacity. The cargo room is 12 feet wide, 12 feet high, and 50 feet long. Loads weighing up to 65,000 pounds can be carried.

This means that some Shuttle payloads will not have to be rigorously designed to save every possible inch or ounce, as at present. They can be designed instead for easy assembly, check out, and launch, more standard parts which have already been tested in the space environment and which are more efficient than custom-made parts.

Moreover, since the ride into space in the Shuttle will be much smoother than on present rockets, payloads need not be so ruggedly built. And they can also be more simply built and "packaged" because they will be deployed and operated by the crew, and not by the Shuttle crew. They can be repaired on the spot if necessary (for example, if antennae or solar cell panels fail to unfold properly), or returned to Earth for repair.

It will be a completely new ball game for payload designers, and for scientists and engineers who have often had to work for years adapting their instruments to space flight and working within the limitations of schedule and cost constraints, and who have sometimes seen years of effort lost because of a minor malfunction caused by the launch regime or re¬created only when the payload became weight¬less.

But the advantages of the Shuttle go far beyond just getting less expensive payloads into the proper orbit in working condition, important as this is. Because the Shuttle, piloted by its own crew, will be quite maneuverable in orbit, it can rendezvous with payloads already in place to re-supply them, adjust or repair them, pack up film and data, or bring them back to Earth. This capability for bringing large unmanned observatories and laboratories back to Earth for refurbishment will greatly reduce their cost and thereby expand their use.

We did not realize when we set out to design a reusable Shuttle that the fruits of its initial benefits would be reusable payloads. But that is the way it has worked out. The Shuttle's development, launched with a "soft-hat¬manned" spacecraft, has made it feasible to plan such payloads as a 120-inch optical telescope which can see, it is hoped, to the ends of the Universe.

I can sum up this section on Shuttle sav¬ings by saying there is nothing mysterious or miraculous about them. They are the result of advanced technology being thoughtfully applied. The Shuttle simply takes advantage of 20 years of Apollo technology, experience, and adapts it to practical use in Earth orbit. The Shuttle is the "shuttle" to the future, and the United States should be making in many areas of our economic and national life.

If NASA does not get the benefits we expect from the Shuttle, as I did for Skylab:
As just explained, the Shuttle will save more than 1 billion per year in launch costs and in payload costs.

The Shuttle is also much more versatile than present rockets. It is a transportation system in orbit, in space, and on Earth. With the Spacelab module as a payload, it will also facilitate a wide variety of manned operations and scientific work in space at reasonable cost.

It will be a great boon to scientists and other users because it will greatly reduce the cost of preparing their experiments and permit them to accompany their experiments to orbit when necessary. (Any person who has health problems would like to be able to stand the moderate three "G" forces generated during Shuttle launch and reentry.) And the Spacelab will have a "shuttle"-like environment.

The Shuttle wipes out the longstanding argument whether we should emphasize manned or satellite launches. The Shuttle makes it highly advantageous to use both men and machines.

The Shuttle will bring about both science and practical benefits in Earth orbit. It will open up new opportunities such as space manufacturing.

The Shuttle will give us a space rescue capability at all times and at reasonable cost.

The Department of Defense has important uses for the Shuttle and strongly supports its development by NASA.

The Shuttle calls for significant advances in aerospace technology. For example, Shuttle use of hydrogen as a fuel is an important step toward what has been gloweringly described as the low-pollution, high-energy "hydrogen economy" of the future. Global transport of the future may draw on other Shuttle-ad¬vanced technology.

Like Skylab, the Shuttle initiative of the United States greatly encourages and facili¬tates international cooperation in space. This has already been demonstrated by the Euro¬peans who have invested 100 million dollars in Spacelab module design and development. Opportunities for expanded international use of the Shuttle and Spacelab are literally unlimited.

The Shuttle is the key to America's bright future in space. There is no substitute for it as the lead project and focal point for de¬veloping space technology and space uses in this decade.

We have made hard decisions—and correct decisions—in giving the Shuttle priority. We have designed it well. I am sure this country will be as proud of the Shuttle as it was of Apollo. And the benefits should be much greater over a longer period of time.

For the sake of the reality of these benefits, I suggest he consider the implications of the recent European decision to commit more than 800 million to Space¬lab. If 15 years of Apollo research and development was not enough to indicate the importance of the Shuttle, the £36 million (Swiss) investment in Spacelab after confirmation by their own competent industry and independent experts of the conviction at the highest levels of their governments that there will be large returns from the Shuttle.

within an annual budget for all of NASA of around $2 billion in 1978.

This balanced program includes space science and applications programs in Earth orbit (which in turn are necessary to develop payloads for the Shuttle). It is a strong effort to continue the unmanned exploration of the planets on a large scale, and to maintain an annual investment in aeronautical research.

The cost of the Shuttle development effort was estimated in early 1972 at about $5.15 billion in the 1973-1976 period (including development, test, and procurement of two Shuttle Orbiters and two Shuttle Boosters), plus an estimated $350 million per year for Shuttle development, test launch, and landing. Another $1 billion will be spent in 1979-1980 for refurbishing the first two Orbiters and for procurement of three more Orbiters and for the first production Shuttle launch vehicles. This makes a total investment of $6.45 billion to bring the Shuttle into operational use in 1980. An additional investment of around $1.5 billion will probably be re¬quired during the 1980s for improved upper stages to take payloads to higher orbits than the Shuttle can reach; for facilities at Vandenberg, California, for range improvements needed for Shuttle flights in polar orbit; and for other items. Thus the total esti¬mated cost of the Shuttle development and additional investments in the period 1972-1990 came to about $8 billion. Allowing for inflation since 1972, this estimate still stands.

To determine what our return on this in¬vestment will be, we must compare the cost of payloads listed as non-NASA and non-DOD. (The Department of Defense has its own program, of course.) The Department of Defense estimates that about $1 billion of total Shuttle payloads in the period will be DOD payloads. The number of non-DOD payloads, however, is large enough to account for the difference, because of the high efficiency possible with the Shuttle, these can all be flown with less cost to NASA and DOD than current budgets. Of the $8 billion of payloads listed in the 1973 NASA Payload Model, 336, or roughly one-third, will be carried in the manned Spacelab module. These will be called sortie payloads. Forty-four of them would be carried on 30-day flights, the remaining 242 on seven-day flights. These figures are important to indicate the extensive use we expect to make of the Spacelab module beginning in 1980-1981.

It should be pointed out that the number of Shuttle launches will be much less than the number of payloads. More than one shuttle will be needed on most flights, and some of the payloads mentioned in the above totals are "service calls" to satellites already in orbit. The average number of launches per year over the 12 year period from 1980-1991. This compares quite favorably with the total -Shuttle launches of the last 15 years. Indeed, they were planned on 50 flights, and some of the payloads mentioned in the above totals are "service calls" to satellites already in orbit. The average number of launches per year over the 12 year period from 1980-1991. This compares quite favorably with the total launch rate of the last 15 years. Indeed, they were planned on 50 flights, and some of the payloads mentioned in the above totals are "service calls" to satellites already in orbit. The average number of launches per year over the 12 year period from 1980-1991.
IMMEDIATE SAVINGS

We have only been knocking on the door of the free capitalism system. The Shuttle will open the door wide. With the Shuttle, Earth orbit will become a new home and work place for man, as it is in the oceans, and the airways are today. The covered wagon and the railroads were not just transportation systems of their day-they were also the foundations of Americans open a continent. In similar fashion, the Space Shuttle will open the new realm of being without the obstacles of Earth's mankind.

And what is that worth in terms of 1971 dollars? It is difficult to say, of course, but it seems clear to me that it is worth the investment we plan to make in the Shuttle ($8 billion over two decades) many times over. And I would not like to contemplate the real cost to our society of not accepting this challenge.

The Shuttle will produce immediate savings when it comes into use; but it is essentially a long range investment. For example, we could not begin to think of obtaining solar power from collectors in space without the Shuttle; we cannot hope to unlock the still hidden energy secrets of the Sun and stars without improved space observatories launched by the Shuttle; we cannot hope to develop the tools for better management of our vast resources in the vastness of our environment on a global scale without manned and unmanned Earth observatories launched by the Shuttle.

The Shuttle will open new possibilities in a "hydrogen economy" in the future unless we are willing to support such important steps toward that future as the hydrogen-fueled Shuttle.

In short, there is no new frontier in space for America and for mankind without the Shuttle.

All of our cost/benefit studies show the Shuttle a worthwhile investment. Even if it were not a rocket, we should build it. We cannot run spaceship Earth without it. NASA's belief in the Space Shuttle has been shared by the President and by a strong bipartisan majority in the Congress. We are now moving into Shuttle development, and moving along well. With continued support from the American people, the Shuttle era will open on schedule, and space will be open to us, too. The future is promising for both mankind and technology.

"THE ADVOCATES" DISCUSS FEDERAL OIL AND GAS CORPORATION

Mr. HRUSKA. Mr. President, last Thursday evening, the popular National Emergency Oil and Gas Advocates," discussed, as the final program in a three-part series on the energy shortage, the question: "Should the Congress create a Federal oil and gas corporation to compete with private industry?"

The Advocates were former Senator Fred Harris of Oklahoma who argued for such a corporation, Senator Stevenson of Illinois, and Lee White, former Corporation of the Federal Power Commission. Witnesses against the proposition were Senator Semerjian, dean of the School of Business at Southern Methodist University and former Chairman of the Kenya Corporation, and Mr. Swearingen, chairman of the board of Standard Oil of Indiana.

For those of us deeply committed to the free enterprise system, the concept is founded on the free capitalism system and who have great difficulty understanding that the Government can operate an industry better than can free enterprise. It is no surprise that the "no's" won overwhelmingly.

But there are, obviously, those who think otherwise, among the members of the U.S. Senate.

Therefore, Mr. President, in order that the Senate and the readers of the CONGRESSIONAL RECORD can have the benefit of this stimulating discussion, I ask unanimous consent to have printed in the Record a transcript of the program as broadcast on the evening of January 24.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Anne Wuestion. Good evening, ladies and gentlemen, and welcome to The Advocates, the PBS fight-of-the-week. Tonight's debate is coming to you from Boston's historic Faneuil Hall. Moderator Evan Semerjian has just called tonight's meeting to order.

Evan Semerjian. Good evening and welcome to The Advocates. As you know, tonight is the final program in our series of three debates dealing with the energy crisis. Our first program mentioned the importance of an industrialized nation such as ours should rely entirely on private industry to meet its crucial energy needs or whether government should play a more active role in production, sales, and distribution.

Specifically, our question is this: Should Congress create a federal oil and gas corporation to compete with private industry? Advocate Fred Harris says yes.

Fred Harris. Oil and gas shortages have gone from bad to worse in the last few weeks. The government has almost no way to intervene and protect our national interest. Why not a federal oil and gas company that can neither produce nor encourage that supply. Private industry can. And to prove this tonight, I'd like to introduce to our program two advocates, Fred Harris and Mr. John Swearingen, chairman of the Federal Power Commission.

[Applause]

Evan Semerjian. Thank you. First, I'd like to welcome the Mr. Fred Harris. Mr. Harris is an author and former United States senator from Oklahoma.

Fred Harris. Thank you, Mr. Semerjian. The free enterprise idea is the basic strength of American economy. But today the oil industry, free enterprise and competition don't operate freely because the oil companies, the big oil companies have too much control over the land, too much control in production, in refining, in marketing.

Many Americans today, probably most Americans are loath to buy heating fuel or filling up their cars with gasoline and paying for it. If they can, but oil companies profits are up. They shift environmental measures and they enjoy all sorts of special tax privileges. They get away with this because you and I allow them to be done, even though we, on our public lands, own the vast majority of the still remaining oil and gas reserves.

That's nowhere near a total answer, but it's one essential step. America can have a competitive and pluralistic oil and gas system, but how can it be done is Senator Adlai Stevenson of Illinois.

[Applause]

Senator Stevenson has been holding hearings on oil and gas policy.

Senator, why is the oil and gas industry different from other industries in America, and why do we need our federal oil and gas corporation?

Senator Adlai Stevenson. It's the nation's largest industry. It's a heavily concentrated industry. The major oil companies within this industry control the production of oil. To control this the federal government could control the refining. They control the pipeline. They control now increasingly the marketing, the distribution. They have advantage of the shortage to cut off supplies to the remaining competition in the industry, the independent marketers. It's concentration vertically, horizontally. It's control through joint ventures, through exchange agreements, through interlocking boards of directors. It acts in league with foreign governments. But what makes the...

Fred Harris. May I just say on that that with that kind of control—I believe over 80% of the crude oil production is controlled by eight companies; over 50% of marketing of gas is controlled by eight.

Senator Stevenson. Oh, it's much more than that. 93% of oil production is controlled by eight companies, the largest eight companies control 93% of uncommitted gas reserves.

Harris. Now you were about to say, then, something about its unique quality, in addition to that.

Senator Stevenson. Well, you see degrees of concentration in various industries, but there is no industry more vital than this industry. It's the commodity of this industry that is unique. That commodity is essential to every industry, every business, every public service, even the nation's defense. I think that, more than any other, the energy industry is unique—energy. And in these times of short supply, when a heavily concentrated industry combines it's almost a tragedy.
SENATE

January 28, 1974

HARRIS. Well, are they profiteering from this kind of non-competitive control?

SENATOR STEVENSON. Well, we estimate in the Administration's budget estimates, the revenue from the oil companies comes from consumers to producers and marketers of oil at an annualized rate of $240 billion, $240 billion a year in 1973. That's a very conservative estimate.

Now, Mr. Swearingen has been asked and said that the price of oil without in the United States will rise 10 or 15 cents in 1974. For every penny, for every one cent that this industry increases the price of gasoline, we will save $2.4 billion up by some $3 billion; 10 to 15 cents, 15 billions. And that's just for gasoline, just one of many commodities influenced by this industry.

HARRIS. Well, what do you propose, then, tonight, that we do about that?

SENATOR STEVENSON. I want to preserve the free enterprise system, but any nation with its sanity would recognize at this point that it cannot leave itself to the whims of one industry. No other nation in the world does so, only this nation. This is also the nation's most pampered industry. It enjoys tax credits and other incentives, it pays no royalties. It enjoys a depletion allowance. It has until recently enjoyed import quotas only because of the incentive and benefits the pampered industry has received from the government, it has left us without sufficient refining capacity, without sufficient domestic production, and now with very, very high prices as well as the shortages.

Now, a federal oil and gas corporation would serve several purposes. One, it would:

SEMMERJOHN. Make this very brief, Senator.

SENATOR STEVENSON. . . . go into the public domain and start with oil and gas resources, and that's where most of them are. And the naval petroleum reserves alone, it was revealed to us this week by the Deputy Director of the Office of Naval Petroleum Reserves, there is $240 billion worth of oil. I want to see that oil developed for the benefit of the oil of the public, the owner of that oil, and not for the benefit of companies which are fattening on a crisis that they helped create. And I also want to see a free enterprise system maintained, and this corporation would bring competition to this industry. It would create adequate incentives for exploration or regulation of the industry come about.

SEMMERJOHN. All right, Senator. Is it Walker now, who I think is eager to ask you some questions.

WALKER. Senator Stevenson, you would agree that the consumer is the primary concern. If the energy is concerned, the number one problem, the number one goal of public policy is to get an adequate supply of fuel flowing to the people who need it at the lowest reasonable price as soon as possible? Is that correct?

SEMMERJOHN. Yes, plus, of course, conservation measures and others. But that's certainly important.

WALKER. All right, now we will get back a little further into what I was alluding to about monopoly and concentration in the industry. They are allegations. I regret that you didn't get across to the people in your bill or to the American people, but one of its central provisions, it is not, is to provide authority, or what I will call, interlocking directorates, and FOGCO, if you don't mind. It provides authority for that corporation to preemp: the most promising 20% of federal petroleum leases on land. Now, the experts tell us that the recoverable oil on such tracts is probably within that 20% limit, and that's the point.

Now, isn't it quite clear that this authority for your national oil company is, in effect, to take the cream off the top and as a result, be a tremendous disincentive for private petroleum companies to bid for developing the remaining 80% of the leases.

SEMMERJOHN. Senator Stevenson, judging from the profits of the industry, they're trying to be highly competitive. Are they not making royalties, are they not making enough money, that it's okay, but it's not okay if it's done between—gone on the outside.

WALKER. It's a going to be a question. Let's go back to Mr. Harris for a question.

HARRIS. Senator Stevenson isn't one of the three companies that a new national gas and oil corporation could sit on known reserves while a company would have to produce them, and we could use foreign oil when we could get it, would it not?

SEMMERJOHN. It would become a supplier of last resort in a sense. It would sit on them. It would go to develop and use these properties, drill the wells so that they were available when they were needed. As it is now, where the oil companies in some cases go in and drill them and they sit on them waiting for higher prices, this company would make oil and gas available for the public whenever it was needed, including for the nation's defense.

SEMMERJOHN. Okay, Mr. Walker, back to you. WALKER. Senator, you would agree that the federal oil and gas company could sit on reserves to produce them, in most cases, when they are needed, including for the nation's defense, and we've heard charges tonight from you about excessive profits, manipulated shortages, and national government would move faster, because we've been promised that the government is going to do it. It's the public good. And that you have plenty of oil and gas available for the public whenever it may be needed, including for the nation's defense.

SEMMERJOHN. Senator Stevenson. It is not addressed to the illegality of interlocking directorates. They are already made illegal by the Clayton Act, and we have a provision of that law by the Justice Department.

WALKER. It's then it's not addressed to the hereinafter?

SEMMERJOHN. It could, in addition to creating competition in the production of oil, it could restrict profits of the oil companies or make interlocking directorates illegal.

SEMMERJOHN. Senator Stevenson, it is not addressed to the illegality of interlocking directorates. They are already made illegal by the Clayton Act, and we have a provision of that law by the Justice Department.

WALKER. And it may be 10, 20 years down the road we would begin to see some benefits for the poor consumer who can't fill his car up now or heat up his home now, tomorrow, and the next day.

SEMMERJOHN. Senator Stevenson. It's not the time of the next witness in that regard is Mr. Lee White.

[Walker, the oil company]
reserves are owned on the public lands, our lands?

Walker. Well, we don't know for sure, but the leases are certainly over 55%, probably close to 75%.

Harris. Who's the authority for that?

Walker. It comes from the Geodetic Survey, and I think there is no serious dispute. There are a range of estimates—but that's we can accept that.

Harris. Well, if we have these kind of vast reserves right here in America, a big part of it and I own, the public owned, why haven't—take natural gas, for example. Why haven't these reserves been developed and used? Imperative.

Walker. Well, there's more than one reason, but I'll give you a couple of very important reasons, in my view. One of them's already been alluded to, and that is a very poor job of leasing the federal property. The managers, the government, holding it who own it, has simply not been good at it. And secondly, our tax policy has made it so that it would be very unattractive or startling about it. Moreover, it's got to be alluded to, and that is that it would be related to the cost of production. The thing that bugs people in the country today is that the prices have shot through the ceiling and we don't believe it costs more to produce it that we are using.

Walker. Well, let's get back to this 20% issue that I'm afraid I didn't get too far with Senator Stevenson in trying to find just what the implication of that is in the legislation. And as a matter of fact, in the hearings in December, Senator Stevenson stated that—Excuse me, Senator—is it skimming of the cream off the top—that's my phrase. He didn't use that phrase—and maybe a raincoat? I wonder. You are against nationalization of the oil industry?

White. Certainly. Walker. That's not true, then, with the 20% creation of the top skimming provision, with no private company being able to bid on public land, that you have de facto nationalization for development of the public oil lands?

Walker. No, I don't think so. I think one of the mistakes that I assume the 20% is a maximum is also the absolute requirement. I don't know what that corporation will do. It will depend upon who is operating it, and I don't know that that corporation will necessarily take the top. It may . . .

Walker. Well, wait a minute now. The legislation says all that we are using—Are you taking back away?

Walker. No, no.

Walker. Would you go down to five?

Walker. It says not to exceed.

Walker. Would you buy random 20%? You know what I mean by random 20%?

Walker. A random 20% would mean that you [technical difficulties] between FOGCO and the private companies. That's the way I would interpret a random 20%.

Semerjian. Is that how you understood it, Mr. White?

White. That's the way I understood it. That's right.

Walker. And you're saying, then, that this bureaucrats—and believe me, they're good people. They're not—We're willing to delegate this decision to the head of FOGCO, a $42,500-a-year man, to say whether it's 20, 18, 15. . .

Walker. No, I think I'd let the Congress on it, too. This is going to be a public operation. This is going to be in a goldfish bowl. And I don't think that if this organization comes into being that it's going to kind of just float and decisions will be made in the dark. One of the benefits of this operation is that it will be public. We will know what it costs to produce oil and gas, and that's what we're striving for.

Semerjian. Excuse me for just one second. Let me ask you a primary reason. I think the way that things are going today, there is one that is rivalling it, and that is everybody to have a government agency which will take reserves and have them available so that when King Paaal turns off the spigot, I'd like to have somebody available to turn on a spigot. We ought to be willing to have a government agency, not a private corporation like Mr. Swearingen's, but a government agency that will find our reserves that the people of this country own and hold them for a time when we need them.

Semerjian. But this proposal involves competition by a government organ against private companies, isn't that right?

White. I'm going to argue that it's unfair competition, de facto nationalization, and what it's botted down to is that some bureaucrat that heads up this operation will have the power, much as to whether it's de facto nationalization. This is what I gather from your testimony.

Semerjian. Is that the way it would be?

Walker. That's what I gather from your testimony. Am I correct?


Walker. Not quite, I'm wrong. Okay, show me where I'm wrong.

Walker. Somebody ought to be looking for oil and gas because we need it, not to maximize profit.

Semerjian. Let's get back to oil, you Mr. Walker.

Walker. Mr. White, I repeat a question I gave Senator Stevenson. It's awfully important, and it's all about—well, about— and I didn't forget, this operation is going to be out in the public. We're going to have congressional committees.

Semerjian. Excuse me for just one minute, Mr. Walker, would you explain what you mean by a random 20%?

Walker. A random 20% would mean that you [technical difficulties] between FOGCO and the private companies. That's the way I would interpret a random 20%.

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Semerjian. But this proposal involves competition by a government organ against private companies, isn't that right?
Gratton. Well, joint ventures are a natural way for the industry to conduct operations.

Walker. What is a joint venture?

Gratton. A joint venture is where several companies join together in order to do a specific job, and even then, it will distort the picture while in fact discouraging development. The government had a lot to do with getting us into this mess in the first place, and FOOGO can not only not solve these problems, it will make them worse.

Our U.S. private companies, on the other hand, have a long-term record that is unmatched in the world for bringing this nation plentiful energy at low prices, so much that we became wastrels of energy. They can encourage risk-taking, they encourage efficiency, and I think that they will—and get the capital that's necessary. If we don't have profits, oil companies go out and find the oil and gas, and which is what we desperately need.

Walker. Dean Gratton, you're testifying as a general expert tonight on the business system and economics, and you have your Washington background also, but you've studied the oil industry too. Do you agree that FOOGO can do this job depicted?

Grayson. I don't think it can do the job that it's been represented to do. I think it's going to have a difficult time operating in the global market. They're going to be subject to all kinds of political pressures. I know because I was in Washington. People are going to be treating them as to where there is a lack of necessary—whether it's in the East or the West or the South.

Think about the man who has to make the decision in this corporation to drill a $10 million, perhaps, dry hole. He's going to have risk-avoidance behavior, and you need risk-taking if you're going to go out and get the supplies.

Walker. In connection with oil companies as such, what about the experience abroad—these companies have done business abroad and foreign-owned oil companies—what about the experience abroad and foreign ownership of business?

Grayson. The record is poor compared to this country. This nation has the highest single tax in the world, and the private enterprise system helped put it there. We have the highest standards of living, and private enterprise put it there.

Now, in records with petroleum, take a look at the world and see what the petroleum industries have done in other nations. Yes, other nations have petroleum industries. The one in Italy is on the borderline of being bankrupt. The one in France does not have a good record—$560 million shortfall. Who did the Arabs send for to come develop their oil? Is there any hope, did they come in Russia? Russia, sent over to the United States, Why? Because the expertise is in this country. The business developed by the American private enterprise system.

Semjian. All right, that's very much. Let's go to Mr. Harris.

Harris. I'd like to ask Dean Gratton, just on that last point, you say the American oil companies dominate Russia's and everybody else's. I'd like to ask this actually, we need a little bit of competition here.

Grayson. I don't think they dominate Russia's system yet.

[Laughter and applause.]

Harris. We've got to come and get our expertise, I don't mean they dominate the system, as you quite well know I think we've got to get our expertise. They're dependent upon the American oil companies.

Grayson. Because this is where some of the American oil companies now natural resources, I ask you something more serious. You wrote last month in the Record article about government protection, and very much the government gets into an operation, generally speaking, it results in higher prices.

Harris. Now, you said a while ago, too, that in the oil industry you weren't alarmed about the concentration, but you said last month that you didn't know about that and our government protection, and you didn't provide—well, he says, this, it's still the same feeling. I'm not convinced just last month—still unclear whether large corporations have sufficient competition or not, and when you've got imports, and administer prices. You say it's unclear. We think there's evidence, and you've got a large amount of time to make a full study of this issue.

Grayson. Of the entire spectrum of all industries in the U.S., what I've said a minute ago is that I find the general bulk of the price increases were at the low end on the concentrated industries.

Semjian. Let's assume for a moment that there isn't as much competition in the oil and gas industry as there should be. How would you improve competition in the industry?

Grayson. One, I'd get the government as far out of the industry as you can. I think if you wanted to make up competition, you increase the shortages in this nation, look at what you have done to the lease sales, to the quotas. You have done the same thing to the environmental controls...

Harris. Would you stop import quotas?

Grayson. The quotas unwise. No.

Harris. Yeah. The oil companies have had these import quotas until very lately. No industry, as far as I know, has benefited.

Grayson. No, no. It doesn't mean you wouldn't have any government regulation. You need gas.

Harris. Would you take away all their tax advantages, particularly that tax credit that encourages them to explore abroad? Would you get the government out of that kind of...

Grayson. I think the whole question of taxes and government or foreign oil controls...

Harris. That is right.

Semjian. By tax credit, let's get one thing clear, you're talking about the dollar-for-dollar deduction against American taxes on any royalties paid foreign, I agree. Is that right?

Harris. Well, yes. If you lease from my dollar-for-dollar deductions that you don't get to credit against your tax. If you pay King Falstaff for that royalty, that natural resource would otherwise pay in federal taxes. Now, do you favor that kind of free market, free enterprise?

Grayson. The Congress is studying right
now whether or not these things should be continued, and I think they should study it.

HARRIS. They certainly should study it.

GRAYSON. But the federal oil and gas corporation also, we're saying, is going to entry has seemed to advocate them in your article of antitrust laws, which goodness right now. This federal oil and gas corporation, no, Mr. Harris, you know TVA was built for more reasons than power generation—flood control, navigation, recreation, social and economic purposes, not just power generation.

HARRIS. Well, we want to do this for a lot of other reasons, too—protect the environment, find new reserves, find the right place to sit them, get the right information. But the main thing was competition, isn't that so?

GRAYSON. No. If you really want to protect the environment and you want to have full disclosure.

HARRIS. Just like TVA. What's the difference?

GRAYSON. No. TVA was not just to create competition.

HARRIS. Sure, sure... SEMERJAN. I'm going to have to interrupt. Dean Grayson, I want to thank you very much for being with us tonight.

[Applause.]

GRAYSON. Mr. Swearingen, is chairman of the board, Standard Oil Company, Indiana. Mr. Swearingen, do we have an oil shortage?

WALKER. Mr. Swearingen. Yes, we do.

GRAYSON. Why do we?

WALKER. It's a combination of a very rapid and unexpected increase of demand on the part of the government, the refineries, so can the private companies.

GRAYSON. What if the refinery can't get any gas and the government can't get any crude oil from the major companies? That's exactly the finding of the Federal Trade Commission.

HARRIS. The Federal Trade Commission said that one of the big problems is that the majors won't sell to these independents. They can't get any crude oil. Now what would you do about that?

GRAYSON. In the federal oil and gas corporation going to expropriate therefore and deliver it to the system? You're certainly going to have a nationalistic company if that starts to take place.

HARRIS. Right. You think of anything right now that the federal government can do to tell any oil company anything? It can be. It can't do anything. But we are saying the oil companies are not doing their part. And I think they should be doing more than they have done. And that would have to be something in terms of the electricity industry.

GRAYSON. So, it's not the same as the electricity industry. The electricity industry is a natural monopoly.

SEMERNJAN. Let's go back to Mr. Walker. Walker. Mr. Dean Grayson, if you like I do, as I am I've been watching the Late Show and the body's over here and the herd's over here, the arguments are in this direction and the solution is out somewhere else, well, you'll understand how mixed up I feel in connecting their case to­gether. And I hate to keep making their case, but they make the case that there's a strong argument that this would provide a yardstick to measure the efficiency of the pri­vate companies. Is that true, in your judgment?

GRAYSON. No. This company, as proposed, would not require the investment that would have a half of a billion dollars interest-free. It would have its debt guaranteed, under the borrowing capacity. How can you compare this with the alternatives to them?

WALKER. It sounds to me like Uncle Sam and the states are profiteering a little bit more off of this than you are.

SWERINGEN. Well, there's some reason to believe that. Certainly their take is much higher than our own.

WALKER. Can the private oil companies solve the problem? Can you really get us new production out of the federal oil and gas company?

SWERINGEN. Yes, I think we can, but the unfortunate thing is it's going to take a great deal of time. If we have to go into production fields we don't recover anything like the oil that's present in the ground. It's like trying to wring a towel dry with your hands. There's no writing off of a job unless we have to inject water, we have to inject gas, we have to inject chemicals in order to get the oil out of the ground. And then it will take a longer period of time, and it's going to take a higher price in order to pay for this kind of an activity.

HARRIS. And don't, if the federal government do this, will not accelerate the leasing of the acreage off shore, and to date they've only leased about 5% of the acreage held by the federal government, there's no question in my mind that the oil industry can develop in fairly short order some very substantial additional sup­plies of oil and gas.

WALKER. But why, as the proponents argue, why can't the government do as good or better than the oil companies? I believe anybody who has ever tried to telephone Canada, and the oil companies, have a pretty good idea of how well government operates things. And I don't believe that we could proceed rapidly enough to do a satisfactory job.

This particular bill, if I may just take a minute, this particular bill provides $50 million a year, $60 million in five years, a lot of money. Our own company, our own individual company is going to spend over a billion dollars in looking for new oil, in finding new sources of oil and gas, and we only produce 5% of the oil that's produced in the United States. To spend $50 million a year in this proposed federal corporation is not going to make any difference whatever in the next 15 or 20 years in the supply of oil to the public of the United States.

WALKER. Mr. Dean Grayson gave us an idea of some foreign operations abroad. You're obviously more familiar with foreign oil company operations, national companies. What are your comments on their efficiency and results?

SWERINGEN. I think most of them have been very poor in their ability to find oil. As a matter of fact, I do not believe that foreign oil company owned by a foreign government that has found a major oil field in its entire existence, and this I mean a field that contains, say, a billion barrels.
of Indiana—has a 32% increase in profits this year over last, and a lot of companies were much higher than that, and isn't it true that the main reason why you've been putting your money into developing the oil fields offshore, is to develop those oil fields, to make more money and put it into developing what we have here at home, is that you get a lot better tax break under these new rules?

SWEARINGEN. Absolutely not. You don't know what you're talking about.

HARRIS. Then the oil companies—

SWEARINGEN. You don't know what you're talking—do you want me to answer your question, Mr. Harris?

HARRIS. Sure, but do you agree—do you disagree that most of the companies have been putting more than 80% of their investment and profit earned abroad into foreign development?

SWEARINGEN. Why? The question is why. It's not for any tax breaks. It's because the federal government wouldn't put up for lease any acreage offshore California, offshore Louisiana, Florida, the East Coast of the United States. There was no place to drill here, to spend that kind of money. And our own company is an example. Went outside the United States trying to find some additional sources of oil that we could bring into this country, and we've been successful in this in the North Sea and Trinida­d—

HARRIS. The other places where you're bringing this oil here to the United States today.

SEMERJIAN. Can I ask you a question to clear one thing up? Which is cheaper, Mr. Swearingen, is it cheaper to spend money shooting exploratory wells or is it cheaper to exhaust the remaining supplies in wells already dug here?

SWEARINGEN. Well, I don't quite understand your question, Mr. Semerjian. After all, a 10,000-foot well drilled in 500 feet of water is going to cost about the same amount whether it's in the North Sea or drilled in the Gulf of Mexico.

SEMERJIAN. No, no, no. Perhaps you don't understand.

SWEARINGEN. That's exactly what I said to you, I didn't understand.

SEMERJIAN. All right, let me make it clear. There are wells, are there not, in the United States which have been dug but not exhausted because it would be more expensive to take out the remaining two-thirds of the oil? Is that right or not?

SWEARINGEN. No, that's not correct. All of these wells have been dug at maximum rates now, but you can produce them without bringing [intelligible] of water and some of the ultimate recovery from the field.

SEMERJIAN. All right, well, perhaps I'm missing something.

HARRIS. But on the tax credit, quickly, you will agree—surely you'll agree this is true, that if you pay a royalty payment to the landowner in Oklahoma, you don't get to credit that against your federal tax. If you pay a royalty in Saudi Arabia, that is a dollar-for-dollar reduction in your federal tax. Isn't that so now?

SWEARINGEN. No, sir. That's not right. I hope I'm not disagreeing with every expert I've heard.

SWEARINGEN. Mr. Harris, I don't think your basic premise and I don't believe you know what you're talking about. After all, the federal government has tax treaties with almost all of the countries in the world with the purpose of avoiding double taxation. Any taxes paid to Saudi Arabia or to France or to England on business done in those countries, are deducted against those due on that income on that income only.

HARRIS. I said royalties.

SWEARINGEN. For a long time. I'm trying to explain this to you and I hope you'll listen.

HARRIS. I'm listening. SWEARINGEN. . . because I'm trying to educate you here.

HARRIS. Well, that's a different question than I asked. SWEARINGEN. Well, I hope you understand what I've said to you.

HARRIS. Okay. I'm used to serve on the Fi­nance Committee that wrote these laws, and I know the oil companies got a special ruling on that royalty to treat it as a foreign tax rather than as a royalty. Now that's true, isn't it?

SWEARINGEN. No, not to my knowledge.

HARRIS. All right, let's go into this. Did you oppose—we're talking about shortages. How did we get shortages? You say something, but the Federal Trade Commission and Commission for the last 20 years, the oil companies opposed relaxing import quotas to let in foreign oil, after along about the 50% was up and last year, Did your company oppose import quota being re­laxed?

SEMERJIAN. Make this a very brief answer.

SWEARINGEN. We certainly did, and I think you people here in New England ought to be delighted that we did, otherwise you might be dependent in the future on the Arabs for 75% of your oil instead of 35.

[Applause]

SEMERJIAN. All right, let's go to Mr. Walker.

WALKER. I hate to be in the position of having to go back to making the opposition's case for them, but I didn't find anything in the record that you and I went through, in order to get back to their arguments that they're making and ask you the same question I asked Mr. Swearingen.

SEMERJIAN. The idea that POSCO will serve as the yardstick to measure the performance of your and other private companies is really nuts.

SWEARINGEN. Well, the best way I can an­swer is that if we think it will be absolutely use­less for this purpose. The Federal Power Commission for the last 20 years has tried to measure the performance of gas-producing companies on a cost basis, and finally has given up as an impossibility. And to have a yardstick of this kind, particularly with the built-in advantages to this company that are produced in the bill, will be completely unfair, and contrary to the idea that POSCO will serve as the yardstick to measure the performance of your and other private companies.

SWEARINGEN. All right, Mr. Harris, let's come back to you.

HARRIS. Well, is it true, now that the crude oil, price of crude oil, has gone up, to begin to move more profit in sales and re­fining and that your company and a lot of others are carrying up territory around the United States? The Federal Trade Com­mission says you're moving out of some areas; they're moving out of others so there'll be less competition. That's true, isn't it?

SWEARINGEN. No, sir, that's not true. Let me correct you on another statement that was made earlier here. It is not one company in our business that holds as much as 10% of the oil production, of the oil refining, or the marketing of oil products in this country. And to talk about a situation where there is no one company and where only as many as eight companies have only about 50% of the way, is completely unsubstantiated and they're before the Federal Trade Commission now for a hearing that could very well be that.

SEMERJIAN. All right, Mr. Swearingen, I want to thank you very much for being with us tonight.

WALKER. Ladies and gentlemen, one thing the proponents of this bill, tonight, to the extent they talked about their proposal, they're right about, and that is the public relations tract we've been talking about are just that. They belong to you and me. And there's a lot of oil and gas to be taken out of there. There's the whole world that can develop those resources. Who finally will give you and me the best deal? Who will increase our supply of fuel at the most reasonable price, at the quickest pace?

The record is clear. Private enterprise has done it and can do it. Our government can't do it. It can't do it efficiently. It can't do it imaginatively. And it cannot do it vigorously.

Great Britain knows this. They hired Mr. Swearingen's private company to help ex­plore and develop the North Sea gas field. The Soviet Union knows this. They've hired several of our private oil companies to de­velop their vast Siberian reserves. And we should know it.

Moreover, there is nothing in this bill to deal with the alleged abuses, such as inter­locking directorates, which has been described to you tonight. A federal oil and gas company cannot solve our current shortages. In fact, its proponents don't even claim that it will. Moreover, it cannot do it efficiently in the long run either.

This is an old idea whose time has never come, and for good reason. Let's hope it doesn't ever come. Vote no on the proposition tonight.

[Applause]

SEMERJIAN. Thank you, Mr. Harris, could we have your argument?

WALKER. We don't think that the federal oil and gas commission—corporation will have a great deal of impact on oil and gas supplies. The main thing to remember is that we, you and I, the public, already own most of the remaining oil and gas reserves in this country. Most of it's on our lands, the public lands. But at the present time, we are completely at the mercy of the giant oil corpora­tions for the development of these public resources, which we disagree with. The price on the world oil and gas supply and the price we pay. And we're even at their mercy on the price.

You saw with Mr. Swearingen, he disagrees with the Federal Trade Commission. He dis­agrees with the Federal Trade Commission, which was also non-competitive. You and I, as taxpayers in that instance, and as con­sumers, were the winners when we got some interest competition in the oil and gas industry.

We've done this sort of thing many times before. We did it with the electric industry, which was also non-competitive. You and I, as taxpayers in that instance, and as con­sumers, were the winners when we got some competition going there for the electric industry.

[Applause]

RETIREMENT OF STEWART MCCLURE

Mr. PELL. Mr. President, with great enthusiasm I wish to associate myself with the senior Senator from West Vir­ginia (Mr. Randolph) in his expressions of praise for Stewart McClure upon his retirement as chief clerk of the Senate Committee on Labor and Public Welfare. I have been a member of the commit­tee for 13 years. In all those years

[Applause]
Stewart has been a strong source of advice and support. His knowledge of the Senate’s procedures and custom is limitless, and his understanding of the nuances of legislative activity invaluable. However, I value Stewart McClure even more as a friend and adviser. He has always been one to whom I could turn, and whose opinions and views could be relied upon, and he is a friend who was of very real help to me before I appeared here today.

I regret that we will no longer have the benefit of Stewart’s careful attention to his responsibilities with us. I wish him well in his retirement, a respite from the arduous tasks which have been his daily care for 25 years of service in the Senate, and every success in any new endeavors he will undertake.

Stewart McClure’s career exemplifies a dedication to the high principles and to the ideals and goals which should guide our Government. Imagination and keen insight are among his many attributes, and his advice and support, his knowledge of the adversities which face us, his understanding of the problems and prospects of the next generation, and his advice of abiding help to old friends who may seek through association with him to enhance their own knowledge.

UKRAINIAN INDEPENDENCE

Mr. BURDICK. Mr. President, this week, Ukrainian-Americans throughout the country are jointly with their brethren living in the Ukraine to celebrate the 50th anniversary of Ukrainian independence. It is an important time for the Ukrainian citizens who continue their faith that some day their homeland will again be free. It is a time, also, for other Americans to be thankful that, in spite of our many troubles, we are still a free nation, able to determine our own destiny.

At this time, I want to salute the people of the Ukraine for their faith and their spirit in the face of oppressive conditions. I wish, also, to salute Ukrainians living in this country. They have contributed to our Nation with their culture, courage and their talents. I am proud they are my fellow Americans.

ANNE ARMSTRONG DESCRIBES BICENTENNIAL PLANS

Mr. HRUSKA. Mr. President, last Wednesday, January 23, I had the privilege of attending a luncheon at which Presidential Counselor Anne Armstrong spoke about plans for the Bicentennial. Her speech was of such importance to the American people and to the Bicentennial that I asked that it be printed in the Record.

Mrs. Armstrong, however, departed somewhat from her prepared text to discuss a meeting she had with the President to bring him up to date on Bicentennial preparations. She now has a transcript of that portion of her speech.

Since it provides us with some understanding of President Nixon’s depth of commitment to the Bicentennial as well as his beliefs on what the Bicentennial should mean to every American, I ask unanimous consent to have these remarks printed in the Record. In addition, I request that the permanent Record be adjusted to reflect this addition.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY MRS. ANNE ARMSTRONG

I am going to depart from my text because I saw the President last hour yesterday, and mainly we talked about the Bicentennial. We took care of business first—I think that is normal!—and then we met with the President. He said that the Bicentennial planning had been going on for a long time, both here in Washington and throughout the country. He seemed quite enthusiastic about it and then he thought a moment and then he said he was going to ask me to get on with it, to make up for lost time. He said that one of the ways to make up for lost time was through communication—which is the first birthday where we have had instant communications. Another way to make up for it was through ideas that don’t demand management by objectives; goals and time-tables. The President made what I think is a very important point about the Bicentennial: we will be taking a long look backward, but it’s even more important that we take a long look forward, that we have a rejuvenation of the American spirit, that we fulfill the promises of our forefathers that are, as yet, unfulfilled.

The President then gave a couple of examples of what we can do—how we can do a better job, how we can pursue happiness, as Jefferson called it, and what I think might be translated today as the quality of life. How can we finally realize the unfilled promise of equal opportunity in this country? We have so many problems to be solved, as he said: energy, inflation, housing. But the great thing about this country is that we have the will to solve our problems. The President said that he sees the Bicentennial as a regeneration of the Spirit of 76. He raised another point, and emphasized this in the Cabinet meeting today. . . . Americans have had a long, hard span—a day, a month, a year. We often lack perspective. Europeans have a long history, and they think in long-range terms—25 years, 50 years, more. A drinker country or culture, such as the Peoples Republic of China, thinks in long-range terms. That is why he made the opening to the Peoples Republic of China. It was not for what it would mean to this country now or in five years, but in 25 years, maybe 15. And so, another thing the President hopes is that the Bicentennial will help Americans think in long-range terms. We look back 200 years. We want us, even more, to look ahead 200 years. I share the President’s feeling that how we commemorate this birthday can have a tremendous influence on the people who are not yet born, and in which we enter our third century as a nation.

GOING SOMEWHERE FOR YOUR SINS

Mr. METCALF. Mr. President, I should like to call attention to an article by Stephen D. Isaacs in the Sunday, January 27, Washington Post, highlighting the lecture tours and fees of prominent newsmen.

In the article Mr. Isaacs quotes Art Buchwald extolling the joys of speaking to 60 or 40 or 50 people at “21” in New York City. It is “so beautiful because you can get such a great meal and you are out by 10 o’clock.” But and to relate he went on to say, “And then for your sins you have to go to Missouri.”

I wish only to say to Mr. Buchwald and this distinguished company that for my sins I had to come to Washington, D.C.

PETER K. U. VOIGT RECEIVES SUPERIOR SERVICE AWARD

Mr. PELL. Mr. President, in the Education Amendments of 1972, there was established the basic educational opportunity grant program. This program, which will, upon full funding, provide a floor of scholarship aid for all individuals attending postsecondary education dependent, of course, upon their family income has been in operation for 1 year.

The Subcommittee on Education, of which I am chairman, has held 2 days of hearings on the implementation of this program, and I am thoroughly confident that we can grapple at the necessary level of efficiency and effectiveness with which the Office of Education has implemented the language of the statute.

Therefore, Mr. President, it was with pleasure that I noted that on January 16, 1974, Mr. Peter K. U. Voigt, Acting Coordinator of the Basic Grant Program, was awarded the Superior Service Award by the Office of Education. On that occasion, I took the liberty of sending Mr. Voigt a letter which I ask unanimous consent to be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:


Dear Mr. Voigt: I understand that you have been awarded the Superior Service Award by the Office of Education for your achievements in implementing the Basic Educational Opportunity Grant Program. I would like to extend my congratulations to you on this recognition of your accomplishments.

As a principal author of the Basic Grant Program, I have followed its developments with great interest. Due in large part to the efforts made by you and your staff, the program is now successfully aiding large numbers of students in postsecondary education institutions.

I would like to express my personal commendation of your achievements in making the Basic Grant Program a reality.

Ever sincerely,
Claiborne Pell, Chairman, Subcommittee on Education.

PROTOTYPE OIL SHALE LEASING PROGRAM

Mr. JACKSON. Mr. President, oil shale has long been recognized as a potential domestic source of an enormous amount of oil. In the past, it has not been technologically feasible or economically practical to develop oil shale reserves, the bulk of which are owned by the Federal Government. Furthermore, substantial environmental risks associated
with the mining and processing of oil shale.

On January 8, the Department of the Interior conducted the first of six sales of leases of federally owned oil shale. These six sales constitute a prototype oil shale leasing program designed to provide a new source of energy to the Nation by stimulating the development of commercial oil shale technology by private industry. We believe it is necessary for the Department to provide information which will help us to determine whether our 600 billion barrel oil shale reserves can be developed at acceptable economic and environmental costs.

The Committee on Interior and Insular Affairs has long been concerned about oil shale development and has held hearings on the subject for several years. Most recently, on December 17, 1973, the Subcommittee on Minerals, Materials, and Fuels, chaired by the distinguished junior Senator from Montana (Mr. Mar- car), held a hearing on the prototype program which the Department has proposed to undertake in oil shale. As a result of that hearing and the fact that the bonus bids received at the January 8 sale were much higher than anticipated, the chairman of the Subcommittee and I wrote to Secretary Morton expressing our concern about the prototype program. We agreed that an experimental program is necessary to provide information and to learn about the technological and environmental feasibility and environmental impacts of oil shale development by various methods. However, we expressed serious doubts that the impact of the prototype program has built into it the kind of requirements and controls needed to assure that the program will in fact provide answers to these questions.

On January 22, Acting Secretary of the Interior John Whitaker replied to our letter. His reply indicated that the Department did not intend to revise the terms of the leases and would proceed with the sale of the leases. The Department intends to proceed with the leasing program as scheduled.

I do not want to delay the further implementation of the prototype program. The Committee on Interior and Insular Affairs intends to maintain close oversight of the program. I hope that the results of the program will be satisfactory, and that combined with the knowledge which will be gained from implementation of the prototype program, the oil shale leasing programs authorized by the bill which the Senate has already passed—

The National Energy Research and Development Policy Act (8, 1263), it will provide us with the facts we must have before any further development of oil shale.

We realize that these requirements might make it difficult for lessees to finance the programs, but I ask unanimous consent that the text of both letters be printed in the Record at the conclusion of my remarks.

EXHIBIT 1

U.S. SENATE
Hon. Rogers C. B. Morton,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: We are deeply concerned about the prototype oil shale leasing program which you announced on November 28 and which was the subject of the hearing before the Subcommittee on Minerals, Materials, and Fuels held December 17. We appreciate the potential role of shale oil in meeting our nation’s future energy needs and we share your view that an experimental program is needed to develop answers to questions about economic and technological feasibility and environmental impacts of oil shale development by various methods. However, we have serious doubts that the Department’s program has built into it the kind of requirements and controls needed to assure that the program will in fact provide answers to these questions.

The Department’s December 28 hearing did not answer these questions. For example, the Department’s witness stated that the objectives of the prototype program are to:

1. “stimulate development of commercial oil shale production and technology by private industry;” and

2. “insure the environmental integrity of the affected areas and develop appropriate environmental protection and rehabilitation technology.”

We agree that these are both appropriate and important, but this is not enough. We believe that the Department should continue to provide assurances in the announced leasing program that either of them will be achieved. The stimulation of development of new technology would be assured by the Department’s adoption of acceptable requirements which demand early demonstration of progress toward full scale prototype plants. The second objective, assurance of adequate environmental protection and rehabilitation, would be served by provisions for strict performance standards which the Department’s adjustments as new environmental problems are discovered and new protective technologies are devised.

We realize that the Department’s requirements may require Federal assistance to increase the incentive for industry to participate. A variety of potential forms of Federal assistance which could be used include, in the future, the National Energy Research and Development Policy Act of 1973, which recently passed the Senate.

In its Federal Register Notice of Sale (38 F.R. 33187) the Department specifies that for Tract C-a., the minimum royalty will be equivalent to a production rate of, for the sixth year, 1,180,000 tons and, for the fifth, 1,130,000 tons, based upon 30,000 gallons per barrel; an average daily is approximately 2,200 barrels per day rising to 22,000 barrels per day after fifteen years. The Department specifies that the November 28 defines commercial scale plant as producing “at least 50,000 barrels per day”.

It is therefore apparent that the Department does not intend to require a lessee to construct anything even approaching a commercial size plant. At best, it will require that the lessee “by the fifth year is approximately one-quarter of the life of the primary term of the lease will have expired, a lessee have in operation an equivalent of less than one-half the size of a full scale commercial plant. The operation required by the Department’s notice, assuming that there are no delays, is of little more than pilot plant dimension.”

The conclusion to be drawn is that the Department of the Interior is proposing not experimental oil shale development but an experimental program. How will the Department determine whether the Department’s prototype oil shale leasing program is an optimum, or even a desirable, vehicle for the development of oil shale and research which will be required to determine whether an acceptable oil shale technology can be developed?

The minimal production requirements and the generous royalty and bonus offset provisions which the Department proposes are, of course, a form of government subsidy. To become the Department hopes will enlist industry participation in what is, realistically, an experimental leasing program. Such subsidies could, perhaps, be justified if they were coupled with a reasonable commitment on the part of the Department which will be necessary to bring full scale commercial shale oil production on stream by the target dates projected by the Department. Since no such commitments are being sought, it must be concluded that the Interior minimizes environmental damage, less for a little in return. This is particularly true in view of the fact that the program envisages a decade of development techniques but leaves it to the Department to decide what method will be used. In our view, this is another inadequacy in the program.

With respect to environmental protection, Section 7(d) of the lease form provides that “productive costs of environmental costs which is (sic) in excess of those in contemplation of the parties” for environmental protection. This suggests that the long term costs of environmental protection and rehabilitation such as revegetation and maintenance of dams may be paid out of public revenues if those types of expenses are included in the initial bonus and royalties that the lessee will pay. We are concerned that you may be leaving the prototype program in fact provide answers to these questions.

As we have already noted, various provisions for offsetting development expenditures against the lessee’s bonuses and for the payment of extraordinary costs by the government constitute a subsidy for the leases. In view of this kind of legal challenge which was successfully made against the Trans-Alaskan Pipeline right-of-way, if additional federal authority is needed, we urge you to let the Congress know.

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Newspaper reports last week (Washington Star-News, January 3) indicate that Ad­ ministration officials are considering the use of joint government-industry corporations to develop vari­ ous forms of energy sources, including oil shale. This approach, which would be regulated by the National Energy Research and Development Policy Act, may well be preferable to the proposed prototype program.
There is one further complicating factor with respect to the Department’s program. That is the pending Senate Interior Committee selection application filed by the State of Utah, for 157,000 acres of Federal land in Utah. We understand that these selections include the lands provided for by the Ministerial-land selections by the States in satisfaction of their statehood grants. We agree with the policy addressed in the Department’s letter of October 27, 1973. Federal State selections should not be allowed where there is a “gross disparity” of value between the Federal and State selections. If you intend to change that policy, we request that you notify this Committee before opening any “mineral-rich” lands to selection.

In any event, it seems to us that the Department should decide the state selection question before going ahead with the prototype program. Any large scale development on these lands would appear totally inconsistent with the objectives of the Department’s program.

The results of the January 8 bidding on your November 30, 1973 lease proposal for Tract No. 3 show that industry is now prepared to proceed with oil shale development. In view of many serious questions concerning the prototype program, it is our view that prior to proceeding with the five sales, the Department should conduct a careful review of the lease terms in light of the questions we have raised and inform this Committee of the results of your review. We would appreciate hearing from you on this matter at your earliest convenience.

Sincerely yours,

HENRY M. JACKSON,
Chairman,

LEW METCALF,
Chairman, Subcommittee on Minerals and Fuels

U.S. DEPARTMENT OF THE INTERIOR

HON. HENRY M. JACKSON.

WASHINGTON, D.C.

Dear Senator Jackson: This letter represents the views of the Committee on January 8, in which you expressed doubt about the Department’s oil shale program and wished to express our view that we should not proceed with the selection of five oil shale lease sales until we have informed the Senate Committee on Interior and Insular Affairs of the results of our reevaluation of the lease terms under which these sales will be conducted.

In your letter you agreed with the basic objectives of our program, but you expressed doubt that our program contained the kind of requirements and incentives needed to assure accomplishment of these objectives. Our objectives are:

1. To provide a new source of energy to the United States at a cost that is competitive with the cost of oil. The program may also include research and development of commercial oil shale technology by private industry.

2. To preserve the environmental integrity of the affected areas and at the same time to develop a full range of environmental safeguards. We agree with the Secretary, that(1) the program will be incorporated into the planning of a future oil shale industry, should one develop; (2) to permit an equitable return to all participants in the development of this public resource; and

4. To develop management expertise in the lease terms to conduct oil shale development in order to provide for future administrative procedures.

We believe the January 8 sale of the Colorado Tract C-a confirms our judgment that the lease terms under which our national oil shale resources should be developed. We are convinced that our lease terms contain an appropriate balance of provisions to assure that development occurs promptly and in a manner that will meet these agreed objectives. We will, therefore, proceed with the remaining sales. Before I address the specific issues you raised.

1. You suggest that Federal assistance, such as the lease terms under the program of Section 8 of the Energy Conservation Act of 1978, may be required to stimulate development of new technology under performance standards. We believe that this development occurs promptly and in a manner that will meet these agreed objectives. We will, therefore, proceed with the remaining sales. Before I address the specific issues you raised.

2. Your letter contains the conclusion that “success is guaranteed” if the lease terms contain an appropriate balance of provisions to assure that development occurs promptly and in a manner that will meet these agreed objectives. We will, therefore, proceed with the remaining sales. Before I address the specific issues you raised.

3. To permit the lessee to conduct all operations under the lease in accordance with applicable Federal, State, and local water pollution control, water quality, air pollution control, air quality, noise control, and other environmental requirements of Federal, State, and local government. In your letter you agreed with the basic objectives of our program, but you expressed doubt that our program contained the kind of requirements and incentives needed to assure accomplishment of these objectives. Our objectives are:

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2. Your letter contains the conclusion that “success is guaranteed” if the lease terms contain an appropriate balance of provisions to assure that development occurs promptly and in a manner that will meet these agreed objectives. We will, therefore, proceed with the remaining sales. Before I address the specific issues you raised.
As suggested earlier, the minimum royalty payments are designed to discourage delays in development by escalating the cost of holding leases. However, the maximum royalty is not based on projected production and certainly is not intended to discourage development. The royalties that "are required to be paid the Secretary discretion to allow a credit against production royalties for environmental protection costs which were not in the parties' contemplation when the lease was issued. The credit is not automatic and the credit will allow a lessee to avoid paying royalties against the development costs incurred for environmental protection if unforeseen problems arise.

Section 7(d) provides for the very type of flexibility to deal with unexpected environmental developments that your letter earlier suggested the Department was seeking. It gives the Secretary discretion to allow a credit against production royalties for environmental protection costs which were not in the parties' contemplation when the lease was issued. The credit is not automatic and the credit will allow a lessee to avoid paying royalties against the development costs incurred for environmental protection if unforeseen problems arise.

We have requested the Bureau of Land Management to prepare an Environmental Impact Statement for the prototype program. We have requested the Bureau to prepare an Environmental Impact Statement for the prototype program and the parties' contemplation when the lease was issued. The credit is not automatic and the credit will allow a lessee to avoid paying royalties against the development costs incurred for environmental protection if unforeseen problems arise.

2. You have also suggested that the remaining oil shale lease sales will produce the same interest and high bids as the January 8 sale of Tract C-a in Colorado. However, we are hopeful that there will be considerable interest in the remaining tracts and we are optimistic that the oil shale program will achieve its objectives. For the reasons discussed above, we believe it would be a mistake to stop this process.

I hope these responses are helpful to you and to the other members of the Committee.

Sincerely yours,

JOHN C. WHITAKER,
Acting Secretary of the Interior.
climate of free choice between continuing in employment as long as one wishes and is able, or retiring on adequate income with opportunities for meaningful activity.

This flagrant violation of the spirit of the Age Discrimination in Employment Act by the Defense Department is not to be condoned. I therefore hope that the administration will not pursue this legislation with the Congress. If it does, I shall fight it with every resource I have.

At this point, I ask unanimous consent that the reference to the Evening Star in the Record be stricken.

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

[From the Washington Star-News Jan. 24, 1974]

FORCED RETIREMENT AT 55?

(By Joseph Young and John Cramer)

The Defense Department is seeking legislation from the Congress to give it the power to force its civilian employees in middle- and upper-grades to retire if they have reached the retirement age set by the Civil Service Commission. Rebuffed by the Civil Service Commission on support of such legislation, the Defense Department has advised Congress it will have to look to the CSC's head and seek such a bill on its own.

Defense bases its move on the fact that its civilian work force of 300,000 is getting too old. It said present civil service retirement laws have resulted in an older federal work force that "inhibits the development and retention of younger employees."

In a memorandum outlining Defense strategy for securing such legislation in the face of CSC resistance to such a move, William E. Brehm, assistant secretary of defense for manpower, said congressional support should be sought before such legislation is submitted.

Brehm said that if the legislation is formally submitted and rejected by Congress before contacts are made, then the future prospects of such a bill would be considerably lessened.

Under Defense's proposals, employees in Grades 13 ($20,677 a year) and above who have at least 30 years of service could be forced to retire.

The initial authority would be for a two-year period and would occur during Defense reductions in force. Defense spokesman described the proposal as "a peripheral sort of thing. We've been talking about it for years. We've been trying here to get serious. We're here to try to see if we can get the CSC to see that we needed the CSC to see that we needed the legislation."

Civil Service Commission Chairman Robert E. Hampton, confirming CSC's refusal to back the plan, said: "I have no intention of suggesting it for Administration approval. It doesn't stand a chance."

Several years ago, however, the Administration did submit a similar proposal which would have applied to upper-level employees governmentwide. Congress shot it down.

EDUCATION PROPOSALS FROM THE ADMINISTRATION

Mr. PACKWOOD. Mr. President, issuance of the President's 1974 education message last Thursday just 1 day after his appearance before the Congress on the energy crisis was no coincidence.

For just as we are at a critical juncture in our Nation's history over meeting energy requirements, so, too, we find Federal education programs surrounded by great debate. Nothing brings this point to bear more than the letters and communications I have received from Oregon educators. Their varied questions of whether the new basic educational opportunity grant, or will there be a new formula for ESSEA title I funding, along with hundreds of similar inquiries of impact, must be addressed by this Congress, by legislation passed this session.

After massive infusion of Federal dollars and the implementation of myriad Federal education programs, the record is one of increasing costs and decreasing effectiveness. As pointed out by the President in his message from Washington, the path is not as clear today as it was once thought to be. Disillusionment and doubt is crisscrossed with talk of reevaluation and new directions. The President's message suggests many approaches that hold promise—just one example of inestimable value is the inclusion of an essential provision for advancement of a child. No local authorities can plan their programs with a degree of certainty. Because of this potential, it is imperative that the White House proposals be given serious examination by a national forum to sense the past and guidance of the country's educators.

Mr. President, I ask unanimous consent that the President's 1974 message and accompanying fact sheet be printed in the Record at this time.

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

JANUARY 24, 1974.

THE PRESIDENT'S 1974 EDUCATION MESSAGE

To the Congress of the United States:

The Congress returns to Washington this week at a time when America faces many difficult challenges. Each of them will spark honest differences of opinion and generate spirited debates during the coming year. But one goal which unites all of our people is to provide each of our children with an education that will make a difference in their lives. It is the obligation of all Americans that the children of our future acquire the skills and values that will enable them to be productive citizens and to make the decisions they will be called upon to make.

We have made substantial progress toward this goal, but we can maintain that momentum only if we commit ourselves to a continuing commitment. We must now decide whether we will halt our progress, or whether we will go on trying because we believe we need it.

Civil Service Commission Chairman Robert E. Hampton, confirming CSC's refusal to back the plan, said: "I have no intention of suggesting it for Administration approval. It doesn't stand a chance."

Several years ago, however, the Administration did submit a similar proposal which would have applied to upper-level employees governmentwide. Congress shot it down.

Consolidating major grant programs for elementary and secondary, vocational and adult education and increasing de-
my budget for advanced funding of the consolidated education grants reflects that principle.

Third, to the maximum extent possible we should put the important choices in the hands of students and parents. One example of this principle is the Basic Opportunity grant program which permits students to apply for additional scholarships that exceed their college costs. The second example of this principle is the Basic Opportunity grant program which permits students to apply for additional scholarships that exceed their college costs.

Fourth, the Federal Government must play a more central role in the development of future budgets with fusing enough, the Federal funding process funds just since July of 1973. As one school board member put it: their Federal funds will be until late fall. This means that schools in the school year will be used by schools in the school year beginning this fall. If the Congress acts on this request swiftly, those who run our elementary and secondary schools as well as vocational and adult education programs would for the first time know how much Federal money they would have before the school year begins, not several months after the year has begun.

If the supplemental appropriations request will be formally transmitted to the Congress as soon as acceptable authorizing legislation is enacted, it is my hope that authorizing legislation to be passed early this spring, so that we can provide forward funding at the earliest possible date.

Consolidating Elementary and Secondary Education

In 1971 I asked the Congress to consolidate and simplify numerous Federal aid programs for education. In 1972, Congress responded to that request by enacting the Basic Educational Opportunity Act, which simplifies the Federal assistance for elementary and secondary education. The act authorizes Federal grants for education purposes to all public elementary and secondary schools on the basis of a national formula.

In coming weeks, I will send to the Congress a proposal for a new project grant program to aid school districts in meeting on voluntary or court-ordered desegregation. This program should replace the current Emergency School Aid Act when the act expires this June.

A national formula program is no longer needed, however, for that task is needed is a targeted approach to solve specific problems.

At last year, I proposed to the national formula now employed under the Emergency School Aid Act, the new project grant program would target desegregation aid to solve specific problems. The program would provide additional education and services to children in those school districts which help meet problems relating to desegregation.

Providing for Indian Children

A targeted approach is also needed to deal more effectively with the needs of Indian children. There is a special Federal responsibility to provide educational services to Indian tribes and communities, and we propose to place emphasis on project grants for this purpose.

Bilingual Education

Because of the great diversity of our Nation and the increasing number of children of families whose native language is other than English, I ask the Congress to continue support for demonstration programs, which help teach better ways to provide bilingual education.

IV. Postsecondary Education

This Administration is committed to the goal of no qualified student being denied a college education because of a lack of funds. Today we are in a position to accelerate progress in aiding our nation's students to meet the financial responsibilities that they face.

Expanding Aid to Needy Students

In 1972 the Congress responded by enacting the Basic Educational Opportunity Grant program to the primary need of the nation's poorest students. The program is both for needy students receiving Basic Grants, and for students who are eligible for Basic Grants but who need or wish to increase access to loans. This program is both for needy students receiving Basic Grants, and for students who are eligible for Basic Grants but who need or wish to increase access to loans. This program will provide grants of up to $1,400 depending on need. I have urged the Congress to enacting the Basic Educational Opportunity Grant program to the primary need of the nation's poorest students. The program is both for needy students receiving Basic Grants, and for students who are eligible for Basic Grants but who need or wish to increase access to loans. This program is both for needy students receiving Basic Grants, and for students who are eligible for Basic Grants but who need or wish to increase access to loans. This program will provide grants of up to $1,400 depending on need.
quest for these programs would provide more such opportunities than ever before. Building on Basic Grants, students can rely on work, loans, and family resources, plus State and local aid forms of office. This program would help to meet the remainder of their financial needs.

DEVELOPING INSTITUTIONS
I will request funding of the full authorization for the Developing Institutions program—an authorization that is four times the amount of the 1975 budget. This program helps to strengthen the capabilities of colleges which are serving Black, Spanish-American, or Indian students, as well as students from economically disadvantaged backgrounds—a special concern of my Administration.

V. INNOVATION AND REFORM
NATIONAL INSTITUTE OF EDUCATION
An essential element in our effort to provide every American an equal and increasing opportunity for education is the development and dissemination of alternative educational approaches through research. For too long we have thrown money at educational problems, feeling that bigger would mean better.

To strengthen support for education research and development, the National Institute of Education was created with strong bipartisan support. The Institute is now beginning to provide the leadership in educational research and development that is needed.

In 1975 it will continue to concentrate on several major tasks:

—finding answers to the problems that students have in learning essential skills such as reading and mathematics;

—improving State and local capability to solve the educational problems of their youth;

—increasing the educational benefits to students through improving the productivity of our schools;

—and assisting students to better understand the relationship between the school and the world of work. Through this latter activity, the National Institute of Education has taken on the responsibility to carry out the Career Education objectives I set forth in my 1972 message. The Institute is developing course materials to introduce young people to various career opportunities and is experimenting with new methods of preparing them to get and keep jobs that will provide them with the skills and offer opportunities for advancement.

Education research is not a luxury but a necessity. We must firmly insist that the handicapped be provided with the support to which they are entitled. We must work hard to develop effective programs for the education of those children who are handicapped.

Fund for the Improvement of Postsecondary Education
The Fund for the Improvement of Postsecondary Education constitutes another important new Federal initiative to achieve needed innovation and reform. The fund, it is anticipated, will support exemplary activities and new directions which promise to increase the quality, effectiveness, and diversity of postsecondary education. The new fund is now providing support for the development and demonstration of more effective approaches to college education.

Right to Read
The Right to Read effort is well on its way to becoming a prime example of the way the Federal, State, and local partners can achieve positive results. Under this program, we are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults. We are now on the way toward achieving a goal which is both important and necessary—literacy for adults.

The President has stated five principles to guide Federal action affecting the nation's schools:

1. The Federal government should support initiatives without seeking to control and direct the details of implementing objectives. 

2. The Federal government must make it possible for citizens, students, parents, and administrators to plan ahead to meet educational needs.

3. To the maximum extent possible, the important choices should be placed in the hands of students.

4. The Federal government must play a more responsive role in funding research to find out what works in education.

5. The Federal government must foster the equal educational opportunity for all Americans.

Consolidation and Forward Funding
The President has proposed a Legislative program to consolidate over 30 existing grant programs. Major program areas which the President has proposed for consolidation would be funded as follows:

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<thead>
<tr>
<th>Title</th>
<th>1974</th>
<th>1974 advanced</th>
<th>Total</th>
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<tbody>
<tr>
<td>Advanced Disadvantaged</td>
<td>1,270</td>
<td>1,885</td>
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<tr>
<td>Handicapped Innovation</td>
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<td>154</td>
<td>308</td>
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<td>Support Services</td>
<td>158</td>
<td>544</td>
<td>702</td>
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<td>Vocational</td>
<td>565</td>
<td>68</td>
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<tr>
<td>Adult</td>
<td>68</td>
<td>68</td>
<td>136</td>
</tr>
<tr>
<td>Total</td>
<td>2,783</td>
<td>3,582</td>
<td>6,365</td>
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</tbody>
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Other Elementary and Secondary Programs
The President is proposing the following actions on educational programs for special groups of children:

Consolidation of eight discretionary authorities. We must firmly insist that the handicapped be provided with the support to which they are entitled. We must work hard to develop effective programs for the education of those children who are handicapped.

A new program of project grants to assist school districts undergoing voluntary or court ordered desegregation, replacing the existing Emergency School Aid Act.

A shift of aid for Indian children to a project grant basis.

Continued support of demonstration projects to develop better ways to provide bilingual education.

Postsecondary Education
Under the President's $3.8 billion request for Basic Grants to be paid in academic year 1975-76, the average grant would rise from the current $5,090 to $6,065. These grants would be available for all four years of college and for part-time students in contrast to present funding which limits eligibility to full-time freshman. The President has directed the Treasury and the DHEW to take necessary administrative action to assure wide availability of student liquidity.

The purpose of these programs is to assure that no qualified student is deprived of a reasonable opportunity to go to college, to gain the knowledge and skills to succeed in the world of work, and to enable families to plan ahead to meet higher education costs.
The National Institute of Education

The President has requested funding for the NIE program emphasizing the following priority areas:

Improving answers to the problems that students have in learning essential skills such as reading and mathematics.

Increasing school time, and needed capability to solve the educational problems of their youth.

Increasing the educational benefits to students through improving the productivity of our schools.

Assisting students to better understand the relationship between the school and the world of work through career education.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD, Mr. President, is there further morning business? The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

APPOINTMENT TO TECHNOLOGY ASSESSMENT BOARD

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 92–484, appoints the Senator from Alaska (Mr. Stevens) to the Technology Assessment Board, in lieu of the Senator from Colorado (Mr. Domoinic), resigned.

LEGAL SERVICES CORPORATION ACT

The PRESIDING OFFICER (Mr. HASKELL). Under the previous order, the Senate will now resume the consideration of S. 2686, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2686) to amend the Economic Opportunity Act of 1964 to provide for the transfer of the legal services program from the Office of Economic Opportunity to a Legal Services Corporation and for other purposes.

Mr. NELSON. Mr. President, I ask unanimous consent that Dr. James Luceick and Thomas Schroyer have the privilege of the floor during the consideration of the pending business of the Legal Services Corporation Act.

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

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. Ray Calemmo of the staff of the Subcommittee on Employment, Manpower, and Migratory Labor, be accorded the privilege of the floor during the consideration of the pending business of the Legal Services Corporation Act.

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

Mr. NELSON. Mr. President, I call attention to the lack of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. 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. NELSON. Mr. President, the pending Legal Services Corporation bill (S. 2686) has been on the Senate calendar since November 9, when the committee report was filed—over 2½ months ago. From December 10 through 14 of last year, the bill was on the Senate floor. I do not believe that it can be credited to the administration that there has not been adequate time to consider this bill.

Mr. President, the Legal Services Corporation Act, S. 2686, is the result of a year-long struggle that Dr. Ray Calemmo, in his testimony before the committee, has argued that there has been as much time as should be accorded the privilege of the floor to the consideration of proposals to establish a Legal Services Corporation.

We do not lightly arrive at the important provisions of S. 2686. Like the administration's bill, this legislation gives the President the unfettered right to appoint all the members of the Board of Directors, with the advice and consent of the Senate.

Some concern has been expressed over so-called abuses perpetrated by idealistic young Legal Services attorneys at the "expense" of the poor. While there is disagreement among reasonable men over the precise nature of these abuses, the compromise worked out with the administration in S. 2686 solves a number of restrictions on Legal Services attorneys that would help to curb such abuses in the future.

At the same time, we must make clear that there can be no exceptions, be any restrictions on the right of a legal services attorney to use the tools of his trade as an attorney to provide the highest quality legal representation to the eligible poor. This U.S. Senate cannot be placed in the untenable position of restricting the range of legal services a federally funded attorney can provide his client, and thereby requiring a legal services attorney to accept the ethics of the bar or the code of professional responsibility of his profession. Support for this proposition has been heard from every significant bar association in the country, and from a majority of the attorneys, by both sides in the long and litigious negotiations with the administration.

There has also been some discussion of the development of alternative methods of delivery of legal services to the poor, including concepts like Judicare, vouchers and prepaid legal insurance. There is no question but that existing staff attorney programs, by all current estimations, are the most efficient programs available at the present. This efficiency is especially significant in light of statements made by the past few years that at current levels of funding, legal services are being rendered to fewer than 25 percent of the potentially eligible clients at the lowest end of the needs scale. Further, S. 2686 does provide for special exploration, mandating specific demonstration projects, of all the alternatives thus far mentioned in the committee report. The results of these studies will be made available to the Congress as well as to the Board of Directors of the Legal Services Corporation. And while major changes in legal services delivery could be considered, when that information becomes available, it would be far too premature to contemplate any of those changes at this time.

With respect to political activities the committee-reported bill prohibits the Corporation and its recipients from making available their funds, equipment, or personnel, including the services of attorneys, for political purposes. An additional safeguard, section 1006(b)(5) adds the injunction that no Corporation or recipient employee shall intentionally identify the Corporation or a recipient with any such specifically prohibited political activity.

Legal Services attorneys are to be subject, in addition, to all the Hatch Act restrictions placed on the activities of recipients of Federal grants today. This is required, if the attorneys are to devote all their efforts to the provision of legal advice and representation to poor clients.

The real key to our agreement on this legislation, and especially its provisions restricting the actions and activities of attorneys is the need to protect the right of the poor to the representation of a whole legal services attorney, not half a legal services attorney.

Mr. President, I will not go over the whole of my introductory statement when the debate on this legislation began on December 10—which appears on pages 40497–40472 of the Congressional Record of December 10, 1975.

However, I would like to summarize the key features of the legislation at this time:

DESCRIPTION OF BILL'S MAJOR PROVISIONS

The National Legal Services Corporation bill would establish a nonprofit corporation "for the purpose of providing financial support for legal assistance in noncriminal proceedings or to persons financially unable to afford legal assistance in such proceedings." The Corporation would be directed by an 11 member board whose members would be appointed entirely by the President, with the advice and consent of the Senate. The Board will have sole responsibility for issuing the rules, regulations and guidelines by which the Corporation fulfills its mandate, and will appoint a Corporation president with whom it will share responsibilities for providing financial assistance to those programs which will actually provide legal assistance to eligible clients. The Corporation is empowered to exercise "reasonable flexibility in insuring the provision of high quality legal assistance to eligible clients. It may contract, where necessary, with individuals, institutions, and other nonprofit organizations and corporations. The Board is authorized to contract with State and local governments, upon special application, for the purposes of the Corporation." Here, where nongovernmental alternatives would not be adequate to carry out a proposed supplemental legal assistance project. In addition, the Corporation has...
the authority to provide, either directly or by grant or contract, for the research, clearinghouse, and other important back-up functions considered so essential to the program's continued vitality.

In order to provide a more efficient means for the coordination and safeguarding of the activities of the legal services staff attorneys, the reported bill provides for the appointment of nine-member State advisory councils in each State, whose members are to be appointed by the Governor after considering recommendations of the State bar association. The State advisory councils will be charged with notifying the Corporation of any apparent violation of the provisions of the act. In addition, a National Advisory Council shall be established to consult with the Corporation regarding its activities, including promulgation of rules, regulations, and guidelines. Its members are to be appointed by the Board and are to be representative of the organized bar, legal education, and the public.

In order to avoid a number of possible abuses which might occur, the legislation also includes specific prohibitions against activities concerned with focusing all the resources of the Corporation squarely on the provision of legal assistance to eligible clients.

Specific restrictions written into the act would prevent legal services attorneys from involving themselves in nonclient oriented activities while they are on the job. These attorneys may not engage in legal services activities, engage in picketing, boycotts, strikes, or public demonstrations, nor may they encourage others to engage in them. They may not at any time engage in rotating, civil disobedience, or violate a court injunction, or engage in any other illegal activity.

Legal Services attorneys may not attempt to influence legislation before Congress or before any State or local legislative body, except as necessary to the provision of legal advice and representation for eligible clients. This would prohibit indiscriminate, non-client-oriented lobbying, and would more beneficially channel the legal efforts of the attorneys—whose primary duty is to provide the best possible legal assistance to the eligible poor. It does not prohibit necessary legal advice and representation because to do so would set up an artificial double standard prohibiting legal services attorney for a poor person from doing what any other private attorney could do. No attorney shall be forced to violate the Code of Ethics by providing less than the full range of legal services to eligible clients.

Legal Services attorneys would also be prohibited from engaging in political activities, including organization, administration, or policy work for any political candidate or political party or political organization, or any illegal boycotts, picketing, strikes, and demonstrations. In addition, all legal services personnel are prohibited from organizing groups for any purpose whatsoever. Only in the course of rendering legal advice and representation as an attorney for eligible clients will the legal services attorney be permitted to provide legal assistance in connection with bills and other legislation and then only with respect to such clients' legal rights and responsibilities.

Additional restrictions and safeguards for this new program would include a provision that at least one half of the members of the governing board of any legal services program receiving financial assistance be members of the bar of the State in which the assistance is to be provided.

They provide for the best possible legal assistance to eligible clients. They also include a positive mandate to the Corporation to provide for an expanded range of civil rights representation, and to encourage a client-oriented approach to the legal services process, it is far more important that this process continue than to attempt to discover legal rights and remedies challenged as a result of the efforts at broader reform.

Victories won on behalf of groups of eligible clients in the fight against discriminatory regulations which contravene the constitutional and statutory rights of poor persons have angered critics and inflamed passions against legal services. Needless to say, whether a local housing authority or Federal agencies like the Department of Agriculture are happy when lawsuits succeed in requiring them to change their regulations, even though the result is to remove obstacles to better low-income housing or to improve nutrition programs for poor children. But those whose passions have been so inflamed should be reminded that the legal process in this country, by which the people govern themselves, is never uncontroversial in the best of circumstances. It was in recognition of this controversy, indeed, that the former Director of OEO, Frank Carlucci, reminded us, when this legislation was first proposed, that it was an act of great self-confidence for a government to make resources available for testing the legality of government practices.

Thus, while it is possible to point out a few real and potential abuses in the legal services process, it is far more important that this process continue than that it be shut off as a result of the few mistakes of a few. The legislation is to remove obstacles to better low-income housing or to improve nutrition programs for poor children. But those whose passions have been so inflamed should be reminded that the legal process in this country, by which the people govern themselves, is never uncontroversial in the best of circumstances. It was in recognition of this controversy, indeed, that the former Director of OEO, Frank Carlucci, reminded us, when this legislation was first proposed, that it was an act of great self-confidence for a government to make resources available for testing the legality of government practices.

Consequently, a lawyer who is going to represent poor people is inevitably going to be an advocate for them against government agencies. It is to shield legal services from the repercussions generated by suits of this kind as well as those generated by action against private interests that the President proposes creation of an independent legal services program.

Thus, while it is possible to point out a few real and potential abuses in the legal services process, it is far more important that this process continue than that it be shut off as a result of the few mistakes of a few. The legislation is to remove obstacles to better low-income housing or to improve nutrition programs for poor children. But those whose passions have been so inflamed should be reminded that the legal process in this country, by which the people govern themselves, is never uncontroversial in the best of circumstances. It was in recognition of this controversy, indeed, that the former Director of OEO, Frank Carlucci, reminded us, when this legislation was first proposed, that it was an act of great self-confidence for a government to make resources available for testing the legality of government practices.

Legal Services IMPASSE

One of Congress' lesser-noted failures in last year's session was its dismal performance in the continuation of the free legal services for poor people. This was, nonetheless, a sizable failure when measured by the scale of the problems that are being overwhelmed in their proportions. This has led the more creative local attorneys, as well as the less individual-oriented attorneys of main project offices and back-up centers,
promise—that citizens must not be deprived of access to the courts because of poverty, lest our claim of equal justice under law appear as something of a mockery. So more than a million dollars in 900 neighborhood offices across the country are giving free services, through this federal endeavor, which the courts have been told to do by Ford. Mainly, the aid is in family law matters that are part of everyday life, along with a good many landlord-tenant cases. On a less ominous note, legal-services attorneys have strayed too far into political areas, but legislation to return to the proper pattern—a Legislative Services Corporation has safeguards against that.

And certainly this proposed system, designed to give the program independence from political pressures, deserves speedy approval. It is the product of much compromise between liberals and conservatives, and, most notably, between Congress and the Nixon administration. President Nixon vetoed an earlier measure largely because, he said, it empowered him to appoint all members of the corporation’s governing board, but Congress has bowed to him on this. The current legislation has been approved by the American Bar Association and the American Bar Association. Its passage will mean that, for the last time, the legal community will have to face its responsibilities corporately and with pride and appreciation. It cannot be done properly with a government agency that is too closely identified with any one party. It is a matter of public policy, and the legal community will be doing itself a disservice if it continues to squabble over jurisdiction.

Mr. WILLIAM J. SCOTT. Mr. President, I call up my amendment No. 887 to strike out the first section of the amendment and substitute the following amendment:

Sec. 201. (a) The facilities operated by the District of Columbia Department of Corrections in the State of Virginia are known as the Lorton Reformatory and continuing under the Department of the Attorney General, the Attorney General of the District of Columbia, and the District of Columbia with respect to: the care, custody, discipline, and treatment of persons sentenced to and committed to the custody of the Attorney General, the Director of the Office of Management and Budget determines were employed in connection with any function, and defined to apply in the District of Columbia.

(b) The Attorney General, the Director of the Office of Management and Budget determines were employed in connection with any function, and defined to apply in the District of Columbia. All other funds belonging to or held by the District of Columbia or the reformatory are transferred to and released in lieu thereof “facilities operated by the District of Columbia Department of Corrections.”

(c) All other funds belonging to or held by the District of Columbia or the reformatory are transferred to and released in lieu thereof “facilities operated by the District of Columbia Department of Corrections.”

(d) The Attorney General, the Director of the Office of Management and Budget determines were employed in connection with any function, and defined to apply in the District of Columbia. All other funds belonging to or held by the District of Columbia or the reformatory are transferred to and released in lieu thereof “facilities operated by the District of Columbia Department of Corrections.”

Amendment No. 887 is as follows:

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at fair market prices determined by the Commissioners of the District of Columbia, and for the first year shall be in service. Personnel transferred by this subsection may be assigned to such duties as the Attorney General deems appropriate, without regard to management and regulations of the District of Columbia or of compensation or employment rights previously acquired.

(2) Nothing in this Act shall affect the employment by the District of Columbia of any person in any capacity under the management and regulations of the District of Columbia, or of compensation or employment rights previously acquired.

(3) Nothing in this Act shall affect the employment by the District of Columbia of any person in any capacity under the management and regulations of the District of Columbia, or of compensation or employment rights previously acquired.

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(24) Nothing in this Act shall affect the employment by the District of Columbia of any person in any capacity under the management and regulations of the District of Columbia, or of compensation or employment rights previously acquired.

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to the Federal Government had 97 of the 100 Members of the House of Delegates acting as joint sponsors which is indicative of the concern of the State authori­ties.

The Board of Supervisors of Fairfax County have also asked that the Lorton facility be transferred to the Justice Department.

Mr. President, I introduced a measure some time ago in the House of Represent­atives which ultimately resulted in a provision for the transfer of Lorton to the Department of Justice be­cause of the improper and deplorable conditions of the District of Columbia's correctional system. I did this because the correctional officers came in great numbers to my congressional office and asked that some corrective action be taken. They told me of almost unbelievable acts com­mitted within the prison complex. These acts have continued today and that are attested to by five recent violent deaths, one woman, a 26-year-old Lorton guard. The news media is ablaze with news accounts of criminal activity at Lorton. Action to cor­rect this situation is needed.

The notes from which I am speaking today were prepared a little over a month ago, prior to our adjournment on December 21, 1973. I would say that since the preparation of the notes, there have had other acts of violence occurring within this prison complex, which are illustrated by the newspaper accounts and I ask unanimous consent that they be included with this record at the conclu­sion of my remarks.

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

Mr. WILLIAM L. SCOTT. Citizens who live near the prison complex have also contacted my office and shared their concern. A short time ago, a family living near Lorton was kidnaped and terrorized by a couple of Lorton escapes. The situation has become so bad, Mr. President, that the attorney general of Virginia filed suit in the State court to have the prison declared a public nuisance. The situation has deteriorated to such an extent that today the guards assigned to the prison are considering striking against the unsafe conditions at the prison. Their insecurity speaks loud and clear about conditions at Lorton.

Mr. President, knowing the feeling of the people of Virginia on this matter, I have written to the President, and the Attorney General urging that the executive department take action to improve conditions at Lorton. Escapes have become so routine that I have heard the correctional officers joke about their frequency and it would be comical that inmates could walk in and out of an institution as freely as they do and yet not have a deserving inmate in the prison. The affairs of the institution have been conducted so loosely and the correctional heads of the District of Columbia Department of Corrections have been so undependable to the people of Virginia that I do feel we have no alternative, but to transfer this facility to the Depart­ment of Justice. Under the Justice Department, I believe that Lorton could become a model for other prisons and that all parties will benefit from this proposal.

In summary, Mr. President, let me just say that the correctional prison complex at Lorton is a District of Columbia facility. The inmates there are those who have been convicted to crimes within the District of Columbia. Yet, the complex is wholly within the State of Virginia. We have no control over a prison located in Virginia. That facility is under the jurisdiction of the District of Colum­bia. This prison complex is a festering sore.

I am authorized to say, Mr. President, that my distinguished senior colleague from the State of Virginia concurs with me in this amendment.

I do ask for an affirmative vote on the amendment at the agreed-upon time.

EXHIBIT No. 1
HOUSE JOINT RESOLUTION No. 229
Memorializing the Congress of the United States to undertake corrective actions at the Lorton Prison Complex to insure proper administration and security of that facility.

WHEREAS, the District of Columbia's penal institution at Lorton, Virginia is unique in that it is physically located within the confines of the Commonwealth of Virginia; and

WHEREAS, the administration and control of subject facility is exclusively that of the District of Columbia with no participation by local or state government officials or agencies; and

WHEREAS, there have been one hundred thirty-seven instances of prisoner escape during the ninetynine hundred seventy-two calendar year, an increase of fifty-eight over the ninety-nine instances of seventyeight escapes that occurred during the fiscal year 1971; and

WHEREAS, the consumption of alcoholic beverages and use of hard drugs has become a commonplace within the prison complex with four recorded instances of death due to drug overdose in nineteen hundred seventy-two; and

WHEREAS, escapes have taken place at Lorton Prison and gone unreported to Fairfax County, Prince William County, and State law enforcement agencies, for as long as an eight hour period of time, endangering the lives and safety of Virginia residents; now therefore, be it

Resolved by the House of Delegates, the Senate of Virginia concurring, That the Congress of the United States be authorized by the General Assembly of Virginia to give its most expeditious consideration to trans­ferring the control of the Lorton Prison Complex to the Federal Prison Systems, and to undertake corrective actions to insure proper administration and security of subject facility.

Resolved further, That the Clerk of the House of Delegates is instructed to send copies of this joint resolution to the Clerk of the House of Representatives and the Senate of the United States Congress, and to the Virginia delegation in the Congress.


GEORGE R. REICH, Clerk.

Agreed to by the Senate, February 28, 1973.

LUCIE V. H. LUCAS, Clerk.

EXHIBIT No. 2
RESOLUTION PASSED BY FAIRFAX COUNTY BOARD OF SUPERVISORS ON SEPTEMBER 25, 1973
LORTON PRISON—REVIEWED CLASSES ONLY
Therefore be it resolved:
1. That the Federal Bureau of Prisons be requested to provide additional immediate assistance in managing and controlling the Complex, and
2. That the Federal Bureau of Prisons de­velop and promulgate a long-range plan for the operation of the facility, and
3. That the District of Columbia take im­mediate steps to locate a detention facility (in the area of guards at the Complex), and
4. That plans for any major facilities de­velopment at the Complex be submitted to the Federal Bureau of Prison and Fairfax County for review and approval.

EXHIBIT No. 3
COMPLAINT
[Virginia: In the Circuit Court of Fairfax County]


1. The jurisdiction of this Court is in­voked pursuant to Title 6, Chapter 25, of the Code of Virginia, 1950, as amended, §§ 8-578, et seq.

PARTIES

2. Plaintiff Commonwealth of Virginia brings this action in her parens patriae capacity as guardian of the health, safety and welfare of its citizens.

3. Defendant District of Columbia is a municipal corporation which owns and operates a penal facility, known as the Lorton Reformatory, in Fairfax County, Virginia. Defendant Kenneth Hardy is the Director of the District of Columbia Department of Cor­rections, which is charged by statute with the administration of the Lorton Reformatory. Defendant J. Anderson, Superintendent of the Lorton Reformatory.

CAUSE OF ACTION

Within the calendar year 1972 and prior to the filing of this Complaint, at least thirty-nine (39) inmates of the Lorton Reformatory have been convicted of crimes of violence, have escaped from the Lorton Reformatory, including thirty-one (31) who have physically breached the security perim­eter.

8. On information and belief, these es­capes have been made possible by the inade­quacy of the security, staffing and supervision of the said reformatory by the defendants.

9. The number of incidents of the said escapes and the presence of the escapes in Northern Virginia and particularly in Fair­fax County, Virginia, constitutes a continu­ing danger to the health, safety and welfare of the citizens of the Commonwealth of Vir­ginia who have been or may be injured, taken hostage, robbed or burglarized by these inmates in their desperate flight.

7. Based on the foregoing facts, defend­ants are charged with malicious and willful nuisance, to-wit: the Lorton Reformatory.

8. If defendants are permitted to continue to maintain the said nuisance, the Com­monwealth of Virginia will continue to be endangered as described above.

9. If defendants are permitted to continue to maintain the said nuisance, the Com­monwealth of Virginia will be unable to attract industrial and residential citizens to the area.
surrounding the Lorton Reformatory, to the detriment of her economy and development.

(10) If defendants are permitted to continue to maintain the said nuisance, the Commonwealth of Virginia will be required to hire and maintain extra and special law enforcement personnel specifically for the protection of its citizens in the Lorton area and for the apprehension of defendants’ escapees.

PRAYERS FOR RELIEF

(11) Wherefore, plaintiff prays that the Court will take jurisdiction over the complaint to organize and provide for the following relief:

(a) Declare that the defendants’ current operation of the Lorton Reformatory constitutes a public nuisance.

(b) Enter an order prohibiting the defendants from continuing to operate the Lorton Reformatory in its present fashion as violations of the laws of the District of Columbia, the State of Virginia and the United States has been a long and continuous one through the years. Recently one officer who was very thorough in locating and destroying such alcohol was transferred to other duties and told "he was making waves and the prisoners did not like it." (See Transcript of Hearings, Pages 35, 89, 90, 91, 92, 93, 164, 176, 208, 258, 259, 337, 363, 383, 391, 399, 398, 399, 400, 404, 428, 429, 430, 431, 440, 441, 442, 443.

7. The use of narcotics by inmates is widespread, and there appears very little effort to control the use of underfloor "narcotic" devices and to prevent the escape from the said facility.

8. The inmates at the Reformatory (Lorton Correctional Complex), Minimum Security, High Security, and the Special Select Subcommittees, (See Transcript of Hearings, Pages 102, 105, 104, 103, 102, 123, 349, 398, 399, 400, 483, 490)

11. Rapes of prisoners by other prisoners have been manufactured into deadly weapons, (See Transcript of Hearings, Pages 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 404, 428, 429, 430, 431, 440, 441, 442, 443.

12. No control or inventory is maintained by the supervisory personnel of eating utensils used within the institutions. Hundreds, perhaps thousands, of these utensils have been manufactured into deadly weapons, (See Transcript of Hearings, Pages 440, 441, 442, 443, 444, 445, 446, 610, 520, 521, 522, 523, 524, 525, 526).

13. The prisoners do not perform even the most menial tasks. (See Transcript of Hearings, Pages 53, 54, 55, 56, 57, 68, 90, 91, 94, 95, 394, 421)

14. The five institutions are operated canteens within the prisons, upon inventory were found to have shortages of food and equipment. (See Transcript of Hearings, in one of several recent instances, an inmate named GOSKINS, 89798, on November 20, 1969 was found short $121121.97. He was, he very thoroughly in locating and destroying such alcohol was transferred to other duties and told "he was making waves and the prisoners did not like it." (See Transcript of Hearings, Pages 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59)

15. The control or inventory is maintained by the supervisory personnel of eating utensils used within the institutions. Hundreds, perhaps thousands, of these utensils have been manufactured into deadly weapons, (See Transcript of Hearings, Pages 440, 441, 442, 443, 444, 445, 446, 610, 520, 521, 522, 523, 524, 525, 526).


17. Productions of paid personnel are made without adequate training, education, or being fingerprinted) which avoided the attempt made, but the effort is still being pursued. (See Transcript of Hearings, Pages 175, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415).

18. The rifting, removal, and destruction of personal and other official files appears to have been done at will, by both authorized and unauthorized personnel. (See Transcript of Hearings, Pages 234, 237, 244, 245, 294, 295).

19. A large segment of the paid personnel have been fingerprinted possessed criminal records and are either on probation or being fingerprinted to avoid the By the Department of (See Transcript of Hearings, Pages 277, 278, 279, 280, 281, 287, 457, 458, 499, 460, 498, 312, 313).

20. There appears to be no criteria for placing inmates in “half-way houses”. They are just moved to other institutions for the apprehension of the prison. Where innumerable prisoners were allowed to roam at will and terminated with the escapees. This was the arrest made, but the effort is still being pursued. (See Transcript of Hearings, Pages 90, 91, 94, 95, 394, 421).

21. Outdated and outmoded bookkeeping methods over various funds kept within the Department are maintained with “self-audits”. Such “self-audits” were offered to the special Select Subcommittees as proof of balance. (See Transcript of Hearings, Pages 235, 236, 237, 295, 396, 442, 443, 444, 445, 446, 451, 452, 453, 516, 517, 518, 519, 520, 529, 530, 543).

22. “Self-audits” (the holding of other jobs), or performing services for hire, is prevalent among a large number of employees. This extra-income producing work was openly condoned, permitted or “winked-at” by the Director’s office. (See Transcript of Hearings, Pages 250, 201).

24. Numerous personnel are hired under “contract” (without character investigation or being fingerprinted) which avoided Civil Service regulation within the State of Virginia, (See Transcript of Hearings, Pages 37, 38, 99, 100, 173, 175, 178, 370, 371, 474, 475).

25. Director of the Correctional Advisory Counsel, Washington, D.C. advised the Director on policies, rules and regulations, (See Transcript of Hearings, Pages 380).

26. Numerous personnel are hired under “contract” (without character investigation or being fingerprinted) which avoided Civil Service regulation within the State of Virginia, (See Transcript of Hearings, Pages 37, 38, 99, 100, 173, 175, 178, 370, 371, 474, 475).

27. Full inspections or “shakedown” of the
institutions are seldom. According to Direc-
tion, persons who were ordered to be depor-
ted twice a month. This permits contraband of
type of heavy and about the vari-
prisons. (See Transcript of Hearings, Pages 64, 101, 159, 160, 259, 260, 451, 452, 404)
28. The training of correctional officers in pa-
ses is normally completed by the later, in
t no training at all, to extremely limited
courses. (See Transcript of Hearings, Pages 193)
29. No continuing examinations, records or
controls are kept on prisoners with conta-
gious diseases. (See Transcript of Hearings, Pages 145, 149, 201)
30. Visitors are allowed physical contact
with prisoners, at which time contraband has
successfully been passed between them. Any sum of money may be deposited to
any prisoner’s account by anyone, osten-
sibly to pay for contraband. (See Transcript of
Hearings, Pages 155, 156, 198, 199, 200, 291, 292, 391, 420, 427, 429, 499, 500, 511)
31. The inmate population in the Depart-
ment of Corrections was found to be below
proper experience or training.
32. The administrators of the various in-
stitutions under the Department of Correc-
tions were permitted to keep the proper
properly trained. (See Transcript of
33. The inmate population in the Depart-
ment of Labor and the Adams-Morgan Peoples
Center was found to be below
capacity. (See Transcript of Hearings, Pages 252, 230, 230, 268, 259, 390, 460)

Exhibit 5
[From the Washington Star-News, Jan. 24, 1973]
SIX FUGITIVES THROUGH TUNNEL
Six inmates of the Lorton Youth Center
escaped late yesterday by crawling through an
underground tunnel for heating pipes. Four
were recaptured within a few hours, while
walking along Interstate Route 95, between the
Lorton and Woodbridge exits. Two were
still at large.

Four prisoners were discovered missing at a
routine count at 9:30 p.m., and the two others
were found to be missing at an 11:45 p.m.
count. The six are believed to have
escaped late yesterday by crawling through
an underground tunnel for heating pipes.

LORTON TAISON BILL FACRS OPPORTION
Chances for a congressionally ordered fed-
eral takeover of the District’s Lorton cor-
rectional complex in Fairfax
County are slender, sources said yesterday.

LROTON INMATE MURDERED DURING TRIP TO
Prisons
A Lorton inmate who was serving a term
for armed robbery and assault with a danger-
ous weapon escaped from custody yesterday
while on a supervised trip to Washington.

LORTON INMATE STABBED TO DEATH
A prisoner in the maximum security sec-
tion of Lorton Reformatory was fatally
stabbed in the chest late yesterday while in
a recreation yard with some 83 inmates, the
Department of Correction officials reported.

In another incident last night, a Lorton
Inmate serving a life term for murder and
attempted robbery, was reported to be seen
on an escorted trip to a Washington church, officials
said.

The stabbing victim was identified as Larry
J. Gallman, 25, who was serving a 12-year
sentence, started in January 1972 for
attempted robbery and two counts of armed
robbery.

He died at DeWitt Army Hospital at 6:40
p.m. Monday, the following day, after being rushed to the institution when he
appeared at Cellblock 4 from the adjacent
yard said he had been stabbed.

A.Lorton official said Gallman could not or
would not tell any more about the
stabbing. No one professing to have seen the
attack was found immediately, and no
weapon was discovered.

The prisoner was identified by the
DeWitt Army Hospital. The Corrections
Department said Maurice Evans, 36, sentenced to a life term on Aug. 12,
1973, was serving a 60-year term for
robbery, was missing from a church at 3401
Martin Luther King Ave. SE at 10:15 a.m.
Tuesday.

His escape was immediately reported to the
DC Police and FBI. The prisoner was
reported to have the trip to Washington with a group called Lifers for Prison Reform, a self-help organiza-
tion at Lorton, a spokesman said.

[From the Washington Post, May 18, 1978]
KNIFE DEATH AT LORTON IS THIRD THIS YEAR
A Lorton inmate was stabbed to death yester-
day morning, in what officials said was the
third fatal stabbing this year at the city’s
prison complex in Virginia. Another inmate
was severely cut yesterday.

The dead man was identified as Melvin G.
Borden, 27, who was serving an eight to 25
year term for robbery, assault with a dan-
gerous weapon and assault on a police officer.

Officials said that Brandon staggered out
of a recreation room at about 10 a.m. with
stab wounds in the left chest, arm, and shoul-
der, and pronounced dead on arrival at the
Infirmary.

At about the same time, they said, Ben-
jamin Swan, serving a 20-year term for second-degree
murder, was taken directly to D.C. General Hospital where he
was reported to be severely

The two stabbings were related.

[From the Washington Star-News, May 23, 1973]
"FENCE" BELONGS INSIDE THE FENCE
(By Patrick Collins)
Paul Enen, the former Georgetown decor-
tor serving time at Lorton Reformatoryfor
robbery, had no business being out of jail on
a work release program last week, ac-
cording to a District prison official.

Jail officials barred Enen from the job as
supervisor of inmates who are of the Maryland
Bicentennial Commission and confined him to a maximum-security cell at Lorton.

Enen’s supervisor was quoted as saying
that Enen, serving a 6 to 20-year sentence, had been seen shopping at Garfinkel’s.

At a meeting of the District’s Correction
Department’s adult services division, said yesterday that Enen had not served
enough time to merit consideration for the program. It allows convicts to work nor-
mal jobs at day and return to a minimum-
security prison farm at night.

[From the Washington Post, Jan. 29, 1973]
LORTON INMATE STABBED TO DEATH
A prisoner in the maximum security sec-
tion of Lorton Reformatory was fatally
stabbed in the chest late yesterday while in
a recreation yard with some 83 inmates, the
Department of Correction officials reported.

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Inmate serving a life term for murder and
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appeared at Cellblock 4 from the adjacent
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would not tell any more about the
stabbing. No one professing to have seen the
Miss Gore said that Enten's trip to the store was legitimate.

"There's a big demand for souvenirs for the Maryland bicentennial," he said.

Enten was transferred to Lorton's maximum-security dormitory, but his wife said he had missed the prison's two-week orientation program there when he was first arrived. Swain said Enten's wife had gone before them and had been through the orientation and that she suspects prison officials are wrongly trying to punish her husband.

After being taken to a convict is considered particularly dangerous or likely to escape, he is assigned a bunk in a medium-security dormitory or those minimum-security prison farm.

Mrs. Enten said that her husband had spent 600 hours on unsanctioned release from the jail and had not gotten into trouble during his sentence.


First the Head Start. Of the 19 Lorton inmates who enrolled two years ago in a Washington Technical Institute program aimed at helping them get a deal with, if not completely over, their behavior problems has forced them out of public school classrooms, two escaped. One subsequently turned himself in; the other is still at large.

Now the good news. The remaining eight will be graduating from WTI on June 8. Seventeen of them have already been recognized awards for outstanding achievement—four by WTI, seven by various educational technology. Six of them went to Lorton inmates.

This may be the first time any of these young men left their cell for any extended period in the newspaper, so here they are: James (Cue Ball) Irby, Alonzo Harris, Richard Brown, David Kays, Larry Williams, James Lewis and William Coefield. Terrell Moore didn't make the honors group, but he's graduating, and we're sure he didn't make the list.

One more name, Yetta Galiber, without whom, it is safe to say, none of this would have happened. Even with her, it almost didn't.

Mrs. Galiber, who heads the Information Center for Handicapped Children, first got the inmates interested, and it was her idea to institute the program.

He finally agreed to it on the day of registration in September 1971. Since then, upwards of a dozen inmates at a time—most of them with long sentences—have been counseling, tutoring and in many cases rehabilitating teenage boys whose disruptive behavior forced them out of regular classrooms.

Many of the children, it turns out, need only to know that someone really is concerned. A few cases are immediately clear: one sounds trite and obvious when they say it-until you realize that it is knowing that someone cares that has made a difference in their own lives.

Caring is what Yetta Galiber, middle-class Jewish woman, does with her social activism, from behind the black Lady Bremonti,Listen to Cue Ball Irby:

"Tell me the truth, I didn't believe Mrs. Galiber," he said. "She first came down there. I went along with her program just because it was something to do. Then I noticed something. I would never say it, but after I had done it, but what I intended to do in the future. She actually got me thinking about my future for the first time, and I'm 51 years old now."

"That's what I mean when I talk about having somebody believe in you. I hadn't been in school in 30 years when she asked me if I had any good equivalency. I didn't, but she convinced me that I could get one if I wanted to. That's how she does, just tell me what I can do and do it."

Irby's work is at Juvenile Court, at first with Judge M.C. Fannitey, now with Judge Alfred Burka.

Richard Brown, who also sings Mrs. Galiber's praises, is interested primarily in recreation. He was a starting guard on the WTI basketball team this year. "I didn't say they made all the difference," says Mrs. Galiber, "but the year before Rick and Larry Williams joined the team, they were 3-17; last year their record was 17-24."

One of the reasons he likes athletics, Brown says, is that it helps him reach the boys he's working with. He's ready with a different case history each time he meets with them. "I just impress on them that the fear is necessary—what makes them worthwhile—is that they are uniformly unimportant. Along with others, you make a difference."

What's bothering them most often, he says, is the same thing that was bothering him: lack of self-confidence stemming from the fact that nobody believed in him.

Brown, 27, intends to continue his work with handicapped children after he finishes college (he has several offers for a basketball scholarship). Whether Mrs. Galiber is successful in helping him out of prison in time, he's doing 5-25 years on a drug charge.

Irby, who's doing a flat 20 years on his third drug offense, likes children, but he really sees himself as a college professor, perhaps in sociology. Don't bet your house he won't make it.

And please don't bet that what has happened in the WTI is duplicated in prison systems throughout the country.

Yetta Galiber's belief and trust in these men has produced a kind of magic that even she marvels at. She doesn't believe for a moment that her patients have no more than her willingness to stick her neck out for them, or burn up tankloads of gasoline between her car and the rest of the WTI. "I'm not talking about getting students to start talking about what's bothering them."

She really cares about these guys. And they, having seen what magic caring can work, are passing it on. Either that, or they're coming the hell out of me.

[From the Washington Post, Aug. 2, 1973] INMATE, 19, SICKENS RELEASE, CITES RACE DISCRIMINATION (By Eugene L. Moyer)

In the first week that Timothy N. Turner, 19, of Hillcrest Heights, spent at the Lorton Reformatory, he said his clothes, sheets and shoes were stolen and other inmates advised him to submit to homosexual acts.

In his second week at the center, where he is being held in lieu of, and exclusively because of, his convictions, Turner has been the victim of occasional racial taunts. He is one of 13 whites among 1390 African-Americans.

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EIGHT INMATES ARE INJURED AT LORTON
(From the Washington Star-News, Nov. 12, 1973)
CRASH Foils Escape Of Four
Four Lorton Reformatory inmates shot their way out of the institution this morning, commandeered a general's Cadillac and fled through Alexandria and across the Woodrow Wilson Bridge, according to authorities.

As the fleeing car headed toward the District, at the bridge's east end, it crashed into another car in rush-hour traffic near the Blue Plains sewage plant and the four fugitives were eventually recaptured after they fled on foot.

A prisoner on the bus, John A. Tucker, was shot in the arm when the prisoners began their escape attempt, and one of the escapees was wounded in the head and back when he was shot by the same gunman.

Details could not be confirmed immediately by the half-dozen law-enforcement jur­isdictions involved out. That's the only thing I could tell you on that one.

The four prisoners fled toward Jefferson Davis Highway to commandeer a getaway car.

The bus driver pulled over, and in the middle of the road, the gunman appeared and paid and was driving his cream-colored Cadillac back to Alexandria when a man armed with two pistols opened the driver's door and said: "Move over, Mama, and you won't get hurt!

Mrs. Workman moved over, the gunman got behind the wheel and three others piled into the car. One of those in the back, holding a shotgun, was bleeding, she said.

The bus driver pulled over, and in the course of the escape, shots were exchanged and the general was wounded.

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Scott's mother, Pauline Scott, who visited her son at D.C. General Hospital Sunday, said a hospital nurse "told me my son might not walk no more." She quoted Scott as saying he had been beaten "with iron pipes.

Mrs. Scott said she had learned "from other boys" that a large number of corrections department spokesmen, Scott, was stabbed on the forehead and back when a melee broke out in a recreation room where more than 200 youth center inmates had gathered for a movie at about 8:30 p.m. Saturday.

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Lorton Guard is Slain, Body Hidden in Manhole

(By Raul Ramirez)

A Lorton Reformatory correctional officer was slain early today, and his body hidden in a manhole in a fenced-in recreation yard at the medium-security section of the D.C. prison in Fairfax County, D.C. corrections officials said.

The body of Michael Roy Kirby, 26, of Manassas, was found at 5:30 p.m. by officers who began searching for him after Kirby entered the prison grounds at 2:30 p.m. and failed to report to his assigned post, officials said.

Kirby was pronounced dead at "multiple ascertainable injuries" by a prison doctor. Officials did not describe the nature of the injuries, other than to say that there was "no evidence of gunshot wounds."

The FBI, which investigates all serious crimes at the 1,000-inmate prison, is probing the death, officials said.

A spokesman for the D.C. corrections department said last night that no other incidents had been reported at the prison yesterday and said prison officials "know of no reason why he (Kirby) might have been murdered."

Since he joined the correctional force on July 31, 1970, Kirby had been assigned in an advisory capacity to the main gate and to visitors to the prison, a job that entails little contact with inmates.

Kirby was discovered first at the Lorton complex since Feb. 13, 1978, when guard Michael J. Hughes was stabbed to death in a dormitory day room by several inmates.

The correctional department spokesman gave the following account of the events preceding the discovery of Kirby's body:

The officer was scheduled to begin working at 2:30 p.m., arrived at the complex about 2 p.m., parked his motorcycle outside the 12-foot-high fence surrounding the facility and entered the grounds through two electronically-controlled gates adjacent to the officer's main guard tower No. 1.

Minutes later, Kirby was seen by several officers inside the officers' locker room and the duty captain's office, a red brick building adjacent to a dormitory and near the prison mess hall.

At about 2:15 p.m., he was seen by another officer walking through the prison chapel and the back side of a row of six dormitories. The rectangular space between the dormitories is fenced-in and is used as recreational space by inmates, Kirby was walking toward tower No. 1, on the outside of the dormitories, when he was later, inside the yard, which is enclosed by a 10-foot fence.

At 3:15 p.m., a routine phone call was made by his superiors to the trailer outside the prison gates where Kirby was seeking to enter the prison. When no one answered the call, the tower officer was contacted and found that Kirby had not gone through the gates. A search of the grounds was ordered.

Kirby's body was found inside one of the recreation yards and inside a space eight feet deep and five feet in diameter. The iron cover over the hole had been replaced after his body was removed.

Yesterday's slaying came in the wake of reports from D.C. corrections officials that violence at Lorton's 3,300-inmate penal system is declining.

Last month, the keepers of the city's five penal institutions reported that a crackdown search of cells and dormitories had netted hundreds of makeshift weapons and other contraband hidden by Prisoners.

The extensive searches were begun three months ago after the city's 1,000 correctional officers refused to patrol hazardous areas at Lorton and the D.C. jail, and other institutions because of growing unrest among inmates.

The action was thwarted when D.C. corrections director Delbert C. Jackson vowed to step up searches for weapons and agreed to place officers inside cells from correctional officers. Since that time figures provided by the department show incidents of violence among inmates and against officers have steadily declined.

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pace was slowed somewhat because less than had not participated number of volunteers materialized.

By 1 p.m., the guards were turning their efforts toward a shake down of the work areas in the Lorton facility.

The squads of eight from to 10 men formed on a parking lot near the prison Training Academy, and after a quick briefing moved into the prison through a gate at Tower Six.

In addition to the nine squads of nine men each detailed to the search, a smaller group was assigned to man the gymnasium, where inmates have privileges waiting to be checked. The standby group of search volunteers was maintained.

Inmates left their dormitories this morning, they were searched and then went to work assignments or the gym. A head houseman and a member of the grievance committee were left in each dormitory to observe the search procedures.

The search for weapons and other contraband was a key demand of local 1660, American Federation of Government Employees to avert a Friday walkout by the guards which the labor union threatened.

Jackson said the search would last until the guards were sure they had picked up all contraband they suspected were on the premises.

More than 230 guards had volunteered originally for the search, assignment, but less than had turned out and of those who showed up today still wore black crepe ribbon across their badges in memory of a fellow guard. Roy Kirby, 29, who was found stabbed to death within the complex last Nov. 30.

Jackson later estimated that the search of Lorton's central facility, which houses about 1,100 inmates, would take from six to eight hours. The search was being conducted to accompany the search squad. Officials said the results of the shake down would be made public after the search was completed.

The search squad moved out five minutes after an announcement over the Lorton public address system. The announcement told the inmates what was coming, although the prison grapevine was humming with rumors of an impending search most of yesterday.

Officials said the announcement was intended to "minimize any fears or apprehensions among the inmates.

Volunteers were to undertake the search effort for time. It was not clear whether the searches would head off a strike threatened tomorrow by some members of Local 1660, Correctional Employees, the union representing the guards.

Inmates officials yesterday were optimistic about averting a walkout. They noted that only 60 of 1,038 guards called for a strike during a meeting Tuesday. About 150 attended the meeting, and many had left when the voice vote to strike came.

Officials said the department would honor other commitments in addition to the shake down to improve security. Among them were a metal detector for the Visitors' entrance, marked containers for inmates and improved lighting and watchtower facilities.

There was no immediate response to other guards, who were considering mounting a jury investigation of the prison administration, resignation of Jackson, transfer of the D.C. corrections department to the U.S. Bureau of Prisons and the right to wear nameplates for inmates and improved lighting in the facilities operated by the District of Columbia Department of Corrections in the State of Virginia commonly known as the Lorton Reservation and consisting of the Correctional Complex, the Minimum Security Facility, the Youth Corrections Center, and related facilities, all functions of the Commissioner of the District of Columbia and the District of Columbia Council with regard to the revision, expansion, operation, maintenance, instruction, and rehabilitation of persons committed to or residing therein are vested in the Attorney General of the United States.

(b)(1) The positions and personnel of the Executive, Management, and Operations (other than medical positions and personnel) who the Director of the Office of Personnel Management determines were employed in connection with any function, power, or duty transferred by this section are
transferred to the Attorney General. All persons who are inmates of the workhouse of the District of Columbia Department of Corrections who are employed in connection with any function, power, or duty transferred by this section are subject to the provisions of law and the regulations governing good time allowances which were in effect with respect to him on the day prior to the effective date of this Act.

(c) So much of the property, unexpended balances of appropriations, allocations, and other funds of the District of Columbia Department of Corrections as the Director of the Office of Management and Budget determines shall be made available in connection with the functions transferred by this section to the Attorney General or the Secretary of Health, Education, and Welfare, as appropriate.

(d) No contract for services or supplies made by the District of Columbia Department of Corrections with respect to the Lorton Reservation shall be invalidated by the enactment of this Act until his release from custody.

4. (a) Section 937 of the Act entitled "The District of Columbia Work Release Act, approved March 3, 1911," is amended—

(1) by striking out "the Washington Reformatory" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections;" and

(2) by striking out "superintendent of the Washington Reformatory" and inserting in lieu thereof "the superintendent of the workhouse for those confined in the workhouse," and inserting: "the District of Columbia Department of Corrections, in connection with the functions of correction, shall be responsible for the occupational programs of the Lorton Employment Center and for the management and regulation of the Lorton Employment Center.

(b) The Act entitled "An Act to require that all inmates of the workhouse and reformatory for the District of Columbia shall be permitted to work in the fields," approved June 10, 1910 (D.C. Code, sec. 24-405), is amended by striking out "the workhouse and reformatory for the District of Columbia" and inserting in lieu thereof "facilities operated by the District of Columbia Department of Corrections;"

(c) The last paragraph of so much of the first section of the Act of June 5, 1920, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24-418), is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections;"

(d) The Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia," approved March 28, 1923, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24-418), is amended by striking out "at the reformatory" and inserting in lieu thereof "at facilities operated by the District of Columbia Department of Corrections;"

(e) Section 7 of such Act (D.C. Code, sec. 24-411) is amended by striking out "the reformatory at Lorton in the State of Virginia;"

(f) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia," approved June 27, 1944 (D.C. Code, sec. 24-422), is amended by striking out "the Reformatory at Lorton in the State of Virginia;"

(g) Section 304 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1963 (D.C. Code, sec. 4-184e), is amended—

(1) by amending subsection (a) to read as follows:

"(a) Whenever the United States Board of Parole has authorized the release of a prisoner convicted in the District of Columbia, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible; and"

(2) by adding after subsection (b) a new subsection as follows:

"(c) Except in cases covered by subsection (a) of this section, the Attorney General shall notify the Chief of Police as far in advance as possible, whenever a prisoner who has been convicted in the District of Columbia and is under sentence of six months or more is to be released from an institution under the management and regulation of the Attorney General;"

(h) The Act entitled "The District of Columbia Reformatory Act of 1907, approved March 2, 1911," is amended—

(1) by striking out "District of Columbia Reformatory for Women, at Lorton, Virginia, at fair market prices determined by the Commissioner of Public Welfare, and the subheading "workhouse" (D.C. Code sec. 24-403), are repealed.

(2) by striking out the last sentence thereof.

(3) The first, second, and third provisos of so much of the first section of the Act of March 2, 1911, as appears under the heading "CHARITIES AND CORRECTIONS" and the subheading "REFORMATORY" (D.C. Code, sec. 24-422), is amended to read as follows:

"The cost of the care and custody of persons convicted of violations of laws applicable exclusively to the District of Columbia, and committed to Federal penal or correctional institutions shall be charged against the United States. The amount to be charged against the United States shall be ascertained by multiplying the average daily number of such persons in the particular institution during the quarter by the average cost per person per day in the same institution for the same quarter, but excluding expenses for construction or extraordinary repair of buildings or plant facilities;"

(4) by adding after subsection (a) of the District of Columbia Reformatory Act of 1907 (D.C. Code, sec. 24-422), as appears under the heading "REFORMATORY" and the subheading "REFORMATORY" (D.C. Code, sec. 24-422), is amended to read as follows:

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(5) by adding after subsection (a) of the District of Columbia Reformatory Act of 1907 (D.C. Code, sec. 24-422), as appears under the heading "REFORMATORY" and the subheading "REFORMATORY" (D.C. Code, sec. 24-422), is amended to read as follows:

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(7) by adding after subsection (a) of the District of Columbia Reformatory Act of 1907 (D.C. Code, sec. 24-422), as appears under the heading "REFORMATORY" and the subheading "REFORMATORY" (D.C. Code, sec. 24-422), is amended to read as follows:

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appropriate, but without diminution of compliance with the employment rights previously acquired.

(2) Nothing in this subsection shall affect the functions of the Independent Parole Board of the District of Columbia Department of Corrections of personnel assigned to or employed in connection with halfway houses or similar halfway facilities of the Department of Corrections.

SEC. 7. (a) Persons convicted and sentenced in the District of Columbia prior to the effective date of this Act shall be considered applicable laws in effect in the District of Columbia on the day sentence was imposed upon them.

(b) Persons on parole in the District of Columbia on the day prior to the effective date of this Act shall remain subject to all of the terms and conditions imposed upon them prior to the effective date of this Act and their parole shall be subject to termination or modification in accordance with the law in effect in the District of Columbia on the day prior to the effective date of this Act.

(c) Nothing in this Act shall affect the validity of warrants issued by the District of Columbia Board of Parole or any member thereof.

SEC. 8. The District of Columbia Department of Corrections and all other agencies and boards of the District shall cooperate with the United States Board of Parole and shall furnish the Board with such information, files, and records as it may deem necessary in the performance of its duties.

SEC. 9. (a) The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, is amended as follows:

(1) Section 5 of such Act (D.C. Code, sec. 24-205) is amended to read as follows:

"Sec. 5. Any officer of a facility of the District of Columbia Department of Corrections or any officer of the Metropolitan Police Department to whom a warrant of the United States Board of Parole for the retaking of a parole violator is delivered, shall execute the warrant by taking such prisoner and returning him to the custody of the Attorney General."

(2) Sections 4, 7, 9, and 10 of such Act (D.C. Code, secs. 24-204, 24-206 to 24-209) are repealed.


(c) Title 11, United States Code, is amended as follows:

(1) Section 4352 of such title is amended by inserting "or District of Columbia" immediately after "A Federal".

(2) Section 4360 of such title is amended by inserting "or District of Columbia" immediately after "any United States".

(3) Section 5025 of such title is amended—

(1) by amending subsection (b) to read as follows:

"(b) The Director of the Bureau of Prisons may contract with the District of Columbia for the purpose of providing for rehabilitation, or supervision of youth offenders committed to the custody of the Attorney General in courts of the United States in the District of Columbia. With youth offenders convicted in the District of Columbia of violations of laws of the United States, and removable exclusively to the District of Columbia, the cost shall be paid from the "Appropriation for Support of United States Prisons for Offenders".

(3) by repealing subsection (c).

(4) Section 5058 of such title is amended by striking out "or of the Board of Parole of the District of Columbia," and "respectively".

SEC. 10. Such further measures and dispositions as the Director of the Office of the National Capital Planning Commission and Budget shall deem to be necessary in order to effectuate the transfers required by this Act are authorized to be carried out in such manner as he shall direct and by such agencies as he shall designate.

The provisions of this Act shall take effect fifteen days after its enactment.

Mr. WILLIAM L. SCOTT. Mr. President, I have just conferred with the majority leader. I therefore ask unanimous consent that there be a rolcall on my amendment at 1:30 p.m. on Wednesday.

Mr. JAVITS. Mr. President, regarding the amendments made by this Act shall be effective the first day of the sixth month following the date of enactment of this Act.

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Mr. JAVITS. Mr. President, regarding the amendments made by this Act shall be effective the first day of the sixth month following the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Virginia would agree, I would make that stipulation, because it is in order. I had not thought of it at the time that the request was made.

Mr. WILLIAM L. SCOTT. Mr. President, I have no objection to adding that provision to my unanimous consent request. However, I would hope that the distinguished Senator from New York would not make such a motion. I do recognize that it is within his right.

I am ready to vote now. However, at the request of the distinguished majority leader, I asked unanimous consent that the vote be at 1:30 on Wednesday.

Mr. JAVITS. Mr. President, do I correctly understand that a motion to table the amendment will be in order on Wednesday?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request as stipulated above? The Chair hears none, and it is so ordered.

OPPOSITION TO LEGAL SERVICES CORPORATION

Mr. ALLEN. Mr. President, I oppose the creation of an independent Legal Services Corporation as provided by S. 2686. In short, the bill proposes a socialist-oriented corporation, independent of governmental supervision, but designed to utilize the powers of Government and taxpayers' funds to accomplish socialist objectives.

Mr. President, let me elaborate for a moment on the role of these backup centers.

Recently, a copy of a professional journal called the Clearinghouse Review came to my attention. This review is published by the National Institute for Education and Training in the Arts. It contains a contract between Northwestern University and the Office of Economic Opportunity.

Mr. President, while ostensibly providing a factual recording and accounting of current economic conditions on certain issues, and legislative news notes, it has a distinct bias against "the State and local governing bodies, free of policy guidelines established by Congress, and free of influence from the executive branch of Federal Government. In short, the Corporation will be empowered to establish policies and fund programs without either the legislative or the will of their elected representatives.

Second, the legislative history of the Corporation to date clearly indicates that it is intended to utilize the class action approach to the solicitation of Federal agents and agencies of Government to establish public policies and implement such policies by means of judicial decrees. We are being asked to create an independent corporation free of normal governmental restraints to accomplish legislative purposes.

Mr. President, I suggest that to create a truly independent agency of the Federal Government, such as the Legal Services Corporation, and to empower it, and fund it, for the purpose of utilizing the judicial system of government to effectuate economic social changes, is a dangerous departure from sound principles of constitutional government. In reality, the Corporation will be performing, in conjunction with the Federal Trade Commission, the function of establishing public policy and accomplishing the amendment or repeal of laws enacted by Congress by the process of seeking judicial decrees for that sole purpose.

Mr. President, our Federal Government is already top-heavy with agencies not accountable to the people. Are we to create an independent agency which is independent agency to perform both an executive and a legislative function? Is the state of State and local governments and decisions affecting national policy to be left to the discretion of a handful of radical lawyers and judges? But such, as I see it, is the purpose of the Corporation, and it is an innovative and a radical departure from our proven system of constitutional government.

Mr. President, let me illustrate various types of activities to be funded by the Legal Services Corporation. One tool of the Independent Legal Services Corporation will be the so-called back-up centers, funded by the taxpayers. These centers will continue to be paid to do research for poverty lawyers in ways and means of utilizing the courts to accomplish drastic reforms in our political, economic, and social institutions. For example, here we set up a corporate, the Government sets it up, for the purpose of allowing it to bring lawsuits against the government itself.

Mr. President, let me elaborate for a moment on the role of these backup centers.
system” and is a dedicated advocate of the poor as a distinct class in the Marxist context of class struggle against the system. I am advised that the Clearing­house Review, however, refrains from addressing poverty law. I must add that “poverty law” is a looming phenomenon, even though one might think that poverty is on the decline. If poverty standards of 1964, in effect, poverty would be very much less today. However, since the threshold is continually being lowered, more and more persons are coming under the poverty line. It is my advice that the Office of Economic Opportunity, which now has control of the legal services aspect, supposedly dedicated to eradicating poverty, has succeeded in accomplishing a tremendous expansion of that class. It is reasonable to expect that an independent Legal Services Corporation will do the same. Mr. President, the poverty lawyer profession was featured in the Review is remarkably class oriented. To quote a typical passage:

 Poor children... will continue to be discriminated against as a result of present rules and regulations for the middle class. (p. 532, Vol. V, No. 9, January, 1972).

How familiar that sounds, but hardly objective; hardly a statement of the middle class. (p. 532, Vol. V, No. 9, January, 1972).

It is interesting to note that very few of the reported cases in which legal services were involved concerned individuals as individuals. By far the majority are class-action cases and typical of what is to be expected under auspices of an independent corporation.

Mr. ALLEN. I thank the distinguished Senator from Alabama, the sponsor, for his remarks. I suggest that the distinguished Senator from Alabama might be interested in the work of the National Institute for Education in Law and Poverty, which is considered a back­up center. The Independent Corporation might allow the continuation of such centers, thus perpetuating the idea of expanding the resources available to activist class-oriented poverty lawyers.

Mr. President, I do not think it should be necessary to do the comprehensive study required to demonstrate the connection between supposedly antipoverty efforts and the soaring costs of welfare, the increase in teenage immorality, and the future of American education. Education, as the National Institute for Education in Law and Poverty, is considered a back-up center. The Independent Corporation might allow the continuation of such centers, thus perpetuating the idea of expanding the resources available to activist class-oriented poverty lawyers.

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Mr. ALLEN. Mr. President, I suggest that the distinguished Senator from Alabama, the sponsor, might be interested in the work of the National Institute for Education in Law and Poverty, which is considered a back-up center. The Independent Corporation might allow the continuation of such centers, thus perpetuating the idea of expanding the resources available to activist class-oriented poverty lawyers.
CAROLINA, una.nrimous-consent 952 also have not had an opportunity to check would have done the distinguished acting Republican leader, I of the bill, request, possibly giving more time? Does it with him. I would not object in my own Senator of the bill, which the pending business on Monday, January 28, the junior Senator from North Carolina or his designee, and 2 hours to be controlled by the majority leader or his designee, followed by 2 hours of debate on this motion to recommit or commit to any committee, if such motion is offered. This motion is objectionable. Is there objection? Mr. ALLEN. Mr. President, the right to object, is this not just a regular request? Is this 2 hours of debate time? Does it not apply to the same bill? Mr. MANSFIELD. Yes, Mr. ALLEN. I would have to interject an objection to any further action to the distinguished Senator from Michigan to object. Mr. GRIFFIN. I will object, for the same reason.

The President. Objection is heard. Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the legal services bill, S. 2686, becomes the pending business on Monday, January 28, the junior Senator from North Carolina or his designee be recognized for the entire period of time of the pending business on that day, except that the majority leader or his designee shall be entitled to be recognized for 1 hour, and that at the end of the morning hour on Tuesday, January 29, the legal services bill (S. 2686) remain the pending business, and that there be 2 hours of debate, divided equally, on motion to recommit or commit to any committee, if such motion is offered.

Mr. GRIFFIN. Mr. President, I would have to object to that statement.

However, I invite the majority leader to propound these or other requests at such times as the junior Senator from North Carolina is on the floor to speak for himself. Mr. MANSFIELD. I understand, and again I must say that I appreciate the position of the Senator.

The President. Objection is heard. Mr. MANSFIELD. I have one more unanimous consent request. I ask unanimous consent that when the legal services bill, S. 2686, becomes the pending business on Monday, January 28, the junior Senator from North Carolina or his designee be recognized for the entire period of time during which the Senate remains in session on that day, except that the majority leader or his designee shall be entitled to be recognized for 1 hour, and that at the end of the morning hour on Wednesday, January 30, the legal services bill (S. 2686) remain the pending business, and that there be 6 hours of additional debate, divided equally, on motion to recommit or commit to any committee, if such motion is offered.

Mr. GRIFFIN. Mr. President, I would have to object to that statement.

With every good wish, I am Sincerely, JESSE HELMS.

Mr. McCLURE. Mr. President, once again I would like to give legal services lawyers a chance to tell the people firsthand what their ideas of practicing law with public money are. As before nothing has been changed, adding or omitting from the copy with the single exception that this time I have instructed the printer of the Recom to omit certain words which I think will offend my constituents. Those who wish to read the chapter in its entirety can find it under the title "The People's Lawyers" by Marline James. In it you can read about the lawyer "who sold drugs as a part-time thing to survive and pursue art activities or activities that actually benefit the court." Or perhaps the interest in the lawyer who expresses his respect for the courts before which he litigates in the following manner.

The courts won't be able to keep the lid on very long when people tear the prisons down and the courts realize they have no place to hold all the people they don't like or don't understand.
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They may be concerned about the fact that criminals who prey mostly on the poor are to be defended and released upon a show of the minimum amount of the very bill which purports to make the poor its beneficiary.

Mr. President, I ask unanimous consent so that a chapter from The People's Lawyer be inserted in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[Excerpt from The People's Lawyer]

SAN FRANCISCO, CALIF.

(By Marilee James)

San Francisco is the real melting pot of post-World War II American culture. Here people of the establishment, of minority counterculture physically live side-by-side in relative harmony, although each group sustains itself through its separate mental and cultural ambience.

Perhaps because of the natural beauty of the environment, perhaps because, after the earthquake, they do not wish to abandon their favorite homes without a moment's notice, they seem somehow more friendly than most other American cities. It is a city of experimenters and experimenters. The free speech movement and the 'hip' subculture all began in the Bay Area, and the return-to-the-land movement had its full two years here.

The diversity of the city, the sense of experimentation, extends to its radical legal community. Hallinan's first job was to defend criminals who prey mostly on the poor. His clients are the backdrop for the pecking order created by the court system in the city. The Black Panther party, the hippie subculture, the return-to-the-land movement, the Blackmunion, the Warehouseman's Union. Much of the '60s radical spirit is still alive in the city. It is a city of experiments that a chapter of the 20th-century flowering there.

But where once had stood Mr. Hallinan's system in the city, the Blackmunion, the Warehouseman's Union, it was disarmed, by the government, with a long period of harassment which culminated in this case. Bridges was being tried, along with two other people on charges of conspiracy to deprive the government of citizenship for himself, a crime that he had lied by saying that he had never been a Communist and that he cooperated with, that he had not supported, that he had never been in any others, that he had not supported others, that he had not supported the government of citizenship for himself. The government claimed that, when Bridges had applied for naturalization, he had lied in his application.

The trial occurred as the witch hunt was going into full swing, shortly after the trial of the neo-Hendy boy, the People's lawyer, in New York. Hallinan was cited for contempt on the second day of the trial and sentenced to six months. He successfully argued that the sentence stayed until the completion of the trial.

The Bridges trial lasted five months at the end of which time the jury returned a verdict of guilty and sentenced him to the maximum terms. The Supreme Court did eventually overturn the conviction, on the basis of the statute of limitations had expired at the time the indictments were returned. They did not, however, grant Hallinan's writ on his contempt case. The Bridges case was retried in front of a hard judge who wouldn't tell the jury that Terry had the right to stop the cop from using unnecessary force, so the case against Bridges and we won an easy acquittal.

Then we brought suit against the city for damage.

Vince's case load is light now. He only takes free cases that have a particular significance. Both Terry and Patrick now practice in the same office with him.

In 1972 he ran for judge of Department II of the Superior Court of San Francisco. Although he fought a good race under the banner, "Home and Deeds to the People--Citizens Courts," he was defeated by the incumbent.

Vince has been a member of the National Lawyers Guild since 1960.

"The younger people in the Guild are much more revolutionary than the older ones, and they are right. Sometimes you can effect changes through the courts is pretty much washed out. The courts are simply instruments of the status quo, extensions of the cop's club, and anyone who thinks he is going to get relief from them is kidding himself.

I'm a socialist, sure. I think this whole system has to be kicked out. So I like the younger lawyers with their law commune ideas because that is approaching law practice in the socialist countries. The capitalist system is not the answer to the problems that confront mankind. People want their system: man's fate, and I don't think there are any real answers, but I do think that the unjust distribution of wealth, for instance, is the root of most of our problems. I think that a good number of people in the United States are beginning to see that, and want the opposite. Of course, it is not necessarily mean armed or violent revolution, just revolutionary change. The revolution we are up against is the old order, the one. Nixon is a fool being run by madmen. The repression we are into now is the worst we've ever had. Some people now are at least potentially involved.

"Basically, I believe in the perfectibility of man, but I'm still pessimistic. I think man..."
is evolving and will eventually get rid of poverty, disease, illness, wars, racism, discrimination. It will be a place where, just about the time a human arrives there the world will swing into a tail of a poisonous comet and wipe out the whole human race. The world is a victim of a malign destiny. It isn’t his show. It’s God’s, whoever he is.

Rent control fighters who have won their stripes in a series of legal battles, albeit not as long a series as Vincent Rehn’s, the attorney for Dreyfus, McKernan & Brotsky. Because of his role as chief defense counsel of the Black Panther party, Garry is well known for the political activity he has engaged in, and could not prove it. He continued practicing on his own until 1987, when he joined Dreyfus, McKernan & Brotsky.

When a budget drive spearheaded by the Planning Center,Read like a book.

In 1957 McTernan and Dreyfus joined with Allan Brotsky, one of the newer members of the firm. Shortly after the firm began, there are five other lawyers. We have a team here where everybody does whatever they are best qualified to do. None of our partners, for instance, were investigators to investigate charges that the Associated Farmers were engaging in unfair labor practices and that the industry was not making the farmers pay for the coal they burned. The movement then was at its low ebb. I continued my Guild membership and worked with the lawyers who were running. McTernan served as president of the Guild.

Their case load, like the Center for Constitutional Rights, reads like a Who’s Who of movement cases, although with more of the West Coast and more of a Black Panther party orientation. They’ve been involved in Bobby Seale’s trials. Huey Newton’s trials, David Hilliard’s trials, the Lois Siete case, the Oakland Seven, the Angela Davis case, other shootout cases, and the whole gamut of draft cases.

“Who’s Who” in the black community in Chicago, the original civil rights movement, the great labor movement—activists, struggle through the black community, the people. I went to the meeting, plane. That was a good test, to find out that that kind of an alternative existed. Then in Los Angeles I was involved in political activity, in the struggle to organize migratory workers, and it was at that point that I decided to be a lawyer for the people. I went to Columbia Law and organized a group there that became a Guild chapter. After graduating I spent six months in the service. When I was ordered to the CIO unions in the New York area. When the war came, I went into the army as a signaller.

“After that, I worked for the United Electrical Workers in New York for a while, then came out here and joined the leading CIO labor lawyer for the NLRB in Washington. Almost as soon as I joined that firm, the CIO expelled the left unions and the right unions. And if there was a battle between the left and right, we were the victim of a malign destiny. It isn’t his show. It’s God’s, whoever he is.

“Because of my relationship with Joe and other left-wing people the Counter Intelligence Corps and the FBI started to investigate me along about my second year of law school. It me off from the civil liberties viewpoint, and I refused to cooperate with them. Eventually they gave me my...
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sion back, although I didn't want it. I graduated from law school in 1963 and was admitted to the California bar at the beginning of the next year. I went to work for a firm that did personal injury and negligence trial work because I wanted to be a trial lawyer. That's not where I wanted to be. When I found out about Vietnam, I fought with myself about going but went to Fort Benning, Georgia, for training. The army taught me that these, too, were civil liberties cases. For the first time I saw the truth about the political climate here, and I represent an American marine who had deserted in Vietnam. We went in January of 1969, where the army taught military and draft law in San Juan to Puerto Rican lawyers and tried the last draft case ever tried there. When one of the indicted defendants stood up and refused induction, I then taught a course at Rutgers Law School in New Jersey.

"When I got back to New York, I faced a heavy character committee fight before I could be admitted to the bar. I had passed the exam but the character committee was giving me a hard time for clearly political reasons although they used reasons like my Saunders. From their standpoint, I was de­ ranged and crazy. I was tired of the civil liberties stuff anyway and wanted to be independent. I had turned the corner from the civil liberties a long time before.

"I talked to Joe, who had remained in San Francisco, working with the National Legal Assistance Foundation, on welfare rights cases and advising the Black community of the city on these rights. He had built up total community organizing and teaching facilities, landlord-tenant law courses with the Berkeley Tenants Union, and done neighborhood organizing in San Francisco, California. He had also coordinated the legal work for the San Francisco College mass busts with the Guild in 1968, and he was working with them on the grand jury attacks in California and lecturing at the People's Law School. But, when we first talked he had quit the Guild in 1968, and he was charging that I was disgusted with the law so we said, "Why don't you open a storefront office in San Francisco and work with people?" He said, "I don't have an office of leave of absence. I take the leave, got stoned out of my mind, and ended up a month later in New Haven, CT, still stoned. This was in the summer of 1967.

"I met Leonard Bousin, and he offered me a job as staff counsel with the National Emer­ gency Civil Liberties Committee (NECLC). I took it while I was there I met and worked with just about every East Coast left lawyer. We had a lot of experience with military law because every time I was relieved of command they'd put me on detail, and while I was in the Army, I joined the NECLC, I began to use this knowledge. I met Andy Stapp, who was organizing the Ameri­ can Civil Liberties Defense League, and began to defend people who were refusing to go to Viet­ nam. I ended up as house counsel for the United States, doing a lot of political work. I defended Andy Stapp, the Fort Hood Forty-three—the forty-three Black GIs who refused to go on riot duty at the 1968 Demo­ cratic convention in Chicago—Oscar Petersen, editor of Fatigue Press and founder of the Oleo Street Coffee House out of Fort Hood. I defended Joe and I worked on the trial at the Guild in New York City. In New York City. They were part of a mass bust during a GI sanctuary in the college chapel.

"Then Eleanor and I were asked to go to Sweden by the American Deserters' Com­ mittee to kill the war resisters here as a result of the political climate here, and to represent an American marine who had deserted in Vietnam. We went in January of 1969, where I was free to say whatever I wanted to and then traveled extensively. As a firm we've decided that each person will try to take off at least six months every few years to keep themselves off the radar screen. In that time there were a full­ dozen big names in left lawyering, and it was clear that those half-dozen couldn't meet the people's needs in a way that the re­sponsibility was to impart their information as best they could, and to demand that local resources be utilized when a big bust oc­urred. Some people out of the Center for Constitutional Rights—Elduero, Laflmouth, Michael Stapp, and some others—did service to young law­yers just out of law school.

"We felt that what was wrong with the star system is that when a high-profile case came up, you began to lose the importance of the politics of the case. For example, if a star who is powerful comes into a case he might of course, he might use all of his influence to build an organ­ization under attack from an offensive political one to a defensive fund-raising one. Politics would begin to be made by the law­yers because the press would come to them and ask what was going on and they'd run with the lines and the surgeons and the defendants and ask them what was going on. Stars are — . You don't need them. Yet the system exists.

"Given the cultural revolution we are in right now, and, in my opinion, it is that for whites rather than a political revolution, on all levels there is no great need for single­star-type leadership. This has been true in law for a very long time. Lawyers who be­come media freaks must understand their responsibilities and feed back the money they make into local lawyers. When the press starts doing the courtroom business, use that, to rip off the press and get out the right line when you can. But if you use it to change the political organisation you're de­stroying the community of conscience of its earless contact with the people, go off on an ego trip, and are no longer capable of making decisions, it's just as bad. If the idea is wrong, I guess the commune idea is the best way to control it.

"If radical lawyers are going to be able to rip off the spoils of their position and do nothing about fighting, then they are caught in the worst contradiction in the world. If you rip off the spoils but fight in the court­room in the way you believe you could out­ side of the courtroom, then you're probably doing more good. And you're going to be able to change the courts and reforming them be­cause I don't think that can happen. There could be a real change if there is a change in the power base.

"The courts are there to give the impres­ sion that the Justices are all, which they know is a lie, and to make sure nobody gets too much out of line. They do a fantastic job of keeping the lid on. But the courts are irre­levent when you're starving to death

In the fall, Eleanore and I went to Europe for six months. We did Leonard Bousin's wife was organizing in Switzerland, and we met to discuss what to do next. Back in America, I was a so-called 'star' lawyer; I am opposed to the star system from a num­ber of fronts. I am opposed to the star system because egomaniacs and monetary rip-offs. I began to argue in early 1968 that that system would begin to change. We had to decide what to do next. At that time there were a full­ dozen big names in left lawyering, and it was clear that those half-dozen couldn't meet the people's needs in a way that the re­sponsibility was to impart their information as best they could, and to demand that local resources be utilized when a big bust oc­urred. Some people out of the Center for Constitutional Rights—Elduero, Laflmouth, Michael Stapp, and some others— did service to young law­yers just out of law school.

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they know if they once allow anything other than obsequiousness and gentlemanly courtesies, there's no telling what can happen. I'm not saying that the only way will explode.

That's what happened in Los Siete. We made that courtroom mirror the happenings in the street during the Los Siete Association trial. And some other areas in which I'll operate. I'm not going to kick their ass. Everything is on fused at this time.

Dennis Roberts, a Brooklynite who grew up in the New Jersey suburbs, went to Rutgers University for three years before quitting to join the merchant marine. After coming and working as a truck driver, he went back to school and graduated in 1961. He then went to Boalt Hall and Berkeley during the summer after his second year working for C. B. King in Albany, Georgia. After he finished law school, he went back to the South to work for two years. He then joined the Center for Constitutional Rights where he remained until June of 1971 when he moved to San Francisco and became associated with the Kennedy and Rhine firm.

Mike was first thrust into the media spotlight, along with Dennis and Mike Kennedy, when he went to Chicago for the Chicago conspiracy trial. He was again put in the spotlight when the ACLU hired him to represent the defendants in the Seattle conspiracy trial in 1970. During that trial, which ended in a mistrial and contempt sentences against all of the defendants, Mike was accused of attempting to break a full Nelson one of the guards on one of the defendants. Because of that trial at least one federal judge in Los Angeles refused to let Mike practice in front of him, although a court of appeals twice ruled that the judge was in the wrong.

"Since Berkeley I've been a movement person on and off. It's been very hard. I was an ordinary lawyer, working in a typical office because of this specialty though these cases do pay the bills here. My wife and I have had a difficult time of it. We've been exploited in the film. But if you start with the premise that you have to make a certain amount of money to survive, you can't only take those movement cases you want to take, although some of the law communities are beginning to work on this side of it. It's an important change and want to do something about it. Law should be separate from the commanders in chief, who are the only people you're trying to organize in a courtroom, whereas you'd never choose the people who are involved in those positions. It's a real enemy to fight, because it is easier to work on a trial than to organize, the collective decision-making process embodies the movement as a whole, with the result that the movement stops moving and becomes a defensive committee of the judges and the government and the government has achieved exactly what it wanted. Good organizing can be done around trials, but it's a mistake to assume that a trial is a place where people do their politics to the exclusion of all other places where they might be doing them.

"The courtroom is the man's forum, and it imposes certain limitations. It's not the place you'd choose to fight if you were choosing, and you didn't care whether you won or lost. But when being highly political in the courtroom is disadvantageous in terms of trying to reach the jury. The thing you're trying to organize in a courtroom, whereas you'd never choose the people who are involved in those positions. It's a real enemy to fight, because it is easier to work on a trial than to organize, the collective decision-making process embodies the movement as a whole, with the result that the movement stops moving and becomes a defensive committee of the judges and the government and the government has achieved exactly what it wanted. Good organizing can be done around trials, but it's a mistake to assume that a trial is a place where people do their politics to the exclusion of all other places where they might be doing them.

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revolutions is the kind you deserve. If you deal honestly with the source of the trouble, in a way that is not suspiciously or viciously, you stand a much better chance when the revolution is over.

"I'm not optimistic about the movement here now, nor about the future of the country. I think we may well be in a situation where the power, simply can't be liberated from within, and that we may face a fascist period. A lot of the world countries will have to get liberated from American imperialism before the metropolitan countries get weak enough that they can be won for the Left. If you consider the majority of people in America you're speaking of people who are the beneficiaries of American imperialism. And those who didn't want to do social justice things. It's hard to know where you'll get a revolutionary coalition. It's like a race between the repression coming on and the movement taking off.

"Of course, it is also possible that the economy can't take its internal contradictions and the whole Keynesian theory will come apart. That would then determine what happens. It could cause a moving away from contradictory liberal values into another New Deal alliance. That has to exist for the movement to exist because the necessary condition of the movement is the existence of a large liberal movement which protects and legitimates it.

"If I sounded confused, it's because I really am confused. That is the way of the movement where the movement is going and what it is to be. I feel best trying to figure it out by issue by issue, trying to sustain a way to make answers. I lack confidence in all of the answers that other people seem to have found.

While I am struggling for answers and working with Kennedy and Rhine, Tigar is also working at the Center for the Study of Democratic Institutions, and doing some writing.

"I. Tony Serra is another radical San Francisco lawyer searching for some answers. Unlike most of the lawyers discussed thus far, however, he is looking more toward the counter-culture than the movement. Serra, is known, in popular jargon, as a "dope lawyer." A native San Franciscan, he attended public schools and then went to Stanford University in Palo Alto on a scholarship that started out in 1954. He later transferred to Berkeley, where he received both his B.A. and his LL.B. in 1958. He went to Europe and stayed there for a year.

"When I got back I had no definite plans about what to do next so I went to law school. That was in the late fifties and I guess people decided what to do, whereas they themselves went to law school. In college I went around with the athletes and a few of us ended up there.

Once in Boalt Hall, the Law School of the University of California in Berkeley, he decided to aim for criminal practice.

"I could never conceive of myself doing civil practice because I'm not oriented toward business or money problem. This was in the late fifties and early sixties when there was a strong social consciousness, or at least awareness that there was a problem. So I decided to go into this area.

"But it's been somewhat of a change. As I go on, I begin to feel like I'm a prisoner in a walk-up building in a space, partially protected by a wall of hanging carpeting, head paraphernalia, and wall hangings. The five attorneys working out of this office so it's not as expensive as it looks. Steve, Dale, and I work together and just share space with the others. It doesn't cost much that way.

"I handle hundreds of cases. The percentage of dope cases I have is in direct proportion to the percentage of dope cases there are in the criminal courts here—about 80 percent dope or dope-related. On dope cases there are far more petty international smugglers and heavy dealers cause they're making money. For the volume we do and for our reputation we probably charge less than others in the area. But in the early sixties when I was on probation for the first time, I had people do county jail time for heavy sales, but we, that is the judiciary and the legal community here in the Bay Area counties, with the exception of San Mateo county, have been working on the laws so that the sales are changing so fast and dope is so prevalent. If you went into the houses of all the people around here and asked for dope, you would find in 75 percent of the houses of people under twenty-five. So now the police don't usually bother going after the possessors like they did in the early days of the Haight. Now all their energy is in going after the heavy dealers.

"The other 20 percent of Tony's work falls about evenly into two categories. The first 25 percent is political cases, mainly coming out of Berkeley and San Francisco demonstrations. According to B. A. Weller, head of the San Francisco Guild office, after a large political bust Tony will call the Guild office and tell them that he has got some ten or fifteen cases, a large number for an individual practitioner. Tony does all of these himself and charges nothing for them. Part of his work is spent defending traditional criminals, those accused of crimes ranging from burglary to murder.

"I believe in doing this, too. I'm not so reform-oriented that I would discount these people. I work more or less from the premise that no one is guilty of anything. Either we're all guilty or we're all innocent. And no one should ever go to jail. There should be no concept of law.

Tony also feels that the whole concept of the court system might be antiquated. "If you look at the whole operation of American democracy, then the judiciary is one of the impediments to the flowering of that phenomenon."

However, he doesn't think that you can generalize about the people who compose the judicial system. In the Bay Area there are some fairly intelligent, liberated, humanistic types. There are a lot of judges I dig here who I would like to do business with. But their particular form just as I'm trying to do as much as I can in my form and a poet is the way I want to do business. I don't like to categorize or generalize because I think when you get down to it everyone is as good. Everyone has the germ of striving, beauty, intelligence, but some peo-
people get involved in social forms that are hangovers from another era when social survival was predicated on different types of adaptive mechanisms.

Another voice said: “This project was a revival of certain ideology so it really embraces hip
was the ecological one. The Court of的最后一句: "It really embraces hip"
whole thing should be taken lightly."

They stand behind other people's bravery and other people's martyrdoms. I do not believe that that is something that is predicated on a social form that is not going to be one further attempt at modifying the conditions in the prisons, but this is the first attempt to do that, and that is the reason why I think lawyers, both civil and criminal, are cowards. The lawyer's position is a very important position because they are highly tutored whore-pimp types. They stand behind other people's bravery and other people's martyrdoms. It is a political role—and in the

It's an ideological role—and in the

And that is happening here and it charges

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Because the Bay Area is the Bay Area, and because of the current ambiance that

But if the early seventies don't succeed in changing things peacefully then, by the mid-seventies, there might be widespread terror and revolution and large acts of violence that reflect more than just a courageous minority.

"I guess I'm optimistic that the latter group of people also is many of the good people in the Bay Area, people who are genuine about fulfilling the alternative society and about the establishment. And I think they are our greatest prospect for acquiring the social changes that we seek.

They're not into bombing or revolution. They're just into saying I don't want anything to do with that way of life. They're not going to be the ones that are going on in the political arena. They're just into going out very determinedly to live their own lives outside of the context of 'normal' society. It is selfish, I guess, but if a lot of people do it, it's the way things will go.

You can't do everything. You can't just attack without having some new way of life to offer. You can't just direct everything at destruction. They'll be more repression after a revolution than before. It's always been that way.

"But if you look at the Bay Area you can see both the vision and mobility of the political people and the lifestyle of these other people which is the political vision fulfilled. There's a reason why it's good to think of the people who are behind them.

"I don't belong to any groups at all because I've never been concerned with organized types of mentalities, and I don't get along in that context. I relate to heavy movement people beautifully on an ideological level, but I don't on a personality level. They're uptight, tense—and at least when I see them socially in their mythological role—and in the Bay Area there are just too many people who are open and loving and right now I'd prefer to associate my private life with those people.

"This project was out of necessity. While the cat there, he's going to be saying something. While there

And when they have found some people that they can trust we have this first attempt to do that, and that is the reason why I think lawyers, both civil and criminal, are cowards. The lawyer's position is a very important position because they are highly tutored whore-pimp types. They stand behind other people's bravery and other people's martyrdoms. It is a political role—and in the

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January 28, 1974

CONGRESSIONAL RECORD—SENATE

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a multiservice collective that would provide health care, legal care, social workers, translators, and cooperatives within the next few years. The firm began as the result of the work of a small group in Berkeley, headed by Stan Zaks—who have been friends from junior high school on through their days at law school and then back to their present law firms (Columbia for Zaks and Boalt for Harris) until the present. They also both spent summers working for Black civil rights lawyers, D. King—Zaks in 1966 and Harris in 1968.

"We started discussing setting up a community law firm when we were both about a year out of graduate school," said Zaks. "In fact, it was on the height of the movement, and we were both enamored in it. We knew that we were part of a wave of legal workers that was emerging within the community law firm in the sense that we live in the community, set up our office there, and relate primarily, but not exclusively, to that community. Paul had a back operation, so it took him five years before he finished law school, but, while he was still in, about three years ago, we started meeting intensively with students from his class at Boalt, and we talked about the idea a lot. When people got involved in the movement, and financial questions became prime, and people started breaking off from the group, then Paul took off to work for a year clerkship with a U.S. district court judge. In the meantime, I had worked as a Legal Services lawyer in the Lawyers Guild general practice firm. In February 1970, I opened a small office in the Mission district with one part-time volunteer, and, then in September, Paul joined me and we moved to our present storefront office, across the street from Mission High School."

"We were trying to figure out what kind of community to relate to," Harris said, "and we had a lot of different criteria... We needed a special area, in our special fields, the special needs of the community, our existing contacts with people, legal skills, the legal services, both private and institutional, that were already present, existing social services, police harassment, the potential for legal alliances, functioning political groups, and the level of political activity. We decided on the Mission district because it was a mixed Latino, white working-class, Native American, and hippie community. In setting up the collective, we then looked around and found other places, or are people who are from one or another of the groups represented in the community."

All of the owners of the firm had two legal workers, Bernard Denov, who grew up in the Mission and had no previous legal training, and Dickey Jacobs, who had some legal training. The firm had ten to twelve law students who have worked in the office at various times. During the summers they have a full-time, well-integrated staff of six students. High school students, funded by community groups, also work in the office, training to be community legal workers. They also have volunteers who come in to work on specific projects, including a handful of lawyers from traditional businesses who give us the use of their resources. After an excellent experience with Ronald Schiffman, an attorney who now has his own practice, the firm tried to continue to run a six-month apprentice program for new attorneys.

All the owners of the firm are well aware that enlisting law workers to form the core of the office, the many other persons who relate to it make it possible for the CLF to do a large volume of work and to do it efficiently and to be a community model of the community law office idea to others.

"When I first came in here," Zaks said, "I was surprised how quickly I was able to build up trust with groups in the community. We had been hesitant about coming into a community we had not been part of be- fore, but the first thing we found was that there was such a need to work with community groups that we were accepted right away and had more work in terms of our legal skills."

"And we found that the racial question was more in our minds than in the minds of the groups that we work with," said Harris. "We knew then that we need for movement, and that the groups we work for have brought to the community, and many of the others have been our clients, we have been involved." The members of the Guild have said that the groups we work for have brought the most vital cases to the community, and that the groups we work for have been involved.

"During our first six months of operation both of our wives were working, and in the meantime, I had worked as a lawyer, and, then, in September, Paul joined me and we moved to our present storefront office, across the street from Mission High School."

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two hundred and fifty cases were on a variety of charges, almost all of them went to trial. A good number of them were felonies. The office was mandated.

It took the people working there about six months before they could get the hang of to whom they could consider doing other work than that of mass defense. At that time, Peter Haberfeld, who had opened the first law office on Fifth Street in San Francisco, and Michael Weinberg, who along with Jennie Rhine, Sharon Gold, Janet Small, Susan Matros, and others, formed the working core of the office. In addition, about fifteen other attorneys and legal workers consistently gave support to the work of the office.

The conspiracy trial began in January. It is now.

The first thing we did was to form a committee to get a conference on landlord-tenant law in connection with several other movement groups in the area. We usually do these cases in small groups. The committee met, and educating lawyers about how they could best perform their own work in a non-oppressive manner. The first thing we did was to form a committee to get a conference on landlord-tenant law in connection with several other movement groups in the area. We usually do these cases in small groups. We found that the house counsel role is the part of that revolution that is important here now to distinguish between a lawyer who contributes his legal skills to the movement and a movement person who contributes the skill of being a lawyer.

Most of the law students came, and out of that demonstration, all of the time. The only thing that makes it worthwhile to me at all is that somewhere one can use the relationships that are satisfying to me individually, and I’m helping to tear the system down. I feel there is little worth preserving. The way we go about it is to try to figure out how to destroy it before it destroys me which I’m not sure I’m winning on.

That’s how we feel personally, which is what tears us apart inside a lot. But the other side of the coin is that we don’t have any choice. The movement is so caught up in the cutting edge of fascism, a good part of that is political, that we have to deal with it. It’s important for the lawyer who is involved in himself while doing it to keep involved in nonlegal things and to watch what you’re doing. I think more and more we’ll be forced to be criminal lawyers. I don’t know if civil law is still important at all.

Some of us went on this legal trip to Cuba, and we found out a lot about lawyers there. Before 1939 some lawyers there were shot for defending some people, and lawyers were as much a part of that revolution as anything that happened, partly because Castro was a lawyer and partly because, when a system has reached the point that one has, criminal defense is considered the key to some intermediary goals.

It’s important to distinguish between a lawyer who contributes his legal skills to the movement and a movement person who contributes the skill of being a lawyer. You can tell by dedication, by lifestyle, by whether a person gets outside of him or herself. I never had a real sense of this before I went to Cuba. It’s very difficult for us to be revolutionaries, living in the belly of the monster with all the implications and escape mechanisms around us. For us to really believe so much in something outside of ourselves that we give our lives for, we have to feel that we don’t think any of us are revolutionary yet.

"Working in the court system is essential never to work with the system. We have to go to the system and work against it. There is still no way going to be the way it is until we have enough strength growing out of the barrel of a gun, or the writ of habeas corpus, or the law, or more that system. We don’t have that strength now, and until we do the court system is going to be used.

"I think it is difficult to be revolutionary in any context in this country right now. And I am not suggesting that you go out and be revolutionaries. I am only suggesting that you have a sense of the cause although that is what I’d like to be someday. I don’t think many people are
that now but I know a lot of lawyers who are trying. It's a very dynamic process. A lot of people who talk, they think it is right which, in the long run, is going to have to turn them into revolutionaries because cause they use the only way to respond to this system."

"It's inevitable as you see more of the contradictions in the system. A lot of times sometimes more quickly than they would choose, the people around the Bay Area regional office of the Guild are learning, through experimentation, to cope with the many contradictions that they see in the system at large, the legal system, and the roles they happen to have to play in it. Their conclusions, their methods of coping, are very likely to point the way to the future of the people's law movement.

QUORUM CALL

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

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL ENERGY EMERGENCY ACT OF 1972—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on S. 2689, to authorize and direct the President and State and local governments to develop a contingency plan for reducing windfall profits, and to provide for other purposes. Section 110(a) (2) authorizes any interested person to petition the Renegotiation Board on conditions which would permit such windfall profits to be received by such person. If the Board so determines, it "shall specify a price for such sale which would not permit such profits to be received by such person." In the following analysis, the price of "petroleum products permits" is the price of "petroleum products permits" which would permit such windfall profits to be received by such person. If the Board so determines, it "shall specify a price for such sale which would not permit such profits to be received by such person.

For purposes of this subparagraph, section 110(a) (2) (A) a "reasonable profit" with respect to the particular seller to be determined by the Renegotiation Board on consideration of certain general factors, i.e., "reasonableness of its cost and profit," net profits by the seller, and the like.

(i) the average profit obtained by sellers for such products during the calendar years 1967 through 1971; or

(ii) the average profit obtained by the particular seller for such products during such calendar years.

Upon petition of any interested person (section 110(a) (3) (B)) and determination that a windfall profit exists, it may "order such seller to take such actions (including the escrowing of profits and the assurance that sufficient funds are available for the refund of windfall profits. . . .) upon final determination of the Board that a windfall profit exists, the Board shall order such seller to refund an amount equal to such windfall profits to the persons entitled to refund such amount."

Section 110 takes effect on January 1, 1975, but applies to profits attributable to any petroleum product, and refined petroleum products in effect after December 1, 1973.
The uniform opinion of experts in the field of tax law that a provision identical to section 10 is an ‘excessive’ tax under the Due Process clause, rather than a refinement, was unadministrable and, therefore, unworkable.

The recent trend calls for income determinations by product lines. There is not adequate information for such a determination. Congress has required to determine taxable income by product lines, and it cannot readily be done. Since the proposal would require such determinations in the period 1967-71, both on an industry-wide basis and for each particular taxpayer, as well as for future years, it is extremely unlikely. As developed, the system would not be administrable.

It should be noted that the proposal refers to "profits," rather than "taxable income," which is the base of our entire Federal Income tax system. We have no concept of "profits" as such under our system; while we have a concept "earnings and profits," it reflects an amount after payment of dividends to shareholders, which is presently not the intended base of section 110, the proposed tax.

OTHER PROBLEMS WITH SECTION 110

Provision

(2) Any interested person, who has reason to believe that any price [prescribed by the government] of petroleum products is unreasonable, or excessive, may petition the Renegotiation Board . . . for a re-determination . . . [of the price].

Comments

Presumably "any interested person" includes a purchaser of a petroleum product. There are around 400,000 owners of oil in the United States, 360 refineries, 200,000 filling stations and thousands of others, who sell petroleum products. The number of petitions which would probably be filed with the Renegotiation Board to sell crude oil, for instance, may be staggering to contemplate. Without regard to the fact that commerce in petroleum products is aatics, the Board shall order the sellers to show the reason for their sales which will not permit such profits to be received by such sellers.

Comment

It is one thing for the Renegotiation Board to order a sale of profits from certain types of contracts with the taxpayers. The proposed system would involve a refund of profits to be so received, it shall specify a price for such sales, and the Board shall order such refunds to be made.

The testimony presented to the Senate Finance Committee last week expressed the

sand... of cases arising out of those laws will be considered small by comparison with Sec. 110. There is far greater than the sheer number of people involved.

Provision

"(B) . . . If, on the basis of such petition, the Board has determined that the price has permitted such seller to receive windfall profits, it may order such seller to take such actions (including the exorcing of funds) as it may consider appropriate . . ."

Comment

It would be intolerable if the Board exercised this power. Merely because a petition is made that some windfall profit has been made, it is too high to be justified by the Board. Such a proposal is even less effective than the proposals in the past. The income of how much profit is fair depends upon many more factors than the price of one product. What if that product sells for 120% of cost, another sells for exactly cost and the average of the two is 110% of cost. If a 10% markup on cost is reasonable, does each product have to have the same markup?

Provision

"(B) . . . Upon a final determination of the Board that such price permitted such seller to receive windfall profits, the Board shall order such seller to refund an amount equal to such windfall profits to the persons who have purchased such seller at prices set at in excess of the price . . . if such persons are not reasonably ascertainable, the Board shall order the sellers . . . to reduce the price for future sales . . ."

Comment

Considering the delays which will be involved between the time a person petitions for readetermination and the Board reaches a decision, the provision would operate to reduce the speculative profits. It is likely that few refunds will be made to the exact people who paid the excessive price. The Board may order a refund to the owners of one product, but the two cases will be disposed of before three to five years on the average. On the basis of the experience gained from the excess profits tax cases, it would be reasonable to expect the cases to go on for 10, 20, or 30 years. The final case resulting from the excess profit taxes of 1917 was not finally settled until 1928, and the final case involving the excess profit taxes of World War II was not disposed of until 1958. It is not difficult to deal with the problem of selection of excess profits tax rates of 1917-1938 continues today.

Many small retailers would be in and out of court, before the Board made its final determination. It must be realized that if the owner of crude oil is found (two, five, or ten years from now) to have made an excessive profit, so, in all likelihood, would each person who handled that crude or its products in the distribution chain. A percentage markup applied to an excessive cost, produces, by definition, an excessive profit.

Provision

"(c) . . . For the purposes of subparagraph (b), the term "windfall profits" means that profit . . . derived from the sale of any petroleum product determined by the Board under section 110, paragraph . . ."

Comment

What is a "reasonable" profit is a judgment on which no two persons would agree. It is simply a guess or a rough approximation and is unadministrable with any kind of ease. The factors enumerated in determining reasonable profits are all significant, but the most important one, and whether or not it is high enough to attract the capital necessary to produce the quantity of crude necessary to produce that crude.
the Renegotiation Board area where con­
tracting parties voluntarily agreed to them.

Note also that a successful price or the lesser
of a reasonable profit or the historical profit.
This means that a calculation of reasonable
profit must be made in each
particular seller for such products during
the calendar years 1967 through 1971.

The average profit for each product of a
seller would have to be determined for 1967–
71. Even if anyone knew what average profit
was, in this context, the records for such
calculations are not to be available for
all 400,000 crude oil owners, 250 refineries,
200,000 banks, and so forth. And if they would
be available, it would be years before they
would be analyzed to produce any meaningful profit
figures.

How would you ever allocate revenues and
expenses to petroleum products if you en­
gaged in more than one line of business
and the same products?

How would anyone know what all other
sellers of the product had done—and how
would he know whether or not it was the
same product. Petroleum products are large­
ly the same, from seller to seller, but many
have important variations in terms of costs
to produce, from seller to seller.

The average profit for each product of a
seller for such products during the calendar years

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SENATE

A major provision of this report is, of course, the section on windfall profits. The administration is adamantly opposed to adoption. The full windfall profits provision of this legislation. They intend to offer an alternative proposal which will purportedly attain the same end, and I stress purportedly because it will not do so. An excellent description of why the provision will not be contained in an article in the January 24 Washington Post. This article headlined "Plan Seem Costing Oil Invaders" and in which the provision of the failure of the administration's plan to in fact prevent, in the President's words, "major domestic energy producers from making unconscionable profits as a result of the energy crisis. The administration's proposal is really an excise tax—a sales tax—which will actually encourage the oil companies to charge higher prices and to pass the increased costs on to consumers.

Section 110, the windfall profits provision, does not go into effect until January 1, 1975. If section 110 does go into effect, or if it is not supplanted by other legislation during the current year—the windfall profits provision would be retroactive to cover all of calendar year 1974. The House and Senate conference reports are understood and consen sus to provide an opportunity of 1 year for the administration and the appropriate committees of the Congress to get together on a Federal law to prevent windfall profits. The conferees are administration and Congress make a serious, good-faith effort in the months ahead to legislate on this subject; and second, to provide American consumers who have paid unconscionable prices for oil, gas, or oil brokers, or oil distributors a remedy and a law by which they could recover, beginning on January 1, 1975, any windfall profits.

Mr. President, section 110 provides that remedy. More important, it provides an action forcing procedure whereby the American people can rest assured that the oil industry, the White House, and all those who have traditionally defended the special tax and other advantages the oil companies enjoy, will themselves be in a position of supporting the consumer in a lawsuit. This is an essential provision. The conferees are administration and Congress make a serious, good-faith effort in the months ahead to legislate on this subject; and second, to provide American consumers who have paid unconscionable prices for oil, gas, or oil brokers, or oil distributors a remedy and a law by which they could recover, beginning on January 1, 1975, any windfall profits.

Mr. President, section 110 provides that remedy. More important, it provides an action forcing procedure whereby the American people can rest assured that the oil industry, the White House, and all those who have traditionally defended the special tax and other advantages the oil companies enjoy, will themselves be in a position of supporting the consumer in a lawsuit. This is an essential provision. The conferees are administration and Congress make a serious, good-faith effort in the months ahead to legislate on this subject; and second, to provide American consumers who have paid unconscionable prices for oil, gas, or oil brokers, or oil distributors a remedy and a law by which they could recover, beginning on January 1, 1975, any windfall profits.

Mr. President, I strongly urge my colleagues to adopt this interim emergency measure. Early implementation of these provisions will permit more thorough, long-term reforms to be effectuated without undue haste or pressure, while providing interim authority to deal with current shortages.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Executive O, 81st Congress, 1st session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENocide

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate, Executive O, 81st Congress, 1st session.

The PRESIDING OFFICER. The objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The present Convention, of which the Minister for the prevention and punishment of the Crime of Genocide, which was read the second time, as follows:

ARTICLE I

The Contracting Parties, having considered the declaration made by the General Assembly of the United Nations in its resolution 50 (1), dated 11 December 1948 that genocide is a crime under international law, contrary to the Charter of the United Nations and condemned by the civilized world; and recognizing as at all periods of history genocide has inflicted great losses on humanity; and being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required, hereby agree as hereafter provided:

ARTICLE II

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE III

The following acts shall be punishable:

(a) Genocide;
(b) Conspiracy to commit genocide;
(c) Direct and public incitement to commit genocide;
(d) Attempt to commit genocide;
(e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall not be considered as political criminals for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be submitted to the International Court of Justice, or to any Member of the United Nations.

ARTICLE VIII

In any case between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

ARTICLE IX

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall come into force on the first of those months of the year in which three-fourths of the Members of the United Nations shall have ratified it.

ARTICLE X

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations. After 1 January 1950 the present Convention may be amended, in favor of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.
Instruments of accession shall be deposited with the Secretary-General of the United Nations.

**ARTICLE XII**

Any Contracting Party may at any time, by notifications addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any part of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

**ARTICLE XIII**

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the nineteenth day following the deposit of the instrument of ratification or accession.

**ARTICLE XIV**

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force from the date on which the last of these denunciations shall become effective.

**ARTICLE XV**

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

**ARTICLE XVI**

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

(a) Signatures, ratifications and accessions received in accordance with article XI;

(b) Notifications received in accordance with article XIII;

(c) The date upon which the present Convention comes into force in accordance with article XIII;

(d) Denunciations received in accordance with article XVI;

(e) The abrogation of the Convention in accordance with article XV;

(f) Notifications received in accordance with article XVI.

**ARTICLE XVII**

The origin of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

**ARTICLE XVIII**

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

For Afghanistan:

For Australia: Herbert Evatt, December 11, 1948.

For Argentina: Ramón Jorge Barreiro, December 11, 1948.

For Belgium: M. Mom, December 11, 1948.

For Brazil: João Carlos Murins, 11 December 1948.

For the Union of Buruana: Francisco Maria de Lacerda, 12 December 1948.

For China: Cheng Ho, December 11, 1948.

For Colombia: Alfonso Mejía, 12 December 1948.

For Cuba: Enrique A. Rodriguez, 12 December 1948.

For Czechoslovakia: Jan G. Holub, December 11, 1948.

For Denmark: Martin Nørregård, 12 December 1948.

For the Dominican Republic: J. E. Balaguer, 12 December 1948.

For Ecuador: Jose Maria Lozano, 12 December 1948.


For Ethiopia: Astillou, 12 December 1948.


For Greece: Konstantinos Spyropoulos, 12 December 1948.

For Guatemala: C. Benjamín Ugalde, 12 December 1948.

For Haiti: Castel Desmire, 12 December 1948.

For Honduras: Alejandro Barahona, 12 December 1948.

For Iceland: Einar Baldursson, 12 December 1948.


For Iran: Ali Pasha, 12 December 1948.


For Liberia: Henry Cooper, 12 December 1948.

For Libya: Faraj A. Khalil, 12 December 1948.


For Malaysia: C. Berensohn, 12 December 1948.

For the Kingdom of the Netherlands: W. H. W. Vos, 12 December 1948.


For Nicaragua: Alfonso Rivas, 12 December 1948.

For the Kingdom of Norway: Finn Moe, Le 11 Diciembre 1948.

For Pakistan: A. Mohammad, 12 December 1948.

For Paraguay: Carlos A. Vasconsellos, Deciembre 11, 1948.

For Peru: P. F. Dominguez, 12 December 1948.

For Philippines: Carlos P. Romulo, December 11, 1948.

For Poland: W. G. Dukaj, 12 December 1948.

For Portugal: Domingos, 12 December 1948.

For Puerto Rico: H. H. Robinson, 12 December 1948.

For Russia: T. Shchui, 12 December 1948.


For Spain: M. E. Pérez, 12 December 1948.

For Sweden: H. Emanuelsson, 12 December 1948.

For Syria: M. A. A. Abi Hayek, 12 December 1948.

For Turkey: Ali Pasha, 12 December 1948.


For the United States: Assistant Secretary-General in charge of the Legal Department.

For Yugoslavia: Kosta, December 11, 1948.


For Costa Rica: E. A. Alvarado, 12 December 1948.

For Colombia: A. M. Soto, 12 December 1948.

For Cuba: F. E. Caballero, 12 December 1948.

For the Dominican Republic: L. E. Balaguer, 12 December 1948.

For Egypt: Ahmed M. Khachaba, 12 December 1948.

For France: J. J. Savary, 12 December 1948.

For Greece: G. Spyropoulos, 12 December 1948.

For Haiti: A. Flahou, 12 December 1948.

For Honduras: A. A. Ortega, 12 December 1948.

For Iceland: Einar Baldursson, 12 December 1948.


For Indonesia: S. E. S. Marzuki, 12 December 1948.

For Iraq: Ch. S. K. Andrew, 12 December 1948.

For Italy: Carlo Rettori, 12 December 1948.

For Japan: T. M. Tani, 12 December 1948.

For Jordan: H. F. N. Alata, 12 December 1948.


For Luxembourg: F. Berckemeyer, Diciembre 11/12, 1948.


For the United States: Assistant Secretary-General in charge of the Legal Department.

For United Kingdom: Enright, December 11, 1948.

For the United States: Assistant Secretary-General in charge of the Legal Department.
To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of the convention on the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations on December 9, 1948, and signed on behalf of the United States on December 11, 1948.

The character of the convention is explained in the enclosed report of the Acting Secretary of State. I endorse the recommendations of the Acting Secretary of State in his report and urge the Senate to give advice and consent to my ratification of this convention.

In my letter of February 5, 1947, transmitting to Congress my first annual report on the activities of the United Nations and the participation of the United States there in, I pointed out that one of the important achievements of the General Assembly's first session was the agreement of the members of the United Nations that genocide constitutes a crime under international law. I also emphasized that America has long been a sponsor and supporter of the principle that peoples less favored than we have been and that we must maintain their belief in the rule of law.

By the leading part the United States has taken in the United Nations in producing an effective instrument of international law, labeling the world-shocking crime of genocide, we have established before the world our firm and clear policy toward that crime. By giving it its rightful and proper place in the ratification of this convention, which I urge, the Senate of the United States will demonstrate that the United States is prepared to take action on its part to contribute to the establishment of principles of law and justice.

Harry S. Truman

DEPARTMENT OF STATE, Washington, D.C.

The President,
The White House:

I have the honor to transmit to you a certified copy of the convention on the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and the recommendations of the Secretary of State that it be submitted to the Senate for its advice and consent to ratification.

The convention defines genocide to mean certain acts, enumerated in article II, committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such. These acts are discussed below.

The basic purpose of the convention is the prevention and punishment of the crime of genocide, adopted unanimously by the General Assembly of the United Nations in Paris on December 9, 1948, and the recommendations of the Secretary of State that it be submitted to the Senate for its advice and consent to ratification.

On December 9, 1948, the General Assembly unanimously adopted the convention to prevent and punish the crime of genocide. On December 11, 1948, the United States Senate represented in the Senate by the Secretary of State.

"Genocide is a denial of the right of existence of human groups, as genocide is the denial of the right to live of individual human beings."

The convention also pointed out that genocide shocks the conscience of mankind, results in great losses to humanity and is contrary to moral law. The distinction between genocide and ordinary homicide is made in underlying moral principles, because in the case of both crimes, moral principles are equally outraged. The distinction is that in homicide, the individual is the victim; in genocide, the group.

The General Assembly declared in this resolution that the physical extermination of entire human groups and genocide are legitimate international concern that civilized society is justified in branding genocide as a crime under international law. The extermination of entire human groups is the self-preservation of civilization itself. The recent genocide acts committed by the Nazi Government and their predecessors in the nineteenth and twentieth centuries are an example of the self-preservation of civilization itself.

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The recent acts of genocide committed by the Nazi Government and their predecessors in the nineteen
fives acts involving genocide shall be punishable. The acts are:
(a) The crime of genocide itself;
(b) Conspiracy to commit genocide;
(c) Attempt to commit genocide;
(d) Complicity in genocide.

The conclusion of Article IV, to punish guilty persons, irrespective of their status.
In Article V the parties undertake to enact, "in accordance with the provisions of these
Conventions", the legislation necessary to implement the provisions of the convention. The
convention requires any party to enact such legislation otherwise than in accordance with the country's con-
stitutional provisions.

Article VI makes it clear that any person charged with the commission of any of the
five genocidal acts enumerated in article III shall be tried by a court of the state in whose
territory the act was committed, or by such international penal tribunal as may have
jurisdiction with respect to those states accepting such jurisdiction. Thus, the com-
misison in American territory of genocidal acts would have to be tried in American courts. No
international tribunal is authorized to try anyone for the crime of genocide. Should
such a tribunal be established and given advice and consent to United States ratification of
any agreement establishing it would be necessary for such agreement to bind the United States.

By article VII the parties agree to extradi-
tion, in accordance with their laws and treaties, for the accused of committing geno-
cidal acts; none of such acts is to be con-
sidered a political crime for the purpose of
extradition. The United States representa-
tive on the Legal Committee, in voting in
favor of the convention on December 2, 1948, said:

"With respect to article VII regarding ex-
tradition, I desire to state that until the Congress of the United States shall have
enacted the necessary legislation to implement the convention, it will not be possible
for the Government of the United States to surrender a person accused of a crime not
already extraditable under existing laws."

Existing United States law provides for ex-
tradition only when there is a treaty therefor
in force between the United States and the
demanding government. Only after Congress has defined the conditions under which acts, of
the crime of genocide, and authorized surrender therefor, will it be possible to give effect to any
international agreement for extradition.

Article VIII recognizes the right of any
party to call upon the organs of the United Nations for such action as may be appropri-
ate under the principles of the prevention and suppression of any of the acts enumerated
in article III. This article merely affirms the right of the United Nations to call upon an
organ of the United Nations in matters within
its jurisdiction.

Article IX provides that disputes between the parties relating to the interpretation, appli-
cation, or fulfillment of the convention, including the definition of "genocide," or the
interpretation, application, or fulfillment of any of the acts enumerated in article III, shall be submitted to the Interna-
tional Court of Justice. If "responsibility of a state" is used in the traditional sense, "responsibility to another state for injuries
sustained by nationals of the complaining state in violation of principles of international law" refers to disputes where interests of nationals of the complaining state are involved, these words are intended to mean that a state can be held liable in damages for injuries inflicted by it on its own nationals, this provision is considered to make the United States take reservations with respect to such an Inter-
pretation.

In view of this statement, I recommend that the Senate give its advice and consent to
ratification of the convention—
"with the understanding that article IX shall be understood in the traditional sense of
responsibility to another state for injuries sustained by nationals of the complaining state in violation of principles of international
law, and shall not be understood as meaning that a state can be held liable in damages for injuries inflicted by it on its own na-
tionals."

The remaining articles are procedural in
nature. By article XIV the convention is to
be effective for an initial period of 10 years
and may be extended. The parties may agree to an increase in this period. No
international tribunal is authorized to try any party for the crime of genocide. Should
such a tribunal be established and given advice and consent to United States ratification of
any agreement establishing it would be necessary for such agreement to bind the United States.

It is my firm belief that the American
people, together with the other peoples of
the world will hail United States ratification of
this convention as another concrete ex-
demonstration of our adherence to the prin-
ciples of international law.

Respectfully submitted,

James E. Webb, Acting Secretary.

(Eclosure: Certified copy of convention on the prevention and punishment of geno-
cide.)

ORDER FOR VOTES ON ENERGY
EMERGENCY BILL

Mr. MANSFIELD, Mr. President, as in
legislative session, I ask unanimous con-
sent that on tomorrow, when the distin-
guished Senator from Wisconsin (Mr. Ni-
son) offers a motion to recommit the
National Energy Emergency Act, the Dean of the Senate recommends that the act be
recommittable at 2 o'clock, the time it was
ordered to be recommitted.

On December 2, 1948, in voting in favor of
the genocide convention, the representative of the American delegation in the com-
misison before the Legal Committee of the General Assembly:

"I wish to place the following remarks be
included in the record verbatim:

"Article IX provides that disputes between the
disputes between the parties relating to the interpre-
tation, application, or fulfillment of the
present convention, including those relating to the
interpretation, application, or fulfillment of any of the acts enumerated in
article III, shall be submitted to the Interna-
tional Court of Justice. If "responsibility of a state" is used in the traditional
sense, "responsibility to another state for injuries sustained by nationals of the
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are involved, these words are intended to mean that a state can be held liable in damages for
injuries inflicted by it on its own nationals; this provision is considered to make the United States
take reservations with respect to such an Inter-
pretation."

The second assistant legislative clerk
proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT
ON TIME FOR VOTE ON THE
WILLIAM L. SCOTT AMENDMENT
ON LEGAL SERVICES BILL

Mr. MANSFIELD. Mr. President, as in
legislative session, I ask unanimous con-
sent that vote on the William L. Scott
amendment which was scheduled to take
place at 1:30 p.m. Wednesday next, be
called on at 2:30 p.m., at the request of the
President Pro Tempore, the Senate
Chairman.

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

QUORUM CALL

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

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

SENIATE CONFIRMATION OF
DIRECTOR AND DEPUTY DIRECTOR
OF OFFICE OF MANAGEMENT AND
BUDGET

Mr. MANSFIELD. Mr. President, in
legislative session, I seek unanimous con-
sent that on tomorrow, when the distin-
guished Senator from Wisconsin (Mr. Ni-
son) offers a motion to recommit the
National Energy Emergency Act, the Dean of the Senate recommends that the act be
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tation, application, or fulfillment of the
present convention, including those relating to the
interpretation, application, or fulfillment of any of the acts enumerated in
article III, shall be submitted to the Interna-
tional Court of Justice. If "responsibility of a state" is used in the traditional
sense, "responsibility to another state for injuries sustained by nationals of the
complaining state in violation of principles of interna-
tional law" refers to disputes where interests of nationals of the complaining state
are involved, these words are intended to mean that a state can be held liable in damages for
injuries inflicted by it on its own nationals; this provision is considered to make the United States
take reservations with respect to such an Inter-
pretation."

The second assistant legislative clerk
proceeded to call the roll.

Mr. MANSFIELD. 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 second assistant legislative clerk
proceeded to call the roll.

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unanimous consent that the order for the
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The PRESIDING OFFICER. Without
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The second assistant legislative clerk
proceeded to call the roll.
Whoever has any real doubt about whether he should vote yea or nay, let him study the record of the Senate and constitutional authorities, but also to the voice of murdered Anne Frank, that child of love and sunlight, of warmth and joy amid the terror, the horrible reality of the extermination of the Jews.

Across the 29 years since Anne Frank died in the Nazi concentration camp at Belsen, that voice rings out—calling on us to dedicate this country to the end of the terrible war, to the vindication of freedom.

Mr. President, I challenge Senators who would vote against this treaty to think not only of the murder of millions of Asians, Africans, and Jews, but also of this single human being, Anne Frank, and tell me how in the name of humanity can they deny that the U.S. Senate should not follow the pleas of our Presidents, our Attorneys General, and the example of 76 nations who ratified the pending treaty?

Mr. President, I am going to yield to the distinguished Senator from New York (Mr. JAVITS) in a minute, but before I do I think I should dispose of the objection, it is so ordered.

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

GENOCIDE CONVENTION

The Senate in executive session continued with the consideration of the following (Mr. Proxmire's amendment of the Senate of the United States reported in the Senate, February 19, 1954), the International Convention on the Prevention and Punishment of the Crime of Genocide.

Mr. PROXMIRE. Mr. President, why should we ratify the Genocide Treaty? I spent the weekend reading letters I have received from my constituents and other people from all over the country who have expressed their feelings regarding the Genocide Convention. And I believe that they are people who have told me they have been swamped in the past few days with letters from people opposing the pending treaty. Very few letters have come in favor of the treaty.

Thus, I believe it is proper that we spend a few moments reviewing the reason why. I will not mention the fact that this is a treaty, of course, that the United States itself proposed, fought for, and succeeded in winning adoption in the United Nations. I will not go into those points in detail, or about how the great majority of the nations of the world have ratified the treaty, and are now urging on the United States to do so.

I should like to tell the Senate that the real argument for the Genocide Treaty was that little teenage Jewish girl. She was a victim of Hitler's genocide. She was one of 6 million Jews deliberately destroyed in the Nazis' planned extermination of European Jews during World War II.

Genocide is the planned, premeditated extermination of an entire people or race. The treaty we debate today would make such action an international crime.
But, how do we do it? How do we do it, Mr. President? We have a chance before us now that gives us the opportunity to make genocide a national crime, a crime that will be recognized as such.

The constitutional arguments, the legal arguments, are solid and sound for this treaty. But I think we should not consider the treaty without being thoroughly aware of the absolute imperative, moral imperative, of passing this treaty, the fact that in good conscience, is the shame of U.S. Senators that they have waited for 24 long years that this treaty has been before them—and only this chance to do it.

All Presidents of the United States from Harry S. Truman on have asked the Senate to pass this treaty, as has every Attorney General—all have considered it an imperative, a matter up for debate.

We have waited for 24 long years that this treaty would even be heard, debated on the floor of this chamber, which is the constantly voiced fear, being tried for genocide in some foreign country—and the hobgoblin is always raised of a Communist country. Under the terms of this treaty, in the absence of any international tribunal, that is well nigh impossible. Nonetheless, it is these fears, which we will discuss in detail in the course of the debate on the treaty, which have blocked even its consideration for such a very long time, until the voices of the dead almost cry out against us.

Mr. President, I am happy to yield to the distinguished Senator from New York (Mr. Javits) who has fought so long and hard for the genocide convention.

Mr. President, I should like to thank Senator Proxmire, who has stood on this floor and time again through the years, raising his eloquent voice for the forgotten dead whose tragic history makes one feel deeply how easy it is for mankind to forget, notwithstanding the in-fiction upon mankind itself of these horrors.

Mr. President, what does the Genocide Treaty provide, really? After you analyze it completely and come to the last line of the treaty, considering the understandings which the Committee on Foreign Relations reported the declaration, the interpretations of various legal bodies respecting its real import, you come down to the fact that it is not a treaty under international law against the crime of genocide, which it defines. There is really nothing in this treaty that is at all that-operative beyond that point. There is no penal court in the world, either temporary or permanent.

We are dealing, in terms of enforcement, with sovereign nations like our own. Hence, the restraints which we put upon the exercise of authority under the treaty are completely effective; and those restraints contained in the understandings make it almost impossible, administratively, for America, which is the constantly voiced fear, being tried for genocide in some foreign country—and the hobgoblin is always raised of a Communist country. Under the terms of these understandings, and in the absence of any international tribunal, that is well nigh impossible. Nonetheless, it is these fears, which we will discuss in detail in the course of the debate on the treaty, which have blocked even its consideration for such a very long time, until the voices of the dead almost cry out against us.

Mr. President, we must face the reality of this matter. Seventy-eight nations have already approved this treaty—a number of them with reservations, it is true, but nonetheless approved—and our great country is asked to approve the treaty with a number of conditions. The approved, of this country, I think it is very well known and understood, is the most important of any, notwithstanding that it is the 79th nation to be asked, that of this character is approved by the leader of the world, which it is known will do its utmost to express its spirit—and that is really what this treaty is really about; it is not the moral statement that should be made by the civilized world.

All it spells out is the principle of law that genocide is a crime under international law which the signatories undertake to prevent and to punish. Then it goes on to define genocide as an effort, through either death or other coercive acts, or transfer of children, all of which are practiced so barbarously in this world, the treaty, as it stands today, with the intent, and this is critical to the definition, to destroy in whole or in part a national, ethnic, racial, or religious group.

That represents genocide. The intent is a critical part of the crime as defined. By one of the understandings adopted in the committee, we have made this applicable to a substantial part of that national, ethnic, racial, or religious group in order to make crystal clear that we are not talking about homicides. We are talking about genocide.

Mr. President, one last point which I think is critically important in this matter: We have heard that some effort may be made to hold up action on the long, long term. In the treaty, we have accomplished through the means, which are available to the Senate, of talking a measure to death. It should be made clear—I hope I do not sound too strong, but I think they do not hear—what the situation is.

It takes two-thirds of those present and voting to ratify this treaty, and it takes two-thirds of those present and voting to close debate on this treaty—exactly the same number. Under those circumstances, I express the hope that there may be an honorable debate, the Members, if they feel strongly on the subject, voicing their points of view, and then the presentation of whatever reservations or understanding Members may wish to vote up or down, and it would not be necessary to have a cloture vote, as the Senate has voted up or down on its merits.

I believe that the precautions already taken, as well as the words of the treaty itself, are quite clear of any involvement of the United States on any other than the fact that it is the real wish in preventing, if we wish to be an engaged in the crime of genocide, that the treaty deserves at long last ratification by the Senate.

If we do ratify this treaty it will be an enormous confirmation of the morality and innate sense of decency of this Nation; that these 6 million dead who taught us this lesson that genocide is possible in this world, that it can have died in vain, when the great Nation toward which all of them look as the haven and refuge and the redoubt of freedom and civilization, which is the constantly voiced fear, being tried for genocide in some foreign country—and the hobgoblin is always raised of a Communist country. Under the terms of these understandings, and in the absence of any international tribunal, that is well nigh impossible. Nonetheless, it is these fears, which we will discuss in detail in the course of the debate on the treaty, which have blocked even its consideration for such a very long time, until the voices of the dead almost cry out against us.

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I believe that the precautions already taken, as well as the words of the treaty itself, are quite clear of any involvement of the United States on any other than the fact that it is the real wish in preventing, if we wish to be engaged in the crime of genocide, that the treaty deserves at long last ratification by the Senate.
We as a nation should have been first to ratify the Genocide Convention... instead we may well be the last.

As of today, 76 nations have already ratified it. Only the United States and China, among the world's major powers, have failed to take this step.

BACKGROUND OF GENOCIDE CONVENTION

On December 9, 1948, the convention was adopted in the United Nations General Assembly by a vote of 55 to 0. In 1950 President Truman first submitted the Genocide Convention to the U.S. Senate for ratification. Hearings were held before the Foreign Relations Committee that year, but no action was taken. No action was taken for the succeeding 21 years.

In February of 1970, the President urged the Senate to consider genocide again and to ratify the treaty. The Nixon administration's position is consistent with that of past administrations on the issue of constitutionality of the treaty. Attorneys General in every administration have agreed that there are no constitutional objections to U.S. ratification.

Later in 1970 the ABA came within four votes of endorsing ratification. The very closeness of the vote itself and the spirited debate indicate that the ABA as a group has no decisive opinion on the overwhelming constitutional objection to ratification.

And more significantly, the ABA's standing committees on world order and law, their section on individual rights and responsibilities, their section on criminal law, and their section on international and comparative law have all overwhelmingly favored ratification of the treaty. In other words, those ABA members most familiar with the subject matter of the treaty are most favorable to it. If another vote were taken in the house of delegates today I am confident the ABA would favor ratification.

Hearings were held before a special Ad Hoc Subcommittee of the Foreign Relations Committee on November 23, 1970. The full committee voted 10 to 2 to report the Convention to the Senate. The ABA, unfortunately, no action was taken at that time or in 1971 when the treaty was again reported to the Senate. For the third, and hopefully the last, time past spring the Convention was reported once again by the committee to the Senate for action.

The purpose of the Genocide Convention Treaty is to make genocide an international crime whether committed during war or peace. The treaty makes the destruction of a national, racial, ethnic, or religious group a crime under international law. The treaty sets up procedures for trying and punishing any violators, public or private.

PROVISIONS OF THE TREATY

There are nine provisions in the treaty. Article I says that genocide is a criminal act and should be punishable under a scheme of international laws. The spirit of this section is that nations must undertake to prevent such acts against humanity.

Some have suggested that genocide is not properly a matter of international concern. But international law prohibits such misconduct. The Convention is not intended to submerge national jurisdiction. The treaty sets up procedures for trying and punishing any violators, public or private.

The treaty states that nations arbitrate disputes and protections must be undertaken to prevent such acts against humanity.

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As the Senator from New York has said so well, the intent must be emphasized, because it is not enough to engage in such actions as some might, willingly or unknowingly, to be considered as genocide.

The Committee on Foreign Relations in its report on the convention has pointed out that it is necessary to prove beyond all doubt that genocide is committed before a conviction of genocide is possible. There have been allegations that such acts as schoolbusing, birth control clinics, lynchings, certain police actions, et cetera, may constitute genocide. But the committee has made it clear that none of these acts would amount to genocide absent the intent to harm members of a group, as a group.

The convention does not aim at prejudice toward any given group, but rather at efforts directed toward substantial amelioration of the group as such.

Article III of the convention recognizes, as does our own criminal law, that acts that lead to or aid in the commission of genocide should also be covered. Thus, a conspiracy, an incitement of others, an act to aid or abet genocide, are covered by the convention.

There has been some confusion about the meaning of the term, “direct and public incitement to genocide.” Critics of the treaty argue that such an agreement by the United States would usurp the right of free speech, guaranteed by the Bill of Rights. This is not a treaty of free speech. The First Amendment protects the right of advocacy, not incitement. Ratification of the treaty would be impossible if it conflicted with the Constitution. Since it is advocacy and not incitement that is protected, there is no first amendment problem here.

Article IV provides for the punishment of persons committing acts of genocide. Although acts enumerated in article II are punishable whether committed by constitutional responsibility, public officials, or private individuals, it is important to remember that no foreign state can intervene directly or indirectly in American domestic affairs. Only international organizations can mediate or arbitrate disputes, thus guaranteed by the U.S. Constitution and existing treaties cannot be superseded or abrogated.

Article V of the convention directs the conflicting parties to the act. In accordance with their respective constitution, the necessary legislation to give effect to
the provisions of the convention. This article makes clear that the convention is not to be construed to confer standing. Ratification clearly does not deprive signatories of the power to prosecute and punish in their own courts acts committed by a competent signatory of the power to prosecute and punish in their own courts acts committed outside the state in which they were committed.

The Department of State has declared that our Government will not deposit its instrument of ratification until after the implementing legislation referred to in this article has been drafted and enacted.

Article VI provides that persons charged with genocide or any other acts enumerated in article II shall be tried by a competent tribunal. The tribunal may be any of the state in which the territory the act was committed. An alternative to the states tribunal is a trial by an international penal tribunal agreed upon by the contracting parties. At this time no international penal tribunal has been established—an established and there are no present plans to do so. Separate action may be taken by each party to the convention. The party may have no effect on the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside the state. This understanding will protect our rights to try our own nationals.

Article VII of the Genocide Convention pledges the contracting parties to grant extradition in accordance with their laws and treaties in force. However, there is no reason to fear that this provision will subject our citizens to unfair trials. The treaty clearly states that extradition to the original crime will be granted according to the "laws and treaties in force." At present, the United States has no extradition treaty that includes genocide as one of the crimes for which extradition is provided. Adherence to the Genocide Treaty would not—I stress "would not"—automatically change this status. An extradition treaty covering genocide would have to be negotiated by us with other countries and would have to be acceptable to the Senate before it becomes law.

Furthermore, the Justice Department's policy on extradition has been that it will only extradite a person to a foreign court after they are assured that the prosecution will take place in a competent court which follows our procedures of due process. The provisions of the treaty may not control the decision to withhold prima facie evidence that a violation has occurred. This policy has long protected the rights of American citizens and will continue to do so.

In short, extradition of U.S. nationals has always been under our exclusive control. And the Genocide Convention will do nothing to change this.

Article IX provides that any contracting party may call upon the competent organs under U.N. charter as they may consider appropriate, to prevent genocide.

Article IX provides for the settlement of disputes arising in terms of interpretation, application or fulfillment of this convention. This includes disputes relating to the responsibility of a state for genocide or any other acts enumerated in article II. The provision calls for these disputes to be submitted to the International Court of Justice at the request of any of the contracting parties. The court will be empowered to make an advisory opinion if it deems a request for such an opinion to be justified.

The Genocide Convention will not be the first treaty dealing with human rights which the Senate has ratified. We have a list of troubles persuading the Senate to ratify the Refugee Convention and the Supplemental Slavery Convention. As I recall, most of this has been done in the last few years. The Senate has given us the opportunity to sign on to the Protocol on Refugees and the Supplemental Slavery Convention. Genocide is not only as much as much of a matter of international concern if not more than that.

Many of our concepts of freedom, such as those enumerated in the Bill of Rights, were established in the first colonies by such documents as the Mayflower Pact. The Genocide Convention is not like that. It does not become an integral part of our beliefs and were embodied in our Constitution. Similarly, if there is ever to be a body of international law, it must begin with the establishment of certain basic concepts.

The criminality of genocide is one of the most basic of these. It has been more than 25 years ago when the United States drafted this treaty. The treaty provides us a way of declaring our abhorrence for this crime. As Mr. Charles Yost, a former U.S. Representative to the United Nations said:

"The Genocide Convention is an assertion by the community of nations that a certain particularly heinous act, perpetrated against any ethnic, racial, or religious group whatever, is wrong—wrong not only in the domestic law of this or that state, but wrong in the opinion of the community of nations itself."

TREATY POSSES NO ADDITIONAL DANGER TO AMERICANS OVERSEAS

Some have expressed the fear that if America becomes a party to this treaty American citizens may be tried in foreign courts on charges of genocide. This is clearly specious. Right now with no treaty in force, an American citizen in the physical territory and or control of a foreign nation can be charged and tried for any offense from shoplifting, to robbery, to espionage, to murder, even genocide.

Mr. President, I can recall only a few days ago when I was in a small town in my State; the State of Wisconsin, where many people were very concerned about a young lady who had been arrested in Turkey on a charge of trafficking in drugs. She had been held for a year and had then been sentenced to execution. The State Department intervened and the sentence was commuted to life imprisonment.

This kind of action against American citizens traveling abroad has taken place for a long time. There is absolutely nothing in this treaty that would aggravate that or increase the punishment or jeopardize in any way United States citizens abroad. This Genocide Treaty does not alter this, and does not expand the jurisdiction of foreign courts in any way whatsoever.

It is equally specious to say that the treaty allows American prisoners of war to be tried on charges of genocide. An enemy power can charge an American prisoner with any crime it chooses to charge. The ratification of this Genocide Treaty will not provide any cause of action or put American soldiers in the position of the part of the parties in dispute. I reiterate my report which states:

"I would like to reiterate here, however, that the American rights are matters of international concern, and the President, with the United States Senate consulting, may make necessary for the protection of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition."

The Genocide Convention will not be the first treaty dealing with human rights which the Senate has ratified. We have a list of troubles persuading the Senate to ratify the Refugee Convention and the Supplemental Slavery Convention. As I recall, most of this has been done in the last few years. The Senate has given us the opportunity to sign on to the Protocol on Refugees and the Supplemental Slavery Convention.
we have in that particular country. This treaty will alter this in no way.

Even a victory by ratification there is nothing to prevent a country from making baseless charges of genocide against this country in the United Nations. If anything, ratification would improve our position internationally. The convention requires "an intent to destroy, in whole or in part, a particular racial, ethnic, or religious group as such is missing. As the necessary element to destroy a racial or ethnic group as such is missing. As the necessary element to destroy a racial or ethnic group as such is missing. As the necessary element to destroy a racial or ethnic group as such is missing.

The American Bar Association's section on individual responsibility is indicated by its report on the treaty that "Ratification of the convention will add no new powers to those the Federal Government already possesses. And, as noted earlier, this treaty does not by itself, promulgate any new Federal criminal law. Rather, this treaty stands as a clear and simple symbol of this country's dedication to man's humanity to himself. Prof. Richard Gardner has eloquently reasoned:

"Our ratification of this convention will dislodge the embarrassing contradiction between our failure to act and our traditional leadership in support of basic human rights. The Genocide Convention outlaws actions that is repugnant to the American people and to our constitutional philosophy. We should not decline to affirm our support for principle of international law and for human rights in which we believe. Our country was founded on a passionate concern for human liberty reflected by the Bill of Rights and the Constitution. That concern is very much alive today, as reflected by the report of the Foreign Relations Committee supporting the treaty. It is too credible that we should hesitate any longer in making an international commitment against mass murder. At a time when our commitment to human rights is being questioned by some of our own people and by others overseas, it is particularly important that we ratify a treaty so thoroughly consistent with our national purpose."

"Can we assume a position of world leadership when we, ourselves do not acknowledge the inherent rights of mankind? Can we expect other countries to respect these rights if we continue to ignore them?"

RECENT INSTANCES OF GENOCIDE

Unfortunately, Mr. President, genocide is not only a matter of past history. Our course, which has history, has provided countless examples of wars of annihilation and extermination. Many people argue that this is something that took place before, that makes it different. I think that we were savage and brutal and cruel and immoral before we become civilized. From the genocide committed by the Assyrian hordes in Old Testament times to the massacre of 6 million Jews in this century, the context of genocide has been a blot on mankind's record. But genocide is a current as well as a recurring problem. In 1971, tens of thousands of Bengalis in East Pakistan, particularly by the President, were systematically shot by Pakistani Government troops.

Mid-1972 witnessed yet another demonstration of "selective genocide." This time it was the Burundi Government against the Hutu tribesmen and it led to the deaths of as many as one-quarter of a million persons. A subsequent study published by the Carnegie Endowment for International Peace documents the almost total indifference of governments to this disaster. U.N. Secretary-General Kurt Waldheim did send an observer mission to obtain a body count of the blood-drenched area, but the tragedy was all but condoned by the nations of the world. But the bloodshed that marked the days of civil war continued and the genocidal perpetrators have been searched out, tortured, and publicly executed as an example for others.

One of the worst fates meted out has been to the tribal group of the Biharis. This ethnic group continues to bear the brunt of violent persecution and ostracism. Using the excuse of punishing Pakistan for the 1971 war, the United Nations Emergency Relief Organizations have cut off the food and medical supply to Bihari villages and have effectively curtailed Red Cross emergency assistance. Whether the Bihari villages will be allowed to live once the people of Bangladesh can determine.

Right now as we meet in the Senate Chamber, genocide is going on some place in the world. It is not just something that happened 30 years ago as a nightmare under the Nazis and will not occur again. It is occurring at this moment. And as yet the outside world has brought very little pressure.

Although the persecution of the Bihari tribe goes far beyond the threshold of "generally recognized" international agreement to protect the dignity, human rights, and the very existence of minority groups.

In a situation like this the reason and pressure of the civilized world must be exerted to save these lives. But what pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert? What pressure can the United States exert?

Mr. President, the need is for the United States to be true to its own ideals and to join with other nations in recognizing and protecting individual rights. In the national interest as well as in the interest of human rights, the United States should act promptly in ratifying those human rights treaties which it has supported in the United Nations and affiliated agencies. The United States can do much to safeguard human rights through international agreements, but only if we become a party to them."

Mr. President, in my speech I mentioned the fact that the American Bar Association, in a very close vote opposed the Genocide Convention. On tomorrow, I expect to put in the Record a list of the different organizations that support the Genocide Convention.

I recall very clearly that when hearings were held before the committee, the overwhelming majority of the great American organizations came to appear on behalf of the Genocide Treaty. The American Bar Association was virtually alone. They were isolated.

Of course, as I say, the ABA was narrowly divided, and only by a narrow vote did they decide to oppose the Genocide Convention, and that after their own people had supported the hearings on the treaty in every case supported the Genocide Treaty.

Mr. President, I close as I began by once again calling the attention of the Senate to the fact that it is not simply a matter of defending some kind of an arcane treaty which seems to have little reference to real life, and which can be debated on technical constitutional grounds, which may or may not, in the views of some, endanger the rights of American citizens—I am convinced it doesn't. I think it strengthens our position, but the real matter of recognizing the terrible crime that has taken place within the last 30 years.

I conclude by quoting excerpts from the summary of the judgment of the Nuremberg International Military Tribunal, as quoted in The New York Times of October 1, 1946, where it says:

"The commandant of the concentration camps has been described as the person who must have been drunk with power to be able to order his subordinates to exterminate Jews, has estimated that the policy pursued resulted in the killing of 6,500,000 Jews, of whom 4,000,000 were killed in the concentration camps and 2,000,000 were killed by the Einsatz Groups.

What are we going to do about that, Mr. President? Are we just going to say, "Well we cannot adopt this treaty because there are some persons who oppose it, because there is some technical opposition to the treaty"?

Of course, we should debate that. I think we can meet those arguments by proving them wrong. As I say, every Attorney General in the last 25 years has agreed that the treaty is constitutional.

Mr. President, we should never lose sight for a minute, however, that there is a positive, overwhelming moral reason why this country should act. The Senator from Massachusetts (Mr. McGovern) has said it eloquently this afternoon, and those of us who have pride and love for our country, and recognize it as a world leader, can do no less than act in our
which our nation was founded by voting to ratify the Genocide Convention.

Sincerely,

MARY ELLEN—GALE,
Counsel.

Mr. JAVITS. Mr. President, I cer-
tainly believe it should be clearly noted in the Record what a thorough, com-
prehensive, wise, and professionally
skilled analysis has just been made of the treaty's provisions by the Senator from Wisconsin (Mr. PROXMIRE). I think that the Senator's views would be gratifying to him for so eloquent an expousal of this treaty.

Mr. President, I rise to call specific attention to the scheme of the treaty, as legislated in Article V, which, as the Record tomorrow as we deliberate upon this matter may see clearly what is at stake. Now let us, as I say, try to simplify it. The fact is that if the crime of genocide is committed here, then the treaty itself provides, in article VI, that—

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by the competent legal tribunals of the State in the territory of which the act was committed....

That is what the opponents contend for, and that is what will happen if the treaty is adopted. If the act takes place elsewhere, the perpetrators can only be sent elsewhere by extradition, and we have locked in the issue of extradition so that there shall be no extradition if the United States is ready, willing, and able to try the person charged.

It is further locked in by the fact that the treaty itself calls for implementing legislation to give effect to the treaty and for the States to be notified so that they shall have the opportunity once they have the treaty to take the necessary steps, if any, to actually enact the necessary legislation.

The Contracting Parties undertake to enact, in accordance with their respective Con-
stitutions, the necessary legislation to give effect to the provisions of the present Con-
vention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

The State Department has already sent us and we have a draft of a statute implementing this instrument, the treaty, in the United States.

There being no objection, the bill (S. 3120) was ordered to be printed in the Record, as follows:

S. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 18, United States Code, is amended by adding after chapter 50 the following new chapter:

"CHAPTER 50A. GENOCIDE"

"Sec. 1091. Definitions.

"1092. Genocide.

"As used in this chapter—

"(1) 'National group' means a set of persons whose identity as such is distinctive in terms of its common cultural tradition or heritage from the other groups or sets of persons defined in paragraph (2).

"(2) 'Ethnic group' means a set of persons whose identity as such is distinctive in terms of its common religious creed, beliefs, doctrines, or rituals from the other groups or sets of persons defined in paragraphs (3) and (4).
conspiracy shall be fined not more than $10,000 or imprisoned not more than five years or both." (e) The offenses defined in this section, wherever committed, shall be deemed offenses against the United States, and shall be prosecuted in the United States Court, at the seat of the District in which such offenses are committed, and shall be punishable as provided in title 18, United States Code, is amended by adding after the item for chapter 50 the following new item:

50A. Genocide  1091.

Sec. 2. The remedies provided in this Act shall be the exclusive means of enforcing the rights based on it, but nothing in the Act shall be construed as indicating an intent on the part of the Congress to occupy, to the exclusion of State or local laws on the same subject matter, the field in which the provisions of the Act operate nor shall those provisions be construed to invalidate a provision of State law unless it is inconsistent with the purposes of the Act or the provisions of it.

Sec. 3. It is the sense of the Congress that the Secretary of State in negotiating extradition treaties or conventions shall reserve for the United States the right to refuse extradition of a United States national to a foreign country where the crime charged in the treaty was a violation of title 18, United States Code, when the offense has been committed outside the United States, and

(a) where the United States is competent to prosecute the person whose surrender is sought, and intends to exercise its jurisdiction;

(b) where the person whose surrender is sought has already been or is at the time of the request being prosecuted for the same offense.

Mr. JAVITS. This statute deals precisely with this particular question which we are discussing now. In addition, the Senate Foreign Relations Committee, in sending the resolution of ratification to the Senate, makes that special provision. It says—and this is found at page 19 of the Senate report:

That the United States Government understands and construes Article VI of the Convention in accordance with the agreed language of the Report of the Legal Committee of the United Nations General Assembly whereunder article 18 shall not apply to the rights of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

That is clear. If a person is outside the State, a person in foreign terms so properly pointed out, and is in some other state, there is nothing we can do about the exercise of jurisdiction by the other state anyway, except through diplomatic measures. Indeed, the provisions of this treaty may then act as a certain protection for the person who is charged elsewhere, rather than as an additional burden.

Third, there is the possibility of trial before an international tribunal. That is covered also by article VI, which says:

That the crime of genocide is one of the other acts enumerated in article III shall be tried . . . or by such international penal tribunal as may have jurisdiction with respect to the crime of genocide or any of the other acts enumerated in article III shall have accepted its jurisdiction.

Mr. President, there is no such tribunal today, and the United States will be fully able, when the time comes, to rule against the jurisdiction of any such penal tribunal when it comes into being.

So, Mr. President, the scheme of the treaty entirely accommodates everything for which reason and a reason to extend. If a person is here charged with genocide, we reserve the absolute right to try him here, and we are sustained both by the treaty and by the implementing legislation which the treaty itself calls for. But really what is not going to pass any implementing legislation that does not satisfy that condition.

Mr. President, it is understood that the Committee on Foreign Relations and the President have stated that the implementing resolution on this treaty, that is, the resolution of ratification, will not be deposited—that makes it legally operative until after implementing legislation has been signed and made into law. That, too, is in the text of the resolution of ratification as item 4.

So, Mr. President, if a person is here, we reserve entire jurisdiction over him. If the person is somewhere else, we cannot assert jurisdiction anyway, whether we have a Genocide Treaty or not.

In respect of an international tribunal, if there ever should be one, and there is none now, it cannot be binding upon us and we do not have to extradite or deliver anybody unless we have accepted by law or treaty exactly the same as this—the jurisdiction of that international tribunal.

Now, Mr. President, it seems to me that the treaty, especially with the provision, the fact that we have no extradition treaty which now involves genocide. So we are not bound now, and I think that we will not do so, where it means that we give up anywhere our right to try him here, and we have every right to try the person here.

The resolution which we have presented, plus the text of the treaty, plus the implementing legislation, locks in with respect to every concern and every care.

Some statements have been made, and Senator Proxmire has already dealt with them, that because a treaty supersedes laws here, that the treaty is constitutional. That is not right.

I think the Senator's point is precisely on this kind of situation. This is an instance, obviously, which would take place in our country, and the trial would be held in the courts of this country; is that not right?

Mr. JAVITS. That is exactly right.

Mr. PROXMIRE. It is under our own jurisdiction.

Mr. JAVITS. Exactly right.

Mr. PROXMIRE. And the treaty would not have an adverse effect on the rights of the police or anyone else who had engaged in this violation of the treaty.

Mr. JAVITS. That is exactly right. It requires reference to a critically important case in this debate which holds that nothing in any treaty supersedes the State or Federal laws, but not the Constitution. Therefore the constitutional rights of every individual so charged would be protected. That is the case of Reid v. Covert, 354 U.S. 1.

As I have pointed out, the very treaty itself calls for trial of an individual by a competent tribunal in the territory in which the act was committed and that would be this territory, the United States of America. The implementing legislation which we will have full power to deal with, will make crystal clear that we are in no way supersed the homicide statutes, or the murder statutes of any State, or of the United States, and that these jurisdictions will go on unimpaired, and that too.

It seems to me that that is absolutely a complete structure, leaving no "out" by which some such wild result as is feared could be obtained.

Mr. PROXMIRE. That is most helpful, because the example I gave is a poor one but is the one used by those who oppose this treaty. It would be clear that persons who are killed by their fellow citizens, under circumstances, could be construed to be genocide; but even if it were, the fact is that all of the protections which the Senator has pointed out would still be there—the constitutional protection, the trial would be in this country,
in a U.S. court, and there is no question that the genocide treaty would not apply and that there would be no deprivation of any American citizen. On the other hand we are not talking about a treaty that has no force. In discussing genocide, we are talking about a situation that occurred years ago and is occurring now in African and Asian countries and elsewhere in the world and with no common international law to permit any preventive action. That is what we are reaching for.

Mr. JAVITS. Let me make this statement. Suppose a group of Americans were properly charged with the crime of genocide, that is, with being party to an intent to eliminate by the means stated in the treaty itself between the treaty and the implementing legislation, I just cannot see how we can have any more imperious protection of the individual, that he would be tried here, unless we, as a conscious act of Government, decided we wished him to be tried elsewhere. That is an extraordinary condition right—or we have this treaty.

So the real value of the treaty is its fantastically important impact, after almost a quarter of a century of the declaration of our country that it is against genocide. At the same time, the fantastic interlocking is felt in safeguards that, if anyone in this country is guilty of any such crime which is performed elsewhere and he is charged with that, we, and we alone have the right to try that person unless we, as a conscious governmental act, decide otherwise. I cannot see how one can do more than that.

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.

LEGISLATIVE SESSION; ORDER FOR RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now return to the consideration of legislative business and that there be resumption of the morning business, with statements therein limited to 5 minutes.

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

A-10: THE LOW MIX

Mr. PROXMIRE. Mr. President, a curious symmetry has developed within the past year. The Defense Department has been issuing statements that sound like the dodo, that in the past years by some so called critics of the defense community. There now is a broad area of agreement that at the current rate of declining force levels, the United States is unilaterally disarming itself by incurring on ever more expensive, more complex weapon systems.

A few years ago this would have been considered heresy, and charges would have been exchanged that certain people were pacifists or unilateral disarmists. But now I hope that is behind us. The truth has a way of forcing its own reality.

The point is that we are heading for trouble if expenses continue to rise and unit numbers go down. Right now we have fewer online fighters at sea than the number for "Design of North Korea." The Air Force Department has offered a new strategy to reverse the present trends. There should be a "h-lo" mix of technologically advanced weapons and cheaper more reliable models in quantity. Though I do not think this strategy has widespread application and I do not see it being used by the Navy aircraft people, nonetheless it does have its strong points.

A-10 close air support aircraft is a good case in point. We need a cheap, reliable, survivable aircraft to support our ground troops. The Air Force agrees, the Army agrees and so does this Senate. I asked Mr. Byrd on the Senate floor after an exhaustive competition between two well qualified companies and a flyoff of fixed price prototypes. In many ways, this could be the model for future procurement.

Mr. President, "Government Executive" recently printed an article on the A-10 which explains some of the history of the program and its industry team led by Fairchild Industries. I ask unanimous consent that this article be printed in the Record.

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

PROCUREMENT: A-10 ON SOURCE SELECTION

(By Craig Powell)

"We simply can't be playing political roulette with the lives of men. I'm sure no Congress would do that. But at the moment—through misunderstanding or misfortune—it appears that some members are frittering with denying the ground soldier the close air support he so vitally needs."

Then concerned Edward G. Uhl, President of Fairchild Industries, Inc., is inclined to speak directly to the point. At the moment, he is concerned about Fairchild's Republic A-10 close support fighter program which is having to take some high hurdles on Capitol Hill.

"Over the past few years," he says, "the defense procurement system has been under fire from all sides. As a result, we have had a complete "soul searching," both in industry and in the Department of Defense, and made considerable improvements. We have adopted the (Dave) Packard approach (former Deputy Secretary of Defense). We have a more orderly process incorporating the building of prototypes, having a fly-off between aircraft, and contracts that are based on a logical "cost" and containing built-in milestones that must be demonstrated before the program can proceed.

The aerospace official feels that the defense/industry team has, in the case of the A-10 program, had a logical procurement and contracting system that has, in the main, accounted for much of the mistakes that have been made in the past. Commensurately, Congress should do its best to adjust its own technical and legislative review and appropriations side in the same pragmatic manner. More specifically, he believes that if in its deliberations, Congress has concluded there exists a valid requirement for a new weapon, they should set the ground rules and approve a plan.

However, in subsequent years the legislatures should examine the program primarily to ascertain that it is going according to plan and within the price quote. But, the basic plan should not be altered year by year and the conduct of the development should be left to the responsible officials within a given service.

This would make Congress' job easier and would allow for a relatively small number of the cancer in the current procurement process.

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“Everyone agreed on the requirement for an A-X; would you still have a test program? ‘Do we really need an A-X; wouldn’t a substitute do just as well?’ or ‘Why have 10 OTHER CONCURRENCES?’”

(The Senate Tactical Air Power Subcommittee, before adjourning this Summer, recom-men-ded that the A-10 program be cut from $80 million for flight testing, the placing of $80 million for long lead time production items into a deferred account, and a fly-by before the Air Force; these were problems that touched we would find little to plain for proper close air support (CAS). The Air Force that, bomber.

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“Finally, after these many years,” comments Uhl, "the Air Force wrote, with the Army’s requirement for close air support. And, incidentally, it is a hell of a good requirement. It is very balanced and one that we felt we could little to argue with or com-plain about.

The services went through the exercise of getting Congressional support and the close air support, project went under way. But, as you know, today it is under attack by some special interests.

The second area, Uhl says, is in source selection and methods of procurement.

"We’ve all got scars from the last five years; we’ve been through the ups and downs, the bickering about by the attacks on Defense, by the problems surrounding the C-5A and F- 111, or the A-10, or the Air tank, or the Lockheed, or General Dynamics, or the Air Force; these were problems that touched all of us in the aerospace industry, all in DOD— in the DoD, the Air Force, the Navy, the Air Force. Further explaining the process, Uhl pointed out that Packard, with the support of Dr. John Foster, then Director of Defense Re-search and Engineering, and Dr. Robert Seaman, then Secretary of the Air Force, pushed to change the procurement system and start talking about prototypes and “fly before buy.”

The reason the Air Force wanted to fly before buy was the way we see the weapon, in fact, met the requirements. The A-10 is the first airplane to be procured under all of these guidelines.

"In fact," commented Uhl, "we have gone through one added wicket which is the pro-totype competitive fly-off. I think we have the largest prototype competitive fly-off in recent history where there were two prototypes designed to the same requirements which were flown off, one against the other, in a time span of less than one year.

"To date, the A-X program is a model pro-gram. All schedules were met. The prototypes were built on time, in factory. The weather was tough, fair fly-off-between airplanes. This wasn’t done by test-pilots alone, but by tac-ticians who are flying the aircraft.

"The program was so thorough that we were measured on our maintenance require-ments, the maintenance man-hours per aircraft. The General Accounting Office reviewed the competition and said that it was a fair and well-run one.

In Early April of this year, Eimer Staats, Comptroller General of the U.S., wrote Sen-ator Abraham Ribicoff (D-Conn.) that "In our opinion, the contract for the A-X flight evaluation and source selection fair­ly and objectively. Because both contractors developed a conventional airplane, the competition was quite close.

“All of the competing contractors told us that they were satisfied with the fairness of the flight evaluation and no complaints about the methods used in source selection.

"Selection of the A-X contractor involved an assessment of the competing contractors’ proposals and prototype aircraft flight eval­uation test results. Basic guidelines estab­lished at the beginning of this competition were communicated to all parties concerned, and retained throughout the competition.

"Our review verified the 100% of the evaluation data presented in the final brief­ing to the Secretary of the Air Force, who is in charge of this study (Secretary of the Air Force involvement) and ultimate decision making; the most significant selection criteria used by the Air Force involved program costs, operational capabilities, and mission re­quirements.

"The A-X PROPOSAL. Fairchild’s chief executive believes there is considerable confusion in many people’s minds concerning “ground support” and “close air support.” This confusion further leads to a lack of understanding of the ne­cessity of having an aircraft that has been specifically designed for the CAS mission. "Both the A-10 and the A-X offer long range interdiction raids by high per­formance tactical fighters indirectly support the ground troops on the battlefield, and that is not close air support where the aircraft gets down in the mud with the foot soldier. The difference is in how close in you are going to support."

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Januray 28, 1974

SAM-D CUT BACK

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Januray 28, 1974

SAM-D CUT BACK

MR. PROXMIRE, Mr. President, today I am pleased to note that the Secretary
of Defense, Mr. Schlesinger, has ordered the Army to cut back its work on the controversial (SAM-D) air-defense missile system. The Army's costly talent can now be put to use on far more useful and effective systems.

I have long been opposed to this overly expensive and complex program. The unit costs have risen a fantastic 350 percent from the initial production estimates. The latest Defense Department selected acquisition report on the DOD program lists a current total program cost estimate of $4.481 billion. According to the Army's own estimates, this is more than a $2.8 billion increase over the cost of the presently operational improved Hawk air defense system.

By any standards of cost-effectiveness, SAM-D would be a financial disaster. It is estimated by the Army that it would cost the United States 19 to 25 times as much to counter the projected enemy threat as it would cost to counter SAM-D. Clearly, our normal defensive strategy is to make it uneconomical for the enemy to attack us.

Numerous technical flaws and uncertainties plagued SAM-D. The TWM guidance system which has no operational experience in the real world, is the extremely complicated device which was to detonate the missile's warhead were not yet tested.

Furthermore, our NATO allies have informed us that they consider SAM-D much too expensive and sophisticated to be of useful use. Maintenance costs would be sky high. The SAM-D is projected for use primarily in Europe to protect the 7th Army. For more than 25 years now, the United States has borne the major burden of defending our European allies. It is certainly time we began talking in terms of the Europeans sharing in the cost of their own defense. The reorienta-
tion of the SAM-D to a less costly system is a move in the right direction.

Secretary of Defense Schlesinger stated that he wanted to clear the way for the Pentagon's efforts to develop new types of surface-to-air defense weapons system. The Middle East war in December and the uncertainties of longer-range missiles of lesser weapons are as important or perhaps more important than high quality but maybe unnecessary systems.

Defense officials say they still want two new missiles developed.

Congressional Record- Senate, Thursday, January 28, 1974, p. 977.

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LOWER-COST WEAPON Sought: Missiles

System Outback Ordered

( By Michael Getler)

Secretary of Defense James R. Schlesinger has ordered an important shift in Pentagon efforts to develop new types of surface-to-air missiles (SAMs) to combat Soviet aircraft in the Middle East.

The Defense Secretary has ordered the Army to cut back its work on the complex and expensive SAM-D air defense missile system and to speed up efforts to field a lower-cost, highly mobile weapon.

The controversial version of the SAM-D, would be used for defense against the fastest and highest flying Soviet planes under all weather conditions. The other to be based on licensed production of already-developed foreign missiles, would be a cheaper and less capable system, but effective against low-flying planes in a battlefield situation.

The Army's SAM-D project has been a source of behind-the-scenes controversy within the Pentagon and Congress for some time. Some critics contend the missile is too complicated to work right, too large to move from field to field, and too expensive to purchase in sufficient quantity.

The price tag on SAM-D is currently in the neighborhood of $4.4 billion. It has been in development for about nine years, at a cost of about $700 million, with several years of work still to go. The Pentagon now plans to cut $70 million—$100 million from the project and do no more development work until 1976.

The Defense Department contends the missile technology still represents a big advance, and that some versions of SAM-D will replace it in service in the 1980-89 period.

However, officials say it will no doubt be a much more austere weapon and in every per cent less per unit than was planned, and with more mobility.

Ironically, the Pentagon move comes after Congress gave the project a strong endorsement in this year's budget hearings and after the Defense Department fought off an attempt by Sen. Birch Bayh (D-Ind.) to cancel it.

The Pentagon claims it will also look at other weapons systems. The cost and technical uncertainties are ironed out before it is too late, and says it no longer will allow a planned operational date to drive development of a weapon too fast.

The Pentagon says it can get the smaller, foreign-designed weapon into the field by around 1978 or 1980.

HOUSE COMMITTED FOR REJECTION OF ADDITIONAL APPROPRIATIONS FOR THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Mr. HARRY F. BYRD, JR., Mr. Presi-
dent, I rise to commend the House of Representatives for the action it took

PENTAGON CHIEF SLASHES SAM-D MISSILE FUNDING PENDING GUIDANCE TESTS

WASHINGTON (AP) - Defense Secretary James Schlesinger has ordered a spending cutback in development of the Army's surface-to-air SAM-D missile by Raytheon Co., pending tests of the weapon's guidance system.

An Army statement informed members of Congress that the SAM-D's budget needs for the current fiscal year ending June 30, and the coming one as well, are being cut to allow only enough money for the guidance tests and some limited equipment purchases.

The Army statement did not disclose the amount of the cutback from the controversial project. But Sen. Birch Bayh (D-Ind.), a

strong critic of the weapon, estimated the cutback could run as high as $100 million over the two fiscal years.

A spokesman for Raytheon in Lexington, Mass., said the company would "base future spending on a relatively small impact" on the company's sales and earnings in 1974, Pentagon officials for the time being, according to Schlesinger, committed for 1974, he said, and he indicated that any cutback in planned spending for 1976 would be well under the $100 million figure used by Sen. Bayh.

Raytheon executives said last November that the company's current five-year plan for the SAM-D was halted in February and per-share earnings of $5.50, and the company spokesman said the SAM-D cutback wouldn't cause Raytheon to reverse direction.

The SAM-D is being developed by Raytheon to replace two existing missiles used for air defense of Army units in the field and for defense of potential bomber targets in the U.S. The system carries an estimated total price tag of $4.5 billion. Though the Army has given the weapon high priority, several North Atlantic Treaty Organization countries have complained that it's too fancy and expensive to add to their own arms inventories.

Just last September, Sen. Bayh lost an attempt to cut back the project by a Senate vote of 56 to 34. At that time the Senate Armed Services Committee assessed the project in glowing terms. In recommending approval of the full budget request of $194.2 million for the current fiscal year, the committee said: "The program is pro­jecting satisfactory; it is on schedule. It is within cost estimates; and no major technical problems are unresolved."

But in a modified version of the project, the contractor's team also deserves high marks for their accomplishments to date.

But Secretary Schlesinger said after Mr. Schlesinger and other Pentagon officials to reexamine the project, and he applauded the Army's "great effort" yesterday, something he said in explanation to Congressmen, the Army said the Defense Secretary ordered the cutback to "emphasize greater austerity" until the SAM-D's guidance system can be tried out in flight tests starting in May. The Army said it will cut back both the number of test items furnished by the government and the number produced by contractors.

At the Pentagon, another Army statement said it would be "too speculative" to speculate on whether the project will be delayed "until the restructuring effort has been completed."

Deputy Secretary of Defense William Clements Jr. has ordered the Army to reexamine and redirect the Raytheon-Martin Marietta SAM-D air defense weapon system, to seek some reduction in total cost, and to make it a "more austere system."

The Pentagon is said to be planning a major reduction in needs for the program in the FY 1975 budget, believed to be about $55 million in RDT&E funds, until the completion of a successful flight program for the missile's guidance system.

Sen. Birch Bayh (D-Ind.), one of the leading critics of the Defense Department action could save as much as $100 million this year, Bayh, who characterized the failure of the Defense Department to launch a better, more effective version of the on-the-book "infamous C-5A," said he was pleased with the decision.

The missile system has survived repeated service in the 1970 budget as a result of the Bayh and Sen. William Proxmire, and investigations, such as a recent General Accounting Office report (SAM-D: Daily, June 25, p. 307), including amend­ments to delete the program from the DOD budget.

The SAM-D survived an attempt by the

Senate this year to cut out more than $30 million from the Pentagon's $100 million request for RDT&E funds for the program for FY 1974.

The latest DOD selected acquisition report (SAR) on the SAM-D lists a current total program cost estimate of $4.481 billion.
last week in defeating by a large majority the administration's proposal to appropriate $1.5 billion more to the International Development Association deficit.

The flight in the House of Representatives against this additional giveaway program was led by Representative H. R. Symington and Representative Wayne Hays, of Ohio.

Mr. President, this is not the time to be providing new funds for foreign assistance. As a matter of fact, in the current budget the United States is running up huge deficits and I think that is too much. I do not think Congress can justify appropriating such large sums of money at a time when the Government is running up huge deficits and we are running up huge deficits in red ink, running up huge deficits in the Senate on November 13.

Mr. President, if we are to have foreign assistance, we must first get the cost of government under control. We must first get the cost of living under control, we must first get the cost of government under control, because every dollar spent in the Federal Government are the major cause of the inflation which eats so heavily into every wage earner's paycheck and every housewife's grocery dollar.

I ask unanimous consent to have printed in the Record the comments I made in connection with this matter in the Senate on November 13, 1973.

There being no objection, the comments were ordered to be printed in the Record, as follows:

ADDITIONAL APPROPRIATIONS FOR WORLD BANK

Mr. SYMINGTON. Mr. President, President Ford of the United States has asked Congress to approve an appropriation of $1.5 billion more for the International Development Association. This is a subsidiary of the World Bank. This request came to Congress last week.

In order to obtain the funds to give to the World Bank, the United States Government must go out into the international bond market and pay interest. Then it plans to turn that money over to the World Bank at the soft loan window, which will then loan that money to other countries at three-fourths or one percent interest, over a 40-year period.

Mr. President, I submit that somewhere down the line this country has got to stop giving away—this Congress has got to stop giving away—funds taken out of the pockets of the hard working wage earners of this Nation.

What has Congress done already this year in regard to international financial institutions?

In the present budget is $2,350,000,000 to go to foreign aid, in the current year to make up for the failure of the American dollar.

How does that work?

The American taxpayer, being the generous person that he or she is, has contributed funds to international financial institutions. Then we devalued the dollar. As a result of those devaluations, the American dollar is worth less, so these international institutions come back to Congress and say, "Well now, because the dollars you gave us are worth less, we want you to increase your contribution to make up for that difference"—which Congressman has done. It did that to the tune of $2,350,000,000.

Next the President comes in with another proposal to give an additional $1.5 billion to the soft loan window of the World Bank.

As I have already said, I submit that somewhere down the line, we must act a hundred times now.

Mr. SYMINGTON. Mr. President, will the Senate from Virginia yield?

Mr. HABRY, Fa. I am glad to yield to Senator Symington.

Mr. SYMINGTON. I am very much impressed with what the able Senator from Virginia is saying. As he knows, for some time there has been a matter of grave apprehension in my heart, and I hope that the American taxpayer, being the generous person that he or she is, will not act in a way to increase the welfare of the world at the expense of the United States.

Mr. SYMINGTON. Did the Appropriations Committee ever consider the fact that it is putting $1.5 billion more in the current budget to the World Bank?

Mr. HABRY, Fa. We are putting $1.5 billion more, Mr. President, because the deficit of $58 billion calls for that amount of money.
That money never comes back to the United States. If it comes back at all, it comes back to the international financial institutions.

The only place the United States can obtain money, the only place the President of the United States can obtain money is out of the pockets of the people who work, out of the pockets of the wage earners, through taxes.

In light of all the funds we have already appropriated and spent for the benefit of foreign nations, I do not believe that we should go into another big program of $1.5 billion in additional appropriations to the World Bank. This is a tremendous amount of money.

In my judgment, our country is in a very desperate financial situation.

Frankly, my view is a minority view among my colleagues in Congress. I am, I think, that the majority of my colleagues are correct, that we do not need to worry as much as I am worrying about the Government's financial situation.

But I am convinced that they are not correct, and I am convinced that I am correct in my assertion that we are facing a very severe situation in the huge deficits that the Government has been running over a long period of time.

I will give an example. Let us take the last five budgets. In 1970, the Federal funds deficit was $18.1 billion; in 1971, it was $80.0 billion; in 1972, the year which ended last June, it was $24.9 billion; and the projected deficit for the current fiscal year, ending June 30, 1974, is $18.6 billion.

The accumulated deficit in that 5-year period totals $115 billion, and it represents 26 percent of the total national debt.

Stated another way, 23 percent of the total national debt has been incurred during the 5-year period ending next June.

The interest on the national debt in this year's budget is $37.5 billion. That is just the interest on the debt, the interest charge.

The figure of $27.5 billion is twice as much money as this Government will spend this year on its entire weapons systems acquisition program. The measure passed by the Senate and by the House of Representatives and agreed to in conference for weapons acquisitions in the procurement bill is, in round figures, $13 billion. The difference between the $21 billion in the procurement bill and the $13 billion—the additional $8 billion—is for research and development.

So I submit, Mr. President, that when we are running these massive deficits—and they are smashing deficits—we would be very unwise to approve the President's request for another billion in addition for the World Bank. There must be an end to this generosity somewhere, and I think now is the time to call a halt.

At this point, Mr. President, I ask unanimous consent to have printed in the Record a table giving in detail the new requests for authorization and/or appropriation for foreign aid and assistance contained in the fiscal year 1974 budget document. This table was prepared by the Subcommittee on Appropriations of the Committee on Foreign Operations of the House of Representatives, headed by Representative Otto E. Passman, of Louisiana.

There being no objection, the table was ordered to be printed in the Record, as follows:

New requests for authorization and/or appropriation for Foreign Aid and Assistance contained in the fiscal year 1974 budget document

1. Foreign Assistance Act (includes military assistance) $2,428,850,000
2. Overseas Private Investment Corporation $72,500,000
3. Foreign Military Sales $260,000,000
4. Export-Import Bank $693,380,000
5. International Development Association $100,000,000
7. Asian Development Bank (proposed) $24,000,000
8. International Development Corporation (maintenance of value) $161,000,000
9. Inter-American Development Bank (maintenance of value) $510,000,000
10. International Development Association (proposed) $8,281,000,000

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1955-74 INCLUSIVE

[In billions of dollars]

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Receipts</th>
<th>Outlays</th>
<th>Surplus (+) or deficit (–)</th>
<th>Debt Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>58.1</td>
<td>62.3</td>
<td>–4.2</td>
<td>6.4</td>
</tr>
<tr>
<td>1956</td>
<td>65.4</td>
<td>63.8</td>
<td>–1.6</td>
<td>6.8</td>
</tr>
<tr>
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<td>7.4</td>
</tr>
<tr>
<td>1960</td>
<td>75.7</td>
<td>74.9</td>
<td>–0.8</td>
<td>7.5</td>
</tr>
<tr>
<td>1961</td>
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<td>78.9</td>
<td>–0.3</td>
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<tr>
<td>1962</td>
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<td>–0.3</td>
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<td>95.1</td>
<td>–.5</td>
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<td>–0.4</td>
<td>11.2</td>
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<td>1970</td>
<td>183.7</td>
<td>183.7</td>
<td>–0.0</td>
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<tr>
<td>1972</td>
<td>181.0</td>
<td>181.8</td>
<td>–0.8</td>
<td>27.3</td>
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<td>1973</td>
<td>2,056.2</td>
<td>2,270.6</td>
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</table>

Surplus (+) or deficit (–) Debt Interest

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Receipts</th>
<th>Outlays</th>
<th>Surplus (+) or deficit (–)</th>
<th>Debt Interest</th>
</tr>
</thead>
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<tr>
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<td>49.0</td>
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<td>1969</td>
<td>21.0</td>
<td>22.0</td>
<td>–1.0</td>
<td>8.0</td>
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<tr>
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<td>1971</td>
<td>20.0</td>
<td>21.0</td>
<td>–1.0</td>
<td>12.0</td>
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<tr>
<td>1972</td>
<td>20.0</td>
<td>21.0</td>
<td>–1.0</td>
<td>14.0</td>
</tr>
<tr>
<td>1973</td>
<td>20.0</td>
<td>21.0</td>
<td>–1.0</td>
<td>16.0</td>
</tr>
</tbody>
</table>

Sources: Office of Management and Budget and Treasury Department.

1 Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.

2 Estimated figures.

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia.
To other intervening motions in the meantime, will occur at the hour of 4:30 p.m.

Yea and nay votes, I repeat, will occur on tomorrow.

ADJOURNMENT TO 11:30 A.M.

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 adjourned until the hour of 11:30 a.m. tomorrow.

The motion was agreed to; and at 4:32 p.m. the Senate adjourned until tomorrow, Tuesday, January 29, 1974, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1974:

DEPARTMENT OF STATE

William M. Maillard, of California, to be the Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Max V. Krebs, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guyana.

DEPARTMENT OF JUSTICE

William M. Johnson, of Georgia, to be U.S. marshal for the southern district of Georgia for the term of 4 years. Reappointment.

IN THE COAST GUARD

The following officers of the Coast Guard Reserve for promotion to the grade of captain:

Walter J. Hall
Call A. Roose, Jr.

The following officer of the Coast Guard Reserve for promotion to the grade of lieutenant commander:

James F. Sutherland

The following Reserve officers to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant:

Thomas T. Allan III
Bryan M. Genex
Donald R. Gartberg
Leonard H. Hensel
Ronald E. Huer
Ernest J. Williams
William F. Geers

The following licensed officer of the U.S. Merchant Marine to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant (junior grade):

Trenton J. Sherman

The following graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign:

Joseph F. Ahern
John P. Aherne
William M. Albert III
Scott W. Allen
Charles A. Amen
John G. Andrews
Michael L. Arnold
Mark E. Bailey
Rex A. Baker
Lloyd D. Barnes
Gregg G. Baxter
Richard R. Beardsworth
William M. Bentley
Richard M. Bigley
Russell A. Bishop
Bradford W. Black
Myke W. Blakely
Joseph E. Blaylock III
Michael M. Blume
Myles S. Booth, Jr.
Joseph A. Conroy, Jr.

Daniel W. Courtouts
James D. Crawford
Ralph L. Crawford, Jr.
Thomas M. Curelli
Gerald M. Davis, Jr.
Robert M. Dent
Dan Deputy
George H. Detwiler,
Christopher E.

DeWiest
David G. Dickman
Domenico A. Dinitto, Jr.

Mr. Gerald M. Donohoe
William F. Duny, Jr.
Paul A. Dureseine
James M. Dwyer
William U. Dykstra
Kevin J. Eldridge
Daniel J. Elliott
Glenda F. Epley
Thomas J. Falvey
Pecos B. Field
Mark A. Fisher
Richard J. Fitzpatrick
Guy E. Mother
Gregory S. Fitpatrick
John T. Murray
Reginald W. Flagg
Robert J. Flynn
Richard J. Formiliaro
Randall W. Freitas
H. Granville
Jeffrey M. Garrett
David W. Gauth
William M. Gwynn III
Robert L. Gaudet
David M. Giralt
Dana A. Goward
Mark P. Groeske
Adan D. Guerrero
Frank C. Halstead
Walter B. Hanson, Jr.
Michael L. Hardle
Joseph W. Harnett
Richard S. Hartman,

Stephen J. Harvey
Jeffrey J. Hathaway
Timothy C. Haugan
Steven G. Heim
Daniel G. Henderson
William A. Heureckson
Steven G. Hiltlery
Glenn R. Holmestahl
James L. House
Dale E. Hower
Allen B. Hughes, Jr.
Michael L. Hunter
Brian V. Hunter
Terance M. Hurley
William T. Hyton
Walter E. Jaworski
Thomas D. John
Walter L. Johnson
Marcus E. Jorgensen
Steven D. Jorgensen
Roger D. Kamaal
Gary R. Kaminski
Scott F. Kayser
Leonard J. Kelly, Jr.
Robert J. Keller
Jerry Z. Kichner
Lawrence I. Kiern
Thomas D. King
Gregory B. Kirkbride
Richard A. Koehler
Gary Krzysniak
Scott A. Laidlaw
Eric Dwight Lambers
Richard E. Lang
Richard W. Langford
Jeffrey G. Lants
William J. Lea
Gregg A. Lohr

William H. Loschak, Jr.

In the Air Force

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia, Sergeant at Arms.

ORDER FOR RECOGNITION OF SENATOR BIDEN AND FOR PERIOD OF ROUTINE MORNING BUSINESS TOMORROW

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, on tomorrow the Senate will convene at the hour of 11:30 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Delaware (Mr. Biden) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond the hour of 12 o'clock noon, with statements limited therein to 3 minutes each.

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

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

<table>
<thead>
<tr>
<th>Year</th>
<th>Gold Total</th>
<th>Liquid</th>
<th>Liabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>End of World War II</td>
<td>20.1</td>
<td>20.1</td>
<td>6.9</td>
</tr>
<tr>
<td>Dec. 31 1967</td>
<td>22.8</td>
<td>24.8</td>
<td>15.8</td>
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<tr>
<td>Dec. 31 1968</td>
<td>22.7</td>
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<td>21.0</td>
</tr>
<tr>
<td>Dec. 31 1969</td>
<td>10.7</td>
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</tr>
<tr>
<td>Dec. 31 1970</td>
<td>10.2</td>
<td>12.2</td>
<td>67.3</td>
</tr>
<tr>
<td>Mar. 31 1971</td>
<td>10.5</td>
<td>12.9</td>
<td>50.9</td>
</tr>
</tbody>
</table>

Note: Prepared by Senator Harry F. Byrd, Jr., of Virginia, Sergeant at Arms.
EXTENSIONS OF REMARKS

HON. WILMER MIZELL
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Monday, January 28, 1974

Mr. MIZELL. Mr. Speaker, the House Subcommittee on Tobacco, on which I have the honor of serving as ranking minority member, held hearings on Tuesday of this week to determine whether or not the U.S. Department of Agriculture’s recent decision to increase quotas for Flue-cured tobacco by 10 percent was justified.

At the outset of those hearings, I spoke on behalf of thousands of tobacco growers in taking strong exception to the Department’s action.

We have some rather serious problems at the present time regarding the marketing of tobacco products, and all of my colleagues have a stake in the resolution of these problems.

And so for the benefit of my colleagues, I am inserting in the Record at this point the following remarks at the opening of our recent hearings.

I am also inserting a copy of a news release published by my office outlining certain assurances received from USDA officials regarding the tobacco program:

STATEMENT OF HON. WILMER D. MIZELL

Thank you, Mr. Chairman. I think it is important for our friends from the Department to know that it was at my urging that these hearings were called today, and they were initiated immediately after I received word of the Department’s decision on the 10 percent increase in quotas and allotments.

As one who represents perhaps the most well-known tobacco district in the country—the fifth district of North Carolina encompassing the city of Winston-Salem and hundreds of tobacco farms—it was, of course, a natural reaction for me to seek clarification and an explanation regarding this action so quickly as possible, since it threatens in quite an ominous and drastic way the economic stability of the tobacco district, my state, and my region of the country.

And as the ranking minority member of this subcommittee, it was my duty as well to see that the tobacco program, which has been so successful in the past, was not put in danger by any action taken in an arbitrary and willful fashion as I have seen, and I have seen quite a few.

Back when I was playing baseball, with some pitchers there was always a danger of getting their signals crossed with their catchers. I didn’t have that problem, since all I threw was a fastball, and there was just one signal for a fastball, but some of the fellows like Whitey Ford and some others who had a lot of pitches in their repertoire had some trouble keeping their signals straight.

I think in this matter we’re dealing with today, the possibility exists that not only will the Subcommittee on Agriculture forget their signals crossed, but someone may have tried to put a fast one on someone else without the Subcommittee even realizing the fact.

Last fall, a special congressional investigating committee, comprised of many members of this subcommittee, held field hearings in the tobacco producing states of Virginia, North Carolina, South Carolina, seeking to determine the extent of marketing problems in the tobacco industry.

The most important problems we identified during those hearings were overproduction and lack of space on auction floors for a sufficient number of tobacco growers and their products.

Following those hearings, we made a recommendation to the Secretary of Agriculture that he not increase allotments at this time, and let us work out the marketing problems we already had.

Instead, the Department proposed on December 26 to do away with the allocation system, and to establish a program which would have established a dominance of chaos in tobacco markets throughout the South.

Then, last week, the Secretary announced instead that quotas for flue-cured tobacco would be increased by 10 percent. We are left to assume that this announcement was to have been welcomed with enthusiasm by tobacco growers who had feared for the worst for one month worrying that they might not have an allocation program at all.

In my State of North Carolina, at least, I detected no great sigh of relief at this announcement. Instead, I found—and heard from friends throughout the state—a great many disgusted and worried growers who are greatly and rightly concerned about their economic future and the stability of their farm future. I received more than 3,000 such letters.

Now I have gone over the figures for allotments and quotas and percentages, and all the rest of this. But let me add that for me the way they apparently add up to the Department of Agriculture.

So the purpose of these hearings is really four-fold:

First, to determine how the Department arrived at its conclusion that a 10 percent increase in quotas is required;

Second, to impress upon them the power that has been given to the Department to check the strong and well-founded dissatisfaction with its announcement among tobacco growers;

Third, to find out why the Department not only ignored a recommendation by the special ad hoc investigating committee in raising the allotments, but did so while the Committee was in recess and had no opportunity for consultation on this matter;

And fourth, to see if we can find some way to assure an adequate supply of tobacco for both export and domestic purposes, and at the same time assure the flue-cured tobacco grower that he’s not going to go broke in the future.

Finally, I want to advise the Department of Agriculture in the strongest possible terms that I was in favor of the program, but apparently playing games with the lives and the livelihood of a substantial segment of the population of North Carolina, at first thought of the market disaster when all the while the department knew it would propose a mild—but still unacceptable—action, raising the quotas by ten percent.

I want the department to know that nobody in our state thought their game was very amusing.

EXTENSIONS OF REMARKS

TEN-PERCENT QUOTA INCREASE PROPOSAL FOR FLUE-CURED TOBACCO

WASHINGTON, D.C.—U.S. Representative Wilmer “Vinegar Bend” Mizell (R.—N.C.) said today the House tobacco subcommittee has determined that the U.S. Department of Agriculture’s recent decision to increase quotas for Flue-cured tobacco by 10 percent was justified.

The department is committed to a continuation of the program, including quotas and allotment programs.

Price supports on flue-cured tobacco will not be frozen, but will probably be increased by an estimated eight to ten percent.

The tobacco barter program involving the Commodity Credit Corporation may be reinstalled if export conditions require it.

Tobacco is receiving top priority among agricultural commodities in trade talks now being held in Geneva, Switzerland.

Marketing problems experienced during the last marketing season, including lack of space on auction floors, will be resolved at the 1974 marketing season, President Nixon assured.

Mizell, ranking Republican member of the tobacco subcommittee, received these assurances from Kenneth Frick, Administrator of the Agricultural Stabilization and Conservation Service, during hearings today on USDA’s recent decision to increase flue-cured tobacco quotas by ten percent.

Frick assured Mizell and other subcommittee members that, while it will stand by the ten percent increase, USDA will continue to support the quota and allotment programs.

The Department published on December 26, 1973, a proposal to do away with the program entirely, but congressional and public reaction killed the proposal.

In the opening statement, Frick said a meeting with leading (tobacco) manufacturers and dealers was held December 14.