

on Monday to the consideration of the supplemental appropriation bill, on which there is a time agreement.

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

ORDER OF BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no roll-call votes occur on Monday next, May 6, 1974, prior to the hour of 2:30 p.m.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, May 6, 1974, the then unfinished business, the education bill, S. 1539, be temporarily laid aside and remain in a temporarily laid aside status until the disposition of S. 2999, and the supplemental appropriation bill or until the close of business Monday, whichever occurs first.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes each.

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

ORDER FOR RECOGNITION OF SENATOR PROXMIER ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, May 6, after the two leaders or their designees have been recognized under

the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIER) be recognized for not to exceed 15 minutes.

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

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program is as follows:

The Senate will convene tomorrow at 10 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. PROXMIER, Mr. MATHIAS, and Mr. GRIFFIN.

There will then be a period for the transaction of routine morning business, of not to exceed 15 minutes, with statements therein limited to 5 minutes each.

At the conclusion of routine morning business, the Senate will proceed to the consideration of the conference report on the Federal Energy Administration, on which there is a time limit of 30 minutes.

Upon the disposition of the conference report, the Senate will take up the SBA bill, S. 3331, on which there is a time limitation.

Following the disposition of that bill, the Senate will proceed to the consideration of the Peace Corps bill, H.R. 12920, on which there is a time limitation, upon the disposition of which the Senate will take up S. 3203, the bill extending the National Labor Relations Act to employees of nonprofit hospitals, on which there is no time limiting agreement. Yeas and nays are expected on amendments to that bill on tomorrow.

On Friday, the Senate will take up H.R. 11385, an act to amend the Public Health Service Act, under a time limitation. Yea and nay votes are expected on amendments thereto and on passage of the bill.

Upon the disposition of that bill, the education bill will be laid before the Senate and made the unfinished business.

The Monday program will be stated on tomorrow or Friday.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 7:13 p.m. the Senate adjourned until tomorrow, Thursday, May 2, 1974, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 1974:

U.S. RAILWAY ASSOCIATION

Arthur D. Lewis, of Connecticut, to be Chairman of the Board of Directors of the U.S. Railway Association for a term of 6 years. (New position.)

THE JUDICIARY

Robert M. Duncan, of Ohio, to be U.S. district judge for the southern district of Ohio vice Carl A. Weinman, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 1974:

DEPARTMENT OF STATE

John P. Constandy, of the District of Columbia, to be Deputy Inspector General, Foreign Assistance.

Rodger P. Davies, of California, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

INTERNATIONAL MONETARY FUND

Sam Y. Cross, of Virginia, to be U.S. Executive Directive of the International Monetary Fund for a term of 2 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

SOUTH BOSTON SKATES INTO SCHOOLBOY HOCKEY HISTORY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. MOAKLEY. Mr. Speaker, as a former South Boston High student and a former member of the South Boston High Hockey Team, it is with great personal pride that I call the attention of this U.S. Congress to the inspirational and sensational achievements of the 1974 South Boston High School Hockey Team.

Champions of the city of Boston for the past 4 years, winners of the Recognition Trophy for League Champs given by the New England Whalers, the Mayor Kevin White Trophy for City Champs, and the Thomas H. Hines Trophy for the Division One Eastern Massachusetts Hockey Finalists, Coach Tom Aprille's skaters have been to schoolboy hockey in the hub what the Boston Bruins have been to the NHL—in a word, the "best".

Mr. Speaker, I could discuss at great length the exploits of the 1974 South Boston High School Hockey Team, but one story tells it all.

As long as I live, I will never forget "the ten minutes that made schoolboy

hockey history," as one newspaper writer put it the next day.

Mr. Speaker, I refer to the Eastern Massachusetts Division One semi-finals when the tournament favorite, Arlington High School, built up an apparently insurmountable 5-0 lead over South Boston in the first period.

It was a Saturday afternoon at Boston Garden, a sports arena that had been the scene previously of many great moments in hockey. But none of the hundreds of veteran hockey buffs and scribes that sat with the thousands of stunned and adjoining spectators and rooters were able to recall later anything like what happened on the Garden ice during the next 10 minutes.

Mr. Speaker, I had just arrived at the Garden, taken in the 5-0 scoreboard story, and was just starting to sit down when South Boston struck.

One goal. Two goals. Three goals. Four goals. The Garden was going crazy. Five goals. It was incredible. Six goals. South Boston was ahead. In less than 10 minutes, Mr. Speaker, South Boston had arisen from the dead. Down 5-0, South Boston had fought, hustled, and skated into a 6-5 lead.

Finally, after even more excitement and a tremendous display of individual courage by each of the South Boston skaters, we won 7-6.

Mr. Speaker, again it is with great pride and personal pleasure that I offer tribute to headmaster and my good friend, Dr. William Reid, Coach Aprille, Assistant Coach and Reverend Arthur DiPietro, Team Captain William Curley, team members William Flynn, Kevin Coughlin, Michael Farins, Paul Carroll, Michael Lydon, Barry Milan, Paul Walsh Frank Casper, Brian McDonough, Francis Flaherty, Mark Bartosiak, Michael Howland, James Gould, Fred Salamowich, Michael Colantonio, Richard Linnehan, and team managers Stanley Greely and Robert Walton.

Mr. Speaker, this was a great school-boy hockey squad. They went further in tournament competition than any other Boston team before them. I am proud to be one of the thousands who had the opportunity to cheer them on.

CEA INVESTIGATION

HON. DICK CLARK

OF IOWA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 1, 1974

Mr. CLARK. Mr. President, last month the House of Representatives passed H.R. 13113, the Commodity Futures Trading Act of 1974, and, on May 13, the Senate Agriculture Committee will begin hearings on that bill and similar legislation. There are many reasons for a comprehensive reform of the Government regulation of commodity trading, but few things better illustrate the need for change than the case of Bernard Rosee. After 14 years, the Commodity Exchange Authority still has not resolved the controversy over his complaint and treatment.

Recently the Secretary of Agriculture has taken an interest in it, requesting Ervin Peterson, the Chairman of the Commodity Exchange Commission, to investigate the role of the CEA in this case. In an article in the April 22 edition of the Des Moines Register, Clark Mollenhoff and George Anthon describe what has been happening. The report is part of their continuing investigation into the commodity futures trade and the CEA's regulations of it.

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

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

[From the Des Moines Register, Apr. 22, 1974]

PROBE AIMS AT CEA'S CALDWELL; INQUIRY STEMS FROM 1960 INCIDENT

(By Clark Mollenhoff and George Anthon)

WASHINGTON, D.C.—The long-dormant Commodity Exchange Commission (CEC) is stirring and is deeply involved in a precedent-shattering investigation that could have widespread repercussions in the policing of the \$400-billion-a-year commodity markets.

The investigation is aimed at Alex Caldwell, the veteran administrator of the Commodity Exchange Authority (CEA), who has been a one-man show in the regulation of the commodity markets since January, 1960.

Before that he was deputy administrator for several years, responsible for policing of boards of trade to assure that the public was properly protected through segregated accounts.

THE CHARGES

The charges against Caldwell, the Chicago CEA office, and the Chicago Board of Trade stem from the complaint filed by Bernard Rosee, a veteran Chicago commodity trader who lost his seat on the Chicago Board of Trade in 1960.

Rosee claims he was defrauded of more than \$500,000 by the Baggot and Morrison commission house, and that Caldwell and others have engaged in a pattern of collusion that has included malfeasance, misfeasance and nonfeasance in office in violation of the federal laws and the rules and regulations of the Chicago Board of Trade.

Although an Illinois court awarded Rosee a \$750,000 verdict against Baggot and Morrison and its partners, Caldwell has persisted in asserting that he finds no federal law violations in the admitted destruction of commodity records by Baggot and Morrison officials.

Within the last two months Agriculture Secretary Earl Butz has stepped into the case and has requested Ervin Peterson, chairman of the CEC, to get to the bottom of the long-standing case.

Rosee contends that reconstruction of Baggot and Morrison's trading records in the crucial period in the fall of 1959 will prove that officials of the firm embezzled his funds, by crediting his account with "accounts number 35 and number 45" that were not his.

For more than 12 years Caldwell has rejected Rosee's plea for access to those accounts and the original daily trading card records of Baggot and Morrison in the crucial period.

ASKED CALDWELL

Peterson told The Register last week that he has asked Caldwell to supply the records for him to examine along with the record of the hearing by the Chicago Board of Trade that led to Rosee losing his seat.

Peterson, whose regular job is administrator of the agricultural marketing service, has a long background in federal and state government that has included regulatory work for Oregon.

Peterson, who makes no judgment on the validity of Rosee's charges against Caldwell, other CEA officials or the Chicago Board of Trade, says the charges "are sufficiently serious" to warrant an unprecedented investigation of the administration of the CEA.

Peterson says the seriousness with which he is taking the charges against Caldwell is indicated by his enlistment of the personal help of John A. Knebel, the 37-year-old general counsel for the Department of Agriculture.

"The secretary of agriculture told me he wants this thing investigated thoroughly, and cleaned up once and for all," Peterson said.

FIRST JOB

"My first job is to get all of the trading records that are available from the CEA, from

the Chicago Board of Trade, and from the Baggot and Morrison firm, to examine them and determine whether they generally support the charges that Rosee and his lawyers have made against CEA officials," Peterson said.

The 65-year-old former Oregon County judge said he already is convinced that there has been a general laxity in the policing of the commodity markets as a result of the part-time nature of the jobs on the CEC.

The CEC, as originally conceived in 1920, was to provide cabinet-level authority for protection of the integrity of the commodity markets. The chairman was the secretary of agriculture and the other two members were the secretary of commerce and the attorney general.

By its inactivity over the years, it abdicated its responsibility to the singled-headed CEA, which has been permitted to operate as a one-man show under Caldwell because the CEC, without staff or offices, depended upon him to call their attention to problems in the commodity field.

It was obvious that Caldwell would not call attention to any matters that would reflect unfavorably upon him, and he was the one CEC member would call if they heard complaints from others.

Despite a highly critical report on the CEA by the General Accounting Office (GAO) in 1965, the CEC has never conducted an investigation of CEA's administration of the commodity markets beyond asking a few questions of Caldwell who has always assured Democratic and Republican administrations that all was well.

The "all is well reports" have continued even in the face of several congressional investigations of CEA, and overwhelming House Agriculture Committee approval of a drastic commodity market reform law.

Peterson's decision follows a House Small Business Committee report lambasting the inadequacies of the CEA in policing the commodity markets, with the threats of the Senate investigation getting into the specific problems of the 14-year-old Rosee case.

On the one hand, it is regarded as such an old case that it will cause relatively little furor, and yet the mere fact that it remains unresolved and active after 14 years makes it a classic study of the inadequacy of CEA in protecting the commodity traders and the public.

INTERNAL REPORTS

Internal reports of the Agriculture Department have long been highly critical of Caldwell's weak administration of laws that were originally designed to protect the public and traders from the very pattern of fraud that Rosee says he experienced.

Peterson and the CEC members will not be able to make final judgments on Rosee's case until they have reviewed the 14-year record of Rosee's effort to obtain access to daily trading records and cards that are required to be kept by law.

Rosee has contended that the records of daily trading can be reconstructed to prove that Baggot and Morrison's firm had cheated him out of between \$500,000 and \$1 million.

If he is successful in his appeal to the CEC to force the Chicago Board of Trade to give him back the seat he is expected to seek reinstatement of a multimillion-dollar damage suit against the Chicago Board of Trade, which he contends was involved in collusion with the Baggot and Morrison officials to deny him due process of law. And he is also expected to seek a reconstruction of the trading records he had been promised by the then-secretary of the Chicago Board of Trade, Warren W. Lebeck. Lebeck has since become president of the Chicago Board.

Baggot and Morrison officials, the Chicago board, and the CEA officials in Chicago and Washington have firmly resisted the efforts of Rosee and his lawyers to obtain the records under the Freedom of Information Act.

Although the commodity trading records are required to be preserved, as a barrier against fraud, Caldwell and his CEA associates have contended that the records involving his own trades and trades credited to him by Baggot and Morrison are "confidential business records" and one of the exceptions to the act.

Rosee's lawyers have argued unsuccessfully to the CEA that since the trades in two particular accounts—accounts 35 and 45—are the heart of Rosee's dispute with Baggot and Morrison officials, there should be no question of access.

Caldwell has remained adamant in preserving the secrecy of those records even in the face of a 1973 U.S. Supreme Court decision (the Ricci case) which declared that the CEA officials should make such trading records available for examination in carrying out the public protection intent of the commodity exchange laws.

RECENT RULINGS

But more important than the recent Supreme Court ruling ordering the CEC to conduct the unprecedented investigation of CEA are the highly critical investigations of CEA in 1973 and the likelihood that more congressional investigations loom ahead.

There is a good chance that one or more of these Senate inquiries of the regulation of the commodity market will touch at least briefly on the Rosee matter, and the trouble-plagued Department of Agriculture does not wish to be any more vulnerable to charges of mismanagement. The criticism on the Soviet wheat deals and on the dealing with the dairy lobbyists on the 1971 boost in milk price supports has been more than enough.

Peterson, with experience as director of the agricultural stabilization organization in Oregon, and with long experience as an assistant secretary of agriculture with duties in the regulatory field, comes to the CEA investigation with the freedom to take whatever action is necessary to clean up commodity regulation.

NIXON INFLATES TRANSCRIPTS AS IF THEY WERE THE U.S. ECONOMY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LEGGETT. Mr. Speaker, on Monday night we saw the President on television telling us about the mountain of material he was about to turn over to the Judiciary. And beside him there was indeed a mountain of documents: nearly 50 thickly bound books making up 4 or 5 stacks, each of which appeared to be perhaps 2-feet high.

This morning, I received in my office that same mountain of material. But despite large type and double spacing, the Government Printing Office has apparently molehilled it down into a single volume only 2¼ inches thick.

It is plain that the only reason for distributing the transcripts into 50 volumes was to make them look bigger on television.

Perhaps, in light of their highly incriminating content, it is petty to discuss the physical size of the transcripts. But I wish that just once Mr. Nixon and the advertising executives with which he surrounds himself would show they un-

derstand the difference between Pennsylvania Avenue and Madison Avenue.

THE FUTURE OF VIETNAM

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to submit for inclusion in the RECORD an interesting article, "The Future of Vietnam", written by Peter Hughes and Mark Haroff. This article appeared in the April 15 issue of the Ripon Forum and it follows at this point:

THE FUTURE OF VIETNAM

(By Peter Hughes and Mark Haroff)

"The Vietnam War," wrote Robert Bartley in the *Christian Science Monitor*, is "far greater national tragedy than even Watergate. In this case it cannot be said that our institutions restrained mistaken men."

Vietnam has come to symbolize the loss of 55,000 American lives, domestic divisiveness, violent protest, a fallen President, and a deeply wounded national pride. The result is that most Americans have attempted to block Vietnam out of their consciousness. Only one year after the Paris cease-fire agreement, the war in Vietnam continues unabated. Although America's military involvement has ended, the nation is still faced with the task of defining what its future role in the Vietnamese struggle should be.

For many Americans, the moral disillusionment of the Vietnam war has spurred the country to turn inward and toward isolationism. But the United States has an international responsibility which should be based on the lessons of its mistakes and an awareness of its limitations.

Since the Vietnam cease-fire accord was signed in Paris in January 1973, there have been more than 335,000 cease-fire violations. The Soviets and Chinese have continued to pour weapons into North Vietnam, and the United States has responded in kind. There is clearly no immediate hope for peace since all available intelligence data still indicates that the leadership of North Vietnam remains committed to the goal of taking over the South, which is enjoying greater legitimacy with the general populace than ever before.

South Vietnam is not without its problems, including the continuing war, corruption, and inflation. But the government of South Vietnam is not an anonymous collection of military and bureaucratic "hacks." The average age of Thieu's cabinet is 41 years, compared to an average age of 60 years for members of Hanoi's Politbureau. Many of these young cabinet members were educated in the United States and share a common belief in classic liberalism. Most would like to see the government's decentralization and civil liberty expansion proceed as quickly as possible. South Vietnam's minister of information, H.E. Hoang Du Nha, one of the most able Cabinet members, is totally committed to the growth of a "loyal opposition." Nha's attitude toward political opposition is illustrative of a growing flexibility in the Thieu government. This fact is recognized by Professor Nguyen Ngoc Huy, who, as leader of the opposition party (Social Democratic Alliance), finds increasing freedom to speak openly about the government.

America's long-time involvement in the

Vietnam conflict and the effects of a relentless war have made South Vietnam's economy dependent upon continuing U.S. aid. That our aid will not continue endlessly has been recognized by the South Vietnamese leadership. President Thieu is now actively seeking international economic assistance, and he seems willing to accept the fact (perhaps reluctantly) that the extent of American support will continue to decline. Herein lies the future of America's role in South Vietnam.

South Vietnam is a developing country with a great economic potential. Through its strong agricultural base and with economic development the country certainly has the potential to achieve economic stability. The prospects for discovering oil on its shores are rated excellent, and such a discovery would be a major boost toward that country's self-sufficiency. But these developments will take time, and it is time that the United States seems unwilling to give them.

Somewhere in the process of becoming involved in Vietnam, we seem to have forgotten both the international events that resulted in America's commitment as well as our original purpose. We now have the opportunity to learn from our mistakes and come forth with a positive policy.

FREEDOMS FOUNDATION AWARD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BOB WILSON. Mr. Speaker, last February, Miss Laura Elizabeth Fisher, an eighth grader at the Bishop School in La Jolla, Calif., received a principal award from the Freedoms Foundation for her moving essay on her pride in being an American. Her essay entitled "America, America," is a collection of writings that evolve from and were inspired by her first tour of the United States 2 years ago when she first saw Valley Forge, Gettysburg, and other sites where American liberty took root.

I ask that her essay, as well as a newspaper article about her winning this award, be printed in the appendix of the RECORD as a portion of my remarks.

WINS FREEDOMS FOUNDATION AWARD—LA JOLLA GIRL FINDS A LOT TO LIKE

(By Katherine George)

"I found a lot of nice things about our country," claims 13-year-old Laura Fisher, who has travelled across it thrice now, once by automobile and twice by train.

Her most recent trip was last month, when part of America had something nice to say about Laura Fisher, too.

The Freedoms Foundation at Valley Forge, Pa., was her destination. She joined such distinguished Americans as actor John Wayne, novelist Earl Hammer Jr. and heavyweight boxing champion George Foreman at the 25th annual awards ceremony.

Following her first tour of the United States two years ago—when she first saw Valley Forge, Gettysburg and other sites where America took root—Laura began compiling a scrapbook incorporating essays, photos and stories evolving from and inspired by that trip.

Among the "nice things" she recalled were incidences of the proverbial Southern hospitality, such as the time the family car

broke down and someone stopped to help them fix it, so the Fishers could continue their trip.

Working almost daily last summer, she finished her project with four essays, "The Freedom from Fear . . . from Want . . . of Speech . . . of Worship," and submitted it last fall for the annual awards.

She thus became principal winner of the Nathan Hale Youth Award and recipient, along with Wayne, Foreman, Hammer and others, of an encased George Washington Honor Medal.

Her parents, Dr. and Mrs. Curtis W. Fisher of 5875 La Jolla Mesa Drive; her sister, Linda; and her brother, John, accompanied Laura to Valley Forge for the ceremony in Mellon Hall at Valley Forge Military Academy.

John, 10, is proud to have been asked by the president of the Freedoms Foundation to lead the Pledge of Allegiance at the special ceremony, according to his sister.

A panel of 13 State Supreme Court justices and 29 national representatives from civic, educational, patriotic and veterans organizations judged Laura's project, titled "America, America," the best among the essays, poems and public addresses which students submitted.

The scrapbook will remain among the files at the Freedoms Foundation.

President of the eighth-grade class at The Bishop's School, Laura's other accomplishments include publication of a short story, in Fun Journal, a children's magazine, and a Daughters of the American Revolution award for history.

When she wrote President Nixon a letter of support two years ago, he reciprocated with a personally signed letter of thanks.

Rep. Bob Wilson, R-San Diego, saw the letter and sent her family a United States flag which has flown over the Capitol.

Someday Laura wants to write her own book, she explains. For now, she supplements her writing with swimming, music, art, doll collecting, horseback riding and sharing her family's interest in the Civil War era and antique collecting.

AMERICA, AMERICA

(By Laura Elizabeth Fisher, 5875 La Jolla Mesa Drive, La Jolla, Calif. 92037)

A citizen
Must
Exercise his
Responsibility
In defending the
Credo of the
American Constitution

As the orange kissed sun wrinkles across the sailing sky, I arise from my slumber to do my daily chores. One is raising the American Flag above our modest home. As I unfurl the flag, a great wave of emotion develops within me. For I, a humble American citizen can raise freely the symbol of Freedom, liberty, justice and America which is an honor in itself. Every time I gaze upon the flag, I revisit the once played historic scenes and I have great faith in the American Flag towards world peace. In the furtherance of my report, I hope to display the American Flag as a remembrance of our great blessings and to narrate my America as seen through the eyes of the American Flag.

MY TRIP ACROSS THE UNITED STATES

Last year, our family traveled by train for seven weeks across the United States of America. We made our temporary home at various hotels and motels just outside of historic battlefields, houses, monuments, streets and other patriotic sights. We rented a car and drove to many cities such as New York, Trenton, Chicago, Boston and Seattle as well as small towns. We also passed through the

many Capitols. In Richmond, we met Senator Hamner who was very kind. In Atlanta, we met Governor Carter's wife. Some of the Capital's we stayed at or passed through were Washington, D.C., Atlanta, Baton Rouge, Columbus and Albuquerque.

We stayed in Washington, D.C. for one week. With its bright lights at night and aromatic cherry trees, Washington, D.C. impressed me very much. The many statues of Lincoln, Jefferson and monumental structures commemorating George Washington remind us of our great heritage.

During our long trip we visited the splashing water of Niagara Falls, the fresh smell of flowers at Monticello and the crackle of crisp leaves under my feet as I walk up the path to George Washington's house at Mt. Vernon. An eerie feeling crept inside me while we visited the streets and superstitions of the past at Salem. Such places like Vermont and Amish country Pa., where greenery mixes with serenity to create a heavenly palace of peace, often bring back quiet memories of riding down secluded country roads.

There are many monuments and buildings which stand recognizing our past, but to me, one lonely green lofty tree can tell more stories through the beckoning wind greater than a man constructed edifice.

By the request of friends and to satisfy our own curiosity, we included in our trip, a visit to the Freedoms Foundation at Valley Forge, Pennsylvania. One of the other reasons for going to the Freedoms Foundation was because of my winning of the D. A. R. award during my academic school year. I found out how wonderful this organization is in bringing to the attention of the younger generation the importance of really understanding the United States of America and in doing so, also learning how to love and care for it. We were given a tour of the wonderful buildings and I saw some of the finished products of different schools and students. I was extremely impressed and I was astonished at how much work and thought was put into each separate project. The Freedoms Foundation at Valley Forge is doing an excellent job in the preservation of the American way of living, and I deeply support its every feeling. I have only named a few of the places to where I have been, but I can assure you that in this brief outline, I wish to convey my deepest gratitude for living in America and being able to visit the Freedoms Foundation at Valley Forge, Pennsylvania which helps conserve our American past and future way of living for generations upon generations to come.

A CHILD'S PICTORIAL VIEW OF AMERICA

A child plays an important part in the role of the American way of life. He helps preserve and pass on the patriotism needed to be a true American. Each child is a separate individual who has different ideas on what America means to him.

Tommy Everett is a good example. Tommy was taken to the Nation's Capitol by his parents. They felt Tommy needed an education about his American past. Tommy thought the Capitol was just a large building where a group of men gathered to hold meetings and to mumble and argue about many different laws. To his parents, this edifice was one of great importance. This was where new laws were made and old laws enforced.

In Washington, D.C. Tommy saw the immense statue of President Abraham Lincoln. This one statue showed various thinking by Tommy and his parents. Tommy's parents thought he was a fine man with a firmly chiseled face, a great President, and leader of the American people. Tommy thought of him as a kind man with lofty limbs, fuzzy whiskers and funny shoes. He felt as if he was someone he could turn to if he cut his

knee or needed help. In both thoughts, the subject of Mr. Lincoln being a kind and gentle person was mentioned. Tommy and his parents both thought he was a fine man, and above all, leader of the American people.

Tommy learned that George Washington was not the inventor of the one dollar bill, but Washington was a fantastic General and was the father of our country because he was the first President. Tommy had learned many new facts about America, and he couldn't wait to get back home to tell his friends in Pennsylvania. It was a long drive for such a small boy, so Tommy layed back on the car seat and dreamt of being in George Washington's army. Tommy's mother turned around and draped her sweater over him.

"A real American boy," she said, "Tommy's a real American boy!"

WHY I WROTE PRESIDENT NIXON

On a rather recent television news special, I watched an interview with the President. The man interviewing Mr. Nixon was reporter Dan Rather. Dan Rather, in my opinion, was quite rude because of the interrupting of the President by Dan Rather, and he constantly attacked Mr. Nixon. I felt that Mr. Nixon should know all people, young and old, did not feel negatively towards him, and all who spoke of him did not speak in a derogatory sense.

I decided to let Mr. Nixon know I was a firm supporter of his demands and views of the world situations. I told him that even though I was young, I was not excluded from all political discussions and views. I found most of them interesting and informative. I thought a simple letter would let Mr. Nixon know how I felt. However, that simple letter opened my eyes and brought me closer to the world of politics.

MY LETTER

DEAR MR. PRESIDENT: Although I have written to you before, I would again like to praise you in your good work. Being just a kid, I don't have many political views, but I can spot a good President. There are, and always will be (as for they are human), people disagreeing with you. I, for one am not such a person. I am all for you. Being a president can be a lonely job. There are, however, don't forget, people for you.

Many wishes for the new year.

Sincerely,

LAURA FISHER.

HONESTY IS THE BEST POLICY

I wrote to Mr. Nixon to tell him my true feelings and not for publicity. My pen didn't cease until every word that could express my gratitude for such a great President was exhausted. A few weeks later, I received a letter from the President which was hand-signed. I had my picture taken for the paper along with my brother and sister.

Mr. Bob Wilson, Congressman of the 36th District of California, heard of my letter and presented my family with a flag which had flown over the U.S. Capitol.

I was filled with ecstasy to know I had let everyone know my feelings, and most of all I did it with dignity and honesty.

Mr. Speaker, Laura Fisher's introduction at the Freedoms Foundation of Valley Forge Awards Ceremony held on February 18, 1974, at the Valley Forge Military Academy. She was introduced by the President of the Freedoms Foundation, Harold K. Johnson, General, U.S. Army (Retired).

The Principal Award in the Youth category goes to Laura Fisher of La Jolla, California for her pictorial essay, America, America. Last year, the Fisher family traveled by train for seven weeks across the United States of America. They made their temporary home

at various hotels and motels close to battlefields, monuments and historic sights. Colorful pictures and essays reflect Laura's deep feeling of gratitude for living in America.

Trustee Dean Elson is going to make the presentation. Laura's essay reminded us of the grandeur of this great country of ours. She had a simply splendid portrayal of the things that she saw, the things that she heard, the things that she read and in many respects I think the things that she felt. We're grateful to you for the kind of presentation that you made and congratulations.

A NEW LOOK AT BUSING

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. HUBER. Mr. Speaker, a recent article by Allan C. Brownfeld noted the comments of several well-known black and white liberal education leaders regarding the problem of education and its relationship to forced busing. I was inspired to realize that these individuals had the courage to admit that perhaps they were wrong in their earlier positions. I find it most encouraging to find that they now recognize that the most important aspect in teaching is the education of the student.

Busing for purposes of achieving racial balance would be one thing if children were truly learning. There is overwhelming scientific evidence, however, that proves otherwise. I have always maintained in my antibusing views that, rather than spending millions of dollars for buses and transportation, we would be better off if that money was put into improving the present schools. It is interesting to me to see that no less than black activist leader Julius Hobson now espouses a similar opinion. It is a portent that the antibusing position is being vindicated. What I find interesting in Mr. Brownfeld's story is that the vindication for those of us who have fought forced busing for many years is coming from some who are thought of as members of the far left. If they now think that forced busing is not achieving any real purpose, perhaps the day is not far off when there will be an end to this absurd method of supposedly "improving a child's education." Apparently, more and more Americans of all political persuasions are awakening to the fact that it does not.

Mr. Brownfeld's excellent article is inserted for the close attention of my colleagues:

[From the Phoenix Gazette, Apr. 24, 1974]

BUSING BAD SUBSTITUTE FOR BETTER SCHOOLING

(By Allan C. Brownfeld)

The massive school-busing program to which children in many parts of the country have been subjected against their will and the will of their parents is, for all those who are willing to look at this problem as it really is, both needless and a violation of the very legal philosophy of integration and equality which, its supporters tell us, it is meant to fulfill.

Discussing the concept of forcing children

to ride to schools far from their homes in order to achieve a mythical racial balance, former Wall Street Journal editor Vermont Royster noted, "There is ... something absurd about busing a child, who lives within a few blocks of an elementary school, a half-day's journey across the country, with some starting before dawn and returning long after dark. For years the country labored expanding its school system to avoid just this sort of necessity. Now when it isn't necessary we are reverting to it in the name of having the 'right' racial quota."

In November, 1973, Rep. Edith Green, D-Oregon, sent a questionnaire to constituents in her district, a predominantly urban, industrialized area located in a state which had adopted anti-discrimination laws long before the federal 1964 Civil Rights Act.

Speaking on the floor of the House on Feb. 20, Rep. Green noted, "The mailing list for my questionnaire is probably 75 to 80 per cent Democratic. One of the questions asked was on forced busing—the question was phrased carefully ... so as to word the question in as objective and nonpartisan a way as possible. The question asked: 'Would you favor a constitutional amendment which would prohibit the federal government ... from forcing the busing of students from neighborhood schools for the sole purpose of achieving racial balance?' We have tabulated over 10,000 responses and more than 70 per cent ... have expressed their support of a constitutional amendment to prohibit forced busing."

The program of forced busing is not only of no educational value, but is very expensive as well. In Charlotte, N.C., the subject of the Charlotte-Mecklenburg decision, it is now costing the local and state governments about \$1.6 million a year to operate a fleet of buses as compared with \$784,000 three years ago. This despite the fact that the school population has dropped by 7,000. Some children ride up to 40 miles a day and spend two hours and 45 minutes daily on the buses. The cost of busing for integration in Pontiac, Mich., last year was \$507,000.

It has become clear that forced busing has been used as a substitute for improving the level of education available within the nation's inner city schools. Black activist leader Julius Hobson expresses the view of many black leaders when he declares, "Integration is a complete failure ... what we've got is no longer an issue of race but of class, the middle class against the poor, with the federal government standing idly by ... the schools in Washington, D.C. have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school ... I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good where they are ... the integration kick is a dead issue."

Similarly, John Gardner, former secretary of health, education and welfare and now head of Common Cause, declares, "We should proceed to upgrade the schools where they are now, and not sit around waiting for integration that many never happen."

Rep. Green concludes, "I have read as much material as I can, and I do not find one scintilla of evidence that forced busing has achieved its stated goals or its stated objectives ... I believe that what white and black parents desperately want is quality education for their children and I further believe that the promotional claims that busing will achieve this are dangerously deceptive."

Too little attention has been given to the thoughtful criticism of busing as an educational policy expressed by black spokesmen. Columnist William Raspberry, for example, addressed himself to this question. He said, "The artificial separation of people, in schools or out, based on their race is wrong ... But

to send black children chasing to hell and gone behind white children is also wrong and psychologically destructive. It reinforces in white children whatever racial superiority feelings they may harbor, and it says to black children that they are somehow improved by the presence of white schoolmates."

THE SECOND ATROCITY OF MY LAI

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LEGGETT. Mr. Speaker, Secretary of the Army Howard Calloway, whom I hold in high regard, has reduced the sentence of Lt. William Calley to such a degree that he will probably be free in a few months. Thus, in response to the murder of at least 102 unresisting Vietnamese women, children, and old men, our system of military justice will have allowed all but one of the killers to go free of punishment, and will have subjected the one to a total of perhaps 40 months imprisonment, of which more than 90 percent will have been spent not in prison but in confinement in rather comfortable quarters. Including the time spent confined to quarters, this punishment comes to about 12 days per murder.

Suppose a similar felony were to occur in an American town with American victims. I find it hard to doubt that the perpetrators would receive, each and every one, consecutive life sentences for every killing.

Secretary Calloway's reasoning is difficult to follow if we take it at face value. First, he says Calley may not have been aware that an order to kill unresisting prisoners was illegal. Second, he says he agrees with the opinion of the court that "Calley should have been able to recognize the illegality of an order to kill unarmed noncombatants, if he did in fact receive such an order." Third, he cuts Calley's sentence in half.

I am inserting Secretary Calloway's statement in the Record for the benefit of anyone who can make better sense out of it than I.

Mary McGrory's April 22 analysis in the Washington Star-News, which I insert in the Record after Secretary Calloway's statement, may be more to the point. She suggests that President Nixon feels his only hope of avoiding removal from office lies in favoring the extreme right wing to such an extent that the 34 rightmost Senators will vote to acquit regardless of the facts of his case, and that letting Calley off is one of those favors to the far right.

My own view is that Ms. McGrory is right in her assessment of the administration's objective but wrong in her conclusion that the Calley action will help attain that objective. As I see it, the wide support for Lieutenant Calley which developed immediately after his conviction was only a kind of temporary mass hysteria that quickly exhausted itself. In the week following the verdict, my office received heavy mail on the issue, all of

which opposed the conviction, and all of which appeared to be based on serious misconceptions of the facts of the case. I then put out a rather strongly worded release explaining why no verdict other than guilty was possible, and overnight my mail literally switched to 90 percent supporting conviction.

Today, I know of no Member of either the House or the Senate, and no group other than the American Nazi Party, willing to defend the shooting of 2-year-old infants as the act of a loyal and patriotic American just doing his duty. I do not believe the Calley tactic will be politically effective. Still, it is disheartening to see the administration still attempting to bring out the worst in the American people.

The articles follow:

(By Howard H. Callaway, Secretary of the Army)

THE CALLEY CASE

As those of you who have followed this issue know, the United States Court of Military Appeals on 21 December 1973 affirmed the conviction of Lieutenant William L. Calley, Jr. for the premeditated murder on 16 March 1968 of twenty-two Vietnamese nationals, and assault with intent to murder a Vietnamese child. When this decision was announced, Lieutenant Calley's counsel filed a petition for Reconsideration by the Court. This petition was denied by the Court on 4 February 1974. The next day, 5 February 1974, the Court issued a mandate permitting implementation of the decision.

Lieutenant Calley was convicted by General Court Martial at Fort Benning, Georgia on 29 March 1971 of the offenses cited above. The original sentence was dismissal from the Army, forfeiture of all pay and allowances, and confinement at hard labor for life. This sentence was reviewed by the general court-martial convening authority, Lieutenant General Albert O. Connor, then Commanding General, Third United States Army, with headquarters at Fort McPherson in Atlanta, Georgia. General Connor reviewed the case in accordance with Article 64, Uniform Code of Military Justice and upheld all elements of the sentence except that the period of confinement was reduced from life imprisonment to twenty years. Subsequently the case followed the normal appellate procedures, resulting in the conviction and sentence being affirmed by both the United States Army Court of Military Review and the United States Court of Military Appeals. I have had the case in my office for my review since Monday, 11 February 1974.

After exhaustive review of the record of trial, I have decided that Lieutenant Calley's conviction and sentence should be upheld. There is no reasonable doubt in my mind that he perpetrated the acts for which he stands convicted. These acts of murder and assault against unarmed civilians are so abhorrent to those who accept the fundamental legal and moral bases for this Republic that they cannot be condoned or forgotten.

However, Lieutenant Calley is but one of many who were involved in this affair which has become popularly known as the My Lai or Son My, Incident. There are mitigating circumstances indicating that Lieutenant Calley may have sincerely believed that he was acting in accordance with the orders he had received and that he was not aware of his responsibility to refuse such an illegal order. This is a fundamental issue which those who convicted Lieutenant Calley, and those who have heard and acted upon his appeals since, have addressed. In each instance, the courts have found that Lieutenant Calley should have been able to recognize the illegality of an order to kill un-

armed noncombatants, if he did in fact receive such an order.

In deciding that Lieutenant Calley's conviction and sentence should be upheld and implemented, I have concurred with those who previously reviewed the facts of the original trial and at each step of the appellate process.

As Secretary of the Army, it is my responsibility also to address clemency action on behalf of Lieutenant Calley. My decision here must serve the requirements of justice, meet the legitimate needs for sanction against such conduct by individual soldiers, and, without violating society's higher needs, accord Lieutenant Calley an opportunity to return to society as a productive member. Therefore, I have remitted that portion of the sentence providing for confinement in excess of 10 years. This completes the Army's action in this case.

Although the incident at My Lai has been correctly recorded as a brief but shocking chapter in the 199-year history of the United States Army, I hope that my action today will help to place the incident, once and for all, in its historical perspective. The United States Army of 1974 is embarked on a course marked by new challenges and a renewed sense of purpose. Today's soldier can learn from the anomalies of the past without losing sight of a better future.

DIVORCING THE MIND FROM MY LAI

(By Mary McGrory)

It may be time to re-read the letter a young Army captain sent to his commander-in-chief three years ago.

"The greatest tragedy of all," wrote Aubrey Daniel, III, the prosecutor of Lt. William L. Calley Jr., after the President intervened to spare the convicted killer of My Lai the hardship of stockade life, "will be if political expediency dictates the compromise of such a fundamental moral principle as the inherent unlawfulness of the murder of innocent people."

Now that Army Secretary Howard Callaway has cut Calley's sentence in half—he could be a free man by fall—the President may redeem his 1971 promise of "personal review" of the case.

The "political expediency" of 1971 is pastel beside that of today. The President, clutching at the last straws of support, could further bind the aggrieved right by pardoning Calley entirely.

Callaway's statement, replete with contradictions and ironies, accepted the defense that Calley's court-martial rejected. The "mitigating circumstances" the secretary, a West Pointer himself discovered in the vast record is that Lt. Calley "may have sincerely believed that he was acting in accordance with the orders he had received and that he was not aware of his responsibility to refuse such an illegal order."

On the Army's responsibility to find out who gave the illegal order and punish him, the secretary is silent. Of the 13 senior officers who were charged by the Peers Commission, a blue-ribbon Pentagon panel, only two were court-martialed and both were acquitted. The general in command, Samuel Koster, was exonerated by a brother-general. To the military mind, Koster has been harshly punished: He lost a star and a dazzling future.

Calley is the only American soldier who has served time for the murder of 347 South Vietnamese unarmed, unresisting civilians on March 18, 1968. Although the Army defensively observes that his quarters are small and there is no door on his bedroom, he receives daily visits from his girl friend, and enjoys a martyr's reputation in some sectors of the populace that feel he was only "doing his duty." His duty, as he saw it, was to gun down women and children and to shoot a two-year old who crawled out of the stacks

of dead piled up in the bloody ditch outside the village.

The My Lai massacre has rough parallels with the Kent State murders. In both cases, young, green troops, overarmed and over-prepared for an encounter, fired on an unarmed "enemy." Four died at Kent State on May 4, 1970. The federal government resisted for four years the calling of a grand jury. Last month a grand jury indicted eight National Guardsmen, but none of the senior officers and state officials who set the policy and put bullets in the rifles. In both cases it was the triggermen, not their commanders, who bore the brunt.

South Vietnamese peasants have no constituency and no spokesmen in the United States. The "atrocities" of My Lai, in public opinion, was the conviction of Calley. The victims have become responsible for their own deaths. By existing, they caused the horrors of the Vietnam war.

Similarly, demonstrating students had few friends in May, 1970. The President called campus demonstrators "bums."

But the Kent State Four have parents, and last week they were given permission by the Supreme Court to bring suit against state authorities, thus giving the principle of accountability, which was buried with the dead in My Lai, some hope of new life, at least at home.

Robert Jordan, who was the Army general counsel when the cover on My Lai was removed through the efforts of a courageous GI, Ronald Ridenhour, and a determined reporter, Seymour Hersh, says he felt that the President's first intervention was unfortunate.

"I have had a great fear that something even worse may be done," he said.

As for Aubrey Daniel, who spent 19 months of his life preparing the case against Calley and prosecuting him for the "premeditated murder of 22 South Vietnamese civilians," he has no comment on the new prospective developments in the case.

"I said it all in that letter," says the Calley prosecutor, who is now an attorney with a Washington firm and has "divorced" his mind from the case. The American public has always wanted a divorce from My Lai, as the President well knows. He may issue an absolute decree, pardoning Calley and binding to him those people on the far right who are the only ones who care at all and who feel that in slaughtering peasants he was simply being a good soldier.

CALIFORNIA A CAPPELLA CHOIR GOES TO RUMANIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to publicly commend the Allan Hancock College A Cappella Choir from Santa Maria, Calif. The a cappella choir is traveling to Rumania on May 15, 1974, as our ambassadors for freedom.

This is the first choir from my native State of California to be selected to have the honor of representing the United States of America. There was stiff nationwide competition in this State Department sponsored program.

The quality of performance by the a cappella choir is widely recognized. This select group of young people from my congressional district, along with the

eight preceding choirs at Allan Hancock College, have demonstrated an acclaimed record of artistic accomplishment. The many hours of hard work and practice by the choir members and their director, Mr. Glen Montague, speak for their decision and determination to achieve a high level of musical excellence. I have had the pleasure of hearing the choir and am very proud of their representation of our Nation in foreign lands and before foreign audiences.

NCOA OPPOSED TO HISC TRANSFER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ASHBROOK. Mr. Speaker, on April 29, during the course of my special order—CONGRESSIONAL RECORD, page 12059—I had occasion to mention briefly, a solid patriotic group of Americans known as the Non-Commissioned Officers Association of the United States of America. NCOA, which represents over 160,000 noncommissioned and petty officers, has come out foursquare on behalf of the House Internal Security Committee whose future a small handful of House Members would jeopardize for the sake of an untested "package," the so-called reforms recommended by the Select Committee on Committees to reshape the entire structure of the House committee system.

Mr. Speaker, on March 28, 1974, the Stars and Stripes—the National Tribune, carried an article entitled "NCOA Opposes Moving House Security to House Judiciary," in which Mr. James O. Duncan, president of NCOA warned that "well meaning but uninformed liberals" in the House were out to toll the death peal for HISC.

Second, on April 19, 1974, NCOA held its convention in San Antonio, Tex., where it passed a resolution petitioning the House "to reject any legislative efforts that will provide for the restructure or abolishment of the House Committee on Internal Security."

The full texts of both documents follow:

NCOA OPPOSES MOVING HOUSE SECURITY TO HOUSE JUDICIARY

Mr. James O. Duncan, President of the Non Commissioned Officers Association, warns that well meaning but uninformed liberals in the House of Representatives, led by Rep. Richard Bolling (D-MO), are out to toll the death peal for the House Committee on Internal Security (HISC).

In a recent move by his Select Committee on Committees, Bolling recommended the transfer of HISC to the House Committee on the Judiciary. The latter group, overworked and overburdened with nearly one-third of the legislation introduced in the House, could not care less. Evidently, Bolling, rather than approach the issue directly, came through with this idea that will allow the HISC to die a slow but agonizing death, a very politically smart but apparently unintelligent move on his part.

The HISC and its predecessor have for nearly 40 years maintained a close vigilance

on subversive elements in the United States. Its role is even more important today than at its initial establishment during the hard-core fascist era of the late 1930's. With the decline of the FBI's surveillance of un-American activities, only the HISC is actively working to keep Congress, law enforcement agencies, and the American citizen cognizant of the groups and individuals advocating the overthrow of the Nation's democratic and republican form of government.

According to NCO Association President, Mr. James O. Duncan, the United States can ill-afford to curtail or cut off the appropriations and activities of the HISC. Said Mr. Duncan:

"The House Committee on Internal Security has been investigating the subversive influence of Marxist-Leninist groups on the morale, discipline, and combat readiness of four military personnel.

"Its distinguished Chairman, the Honorable Richard Ichord, has proven to one and all that certain subversive groups have done their best to disaffect the man in uniform, promote an American defeat in Asia, and humiliate the man in uniform. Many have named the military itself as the culprit responsible for today's permissiveness in the Services, but Chairman Ichord and his committee have pointed to the real criminal, antiwar groups who detest the patriotic men and women in uniform."

In disseminating his statement, Mr. Duncan urged all members of the NCOA to write, wire, or telephone their congressmen immediately. "Request that your U.S. Representatives support full appropriations for the House Committee on Internal Security and oppose any attempt to 'kill' that committee or transfer it to the jurisdiction of another committee," said the NCOA prexy. "The Nation needs its watchdog more than ever."

Duncan, a retired Air Force NCO, heads the 160,000-plus member NCO Association of noncommissioned and petty officers of the U.S. Armed Forces. The majority of its members are on active duty with the Army, Marine Corps, Navy, Air Force, and Coast Guard.

LEGISLATIVE RESOLUTION NO. 6: HOUSE INTERNAL SECURITY COMMITTEE

A recent proposal introduced in the House of Representatives recommends passage of legislation that will transfer the House Committee on Internal Security to another standing committee. The result of such a move, if enacted, will result in the committee's eventual demise as the bill does not require that the committee's staff and files will also be transferred.

The executive branch of the federal government has, as a matter of political and minority group pressure, reduced its surveillance of un-American activities. What information is obtained is normally unavailable to congressional legislators or to the American public. It is inherent upon all patriotic citizens of the United States to maintain a constant vigil of subversive elements. There is no organization other than the House Committee on Internal Security that can and will do the job openly without malice, and in the interest of national security.

Despite efforts for detente, the Soviet Union, by its mere existence, is dedicated to the principle of world conquest. Some years ago the then Russian premier "promised to bury the United States within." There is no reason today to believe that they will do otherwise.

The hidden enemy exists today more than at anytime in the history of the Nation. They are around us, within us, and worst of all, a part of us. As freedom loving people believing in a democratic form of government, the United States cannot tolerate the existence of subversive groups lending

themselves to the internal destruction of this Nation.

Our Country is in danger. The peril bears maximum vigilance at any cost.

Therefore, let it be resolved that the members of the Congress of the United States be petitioned by the Non Commissioned Officers Association of the USA (NCOA) to reject any legislative efforts that will provide for the restructure or abolishment of the House Committee on Internal Security.

U.S. INDUSTRY NEEDS RHODESIAN CHROME

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ARCHER. Mr. Speaker, the specialty steel industry of the United States needs chrome in order to produce stainless steel. Rhodesia is a major supplier of this crucial chrome ore. As a result of the disagreement with the internal policies of Rhodesia which led to a United Nations economic boycott, some voices have been raised in the United States urging the United States to reinstitute the ban on Rhodesian chrome. An excellent editorial entitled "Playing Politics With Chrome" appeared in the April 1974 edition of 33 Magazine, McGraw-Hill's magazine of metal producing. This editorial should be of interest to all Members of the House of Representatives:

PLAYING POLITICS WITH CHROME

(By Joseph Mazel)

Our wise old politicians, ensconced in Washington, once again appear to have the wandering eye. Having apparently solved all there is to solve in their own backyards, they are once again on the international prowl and ready to play moralist.

And, steel—especially the specialty steel industry—gird yourself, they're looking your way again. Oh, don't worry; it's not what you're doing, it's from whom you're buying a certain material. Yes, chrome is back in the news.

Unfortunately, chrome is an indispensable part of specialty steel, being required in almost every alloy. Unfortunately, there is no substitute known today for chrome in stainless. Unfortunately, stainless steels are essential in such applications as pollution control equipment, power generation equipment, transportation, food processing, chemical and petroleum production, and the appliance industry.

Unfortunately, these are the same industries pegged by economists to be this nation's growth industries in the short and long-term future.

Unfortunately, Rhodesia has over 65 percent of the estimated world's reserves of chrome. The Republic of South Africa, Turkey, and Russia are the only other countries with significant chromium supplies.

Unfortunately, the United Nations has a sanction on the white-ruled government of Rhodesia. While the record cites many evasions of the economic sanctions by such countries as Japan, Italy, Germany, Switzerland, and others in Eastern and Western Europe, the Middle East, and even some emerging African nations, the U.S. has adhered to the UN-imposed sanctions, except for the importation of small quantities of strategic materials.

Unfortunately, Congress, in its infinite wisdom, is now attempting to shut-off Rho-

desian chrome supplies to the U.S. by repealing the Byrd Amendment. Typically, proponents of repeal are saying elimination of Rhodesian chrome will not jeopardize specialty or carbon steel jobs. Others put it more bluntly: A "no" vote to repeal will be racist and anti-labor.

While visiting South Africa and its steel industry, I discussed and observed this political situation personally and it is my conclusion (non-expert, however) that the solution to the problem will not come quickly, nor easily. And, most importantly, it must be achieved internally. External pressures and demands will only delay any proposed or planned solutions.

Historically, economic sanctions have rarely worked the way originally intended. And, precedence holds true in Rhodesia. Internal economic pressure from Black Rhodesians could, however, be accomplished by providing them with more jobs and more opportunities. Keeping America in the Rhodesian chrome market will be one step in this direction.

If Congress implements this sanction once again, we will see another American policy that is shortsighted, uneconomical, and disastrous.

Except for this nation's stockpile of strategic materials, of which chrome is one, the U.S. must rely solely on imports to satisfy its demands. Well, the Arabs tied us up when they embargoed oil shipments to the U.S., and they account for less than 10 percent of our supply.

Just imagine what can be done to our country and its specialty steel industry if its new suppliers should embargo chrome to the U.S. because of domestic policies, or on some other pretense.

Additionally, the price of chrome worldwide will soar. The question: Can the specialty industry afford such a price increase?

Gentlemen: Are you about to allow Congress to hammer one of the final nails (and it'll probably be foreign-made) into the coffin of the U.S. specialty steel industry?

STUDENTS VISIT NATION'S CAPITOL

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FREY. Mr. Speaker, I would like to welcome to the Capitol today students from DeLaura Junior High School in Satellite Beach, Fla. Almost 50 young people are in Washington this week on a trip sponsored by their student council. Having studied the history of our country in school and our government processes, they have undertaken this trip to see first-hand so many of the places they have read about and which are representative of many of the great events in our history.

The students visiting Washington from DeLaura are Cecilia Dorsey, Mindy Hagen, Marie Didier, Valerie Shifflett, Nancy Basile, Debbie Miller, Lisa Hays, Cindy Seitz, Katie Fabian, Karen Day, Valerie Neville, Paula Faulkner, Kelly Davis, Beth Cottrell, Dondi Weber, Pam Brantley, Debbie Gainey, Terri Saunders, Cindy Curtin, Nancy Sells, Jennifer Taylor, Laurie Foster, Shelly Moses, Lori Krause, Valerie Howard, Poncho Sanchez, Bill Yearty, Greg Howland, Richard Briel, Ken Jones, Gary Leonard, Pat Weber, Tom Gray, Mike Ellis, Bob

Schelonka, Leonard Robinson, Clark Robinson, Bill Bailey, and Mark Ellis. The chaperones for the group include Fred Perlee, Lt. Col. Milton N. Shifflett, Jim Iry, Mrs. Asenath C. Coker, and Mrs. Karen Keller.

We welcome these young people from DeLaura Junior High in Satellite Beach, Fla., to our Nation's Capitol.

TRIBUTE TO RETIRING EDUCATOR OF BAKERSFIELD, CALIF.

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. KETCHUM. Mr. Speaker, as many friends in the Edison School District of Bakersfield, Calif., gather to pay tribute to Tom Lindquist, who will retire this year as district superintendent and principal, I would like to add my personal message of commendation.

Throughout his over 35 years of dedicated service, Mr. Lindquist has received recognition by his colleagues, students, their parents, and the community as an outstanding leader in education, not only as an administrator, but as a fine teacher.

Since his graduation from the University of California in 1938, Tom Lindquist has excelled in every field of education. He began his teaching career in the Standard School District, Bakersfield, where he remained until 1942. After 5 months as a teacher in the Bakersfield City School District, Tom Lindquist took 3 years out of his teaching career to serve his country in the Army Air Corps during World War II.

In 1947, he was appointed district superintendent and principal of the Edison School District, where he has served for 27 years with characteristic dedication.

Mr. Lindquist served 2 years as president of the California Association of School Administrators for Kern, Kings, and Tulare Counties; and 1 year as president of the Kern County Elementary Administrators Association. He has assisted the Advisory Council of Fresno State College in Bakersfield, was secretary of the CESAA, central section in 1954, and is a life member of the California Congress for Parents and Teachers.

Within the California Association of School Administrators, not only as president, he has worked diligently on the State Policies Commission and the State Nominating and Retirement Committees.

Listed in Who's Who in Education for 1963-64, Tom's active professional schedule is augmented by additional community service, such as being president of the Oildale Lions Club, 1952.

Most importantly, his friends are honoring Tom Lindquist as a gentleman of high principles, a dedicated citizen, and a credit to an old and noble profession.

It is a pleasure for me to add my best wishes to Tom, his wife, and family, on his retirement and sincere appreciation for his dauntless efforts in the pursuit of quality education.

BRING BOYS HOME—TO PAY

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include an article on amnesty written by Jim Bishop. It was carried in the San Antonio Light. The article follows:

BRING BOYS HOME—TO PAY

(By Jim Bishop)

Nations are mortal. Like people, they die when they stop fighting to live. The agony of the patriot is that he must be willing to wear a uniform, shoulder a rifle, and be prepared to risk death at the hands of a stranger who fights for an alien philosophy.

It was like this all the way back to the nomadic tribes. Everybody is opposed to war but, when it comes, if the young men run and hide, they aid and abet the enemy.

40,000 DESERTERS

The United States of America has about 40,000 deserters of the war in Vietnam at large. They skulk in bitterness in Sweden, in Algeria, in Canada, in small towns across the U.S.

An organization called Safe Return campaigns to grant them forgiveness. Unfortunately, Safe Return was not devised to help the 53,000 American soldiers who died in Vietnam. They lie uncomplaining in boxes.

Several such organizations pressure the President and the Congress to permit the 40,000 to come back to their families, be accorded the protection of the Constitution, and feel free to complain about what a lousy system we have.

Count my small vote as opposed to anything less than slamming all of them into military prisons for the full time they would have served in the military. As Americans, we arrogate to ourselves the right to disagree internally, but, when we are called to fight a good war or a bad one, we are the UNITED States.

Call them deserters, slackers, cowards, anything you please. In an article in the current Progressive, Judith Miller refers to them as "self-retired veterans." The label isn't important. I think of them as "Slackers Anonymous."

Miss Miller writes a sympathetic but unpersuasive article for amnesty. I applauded the President when he shouted Never! Never! It is conceded that American involvement in Vietnam was the most costly error in U.S. political history. We buried our blood and our treasure in rice paddies.

Among the casualties was a man named Lyndon Johnson. He believed his generals. Another President promised us "peace with honor." We got peace, but Vietnam didn't. Honor is a word used by women of questionable character.

ALWAYS WORST VICE

War has always been the worst of man's vices. It is, as has been said, the final word in diplomacy. There are no good ones. But, good or bad, no nation can afford to allow its youth to decide individually for or against war.

If the U.S. grants amnesty to the 40,000 who ran away from the flag, this country could never again raise an army or a navy. If the need arose, 4,000,000 could evade serving our country because there is no reason why I should risk my life in battle if I am certain to be forgiven my desertion of the colors later.

Within a few weeks, the House will begin hearings on amnesty. I don't know why. Those eager to testify are the people of Safe Return, relatives and friends of men who

refused to fight but who are now so miserable in other lands that they are—excuse the expression—dying to come home.

THEY'D SMILE IN GRAVES

The big organization, of course, is the National Committee for Universal and Unconditional Amnesty. It is a coalition of scores of peace groups. The current law states that a deserter can be sentenced to three years in prison. If the 53,000 dead heard it, they would smile in their graves.

The peace groups should, I feel, canvass the government of North Vietnam and North Korea and ask how they disposed of slackers. It cannot hurt to ascertain how other socialist countries, such as China and the Soviet Union, patted "war resisters" on the back and got around to saying: "Come on home. All is forgiven."

I confess that I feel that it is criminal to spend 87 billion dollars in defense. However, if it is necessary to spend this much to make America invincible to attack, it is money well spent—an expensive insurance policy.

But money alone will not save America. We require patriots who feel that this country is worth saving. We must have the same caliber of humans who, at Concord and Lexington, were called Minutemen. Let us grant no amnesty for the man who wants his country to serve him, but will not serve his country.

IN SUPPORT OF SPECIAL ENERGY RESEARCH AND DEVELOPMENT APPROPRIATIONS BILL, 1975

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ALEXANDER. Mr. Speaker, though I was among those who voted in favor of H.R. 14434, special energy research and development appropriations for fiscal 1975, I remain concerned that conspicuously absent from the Committee on Appropriations bill was an appropriate effort to consider the energy options available through ocean power.

ENERGY OPTIONS INCLUDE OCEAN POWER

Just recently I attended the annual Sea-Space Symposium, which is a society of leaders in science, industry, and Government, brought together for the purpose of promoting the efficient exchange of technology between the space and marine environments. Members of the Sea-Space Symposium have joined in a mutual effort to support and encourage the technological growth of the Nation, the development and utilization of the resources of the sea and space, the education of the public to the benefits that are to be realized, and the development of the sciences that will make achievement possible.

The subject of the 1974 spring conference was "Power from the Oceans," or as some would describe it, "Ocean Power As It Relates to the Energy Crisis." The ocean is a vast resource of energy and its development is far from realization of its potential.

One of the highlights of the meeting was a presentation by Dr. Betsy Ancker-Johnson, assistant secretary of commerce for science and technology, during which she discussed several options for development of energy potential. One of the options includes development of

energy from the oceans. Dr. Johnson postulated that if we dedicated 0.1 percent of the 30 million square miles of ocean having the appropriate thermal conditions to building 1,000 power plants, we could, in principle, supply the United States with its entire electrical needs.

That single observation convinces me that we should be conducting extensive research and development of future uses of ocean power. I urge my colleagues to review Dr. Johnson's remarks, entitled "Energy and the Environment."

FISH AND WILDLIFE COORDINATION ACT

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BLATNIK. Mr. Speaker, I am today introducing a bill to meet urgent needs for carefully considering our vital fish, wildlife, and other resources in our national water development program. Specifically, the bill would amend the Fish and Wildlife Coordination Act, first enacted in 1934, to incorporate a number of recommendations from Federal and State fish and wildlife agencies and a number of conservation organizations with an interest in these matters. A series of conferences among these groups developed a consensus of views and these were incorporated into an Action Report released late in 1971. It set forth 169 recommendations for needed changes in legislation, policy, and procedures, all of which have bearing on the consideration given fish and wildlife in planning and constructing Federal and federally licensed and assisted water projects. Among the highest in priority was to seek strengthening amendments to the Coordination Act. The bill I am pleased to introduce reflects those firm recommendations.

The bill would bring projects constructed or assisted by the Tennessee Valley Authority and the Soil Conservation Service, as well as those licensed by the Atomic Energy Commission, under the provisions of the act. It would encourage changes in planning procedures to have fish and wildlife professionals become a part of each project planning team so their views and recommendations would be built into project planning from the earliest point. The joint planning of projects called for would minimize and help eliminate the divisive and costly delaying action-reaction relationships among agencies.

The amended act would encourage use of new procedures to prevent, compensate, and mitigate fish and wildlife losses in national water development projects. It would strengthen public participation in planning water development projects. It would help insure that features recommended for fish and wildlife be installed in phase with other project features, rather than at some later date when land costs, for example, have escalated.

In short, the amendments generally

are designed to insure that fish, wildlife, and other resources become "equally considered purposes" of the national water development programs. They seek to insure that future water projects truly will yield the optimum range of public benefits that the taxpayer has a right to expect.

We are living in an era when a large segment of society is increasingly aware of and concerned over man's impacts on the resource base. They know the problems Congress faces in trying to balance development with maintenance of the ecological integrity of our vital resource base. The proposed amendments I offer today reflect the experiences gained and shortcomings identified in 16 years of operations under the Fish and Wildlife Coordination Act, last amended in detail in 1958.

I am not suggesting that my bill is the sole answer to resolving this serious environmental issue. Rather, I have attempted to identify and respond to the weaknesses in the current program, which prevent full consideration being given to the many factors involved in projects affecting water resources. To the best of my knowledge, my bill responds to these problems.

But I suggest that it may be possible, when public hearings are held, and I hope they may be held soon, to make this bill even more responsive. I invite my colleagues to study this matter. I solicit participation and assistance in producing an act which will assure that fish, wildlife, and other related resources are fully considered in the planning, design, and operation of Federal and federally licensed or assisted water resources projects.

ISRAEL'S 26TH ANNIVERSARY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ADDABBO. Mr. Speaker, it is with a great deal of hope and a feeling of friendship that I join with those freedom loving people throughout the world who are celebrating the 26th anniversary of Israel. I have been very fortunate to have visited the State of Israel several times during recent years and to have met with the leaders of that sovereign nation. I have also had the unique opportunity to witness the moving struggle of a people determined to resist attempts at their destruction.

One look at the world map tells the story of the importance of Israel's survival to the free world, for her ability to prosper assures a link from democratic nations to the Middle East. But one must do more than study a world map to understand the people of Israel and the historic struggle for freedom which has been the strength of her people. One who has not visited Israel cannot understand the constant cloud of uncertainty which hangs over this nation as the direct result of the efforts of her neighbors to drive Israel into the sea.

Recent years and recent months have

been particularly difficult for Israel, but our hopes for a lasting peace in the Middle East remain strong and alive. Israel has come a long way since the United Nations guaranteed her sovereignty 26 years ago and Israel can be very proud of her record since that date. Democracy is a heritage which we in the United States cherish and democracy is the cornerstone of Israel.

As we in the United States join others in wishing our Israel friends success on the 26th anniversary of their sovereign state, I add my prayers for a true resolution of the Middle East tensions which has concerned all nations of the world as a threat to world peace.

THE FAILINGS OF OUR CRIMINAL JUSTICE SYSTEM

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BADILLO. Mr. Speaker, today is Law Day and throughout the country attention will be focused on the legal profession, the courts, and law enforcement activities. I am afraid, however, that little if any heed will be given to the many serious shortcomings in the American criminal justice system. Scant concern will be expressed for the manner in which our legal processes treat the Nation's minorities or those persons who are now imprisoned or on parole.

Recently, New York City Criminal Court Judge Bruce Wright delivered a very timely and perceptive address before the faculty, students, and alumni of New York Law School. He quite aptly observed the serious shortcomings in the criminal justice system and commented on the double standard which exists in the implementation of justice. As Judge Wright so correctly noted:

If the law has its imperfections, it reflects whatever is missing in the men who make them and construe them.

Judge Wright's remarks were reprinted in the April 22 edition of the New York Law Journal. I believe it is most important that we consider what he has said, especially on Law Day, and I am pleased to present his speech herewith for inclusion in the RECORD:

AN ANGRY JUDGE AND CRIMINAL JUSTICE

(By Bruce McM. Wright)

(NOTE.—New York City Criminal Court Judge Bruce Wright has become a controversial judicial figure because of his views with respect to bail for prospective criminal defendants. Judge Wright is an alumnus of New York Law School and the adjoining text is excerpted from his address recently to the faculty, students and alumni of New York Law School.)

The criminal law is the world of Alice stepping through the looking glass into an underworld wonderland. It is the mad derangements of a maze in Kafka's *Castle* and the lunatic ordeal of his *trial*. It is the write-it-as-you-go script for Ionesco's *Theatre of the Absurd*. It is a *Three Penny Opera* sung to Brecht-neck speed. It is a ragged pantomime and a poor people's pageant, acted out

in the filth and harsh tempers of a perfect backdrop for crime.

It is entering the sacred temple of the law with reverence, only to see crude, coarse, gross and profane graffiti leap out at you from the walls, scarred by magic markers. It is a *mise en scene* more fitting for the stink of a toilet in a dirty subway.

THE ARENA

The law, which embraces every human predicament in its eclectic reach, is the perfect place to study democracy's imperfections, its sullied dreams. Each courtroom is an off-Broadway arena, where the law, costumed in the emperor's clothing, feeds upon its amendments, then devours itself and its young.

One becomes aware of the poet's cry in the darkness that the situation of this time surrounds us like a baffling crime. While Gilbert and Sullivan lyrics can command that the punishment fit the crime, penalties remain a variable vexation in our law.

Too often, the rich and the powerful have their wrists rapped lightly, while the poor, for the same or a similar offense, are packed off to durance vile.

When the respectable citizens run afoul of the law, the body statutory writhes to make flexible adjustments. If the law has a sociology, it is a middle class one, where middle class white judges yield to what Professor Robert G. Olson has called "The Morality Of Self-Interest."¹

When that Nebraska-born son of the middle-border, Roscoe Pound, propounded the thesis that the law should be an efficient instrument for social reconstruction,² he must have thought that the law would be in for radical progress.

Such has not been the case, alas.

Unfortunately, there may be more sociology on the walls of the courthouse where I labor, than anywhere else in the assizes of the law. Outside the tiny and infested courtroom where I have been banished, for example, there is an arresting legend. It is written in the clear and legible handwriting of the illiterate, as Arthur Koestler once described Spencerian slants and ovals. Referring to a certain television commercial, it says, "Charley Tuna must be a Nigger fish; he's so socially unacceptable."

Another message, reading like a militant and murderous injunction, says, "Kill, kill, kill, but kill the Niggers and the Jews first."

Crowning all of this al fresco hatred is the Lenny Bruce comment on the legal profession. It says that, "In the Halls of Justice, justice is in the Halls."

NOT WITH A BANG

Something is out of joint with the legal business, if it so uniformly inspires such melancholy criticism from those who are its victims. They are prophets of doom in their anonymity. Their trips to court offer a theme and variation on the T. S. Eliot dictum that, "This is the way the world ends, this is the way the world ends, this is the way the world ends, not with a bang but with a whimper."³

Closer to the truth, I suppose, is that it ends with both a bang and a whimper, with no guarantee which comes first.

If the law has its imperfections, it reflects whatever is missing in the men who make them and construe them. If the law is too distant from its handmaiden, justice, then some of us must become latter-day Sir Galahads, seeking out its holy grail, so that criminal justice may become more just than criminal.

As we watch our national cheerleader, President Nixon, with a futile finger in the dyke, while Watergate floods our country in cynicism and ravages our spiritual ecology, issues of law and order take on a strange significance.

Footnotes at end of article.

FORGET THE INNOCENT

Law and Order has recently come to be known as the code expression to the sociological etymologists among us. It means keep the niggers and spics off the streets and in jail. It means that the presumption of innocence should be done away with.

So successful has the era of law and order been, along with the cry of crime in the streets, strict construction and preventive detention, that the urban jails of America Puerto Ricans. Of course, as you now know, literally bulge to bursting with blacks and Puerto Ricans. Of course, as you now know, Puerto Ricans are known, by order of those ethnic Napoleons who have the gall to divide and rule, as "hispanics."

In this country's cities, every day and every night, the police having hunted in those ghettos we call jungles, produce their catch.

Preventive detention, specifically rejected by the State Legislature, leaps miraculously to life, as judges set bail at figures which rival the national debt. Even as the rich could buy their freedom from military service during the Civil War, so too, only the wealthy, when accused of crime, can buy their pretrial freedom.

ZOOS AND THEIR OCCUPANTS

Whether or not we admit it, our jails have become nigger and hispanic zoos, with mostly white keepers, who throw slop at the two-legged beasts, turn keys and, generally, keep their human captives with the hatred and contempt one reserves for wild and dangerous beasts.

Even Mayor Lindsay, when he was our chief magistrate, and himself a lawyer, has been shown on television rushing to the bedside of a police officer who had been shot in the abdomen, a sad expression fixed to his face. He condemned the defendant, not then yet arraigned, as a "vicious gunman." Alas, for the presumption of innocence.

Looking at such a spectacle, it was easy to imagine impartial jurors, fresh from such X-rated bias, to vote to do away with the presumption of innocence and quickly arrive at a unanimous and prearranged finding of guilt.

The Mayor, had just stepped through another looking glass, into the wonderland of pre-trial publicity. Demonstrating his versatility, he also condemned the judge as an example of "judicial insensitivity."

MATTER OF BAIL

Excessive bail tears off the false skin covering the American bias against the poor. This kind of fiscal justice is a dirty joke played upon the most vulnerable segment of our people. It caters to class fears and spurs the development of oppressive techniques.

When the haves hold the have-nots in contempt, they do so because of an overriding belief that the have-nots are planning revolution which the haves neglect when depriving the poor and the helpless.

The city seems to do that sort of thing to us. When it was suggested that all policemen should live in the city of their employment there was a unanimous cry of dissent from the officers, who said that the place was far too dangerous for them to have their families. This is the very city the police are sworn to protect and guard. In guard we trust, indeed.

The police should know. They seem to have had a large part in making the city lawless. The Knapp Commission publicized some shocking revelations about New York's Finest. Their taking of graft, and their theft of large quantities of narcotics from their own property clerk, makes them millionaires of the expensive suburbs, where most of them live.

These fearless guardians have now asked to carry shotguns. That they do not need such weaponry has been demonstrated by the shooting of a little Black boy. His death shows that handguns are accurate enough.

It also shows that all Negroes look alike, since the little boy was said to resemble a robbery suspect who is a full-grown man.

As with God, our city is said to be quite dead in the crumble and decay of its poor. Budgets are overextended. Services are being curtailed; judges and commissioners are trembling at the sound of the name Nadjari. Nixon lawyers quail at the prospect of a subpoena from Jaworski.

But this old rat-infested port city continues to endure. It may be old, dirty and overcrowded. But as the recent primary showed, there are many lovers and suitors for the hand of the ancient mistress.

What Beethoven, Bach, Brahms and Boccherini gave us in music, at one time, Badillo, Beame, Blaggi and Blumenthal sought to give us in politics. And of the four, three are lawyers. Is it of some sinister import that the only nonlawyer, Beame, won?

These are evil days for members of the Bar.

L. Patrick Gray, that pious paragon of snob, the man with the stern and honest face, reading like a map of the true public ethic, confessed on national television that he had burned at the stake vital Watergate evidence which he had not even read. By that act, he added a new dimension to national witchcraft.

NO PITY

It is against this kind of backdrop of confession and avoidance that the President, in sending his Criminal Reform Act to Congress, admonished that body to provide for "punishment without pity." What this means is that the absence of rehabilitation now becomes an article of faith—maybe. One can never be certain how absent of pity and consideration will be the sentences or those numerous former White House lawyers, who must face trial and possible conviction.

I suspect that few law students will practice criminal law. Out of the 50,000 New York lawyers, only 1,000 have had their names placed on a list as willing to accept criminal causes by assignment and for a state-paid fee.

LAW IS A ASS

The law is a strange and moody business. Charles Dickens, speaking through his Mr. Bumble, was moved to say with both vehemence and some fractured syntax, that, "The law is a ass. It is a idiot!"

Oliver Goldsmith, in *The Traveler*, moaned that the laws grind the poor, and rich men rule the law.

Edmund Burke spoke of the law as injustice "codified." He claimed that it protected the idle rich from the exploited poor and added a new evil to society known as lawyers.

Sir Francis Bacon wept that the law caught the small flies and allowed the great to "brake through." Sir Francis, as experts on Elizabethan LaCunae will recall, was impeached for taking bribes. His defense was that, yes, he took bribes, but that he took equal amounts from both the plaintiff and the defendant, and then ruled on the merits.

This does not paint a pretty picture. Still, as one wanders through the well-upholstered wilderness of our profession, with trusts and estates, commercial clients and corporate retainers, keep in mind that the law needs some of the honest sweat of lawyers on the criminal side.

There are too many lawyers who are aloof, distant, removed and apart from the criminal justice system. The criminal justice system is acutely ill. It is acutely in need of artificial respiration and that transfusion of youthful blood which flows regularly from our law schools.

It also needs judges who can abolish from their minds the institutional racism upon

which all of us have been nourished and reared.

It needs judges who can ignore the hysterical screaming of the muck-raking tabloids and policemen's gazettes.

It needs to train judges and pick them in a way which is radically different from the way it is now done. Bright young law students should opt for the profession of judging, in their third year of law school and then begin arduous training which leads to the awesome power of a judge.

JUDICIAL TRAINING

The new training for judges should involve an apprenticeship after the trainee has been exposed to ethnic sensitivity tests, the psychology of the poor, and then been psychoanalyzed in depth, to determine the stability of his personality, or reveal his likelihood, to scream and rant and rave, as some judges now do.

I have accused some of my brothers on the Bench of imposing excessive bail, and by that device, committing a kind of victimizing crime of their own. Speaking on the topic of bail is very much like performing exploratory surgery upon myself, without benefit of anesthesia and with a dull scalpel.

With bail so often imposed in an amount which the judge believes a defendant cannot post, our courts have become havens for moneychangers. It is almost as though we live by the hard specie of the Calvin Coolidge dictum that, "The business of America is business."

It is by such rapes of the Constitution that justice is both mortgaged and foreclosed at the same time.

Since the system, which I help administer, is mostly white, while 80 to 90 per cent of the accused are black and Puerto Rican, the kinds of bail set for the defendants, may be said to be the white measure of justice for the poor minorities who parade before the Bench.

POOR CANNOT WIN

The white world, which so despairs of the welfare system and which begrudges the poor such a disgraceful pittance when they are unemployed, suddenly invokes the rough standards of a millionaire when the poor are accused.

A few examples of the way the money bail system works may give us pause.

A black man accused of abusing his black woman, may have the charges reduced or dismissed, or, at worst, he will be paroled. But let a black lover beat his white mistress, and you will witness the vengefulness of the white ages visited against the black defendant.

One judge has become so addicted to the numbers game of disposing of the greatest number of cases in the shortest period of time, that he will say to a defendant, "Plead guilty and I will parole you until after the investigation and the date of your sentence. Refuse, and your bail is \$5,000."

NORTHERN BIGOTRY

But, if the bail does not get the poor defendant, perhaps the gamble of a jury trial will. A white juror, demonstrating his objectivity in the jury box, volunteered his view about judging a black defendant, "Niggers," he said, "have to be taught to behave. I felt that if he hadn't done [what he was accused of] he'd done something else, probably even worse, and he should be put away for a good time or long while." This is a northern juror, lest we forget.

There is always a tendency by juries and judges to hold blacks to a less strict standard of conduct, where the victim is also black. Juries seem to think it is all right if one black cuts another.

Thus, the Negro in America is allowed to compound his status and frustrations, by being invited, in effect, to destroy himself

and in so doing, save the white man the nettlesome task. It is no secret that the poor prey upon the poor; after all, the risks are less.

The built-in ghetto syndrome applies even in crime, as it does for residential purposes.

COLOR IT BLACK

At a recent conference of judges, I was accused of being hung up on the question of race in America and the courts. I pleaded guilty and attempted to explain to my learned brothers that there is perhaps a difference between being "racial," and being "racist," I failed. One judge, bursting with pride, told me that he and his fellow whites never saw the color of a defendant standing before them. To emphasize his faulty vision, he said, "Why, Bruce, just the other day, I had a little colored kid before me."

Am I too overwrought on the question of bail? Let us see.

George Jackson, perhaps the most famous of the Soledad Brothers, was arrested and charged with stealing \$70 from a gas station attendant. His bail was so high, that he remained in jail for the rest of his short life, until he was shot and killed under circumstances which suggest that he was murdered. He was black.

Clifford Irving and his wife were indicted in both the State and Federal Courts, accused of defrauding McGraw, Hill out of nearly \$1 million. They were allowed bail they could afford. And, after their conviction in all courts they were sentenced in a way which made delicate arrangements so that their children were never without at least one parent on hand. Their sentences were a mockery. Irving is now out. At the time their bail was fixed, they did not live in New York but on an island off the coast of Spain and can hardly be said to have had roots in this community. Like Agnew, Irving will doubtless write a book and prove that crime does pay. The Irvings are white.

The Harlem Four, three times tried, remained in jail for almost eight years, because they could not raise impossible amounts of bail after they were accused of murder. They were arrested as mere lads and grew up on Riker's Island. Only after seven long years and more, was the Harlem community able to collect enough bail money to ransom them from their captivity, pending their fourth trial. They are black.

TRIPLE JEOPARDY

Angela Davis, indicted on the most tenuous of grounds and charged with murder, was held in pretrial bail of \$120,000, which she could not post. She was held in jail for eighteen months, before a good samaritan mortgaged his California farm and posted bail. She was then acquitted. She suffers triple jeopardy, for not only is she black, but she is also a Communist and a woman.

Alice Crimmins was indicted and accused of the murder of her two infant children. She was allowed bail she could afford. After she was convicted and pending appeal, a judge set bail at \$25,000. She complained that she could not afford that sum, but could afford \$15,000. The court promptly set bail at the figure she could afford. She is white.

So much for the bail scene from coast to shiny coast.

There are other interests which may capture your attention if you look into the haunted mirror of the law and take its holy orders. There is the sensitive question of women, who are still in need of further emancipation. They are the housewives of modern society. The law should be better employed than it has been to salvage the genius of the female, before it is washed down the drain of our ethos with the detergents and soap operas.

If the law is to become more than women's libido, then the law must not betray the suppressed revolution of that sex.

Men, for generations, have been devoting

themselves to the legal subjugation of the female, trapping her in a kind of luxurious slavery. Like the household roach, however, she has defied destruction. Women continue to survive, despite the passions of men, their deadly sweetness and their posture of a vengeful God.

LUCKLESS SEX

Pablo Neruda, after receiving the Nobel Prize for Literature, spoke of the blacks as the luckless race. He could have cited women as the luckless sex.

To those men who would agitate reason by opposing the proposed Twenty-seventh Amendment to our Constitution, there are some cautions.

Women, for so long chained to gleaming kitchens with electric can-openers, dishwashers, vacuum cleaners and micro-wave ovens, can only thank God for their magic cocktail blenders.

The house beautiful has become the curtailed prison, the wall-to-wall trap.

So, for those of you who cherish visions and revisions, think of the symmetries you can affect, as you stand on the sill of the magic gates of the law.

Perhaps it will become an addiction, as every true profession should, if it is a happy one.

As Ramsey Clark put it recently, the law has its rewards. They may be small, but they are exciting. Once you help a broken soul, his restoration is far more valuable than the historic imitations at Williamsburg, Va., or the imported Cloister at Fort Tryon.

LAW IS THE LIGHT

The law is an ideal and the hope of every true democracy. It is the flickering and shadowy light at the end of Plato's dark cave, especially for the powerless, the little person and those who have been abandoned by all else.

We need those of you who can read the Constitution's Eighth Amendment, which says in unambiguous English that bail shall not be excessive.

We need those of you who will insist that human captives are entitled to at least as much dignity as animals nourished in a zoo. Absent such tender mercies, the word rehabilitation is meaningless.

Following the Attica rebellion, I heard a survivor weep into the night air, "How the hell we gonna be rehabilitated, when we ain't never been habilitated in the first place?"

And after we solve all of the world's other problems, we will deal with the police.

Following the parsing of your flesh and spirit by the Committee on Character and Fitness, may we elders of the legal tribe not have to resort to the sardonic cynicism of Kurt Vonnegut, and say, welcome to the Monkey House.

I urge upon all of you, that you join me in cherishing our constitutional emotion. It is, after all, the only Constitution we have.

FOOTNOTES

¹ Olson, *The Morality Of Self-Interest*, Harcourt, Brace [1969].

² Pound, *Interpretations Of Legal History*, pp. 152, et seq.; also see two important Pound essays: *Scope And Purpose Of Sociological Jurisprudence*, 24 and 25 *Harvard Law Review*.

³ *The Hollow Men*.

⁴ Broeder, Chapter on *The Negro In Court*, in *Race Crime And Justice*, from *The President's Commission On Crime, Task Force Report: The Courts 50* (1967). See also, *Race, Crime And Justice*, further, 13-55 and 139-258 for other studies. (C. Reasons and J. Kuykendall eds. 1972).

⁵ *The Americal Jury*, 339-344, H. Kalven and H. Zeisel (1966).

⁶ Id. at 341.

⁷ Alvarez, *The Savage God*.

DOES OUR FOREIGN POLICY MAKE SENSE TO AMERICANS?

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LEGGETT. Mr. Speaker, the lead editorial by Mr. Norman Cousins in the latest *Saturday Review/World* will, I hope, be the opening shot in a campaign to return American foreign policy to the American people. Mr. Cousins raises questions that are perhaps not new, but they become increasingly important as certain trends in the conduct of our policies become more pronounced.

Mr. Cousins, in effect, poses the same question propounded by the distinguished chairman of the Appropriations Committee, Mr. MAHON "Why does peace cost more than war?" Americans are peace-loving because they love the benefits of peace, and foremost among those benefits is relief from the crushing financial burden of supporting a huge war establishment. Yet, at a time when the President boasts that no American troops are in combat for the first time in a decade, he presents us with the largest military budget in history; at a time when "peace with honor" is lauded in the White House and Vietnamization is hailed as a success by the military, we are asked to provide more military assistance to Vietnam than we did in 1968, the admitted high point of the VC/NVA offensive. Mr. Kissinger should not wonder at a lack of public enthusiasm for such a policy; the wonder is that he would expect Americans to accept it without question.

Mr. Cousins' second point questions the relationship between the making of our foreign policy and the concerns of the American people. The widening estrangement between the two, as he so ably argues, is potentially deadly.

At this point, I would like to insert Mr. Cousins' editorial into the RECORD.

THE DEMYSTIFICATION OF U.S. FOREIGN POLICY (By Norman Cousins)

Secretary of State Kissinger is worried, according to reports from Washington, over the slippage in public support for U.S. foreign policy. Many people who only a year or so ago rallied behind the President's quest for peace now seem to have lost enthusiasm for U.S. initiatives in the world arena.

Mr. Kissinger is said to believe that the Watergate horrors have had a spillover effect on public attitudes toward foreign policy. He is probably right, but there may be at least two other reasons for the downturn in public support for government policy abroad.

The first reason has to do with credibility and common sense. The President has declared that his initiatives have reduced the danger of war. He has pointed to the opening-up of relations with China, the new agreements with the Soviet Union, the extrication from Vietnam, and progress in the arms limitation talks as dramatic achievements in foreign policy. It is difficult to see, however, how the American people can be expected to believe that these measures have created a new climate for peace when the government itself obviously doesn't believe it. The highest peacetime military budget in his-

tory—higher even than at the peak of the Vietnam War—would hardly seem to reflect a new climate for peace. Why should the government ask for \$100 billion if there is substantial progress toward amity with the major nations that had been considered political enemies? Year after year, the fact of tension and conflict has been used by the government to justify mammoth military spending. But what are the American people to think if military budgets are increased even as tensions are being decreased? Are they likely to have confidence in contradictory statements and policies?

A second possible reason for the decline of popular support is that the entire field of foreign policy is becoming the mysterious and mystifying domain of think-tank planners, computer specialists, war-games theoreticians, and military academicians. There is a fascination with obscurantism and a preoccupation with abstractions. U.S. foreign policy is becoming so overloaded with murky language and gobbledygook that it is losing all connection with the American people.

Increasingly, a language gap is opening up between U.S. policymakers and the average citizen. As I read the news accounts of Secretary Kissinger's recent return from Moscow, I wondered how many people knew exactly what was meant by "a conceptual breakthrough" or "multiple warheads" or "strategic arms limitation" or "MIRV" or "MARV" or "SLBM." Even the term "détente," which has become the watchword of U.S.-Soviet relations, is borrowed from another language and lacks precise meaning for most Americans.

Even under the best of circumstances, foreign policy tends to be too distant from the average citizen. The traditional gap has now become a cosmic void. This is no casual matter. The government needs the support of its citizens for its initiatives in the world. Such support is impossible without understanding. The pretentious and pompous language now being used by government officials is not likely to create the deepest possible comprehension of foreign policy.

Consider this news account of Secretary Kissinger's recent mission to Moscow:

A State Department spokesman said today that Mr. Kissinger returned from Moscow without "the conceptual breakthrough" he sought in his attempt to strengthen détente by achieving effective agreement in the strategic arms limitation talks, especially with reference to multiple independently targeted re-entry vehicles.

Translated into everyday English, this is what the paragraph probably means:

Secretary of State Kissinger returned from Moscow today without being able to put American-Soviet relations on new high ground, as he had hoped. Mr. Kissinger was unsuccessful in his effort to break the deadlock between the two countries over the existence of missiles that can carry a number of thermonuclear bombs and drop them on different targets.

Even the term "détente" is unnecessarily fussy and ornamental. I see no reason why "improved relations" isn't just as explicit and serviceable as the French.

In a free society, the government has a mandate to state its underlying objectives in terms that are not just understandable but resonant. The rarefied concepts—no less than the terminology—of the think-tank specialists are unworkable precisely because they lack lines of solid connection to the people in whose name the concepts are being advanced. Phrases like "total megatonnage," "graduate deterrents," "risk acceptances," are of interest only to think-tank specialists on the other side.

The de-mystification of American foreign policy should be an essential ingredient of any program designed to strengthen public understanding of and support for our ac-

tions in the world arena. So is the need for evidence that our foreign policy has a reasonable consistency and is the source rather than the consequence, of military planning.

THE EXTENT OF THE ENERGY CRISIS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FLOWERS. Mr. Speaker, the College of Engineering at the University of Alabama has constituted an Energy Advisory Committee. One of the broad purposes of this highly qualified group of professors in various fields within the college will be to meet with and advise their Congressman from time to time. Earlier this year, I had the opportunity of meeting with this distinguished group consisting of Dr. D. L. Hollis, assistant professor of electrical engineering, Dr. B. F. Barfield, professor of mechanical engineering, Dr. James H. Black, professor of chemical engineering, Dr. Leon D. Chapman, assistant professor of industrial engineering, Dr. Charles D. Haynes, assistant professor of mineral engineering, and Dr. Russell E. Lueg, professor of electrical engineering.

I am offering for the RECORD their response to my initial question, "Is there an energy crisis?" and commend it to my colleagues and others for their consideration:

RESPONSE TO QUESTION REGARDING THE EXISTENCE OF AN ENERGY CRISIS

The Committee feels that whether or not the current shortage of petroleum is real or contrived, the United States and, indeed, the world faces an energy crisis. We feel that even with effective energy conservation programs, the overall demand for energy must increase if the United States is to remain economically viable. The basic laws of nature are such that there is simply no way to eliminate society's need for energy. This leads to the inevitable conclusion that a vigorous, unending effort must be made to both maximize the efficient use of current energy sources and energy conversion techniques, and to improve efficiencies and develop new energy sources. We see the primary danger related to energy as being a failure to take immediate action and sustaining such action on a permanent basis. That is, we see the greatest danger in the current "energy crisis" as being the possibility of reducing our efforts once the gasoline and home heating fuel pumps are again full. Further, it is the opinion of the Committee that proper recognition must be made of the economic aspects of developing energy sources. Continuing development of energy sources must be paid for either on the free market (at the gas pump) or collectively through the Federal Government, or both. Finally, we feel that while ecological and safety considerations must affect the development and utilization of energy sources, it is crucial that a levelheaded balance of all issues be made by agencies responsible for controlling and encouraging energy development.

We would like to point out that many known energy sources are not being tapped simply because of a lack of the proper economic incentives. Examples of this are low-yield natural gas wells (many of which are

in Alabama), secondary and tertiary recovery of oil and gas, shale oil deposits, energy deposits in remote locations or locations requiring considerable expenditures for environmental protection, as well as solar energy, wind power, tide power, and similar sources. (The latter group lacks development of proper conversion devices.) We feel that a means to develop these additional sources of energy must be instituted at the time steps are taken to improve and encourage development of conventional energy sources, nuclear sources and innovative mining techniques. It should be pointed out that the use of solar, wind, tide, geothermal and similar energy sources do not represent the depletion of the earth's energy resources and, if for no other reason, deserves special developmental attention.

BINGHAM TESTIFIES BEFORE SENATE COMMITTEE—URGES AMENDMENT ALLOWING FOREIGN BORN U.S. CITIZENS TO RUN FOR PRESIDENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BINGHAM. Mr. Speaker, on April 30 I testified before the Senate Judiciary Committee's Subcommittee on Constitutional Amendments in support of House Joint Resolution 880 which I introduced earlier this year to amend the U.S. Constitution so as to make all U.S. citizens eligible to hold the Office of President if they are at least 35 years of age and have resided in the United States for at least 14 years.

I was pleased to learn during the course of that hearing that the distinguished Senator from Indiana (BIRCH BAYH) has agreed to cosponsor Senator Fong's version of the resolution in the other body.

I include for the benefit of my colleagues and other readers of the RECORD who are interested in eliminating the invidious discrimination against foreign born citizens a copy of my testimony. I would like to point out that included therein is a reference to a Library of Congress study undertaken at my request concerning the qualifications of naturalized citizens in other countries to hold elective office. Of the 91 countries surveyed 52, or 57 percent, allow naturalized citizens to become President.

The testimony follows:

TESTIMONY OF CONGRESSMAN JONATHAN B. BINGHAM

Mr. Chairman, I appreciate this opportunity to present my views to this Subcommittee on S.J. Res. 137 which would amend the Constitution so as to make all United States citizens eligible to hold the Office of President if they are at least 35 years of age and have resided in the U.S. for at least 14 years.

I would like to compliment the distinguished Senior Senator from Hawaii for his leadership in this endeavor, and especially for bringing the matter before the American people here today so it may receive the consideration it deserves.

As the Subcommittee knows, I introduced a similar resolution, H.J. Res. 880, in the House of Representatives on January 28.

Though the language of Senator Fong's resolution and mine differ slightly, each would accomplish the desired goal.

I have been interested in this particular Constitutional provision for many years. It first came to my attention in 1928, when my father, Senator Hiram Bingham, was mentioned for the Republican nomination for Vice President; it seemed to me most unfair that a question was raised as to his eligibility because he had been born in the Hawaiian Islands before annexation. In 1965, I was approached by a father of six whose third child had been born in Ireland because the father, not yet a U.S. citizen, had been serving in the American armed forces there. The third child was therefore not a "natural born" citizen, although all five of her siblings were. The father thought this was unjust since she alone was rendered ineligible to hold the Office of President. I agreed, and eventually secured passage of a private bill declaring the child to be a natural born citizen.

The Constitution of the United States is a great document, and it should not be amended without careful consideration. It is the embodiment of the ideals of justice, equality and freedom that the United States stands for, has fought to preserve, and offers oppressed people all over the globe.

But amazingly, the Constitution discriminates against a significant portion of the population barring them from every holding their country's highest elected office. A constituent of one of my New York colleagues wrote me recently to convey his support for the resolution and he stated one of the reasons for the amendment most eloquently: "A Constitutional system that does not allow discrimination among persons should not allow discrimination among its people as citizens." I believe the time has come to eliminate this invidious form of Constitutional discrimination.

There are two classes of citizens who would be affected by the legislation before this Subcommittee: children born abroad to U.S. citizens and naturalized citizens. There is a Constitutional ambiguity regarding the eligibility of people in the first category, including such distinguished individuals as Senator Lowell Weicker, George Romney, and Franklin D. Roosevelt, Jr. On the other hand, naturalized citizens, comprising 6 percent of the over-35 population (about 5.1 million citizens), including our distinguished Secretary of State, Henry Kissinger, are clearly barred from the Presidency regardless of whether the voters might decide that they have the qualifications to make a good President.

HISTORICAL PERSPECTIVE

There is no doubt that the founding fathers intended to exclude naturalized citizens from the Presidency. Historians have opined that the restrictive language in Article II, section 1, clause 5 of the Constitution was adopted in response to a letter John Jay sent to George Washington suggesting that a strong check be placed on the admission of foreigners into the national government and to prohibit any but native born citizens from becoming Commander-in-Chief of the American army. Other Constitutional scholars have suggested that the prohibition was included to allay public suspicion that the Constitutional Convention intended to fashion a European-type monarchy to be occupied by a foreigner.

As clear as the founding fathers were in barring naturalized citizens from the Presidency, they were unclear in their treatment of children born abroad to U.S. citizen parents. Professor Isador Blum, a distinguished Constitutional scholar conducted a detailed study of the problem for the New York Law Journal in 1967 (during the Romney candidacy) and concluded that only those born

within the territorial limits of the U.S. were eligible.

The center of the continuing controversy is the phrase: "natural born citizen". The term "natural born" appears in English pronouncements predating the Revolution. At common law, the place of birth was the controlling factor in determining the citizenship of the newborn child (*jus soli*), and is still to this day a basic tenet of English law. Another theory of citizenship is *jus sanguinis*, wherein nationality is transmitted from parent to child at the moment of birth. *Jus sanguinis* has had a much greater degree of acceptance in Civil Law countries, such as France, than in countries with a common law heritage, but is not unknown in the latter.

There is only this one reference to natural born citizens in the Constitution, and the only other reference to citizenship in the original document pertains to the grant of authority to the Congress to establish a uniform rule of naturalization. The Fourteenth Amendment, adopted in 1868 states, "All persons born or naturalized in the United States . . . are citizens of the United States." While it appears from this language that only two sources of citizenship exist, *jus soli* and naturalization, both the history of England and the Fourteenth Amendment offer excellent reasons to believe that this was not the intention and *jus sanguinis* is a valid source of citizenship also.

The enactment of the Fourteenth Amendment followed closely after the end of the Civil War and was intended to Constitutionally protect the rights of the freed slaves whose citizenship rights were in question. It is persuasively argued that the language of the Amendment was not intended to be exclusive, since it is implausible that the intention was to exclude from citizenship persons born abroad to citizen parents.

In 1790, when the first Congress passed the first naturalization law it provided for derivative citizenship for persons born abroad to American citizens—*jus sanguinis* by operation of the naturalization law—much the same as the British had done in 1450. Unfortunately, we are without the benefit of Congressional debate regarding the meaning of the act. Jurists with a predilection toward the restrictive view of natural born have argued that since several of the framers of the Constitution were Members of the First Congress, and since it followed so closely after the Constitutional Convention, it is arguable that *jus soli* citizenship is the only kind recognized by the Constitution is fulfilling the Constitutional imperative. On the other hand, it has been argued that since children born abroad to citizen parents did not, by virtue of the same act, have to go through the immigration and naturalization process provided therein, they are contemplated to be natural born citizens within the meaning of the Constitution.

Subsequent acts have been equally unsettling. In 1802, for example, the Congress enacted legislation providing that the "children of persons who now are, or have been citizens of the United States, shall, though born out of the limits or jurisdiction of the United States, be considered as citizens of the United States." In 1854, someone realized that the "are, or have been" language could be interpreted to mean that children born abroad to U.S. citizens after the passage of the act must be treated as aliens.

The Supreme Court has also contributed to the uncertainty. The Court has held that a child born in the U.S. to alien parents is a citizen of this country by operation of *jus soli*. The Court has not, however, been as kind to children born abroad to U.S. citizen parents—for the Court has yet to rule on the issue. It would be fair, indeed, to say that these individuals are in a kind of Constitu-

tional limbo not knowing for sure whether they can ever become President.

NO REASON TO DISCRIMINATE

The present state of affairs is absurd. It is entirely possible that the Constitution could be interpreted to restrict Presidential eligibility to citizens whose parents had the foresight to give birth in the United States. The public response to my amendment, I believe, is a fair indication that people agree that this group should be eligible to become President. I have received many letters from concerned Americans, and the opinions are divided; however, not one of those who oppose the amendment argue that children of American citizens born abroad should be excluded from the Presidency. The absurdity of the present situation is well illustrated by the following hypothetical situation: Suppose that citizens of a foreign country are touring the U.S., give birth in one of the 50 States, and then return to their homeland. Some years later their child immigrates to the United States—that individual, who has grown up in a foreign land, could, because he was born in the U.S., assuming he is at least 35 and has lived here for 14 years run for, and be eligible to be President, while a child born abroad to American parents could indeed, as we have seen be barred from that office. There is simply no reason not to amend the Constitution to clarify the ambiguity that exists and remove the cloud of possible non-eligibility for the Presidency that hangs over those Americans born abroad of U.S. citizen parents.

Foreign-born citizens of the United States serve in every facet of our government. The Constitution provides that to become a Member of Congress one must be a citizen for only 7 years, to become a Senator there is only a 9-year citizenship requirement. There is no "natural born" requirement for either the legislative or judicial branches of the government, or for the Executive Branch except for the President. Indeed, six justices of the United States Supreme Court, out of a total of 101 since its inception, were born outside of the U.S., including two who achieved citizenship through naturalization, Justices Frankfurter and Sutherland, two of this nation's most distinguished jurists. Of the 111 Cabinet officers serving their country since 1940, five were born outside the United States: Christian Herter (Secretary of State); Francis Biddle (Attorney General); Douglas Dillon (Secretary of the Treasury); Anthony Celebrezze (Secretary of HEW); and Henry Kissinger (Secretary of State). Dr. Fred C. Ikle, Director of the Arms Control and Disarmament Agency, is a naturalized citizen, and so are four members of the Atomic Energy Commission hierarchy: Paul H. Gantt, Chairman, AEC Board of Contract Appeals; Admiral H. G. Rickover, Director, Division of Naval Reactors; Drs. M. M. May and W. H. Zinn, of the General Advisory Committee.

Naturalized and foreign born Americans have defended this country throughout its 198 year history, many giving their lives to do so. Of the 3,517 men and women who have been awarded the Congressional Medal of Honor, the nation's highest award for valor, as of 1973 approximately 500 were foreign born. In other words, one-seventh of all the Congressional Medals of Honor awarded for service above and beyond the call of duty have gone to individuals born outside the U.S. I find it particularly persuasive that the percentage of Medal of Honor winners born outside the U.S. exceeds their percentage representation in the population as a whole by more than 2 to 1.

At my direction the Library of Congress has undertaken a rather extensive study of the qualification of naturalized citizens to hold elective offices in various countries throughout the world, and I ask that the document be made a part of my testimony

today. Of the 91 countries surveyed 52, or 57 percent of the sample, allowed naturalized citizens to become President. Those countries allowing naturalized citizens to hold their land's highest office include nations representing a wide geographic, political and economic spectrum, including: Australia, Canada, Chad, Dahomey, Guinea, Dominican Republic, India, Israel, Japan, Lebanon, Libya, Senegal, Turkey, Zaire, and 19 European nations.

We are indeed a nation of immigrants. Every President elected prior to 1836 was born outside the United States. Martin Van Buren was the first American President born after the Revolution. Those earlier Presidents had close blood ties with Europe, but their loyalties were not questioned, because their credentials to hold that great office were based on their commitment to this nation rather than where they were born.

Anyone familiar with the immigration and naturalization process knows that people who have lived under the yoke of oppression abroad and thereafter gain their U.S. citizenship cherish it as their most prized possession and are conscientious in carrying out the obligations of citizenship.

Immigrants have contributed much to the greatness of this country. Alexander Graham Bell came from Scotland and gave us the telephone; Igor Sikorsky came from Russia to give us the helicopter; Irving Berlin also came from Russia and gave us "God Bless America" and "White Christmas"; Selman Waksman came from Russia and gave us streptomycin, a basic pharmaceutical miracle drug; Albert Einstein came from Germany and opened the door to the atomic world; and Charles Fleischman came from Hungary to give us yeast and margarine.

As I said earlier, the Presidency is the only office in the land which bars naturalized citizens. If the bar was included by the founding fathers to prevent the ascendance of a President dominated by and loyal to King George, it is obvious that the provision is no longer needed. Some people, harboring the basest prejudices will always suspect the loyalties of Americans born outside the territorial limits of the United States, despite the illogic of such notion. There is no test to determine the loyalty of any man. He can only reveal his true character through his acts.

As I stated at the outset, S.J. Res. 137 and H.J. Res. 880 vary only in detail. I would, however, suggest to the Committee that the wording of H.J. Res. 880 is preferable because of its simplicity, and I am afraid that S.J. Res. 137 is subject to some interpretive ambiguities.

What we want to achieve, without disturbing the age and residence requirements of Act II, section 1, clause 5, is to assure that no matter how a candidate's citizenship is obtained—*jus soli*, *jus sanguinis*, or naturalization, the voters of this great nation shall be afforded the opportunity to choose the most qualified candidate to hold the Office of President.

SAVE THE WHALES

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. COTTER. Mr. Speaker, on Thursday and Friday of this week, a number of Connecticut citizens will be participating in events designed to call attention to the need to save whales from extinction.

The Governor of Connecticut has de-

clared May 2 and May 3 as "Connecticut Save the Whale Days" and members of the Connecticut Catacean Society have planned appropriate events.

If the wholesale slaughter of whales does not cease then these leviathans will shortly be no more than a memory.

The Catacean Society wants to call attention to efforts in the United Nations to adopt an international moratorium on the killing of whales for 10 years.

I hope that others will join in bringing about sufficient public concern so as to have the International Whaling Commission, which meets in London in June, adopt the 10-year moratorium.

I commend the members of the Catacean Society for their leadership efforts on behalf of one of this Earth's most fascinating creatures.

A BILL TO AMEND SECTION 223 OF THE FLOOD CONTROL ACT OF 1970 TO PROVIDE COMPENSATION FOR CERTAIN EMPLOYEES OF THE BURLINGTON NORTHERN, INC., DUE TO THE CONSTRUCTION OF THE LIBBY DAM, MONT.

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. SHOUP. Mr. Speaker, as a direct result of the construction of Libby Dam in Montana, the operating railroad employees of the Burlington Northern Railway—former Great Northern—had their earnings cut.

The relocation of the railway line resulted in it being shortened by 15 miles. The Libby Dam project cost more than \$360,000,000 and the railroad received an improved and shortened line. The employees, who are paid by the mile, received a pay cut which is manifestly unfair and inequitable. This loss has been in effect since November 1970 when the new, shorter trackage was placed in operation.

The cost of protecting these employees of the railroad from serious adverse effects is relatively insignificant when compared to the vast expenditure of funds made to protect the public and the railroad against adverse effects of the \$360 million Libby Dam project.

At the present time, there are operating over this trackage, 7 days a week, one passenger train in each direction and five freight trains in each direction. This means that approximately 56 operating employees operate over this line between Whitefish, Mont., and Troy, Mont., each day. However, no employees who began service after November 1970 will be eligible to receive payments for the 15 miles the line was shortened on that date. As the men who were working before the line was shortened retire or quit for other reasons, these payments will attrition out.

The maximum initial cost to the Secretary of the Army would be approximately \$96,000 per year based on the actual total loss of the employees concerned. And as stated before, because

of the rate of attrition of these employees through death, retirement, and resignation, the cost will decline each year. This protection is directed toward those men whose jobs were affected—not toward the job itself. Only those employees who had worked regularly on the old pre-Libby Dam trackage are entitled to benefits.

Congress has consistently protected the interests of the railroad employees in the enactment of legislation which would adversely affect those interests. Section 5(2)(f) of the Interstate Commerce Act and section 13(c) of the Urban Mass Transportation Act are good examples of Congressional concern that railroad employees be equitably treated when they are to bear the burdens resulting from Congressional acts. I believe that in the case of Libby Dam, the Congress should act no less justly or equitably toward the railroad employees than it has in other situations where the authority it confers adversely affects the livelihoods of railroad employees.

Mr. Speaker, I include the bill in the RECORD at this point:

H.R. 14537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 223 of the Flood Control Act of 1970 is amended by substituting therefor:

(a) The Secretary of the Army shall compensate each person who was an employee of Burlington Northern, Inc., the route of which was required to be relocated by the construction of the Libby Dam, Montana, if the employer:

(1) worked on (or received deadhead payment) either passenger or freight trains transiting the relocated route on any date subsequent to October 31, 1970 and possessing a seniority date prior to November 1, 1970.

(2) was paid by the railroad on a mileage basis, and

(3) continued or continues to be paid on a mileage basis over that relocated route.

(b) The compensation for any such employee shall be in an amount equal to the number of times which the employee performed or performs work (or received deadhead payment or deadheads) aboard a train transiting the trackage over the relocated route after the date specified in paragraph (a) (1) multiplied by fifteen times the rate per mile for the work performed by the employee on the date performed.

JOHN F. GRINER

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. MATHIS of Georgia. Mr. Speaker, last week I was deeply saddened to learn of the death of my constituent and friend, Mr. John F. Griner, president emeritus of the American Federation of Government Employees and member of the AFL-CIO executive board.

Mr. Griner began his career in Camilla, Ga., in 1907 with the Georgia Northern Railroad and later worked for the Atlantic Coastline, Seaboard, and Southern Pacific Railroads in various capacities.

He became a Federal employee in 1936

working with the Railroad Retirement Board as an adjudicator and later served 16 years as a member of the National Executive Council of AFGE.

At the time he was serving with the Railroad Retirement Board, John attended night school and earned his law degree in 1940. He accepted the position as president of the American Federation of Government Employees and held the position until his retirement in 1972 when he returned to Georgia. Through his untiring efforts and dedicated leadership, the membership role in AFGE increased from 100,000 to 300,000.

It is only fitting that the building which houses the national headquarters of the American Federation of Government Employees should bear the name of John F. Griner.

IS THE VICE PRESIDENCY NECESSARY

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BINGHAM. Mr. Speaker, the distinguished historian Arthur Schlesinger, Jr., has concluded that the Vice Presidency should be abolished. His provocative and persuasive article from the current Atlantic follows:

IS THE VICE PRESIDENCY NECESSARY?

(By Arthur Schlesinger, Jr.)

We have a Vice President again, and Mr. Ford deserves all our sympathy. He enters into a job of spectacular and, I believe, incurable frustration. He, like his predecessors, will receive those soothing presidential assurances that he, unlike his predecessors, will be given tasks of substance and responsibility. One can be absolutely certain that these shining prospects will disappear whenever he reaches out to grasp them. Mr. Nixon, even in his present feeble shape, will no more yield power to Mr. Ford than he yielded power to Mr. Agnew or than President Eisenhower yielded power to him ("What major decisions of your Administration has the Vice President participated in?" "If you give me a week, I might think of one"—Dwight D. Eisenhower, August 24, 1960) or than any President has ever yielded power to his Vice President.

It is a doomed office. No President and Vice President have trusted each other since Jackson and Van Buren. Mistrust is inherent in the relationship. The Vice President has only one serious thing to do: that is, to wait around for the President to die. This is hardly the basis for cordial and enduring friendships. Presidents see Vice Presidents as death's-heads at the feast, intolerable reminders of their own mortality. Vice Presidents, when they are men of ambition, suffer, consciously or unconsciously, the obverse emotion. Elbridge Gerry spoke with concern in the Constitutional Convention of the "close intimacy that must subsist between the President & Vice-president." Gouverneur Morris commented acidly, "The vice president then will be the first heir apparent that ever loved his father."

At the Constitutional Convention, Roger Sherman noted that if the Vice President did not preside over the Senate, "he would be without employment." Sherman's observation was prophetic, except that the Vice President's constitutional employment is a

farce. Mr. Agnew as Vice President, for example, never went near the Senate if he could help it. Early Vice Presidents of a philosophical bent filled their days by writing attacks on the power of the national government. Jefferson wrote the Kentucky Resolution as Vice President, Calhoun the South Carolina Exposition. Their successors have lacked a taste for political philosophy. Richard M. Johnson ran a tavern as Vice President. Thomas R. Marshall and Alben Barkley made jokes. But most Vice Presidents, especially in recent times, have lacked a taste for humor too.

But cannot Presidents give the Vice President serious work to do? Until rather recently they thought themselves constitutionally forbidden to do so. Most Presidents and most Vice Presidents have believed with Truman (in 1955) that the Vice President "is not an officer of the executive branch" and with Eisenhower (in 1963) that the Vice President "is not legally a part of the Executive branch and is not subject to direction by the President."

The notion of having the Vice President at Cabinet meetings, for example, is relatively new. In 1896 Theodore Roosevelt wrote that it would be desirable "to increase the power of the Vice President. . . . It would be very well if he were given a seat in the Cabinet." But, when he became President himself after a brief interlude as Vice President, he did not give his own Vice President, Charles W. Fairbanks, a seat in the Cabinet or anywhere else. Vice President Thomas R. Marshall presided at Cabinet meetings when Wilson was at Versailles. But, since he regarded himself as a "member of the legislative branch," he questioned the propriety of doing so and carefully explained to the Cabinet that he was acting "in obedience to a request" and "in an unofficial and informal way." Harding was the first President to make his Vice President, Calvin Coolidge, a regular at Cabinet meetings. Coolidge expected his own Vice President to follow this example; but Charles G. Dawes rejected any such entanglement with the executive as a "wrong principle" and in due course supported from his office on Capitol Hill farm legislation that his President opposed and eventually vetoed. Franklin D. Roosevelt, who from the time of his own vice presidential candidacy in 1920 had cherished the hope of making something of the office, re-established the idea of attendance at Cabinet meetings, and it became routine thereafter. Truman got Congress in 1949 to make the Vice President a member of the National Security Council by statute. But Vice Presidents continued to operate out of an office at the Hill. It was not till Kennedy became President that a Vice President was given space in the Executive Office Building.

Nor, despite ritualistic pledges at the start of each new term, have Presidents ever given real power to Vice Presidents. FDR did make Henry Wallace head of the Board of Economic Warfare—the only big job handed a Vice President in the 185 years of the American presidency—but this merely proved the embarrassment bound to arise when an agency chief who happened to be Vice President got into fights with powerful members of the President's Cabinet. Mr. Nixon as Vice President appointed himself the campaign hit man of the Eisenhower Administration and subsequently as President assigned the same delicate responsibility to Mr. Agnew, thereby making him, as Eugene McCarthy wittily said, "Nixon's Nixon." Mr. Nixon is evidently trying to stuff Mr. Ford into that slot today. This is hardly a promising development. If there is anything certain to ruin the vice presidency forever, it is the theory that the Vice President is the mandatory instrument for an administration's partisan rancor.

For the rest, the vice presidency is make-work. Presidents spend time that might be

put to far better use trying to figure out ways of keeping their Vice Presidents busy and especially of getting them out of town. The vice presidency remains, as John N. Garner said, "a spare tire on the automobile of government." As Gertrude Stein said of Oakland, California, there is no there there.

But what of Theodore Roosevelt's suggestion that the power of the Vice President might be increased? Carl Kaysen, director of the Institute for Advanced Study, has made the ingenious proposal that the presidential nominee promise the convention that he will appoint his Vice President to one of the four great Cabinet offices, State, Treasury, Defense, or Justice, and specify the particular one. This would provide a there there. But it would create problems if the Vice President turned out to disagree with the policy or to fail at the job and, unlike other dissidents or incompetents, could not be easily dismissed. Also this would have to be an informal, and hence unstable, arrangement; for any formal allocation of power to the Vice President would violate the clause in the Constitution vesting "the executive power" in the President.

Ben Cohen, that wise old New Dealer, has a different approach. He would frankly recognize that there is no there there and have presidential and vice presidential candidates separately voted upon in the general election. This would have meant in 1968, for example, that Nixon would have been elected President and Muskie Vice President. The fact that Muskie could not have taken part in a Nixon Administration would have made no difference, since the Vice President has nothing to do anyway; and Muskie would have been an infinitely more attractive heir apparent. But this proposal raises the possibility of a shift in party control of the White House without the intervention of a new election.

Neither of these ideas goes to the heart of the matter. Nor certainly do the flurry of reform proposals generated by the Agnew and Eagleton fiascos. In 1973 the Democrats appointed a Vice Presidential Selection Committee under the chairmanship of Hubert Humphrey, whose own vice presidential wounds had hardly healed.

Its recommendation was that the parties slow up the process of nominating the second man by prolonging the convention and even offering the presidential nominee the option of turning the choice over to a later meeting of the party's National Committee. This procedure, it need hardly be said, would not have saved the Republicans from twice anointing the late Spiro T. Agnew. Senator Robert Griffin of Michigan, the Republican whip, in what he calls, presumably as a recommendation, "a small step in the direction of the parliamentary system," would do away altogether with party participation in the nomination and have the new President submit his choice to Congress in the manner Mr. Nixon chose Mr. Ford under the Twenty-fifth Amendment. This would be another formula for Agnews.

Fiddling with the way vice presidential nominees are chosen is totally beside the point. The real question is why have a Vice President at all? "His importance," as Woodrow Wilson said, "consists in the fact that he may cease to be Vice-President." The only conceivable argument for the office is that it provides an automatic solution to the problem of succession. No doubt it does, but does it provide the best solution?

It is said in political science departments that the vice presidency justifies itself as a "learning" office where men train themselves for the great responsibility that may one day be theirs. Even if the Vice President has nothing to do, at least—we are assured—he can watch what others are doing and prepare himself to take over if calamity strikes. This implies, I fear, an unduly romantic view of Presidents.

Presidents, whatever they may say, do not choose their running mates because they want to train them as successors. All Presidents see themselves, if not as immortal, as good for two terms at least. They pick a running mate not because he is the second citizen of the republic and fully qualified for the presidency but because of intricate and generally mistaken calculations about the contribution he will make to victory at the polls. "Whether they should or not," Congressman James G. O'Hara, Democrat of Michigan, has well said, "they will not, in the final analysis, choose their Vice-Presidential candidate to succeed them. They will choose them to help them succeed."

Such calculations, I say, are generally mistaken. It is an exceedingly rare case when the vice presidential candidate makes a difference. Very likely Johnson made a difference in 1960. But much more typical is the outcome in 1948. Earl Warren was the most popular governor California had had in a generation, but Truman carried California against the Dewey-Warren ticket. The "balanced ticket" is in any case a fraud on the public. It pretends that the Vice President's views "balance" the views of the President when all our history testifies that they have no impact at all on the President.

Moreover, the way Presidents treat their Vice Presidents steadily erodes their capacity to succeed to the presidency. A Vice President will learn only as much as a President is willing to have him learn—which, given presidential dislike of Vice Presidents, is not ordinarily very much. Truman, recalling how little he had been told as Vice President, tried harder than most Presidents to clue in his second man. His conclusion about the learning process was not encouraging. "No Vice-President," he wrote three years after he left the White House, "is ever properly prepared to take over the presidency because of the nature of our presidential, or executive office." In the nature of things, "it is very difficult for a President to take the Vice-President completely into his confidence." The President "by necessity" builds his own staff and makes his own decisions, "and the Vice-President remains an outsider."

Moreover, seeing things as an ill-informed, impotent, and often sullen outsider, the Vice President will very likely "learn" the wrong things. Lyndon Johnson thought Kennedy too cautious at the time of the Cuban missile crisis and in Vietnam. What Johnson "learned" as Vice President led him on to policies of overkill in the Dominican Republic and Indochina. In any case, where does a successor's responsibility lie? "A Vice-President might make a poor President," said Thomas R. Marshall, who was Wilson's Vice President and had to reflect on this question in Wilson's season of disability, "but he would make a much poorer one if he attempted to subordinate his own mind and views to carry out the ideas of a dead man."

A learning office? With Presidents less generous than Truman—and that in this context is most Presidents, however generous they may be in other relationships—the vice presidency is much less a making than a maiming experience. McKinley, wrote Theodore Roosevelt as Vice President, "does not intend that I shall have any influence of any kind, sort or description in the administration from the top to the bottom. This he has made evident again and again." Fortunately for T.R., he had to endure only six months of frustration. When he acquired a Vice President of his own, he could not have been more destructive of poor Charley Fairbanks. He used to regale Washington with Finley Peter Dunne's crack after the President told him he was thinking of going down in a submarine: "You really shouldn't do it—unless you take Fairbanks with you." Tom Marshall, who at least extracted a good deal of shrewd humor out of his predicament,

ment, concluded that the Vice President "is like a man in a cataleptic state: he cannot speak; he cannot move; he suffers no pain; and yet he is perfectly conscious of everything that is going on about him."

In recent years, as men of larger aspirations and capacities have responded to the actuarial attractions of the office, the damage to Vice Presidents has increased. The more gifted and ambitious the Vice President, the more acute his frustrations—and the less his President is inclined to do to alleviate it. Everyone knows the humiliation that Eisenhower repeatedly visited on Nixon. Only a man who has the overpowering ego of a Lyndon Johnson and is treated by his President, as Johnson was, with relative consideration can survive the vice presidency; and even Johnson was a subdued and shrunken man by 1963. "It's like being naked in the middle of a blizzard with no one to even offer you a match to keep you warm—that's the vice presidency," said Hubert Humphrey in 1969, eight months after he had been released from confinement. "You are trapped, vulnerable and alone, and it does not matter who happens to be President."

There is no escape, it seems to me, from the conclusion that the vice presidency is not only a meaningless but a hopeless office. Truman said, and many have repeated, that "there is no officer in our system of government besides the President and Vice President who has been elected by all the voters of the country," as if this somehow sanctified the vice presidency. Truman's proposition, advanced nine weeks after Roosevelt's death, was natural enough to a man interested in legitimating his own recent succession to the presidency.

But it is amiable myth. No one votes for a Vice President. He is a tie-in sale, an inseparable part of a package, "a sort of appendage to the Presidency" (Truman's own phrase), not an independent choice. And, once carried to the vice presidency as second rider on the presidential horse, where is he? If he is a first-rate man, his abilities will be wasted, turn sour, and deteriorate. If he is not first-rate, he should not be in a position to inherit the presidency. Why not therefore abolish the vice presidency and work out a more sensible mode of succession?

Such a revision of the Constitution would not be a serious affront to the Founding Fathers. They had no great belief in the vice presidency. Though they had had considerable experience with governors and lieutenant governors in the colonies, and though ten states maintained this system after independence, the Constitutional Convention did not turn automatically to the vice presidential idea. It slipped in as an afterthought. The August 6 draft of the Committee of Detail had proposed that, in case of a vacancy in the presidency, "the President of the Senate shall exercise those powers and duties, until another President of the United States be chosen" (my emphasis). Gouverneur Morris objected that this gave too much power to the legislative branch but then curiously proposed the Chief Justice as the provisional successor. Madison for a moment suggested that executive power during a vacancy be administered by a Council of State. All these proposals were regarded as interim schemes to tide things over until the voters could choose a new President. Then a fortnight before adjournment a new drafting committee invented the vice presidency over a weekend and submitted the idea to the Convention. There was no great enthusiasm. Elbridge Gerry said he was "agst having any vice President." He was the only member of the Convention who ever became Vice President. Edmund Randolph was opposed. But no one could think of anything better, and the clause went into the Constitution. Hamilton later noted in the 68th Federalist that the office "has been objected to as superfluous

if not mischievous" but defended it in perfunctory fashion because the Vice President's tie-breaking vote could prevent deadlocks in the Senate and because the Vice President himself would provide a "constitutional substitute" for the President. There was even a dispute in the First Congress as to whether the Vice President should receive an annual salary.

The vice presidency was put into the Constitution for one reason, and one reason alone. Hugh Williamson of North Carolina, a member of the committee that originated the idea, conceded in the Convention that "such an office as vice-President was not wanted. He was introduced only for the sake of a valuable mode of election which required two to be chosen at the same time." This is an essential but neglected point. The theory of presidential elections embodied in the Constitution was that if electors had to vote for two men without designating which was to be President and which Vice President, and if one of these men had, as the Constitution required, to be from another state, then both men who topped the poll would be of the highest quality, and the republic would be safe in the hands of either.

This ingenious scheme did produce Adams and Jefferson as the first two Vice Presidents. But the rise of the party system, a development unanticipated by the Founding Fathers, quickly put the "valuable mode of selection" under severe strain. As early as 1796 the Federalists gave their second ballots to Thomas Pinckney, who was manifestly not the second citizen of the country. Adams himself, the top Federalist candidate, would have preferred, if defeated, to lose to Jefferson rather than to his fellow Federalist. In 1800 the Republicans gave the same number of electoral votes to Jefferson, their presidential choice, as they gave to Aaron Burr, a man of undoubted talents who, however, was trusted by no one in the long course of American history, except his daughter Theodosia and Gore Vidal. Burr was nearly chosen President, though the voters never intended him for the presidency. The fear of comparable slipups in 1804 led to the adoption of the Twelfth Amendment requiring the electoral college to vote separately for President and Vice President.

The abolition of the "valuable mode of election" canceled the purpose of the Founding Fathers in having a Vice President at all. Separate voting ended any prospect that the Vice President would be the second man in the country. The office could no longer be counted on to attract men of the highest quality. It would become, as was immediately noted, a bargaining counter in the presidential contest—"a bait to catch state geudeons," in Gouverneur Morris' contemptuous phrase. Samuel White, a senator from Delaware, summed up with admirable prescience the consequences of the Twelfth Amendment: "Character, talents, virtue, and merits will not be sought after in the candidate."

The question will not be asked, is he capable? Is he honest? But can he by his name, by his connections, by his wealth, by his local situation, by his influence, or his intrigues, best promote the election of a President? Roger Griswold of Connecticut said that the vice presidency would thereafter be "useless, worse than useless." A number of political leaders, Republicans and Federalists—John Randolph of Roanoke, former Speaker of the House, now Senator; Jonathan Dayton; Matthew Griswold; Samuel W. Dana—drew the logical conclusion. The vice presidency was an organic part of a particular mode of election, and that mode of election has now been constitutionally abolished; therefore let us abolish the vice presidency too. Unfortunately for the republic this effort failed.

But the dismal predictions were correct.

The Twelfth Amendment sent the vice presidency into prompt decline. The first two Vice Presidents had moved on directly to the presidency. After the amendment was enacted, the vice presidency became a resting place for mediocrities. Who can remember Burr's successors—George Clinton, Elbridge Gerry, Daniel D. Tompkins? For a generation the office of Secretary of State became the stepping-stone to the presidency; thereafter Presidents were elected from anywhere except the vice presidency. In the 170 years since the Twelfth Amendment only one Vice President—Martin Van Buren—has advanced directly to the presidency by election. More than half our Vice Presidents in the nineteenth century were actually older than their Presidents. William R. King, when selected as Vice President with Franklin Pierce, was known to have an incurable disease and died six weeks after inauguration. Nor was King the only Vice President to die in office. Apart from their families, few cared or even noticed. The vice presidency was nothing. "It is not a stepping stone to anything except oblivion," said Theodore Roosevelt when Boss Platt conned him into accepting the vice presidential nomination in 1900. "I fear my bolt is shot." For thirty-eight years—almost a quarter of the time that has passed since the ratification of the Twelfth Amendment—the republic has been without any Vice President at all. No catastrophe has resulted.

T.R. described the vice presidency as "an utterly anomalous office (one which I think ought to be abolished)." He was plainly right. But what would the alternative mode of succession be? Here it would seem appropriate to return to the principle of the Founding Fathers. That principle was accurately stated by the constitutional historian Lucius Wilmerding, Jr., in a letter to Walter Lippmann in 1946: "A man who has not been voted on for the Presidency [as, of course, Vice Presidents were till the ratification of the Twelfth Amendment] ought not to hold the office for longer than it takes to choose a new President."

The Constitutional Convention, having agreed on the idea of a vice presidency, decided to empower Congress to designate the next in line of succession in the event that the elected President and Vice President were no longer available. The first proposal was that the successor designated by Congress should act as President "until the time of electing a President shall arrive." Madison promptly observed that "this, as worded, would prevent a supply of the vacancy by an intermediate election of the President" and offered the language now in the Constitution—that the designated officer "shall then act as President . . . until the Disability be removed, or a President shall be elected" (my emphasis). The new wording was plainly intended to authorize special presidential elections in the event of a double vacancy—a double vacancy because, according to the original theory of the electoral process, the Vice President had also been voted on for the presidency.

Madison's idea of an "intermediate election" was quickly enacted into law. In 1792 the Second Congress, containing men who had served in the Constitutional Convention five years before and were therefore well versed in the intentions of the Founding Fathers, passed the first Presidential Succession Act. This act provided that, in the case of a double vacancy, the president *pro tempore* of the Senate would become Acting President "until a President be elected" and that a special election would be called to elect a new President unless the vacancy occurred in the last months of the presidential term.

Then came the Twelfth Amendment and the decline in vice presidential quality. By retaining the vice presidency, as Wilmerding pointed out in a trenchant piece in this magazine in May, 1947, the amendment

achieved precisely what it was designed to prevent—that is, it made it possible for persons who had not been voted on for the presidency to become President. After 1804 Vice Presidents were not men chosen by the electors for the presidency except in a highly metaphysical sense. But the retention of the office and the ambiguity of the Constitution enabled Vice Presidents to make themselves President.

The Founding Fathers, so far as we can tell, assumed that if a President died, the Vice President would inherit the powers and duties of the President but not the office itself; he would only be Acting President.

The constitutional language was a cryptic condensation by the drafting committee of two resolutions adopted by the Convention. One had said, "The Vice President shall exercise those powers and duties [of the President] until another be chosen or until the inability of the President be removed" (my emphasis). The other spoke of the authority of the Vice President to "perform the duties of the office of the President"; it did not say that he would hold that office. The Constitution, in a rare lapse from precision, now said that, if the President could not "discharge the Powers and Duties" of his office, "the same shall devolve on the Vice President." Did "same" mean powers and duties or the office as well? E. S. Corwin, the great constitutional scholar, judged it "clearly the expectation of the Framers that [if there was a vacancy in the presidency] the Vice-President should remain Vice-President, a stop-gap, a locum tenens, whatever the occasion of his succession, and should become President only if and when he was elected as such." The Twelfth Amendment said specifically that if a presidential choice went to the House and could not be completed before inauguration day, "the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President" (my emphasis). This reaffirmed the assumption that a Vice President could only become Acting President.

Then, in 1841, William Henry Harrison died a month after his inauguration. Now there was brought to test, as John Quincy Adams noted, "that provision of the Constitution which places in the Executive chair a man never thought of for that place by anybody." Vice President John Tyler in effect staged a constitutional coup by successfully insisting—"in direct violation," Adams said, "both of the grammar and context of the Constitution"—that, when a Vice President took over the powers and duties of the presidential office, he took over the office too and became not Acting President but President in his own right—a view that finally received constitutional blessing in the Twenty-fifth Amendment.

The United States lived under the Succession Act of 1792 for ninety-four years. Since a double vacancy never occurred, however, the intermediate-election feature, evidently intended by the Founding Fathers as a routine part of the process, never came into play. In 1881 the shooting and lingering death of Garfield renewed public interest in the problem of succession. Four years later, with the Republicans in control of the Senate, Grover Cleveland's Vice President died in the first year of the administration. This meant under the 1792 law that the Republican president *pro tempore* of the Senate would take over if anything happened to Cleveland. There had also been occasions when the country had been not only without a Vice President but without a President *pro tempore* of the Senate and a Speaker of the House as well; in which case, had anything happened to the President, the presidency would have been in limbo.

The cry for reform produced the Presidential Succession Act of 1886. The new law put the line of descent through the Cabinet,

thereby making succession automatic and preventing the mechanics of succession from transferring the presidency from one party to the other without an election. The 1886 law did not, however, eliminate the idea of intermediate elections. It provided that the Cabinet successor should "act as President until the disability of the President or Vice-President is removed, or a President shall be elected" (my emphasis). It was "the powers and duties of the office of President," and apparently not the office itself, that devolved upon the Cabinet successor, and "it shall be the duty of the person upon whom said powers and duties shall devolve" to convene Congress within twenty days, presumably in order to provide for a special election.

The republic operated under this law for another sixty years. Again no occasion arose to call the provision for intermediate elections into play. Then in 1945 Harry S. Truman, abruptly translated to the presidency, faced the prospect of serving the balance of Roosevelt's term—nearly four years—without a Vice President. The law of 1886 put the Secretary of State next in line. But Truman thought it undemocratic for a President to have the power to name his successor—a scruple discarded by Congress twenty-six years later when it acquiesced in Mr. Nixon's interpretation of the Twenty-fifth Amendment as making a Vice President chosen in case of a vacancy not a choice shared with Congress but a presidential appointment subject to congressional confirmation. This ill-considered amendment contains further prizes. If Mr. Nixon should be removed, then Mr. Ford, who was not elected by the people to the office, would appoint his own successor. "For the first time in the history of this great Nation," Senator Pastore has observed with pardonable senatorial grandiloquence, "the President and Vice President will both be appointed—not elected by the people . . . the Nation will no longer be democratically governed."

Truman thought that the Vice President should always be what he called an "elective officer." So he proposed a reversion to the principle of the Succession Act of 1792, though with the Speaker of the House first in the batting order and the president *pro tem* of the Senate second. There were objections to this scheme. The Speaker of the House, for example, does not even have to be a member of the House and therefore may not be an elective officer.

If he is, his speakership is partly the result of seniority, which means long tenure in a safe and therefore unrepresentative district. James F. Byrnes and George C. Marshall, Truman's second and third Secretaries of State, were far more national figures and far better equipped for the presidency than Joseph Martin of Massachusetts, who, as Speaker of the House, was heir apparent under the Truman reform when it was enacted two years later.

Truman, however, saw this succession scheme as provisional. Reaffirming the conviction of the Founding Fathers, he said, "No matter who succeeds to the Presidency after the death of the elected President and Vice President, it is my opinion he should not serve longer than until the next congressional election or until a special election called . . . to fill the unexpired term of the deceased President." As Walter Lippmann put it in 1946, the Founding Fathers "thought the country should never for more than a few months have a President who had not been elected. They did not believe, as we now assume, that there could never be a Presidential election except once every four years." If the country was without an elected President, it should proceed as expeditiously as possible to elect a new one. There was nothing sacrosanct about the four-year election system.

Truman's proposal that the intermediate election fill the unexpired term has latterly

given some trouble to constitutional scholars who read the language on the presidency in Article II, Section 1, of the Constitution—"He shall hold his Office during the Term of four years"—as guaranteeing every new President four years in the White House. The Succession Acts of 1792 and 1886, both providing for intermediate elections, were both mute on how long intermediately elected Presidents were to serve. But it is far from self-evident that the Constitution forbids elections to fill unexpired terms. We have such elections every day for senators and representatives, though they, no less than Presidents, serve for terms specified in the Constitution. The House Judiciary Committee, under the chairmanship of that rugged old Texan strict constructionist Hatton W. Sumners, went into this question at length in 1945 and saw no constitutional problem in the case of the presidency.

The Constitution, the House Judiciary Committee said, "does not provide that the term of each incumbent shall be 4 years, but that the President shall hold his office 'during the term of 4 years.' This language appears to have reference to a fixed quadrennial term, permitting the filling of an unexpired portion thereof by elections. The tradition of special elections for unexpired terms of other officers also supports the provision." "During" often means "in the time of"; it does not necessarily mean "throughout the entire course of." Had the Constitution said "for a Term of four years," this would assure a four-year term to every new President. But the Constitution does not say this.

And if John Tyler was correct in saying that a Vice President became President, not just Acting President, and if it is correct to construe the Constitution as assuring every President a four-year term, then this reading must surely apply to Presidents who gain the office by inheritance quite as much as to those who gain it by election. This would mean that when a President dies, the Vice President who succeeds him is entitled to a four-year term of his own. Ben Butler made this point during the impeachment trial of Andrew Johnson. "Whose presidential term is the respondent now serving out?" he asked. "His own or Mr. Lincoln's? If his own, he is entitled to four years up to the anniversary of the murder, because each presidential term is four years by the Constitution." But no one has argued, not even John Tyler, that a Vice President has any right to do more than serve out his President's unexpired term. Why, if there is no Vice President, should a specially elected "constitutional substitute" be in a different legal position?

The House unfortunately deleted the provision for special elections before passing the bill in 1945, and the Senate took no action. In 1947 Congress fell under Republican control. The Republican leadership, seizing its opportunity, decided to make Joe Martin Truman's absolute and not provisional successor and confirmed the deletion of intermediate elections from the bill. The law as finally enacted therefore departed from Truman's original purpose, though he signed it in order to shift the line of succession back to elective officers.

The deletion of intermediate elections was a bad mistake. It is not beyond repair. The thing to do is to adopt a constitutional amendment abolishing the vice presidency, an office that has become both more superfluous and more mischievous than Hamilton could have imagined when he wrote the 68th Federalist, and provide for the succession in the spirit of Founding Fathers through a congressional statute restoring the principle of special elections. This principle, announced by Madison in the Constitutional Convention, authorized by the Constitution, applied by the Second Congress in 1792 to the prospect of a double vacancy, re-

affirmed in this context by the Forty-eighth Congress in 1886, reaffirmed again by Truman in 1945 (and actually again by Eisenhower in 1965), would, if the vice presidency were abolished, work fully as well for a single vacancy. More than this: it would repair the fatal error of the Twelfth Amendment and make it certain that the republic would never have to suffer, except for a limited period, a chief executive who, in the words of J. Q. Adams, was never thought of for that office by anybody.

It may be objected that special elections in a time of national disarray—as, for example, a presidential assassination or a successful impeachment—might only deepen popular confusions. This could happen. But the special election would necessarily be held after an interval, and it might equally help the country to resolve its confusions and recover its nerve. At the very least it would result in placing in the White House a man chosen by the people to be President.

It would take three or four months to hold a special election. In the meantime the show must go on. If the vice presidency were abolished, who would serve as Acting President?

One proposal is to make the Speaker of the House Acting President for thirty days while Congress chooses a President to fill out the remainder of the term. This proposal has the disadvantage, given the number of times in recent years that one party has controlled the legislative branch and the other the executive, or risking an unvoted change in party control of the White House and in the direction of government—a change that might itself be quickly reversed in the special election, thereby compounding the confusion in Washington. The confusion would be even greater in the event of temporary presidential disability, in which case the presidency might shuttle back and forth between the two parties in a period of a few months.

The argument is overriding, it seems to me, for keeping the Acting President within the executive branch for the few weeks before the people have a chance to speak. A convenient way would be simply to make the Secretary of State, if qualified, the first successor. If the Secretary of State is foreign-born or under thirty-five or has some other disqualifying eccentricity, then the Secretary of the Treasury could be the automatic successor, and so on down the 1886-1947 line of succession. But this first succession would be momentary until an Acting President is selected to run things during the, say, ninety days to the special election. This Acting President, in order to assure continuity of policy until the people speak, should come from the Cabinet. Congress might select an Acting President from the Cabinet—a device that would preserve continuity, spread responsibility, afford a choice of sorts, and perhaps stimulate Presidents to choose better Cabinets.

Or the Acting President might be selected by the Cabinet itself using the corporate authority already bestowed on it to some degree by the Twenty-fifth Amendment, which gives a majority of the Cabinet, plus the Vice President, power to declare the President *non compos mentis*. However chosen, the Acting President would be declared ineligible as a candidate in the special election, this in order to avoid the advantage created by the inevitable rush of sympathy to the new person in the White House.

Then, as soon as possible, let the people make their choice. If the President vanishes in his last year in office, it would be simpler to let the Acting President serve out the term and await the next regular election. If it be said that three or four months is not time enough to prepare an election, the answer is that this is only an election to fill out a term and thus does not require the elaborate preliminaries of the quadrennial

orgy. Let the national committees, which have become increasingly representative bodies under the new party rules, canvass opinion and make the nominations. Short campaigns, federally financed, would be a blessing, infinitely appreciated by the electorate. Perhaps short intermediate elections might have a salutary impact on the quadrennial elections, which in recent years have stretched out to intolerable length.

In doing this, we would not be departing from the spirit of the Founding Fathers: quite the contrary. "We have only to operate the Constitution as the men who wrote it thought it should operate," Walter Lippmann wrote a quarter of a century ago on the question of intermediate elections. "If we are the prisoners of a rigid system to-day, the fault lies not in the Constitution but in our own habits which have only rather recently become so hard and so fixed."

THE JENNINGS RANDOLPH BRIDGE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. GUDE. Mr. Speaker, Senator JENNINGS RANDOLPH has long demonstrated both a concern for America's youth and a concern for the preservation and restoration of America's historical landmarks. Both these concerns have now been appropriately marked at Harpers Ferry, W. Va., by the reconstruction of an historic bridge which crossed the old Potomack Canal, an early effort at canal building by the company formed by George Washington whose drive and interest later inspired the construction of the more successful C. & O. Canal.

The new bridge was built by the National Park Service using labor from the Harpers Ferry Job Corps and the Youth Conservation Corps. Great care was taken to make sure this was an authentic reproduction.

Then, early last month, the bridge was named to honor Senator RANDOLPH, who sponsored the original legislation that led to the creation of the Harpers Ferry National Historic Park. Senator RANDOLPH spent some time hanging around the town's old general store in the clothes of a postmaster of the 1860's.

I would like to share with my colleagues Senator RANDOLPH's remarks at the dedication of the bridge—another milestone in the restoration of historic Harpers Ferry and a valuable training experience for nearly 60 young masons and carpenters:

REMARKS BY SENATOR RANDOLPH

Last fall I visited the ancient city of Istanbul on government business. While there, I had the opportunity to cross the huge new suspension bridge over the Bosphorus. Now in being is the fulfillment of a centuries-old dream to physically connect continents of Europe and Asia at this point.

The bridge is an imposing span performing an important function and ending reliance on crowded ferries. Crossing that bridge was an impressive and awe inspiring experience. Setting foot on this less grandiose bridge in Harpers Ferry, West Virginia, is, however, a far more moving experience for me.

I share with many here a great love for our State, and I have a particular affection

for Harpers Ferry and for the people who live and work here.

This ambitious bridge construction project required six months of labor by the Job Corps. Two crews of 15 boys received valuable training in masonry in building the bridge pier. They were followed by two more similar crews who used their carpentry skills to build the bridge structure itself.

Throughout the eight years since it was established, the Harpers Ferry Job Corps center has been deeply involved in the restoration of the town. The 1,800 young men who have been enrolled at the center have truly left their mark here in the rebuilding of many buildings. I believe it is a tribute both to them and to the training they receive that almost all of those seeking employment have been employed in the trade for which they prepared.

The National Park Service also is due commendation for its sponsorship of the Job Corps center.

I have watched as Harpers Ferry was developed by the National Park Service as an attraction for visitors to our State. We have made much progress in the three decades since I introduced legislation in the House of Representatives to make Harpers Ferry a national park. The job is not finished, though, but this bridge is another step in the full restoration of this unique town.

This point where the Shenandoah meets the Potomac is truly a special place in all our hearts. I doubt if anyone who has visited here would dispute the observation of Thomas Jefferson that the view from the hill above us is worth a trip across the Atlantic.

Like many people, bridges have always held a fascination for me. As a young boy I remember fishing from an old swinging bridge that spanned a stream near my home in Harrison County. I spent many a happy hour on that bridge engaged in a contest of wits with the crafty catfish that lurked in the waters below.

Inscribed over a gate in India is this saying:

"The world is merely a bridge; ye are to pass over it, and not to build your dwelling upon it."

Bridges have been important throughout the history of mankind. They facilitated the exploration of unknown lands. They permitted communities and countries to grow and prosper. They inspired the mind of man to marvelous feats of engineering. Bridges have been both famous and obscure. London Bridge became so famous through a nursery rhyme that no one had the heart to dispose of it when it could no longer carry modern traffic. Today it crosses a stream in Arizona, there for all to see and enjoy.

In a mountainous terrain such as we have in West Virginia, bridges are obviously important. They exist in profusion and in variety throughout our State. The old covered bridge at Phillippi is an outstanding example of that type structure. At Wheeling the venerable suspension bridge built in the last century spans the Ohio River with great authority.

Since bridges are too important to our daily lives, it is perhaps inevitable that on rare occasions they are associated with tragedy. Such was the case on December 15, 1967, when the Silver Bridge fell into the Ohio River at Point Pleasant. Forty-six people died in this disaster that shocked all America. People everywhere began taking a new look at bridges. Of the 563,000 bridges in this country approximately 90,000 of them are deficient. To replace them would cost in the neighborhood of \$15 billion.

In a sense, the building of the successor to the Silver Bridge was the first step in what must be a continuing effort to assure that bridges are safe everywhere. The resources of the State or the Federal governments were marshalled in an unprecedented way to build the Silver Bridge in only two

years. This was a remarkable feat, undertaken with the personal support of President Johnson, that cut more than one year off the normal construction time. Under legislation I sponsored, the Federal government is now engaged in an extensive program of bridge replacement.

The vast majority of bridges are accepted rather routinely. We use them regularly and they are vital to our way of life. Bridges such as that we dedicate today, however, are essential to the spirit of man. It has a utilitarian purpose, enabling us to cross to Virginus Island. But that purpose is entwined with the relaxation and the pleasure we enjoy in this beautiful place. For this reason, I am deeply gratified for the honor you do me today.

All of you here this morning are so very kind to share this memorable honor with me on such a cold and crisp day. I would like to end my remarks by reading a poem to you titled "The Builder" by Will Allen Dromgoole.

An old man traveling a lone highway
Came at evening, cold and gray,
To a chasm, vast and deep and wide;
The old man paused in the twilight dim,
The sullen stream had no fear for him;
But he turned when on the other side
And built a bridge to span the tide.

"Old man," said a fellow pilgrim near,
"You are wasting your time in building here;
Your journey will end with the passing day,
You never again will pass this way.
You have crossed the chasm deep and wide,
Why build this bridge at eventide?"

Then the builder lifted his old gray head,
"Good friend, in the path I have come," he said,

"There follows after me today a youth
Whose feet must pass this way.
This chasm has been sought to me,
To that fair-haired youth may a pitfall be.
He, too, must pass in the twilight dim;
Good friend, I am building this bridge for him."

PROPER CONCERN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. DERWINSKI. Mr. Speaker, as the Watergate impeachment debate increasingly intensifies, I direct the attention of the Members to an editorial in the Press Publications, serving west Cook and Dupage Counties, Ill., which raises a very interesting point concerning the need for fairness toward the President in the running press coverage.

The editorial follows:

PROPER CONCERN

The wife of a California newspaperman, with her husband's interested assistance, tested local grass roots opinion by circulating a petition. It received a friendly reception and ready signature from impressive numbers of people to whom it was presented.

The petition, in a "... spirit of Fair Play and concern of the nation to keep a clean house in our governmental process ..." requests that an investigation be made of every Senator and Congressman, their deputies, aides and appointees, beginning with the present Senate Watergate Committee to determine if they have anything in their background which would make them unfit to serve.

The investigation would include a look into their income taxes, campaign contributions, medical and psychiatric background,

bribery, felonies, and "... all other acts of moral turpitude and chicanery." Signed petitions, or copies of them, were sent to members of Congress including those on the Watergate investigation committee.

It is not likely that much will come of this, and it was not intended that much should. The purpose of the petition was to indicate that many people in the United States are concerned that no one in this country, including the President of the U.S., should be the victim of a lynch mob, a hanging judge or biased jury.

Scandal and catastrophe make a better news story than anything else, and Watergate has been a gold mine of this kind of event. But still, many of the American people are concerned that the fitness of their President not be determined solely by major news media and political investigation.

PEACE WITH HONOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. RANGEL. Mr. Speaker, peace with honor is an empty phrase highly regarded by the Nixon administration as the achievement of the decade. But today, over 1 year since the peace agreement was signed in Vietnam "peace with honor" has cost over 50,000 Vietnamese deaths fighting and left almost 1 million homeless. Violations of the cease-fire agreements have been numerous on both sides and so the fighting continues with almost \$1 billion of American money being spent on South Vietnam.

Recently a WCBS-TV editorial spoke on this subject. For full understanding I have inserted it for the information of my colleagues. I hope you will take the time to read this short but effective editorial. It follows:

PEACE WITH HONOR

(WCBS-TV Editorial)

A year ago we hoped we wouldn't be doing any more editorials about the war in Vietnam. We hoped that the Paris peace agreements that had just been signed meant that the war would end. But according to a Senate subcommittee report, during the last year over 50,000 Vietnamese have been killed in fighting and over 800,000 have become homeless. And while it is true that Americans are not fighting and dying in Vietnam anymore, this country is still very much involved.

During the last fiscal year American military aid to Saigon was budgeted at over \$800 million and the actual costs were probably much higher. Now the Pentagon is asking for more money for South Vietnam and says that without it Saigon's military operations will have to be "sharply curtailed" next month.

But the issue, we think, is not how many military raids the South Vietnamese should be able to mount. The bigger issue involved is whether this country would be prolonging the bloodshed in South Vietnam by continually expanding military aid to Saigon. We agree with Sen. Edward Kennedy, Dem. of Massachusetts, and Sen. James Pearson, Rep. of Kansas, who oppose an increase in military aid to South Vietnam. By expanding the aid, the U.S. may encourage President Thieu to prolong the fighting, and resist indefinitely any political settlement with the Vietcong.

Last week, the Vietcong proposed a six-

point plan for elections under terms agreed to in the Paris peace agreements. So far, President Thieu has rejected the proposal. And so the war goes on with both sides violating the cease-fire agreements.

In our opinion, America should step up diplomatic efforts to persuade both sides to reach a political settlement, and end the fighting in South Vietnam. And as part of that effort, we believe, President Thieu should be put on notice that he has no blank check for continuing military support from the United States, and that aid from us will be conditioned on Saigon's efforts to reach a political settlement with its foes.

JOHN F. GRINER

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BROYHILL of Virginia. Mr. Speaker, the death of John F. Griner, president emeritus of the American Federation of Government Employees, is a loss that saddens the heart of every government employee and member of Congress who worked with and enjoyed the company of this self-made American.

John Griner proved that a labor leader can serve his members without resorting to work-stoppages or strikes. To those of us in Congress who have the responsibility of securing equity for civil servants, John Griner was a welcome cohort. He came to my office often and he came with gentle persuasion, reasonableness and with a total sense of responsibility, not only to his own constituency, but, as well, to his Nation and the government that serves it.

He was a professional in the art of the possible. With that art he built his union to a membership of 300,000, almost quadruple its size when he became president of the AFGE. He learned about America from the land, first as a farm boy and then as a railroader as he helped move the men, the goods and the machinery across America. Just as he moved his dreams to distant horizons. He served on the Railroad Retirement Board for 26 years and during those years he studied for and obtained in 1940 an LLB Degree from Columbia University.

In 1962 he became national president of the AFGE, a job he relished, I believe, Mr. Speaker, because he could watch it grow, knowing as he did from his days as a farm boy, that there is a time to plant and a time to harvest.

He expected no miracles for his union member, knowing that there is a season for all things. And for him there was, in the form of increased pay, job protection and other benefits for those he represented.

Each man in public life, Mr. Speaker, seeks his own monument of accomplishment. It is sought out of abiding faith and conviction that what he does is worthwhile for his fellow man and in fulfillment of his duty as a public servant.

The finest corps of civil servants in the world; the best paid; best protected and most free is the monument John Griner left in memory of his life and labors. While it may not shine with the lamplit clarity of an obelisk or a marble statue on the perimeter of this Capital, it glows in the hearts of those of us who knew John Griner as a man and a labor leader, as it does in the hearts of those he served so well.

PRICE AND WAGE CONTROLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. CRANE. Mr. Speaker, I should like to call to the attention of our colleagues a small booklet entitled *A Brief Survey of Price and Wage Controls From 2800 B.C. to A.D. 1952*, published by the Heritage Foundation, 415 Second Street NE., Washington, D.C. The author is Robert Schuettinger, who has taught political science at the Catholic University of America, the New School for Social Research and St. Andrews University in Scotland; he will be a visiting lecturer in political science next semester at Yale University.

The conclusion of Mr. Schuettinger's study is that wage-and-price controls have been tried in many countries over the past 5,000 years and in every case the results, at the minimum, have been different from what the planners intended. Usually, in fact, they have ended in complete failure and have had to be repealed. I believe there are very obvious lessons in this study for us today. I should like to submit for the RECORD at this time his interesting chapter on the fact of economic controls in the early years of our country:

THE EARLY AMERICANS

The early New England colonists were convinced that government ought to extend its powers into the regulation of all aspects of society, from the religious to the political to the economic. "This was a defect of the age," the economic historian William Weeden tells us (though hardly a defect unique to seventeenth century Massachusetts) "but the Puritan legislator fondly believed that, once freed from the malignant influence of the ungodly, that once based upon the Bible; he could legislate prosperity and well-being for every one, rich or poor."¹

In 1630 the General Court made a fruitless attempt to fix wage rates. Carpenters, joiners, bricklayers, lawyers and thatchers were to receive no more than two shillings a day. A fine of ten shillings was to be levied against anyone who paid or received more.² In addition, "no commodity should be sold at above four pence in the shilling [33%] more than it cost for ready money in England; oil, wine, etc., and cheese, in regard to the hazard of bringing, etc., (excepted)."³

Weeden comments drily that "These regulations lasted about six months and were repealed."⁴

There was an attempt at about the same time to regulate trade with the Indians . . . with the same result. The price of beaver-skins (an important article of trade at the

time) was set at no more than 6 shillings a skin with a "fair" profit of 30% plus cost of transportation. A shortage of corn, however, drove the price of that commodity up to 10 shillings "the strike," and sales of this dwindling supply to the Indians were prohibited. Under this pressure, beaver advanced to 10 shillings and 20 shillings per pound; "no corn, no beaver," said the native. The Court was obliged to remove the fixed rate, and the price ruled at 20 shillings."⁵

The offshoot of the Massachusetts Bay Colony in Connecticut experienced the same artificial efforts to control prices and to divert trade from its natural courses. One nineteenth century historian has briefly summed up these attempts. "The New Haven colony," he wrote, "was made notorious by its minute inquisition into the details of buying and selling, of eating and dressing and of domestic difficulties. Then the people were mostly of one mind about the wisdom of such meddling, the community was small and homogeneous in population and religious sentiments. If such legislative interference could have been beneficent, here was a favorable opportunity. It failed utterly. The people were wise enough to see that it was a failure."⁶

The effects of controls on prices and wages were by no means confined to the English-speaking colonies in North America. In the territory that is now the State of Illinois, French settlers were faced with similar harassments from a far away government. In a history of that part of French North America, Clarence Alvord notes: "The imposition of minute regulations issued from Versailles had been a burden upon the beaver trade. Fixed prices for beavers of every quality, that had to be bought, whatever the quantity, by the farmers at the Canadian ports, had made impossible a free development and had reduced the farmers one after another to the verge of bankruptcy . . . an order was issued on May 26, 1696, recalling all traders and prohibiting them from going thereafter into the wilderness . . . [though] complete enforcement of the decree was impossible."⁷

The sporadic attempts during the seventeenth and early eighteenth centuries to control the economic life of the American colonies increased in frequency with the approach of the War of Independence.

One of the first actions of the Continental Congress in 1775 was to authorize the printing of paper money . . . the famous "Continental." Pelatiah Webster, who was America's first economist, argued very cogently in a pamphlet published in 1776 that the new Continental currency would rapidly decline in value unless the issuance of paper notes was curbed. His advice went unheeded and, with more and more paper in circulation, consumers naturally began to bid up prices for a stock of goods that did not increase as fast as the money supply. By November, 1777, commodity prices had risen 480% above the pre-war average.⁸

The Congress, however, at least when addressing the public, professed not to believe that their paper money was close to valueless but that prices had risen mainly because of unpatriotic speculators who were enemies of the government. "The real causes of advancing prices," one historian notes, "were as completely overlooked by that body as they were by Lysias when prosecuting the corn-factors of Greece. As the Greek orator wholly attributed the dearthness of corn to a combination among the factors, so did Congress ascribe the enormous advance in the price of things to the action of those having commodities for sale."⁹

On November 19, 1776, the General Assembly of Connecticut felt impelled to pass a series of regulations providing for maximum prices for many of the necessities of life. It also declared that "all other necessary articles not enumerated be in reasonable accus-

tomed proportion to the above mentioned articles."¹⁰ Another similar act was passed in May, 1777. By August 13, 1777, however, the unforeseen results of these acts became clear to the legislators and on that date both acts were repealed.¹¹

In February 1778, however, the pro-regulation forces were again in the ascendancy and Connecticut adopted a new tariff of wages and prices. Retail prices were not to exceed wholesale prices by more than 25% plus the cost of transportation.¹² In a few months it became evident once again that these controls would work no better than the former attempts and in June 1778, the Governor of Connecticut wrote to the President of the Continental Congress that these laws too, "had been ineffectual."¹³

The Connecticut experience, of course, was by no means unique. Massachusetts, among other states, went through almost exactly the same on-again, off-again syndrome with its own version of wage and price controls. In January 1777, a law was passed imposing "maximum prices for almost all the ordinary necessities of life: food, fuel and wearing apparel, as well as for day labor . . . so far as its immediate aim was concerned," an historian concludes, "the measure was a failure."¹⁴ In June 1777, a second law was passed (a Phase II), on the ground that the prices fixed by the first law were "not adequate to the expense which will hereafter probably be incurred in procuring such articles."¹⁵ A few months later, in September, the General Court of Massachusetts, convinced that the price-fixing measures "have been very far from answering the salutary purposes for which they were intended" completely repealed both laws.¹⁶

In Pennsylvania, where the main force of Washington's army was quartered in 1777, the situation was even worse. The legislature of that commonwealth decided to try a period of price control limited to those commodities needed for the use of the army. The theory was that this policy would reduce the expense of supplying the army and lighten the burden of the war upon the population. The result might have been anticipated by those with some knowledge of the trials and tribulations of other states. The prices of uncontrolled goods, mostly imported, rose to record heights. Most farmers kept back their produce refusing to sell at what they regarded as an unfair price. Some who had large families to take care of even secretly sold their food to the British who paid in gold.

After the disastrous winter at Valley Forge when Washington's army nearly starved to death (thanks largely to these well-intentioned but misdirected laws), the ill-fated experiment in price controls was finally ended. The Continental Congress on June 4, 1778, adopted the following resolution:

"Whereas . . . it hath been found by experience that limitations upon the prices of commodities are not only ineffectual for the purposes proposed, but likewise productive of very evil consequence; to the great detriment of the public service and grievous oppression of individuals . . . resolved, that it be recommended to the several states to repeal or suspend all laws or resolutions within the said states respectively limiting, regulating, or restraining the Price of any Article, Manufacture or Commodity."¹⁷

One historian of the period tells us that after this date commissary agents were instructed "to give the current price . . . let it be what it may, rather than that the army should suffer, which you have to supply and the intended expedition be retarded for want of it." By the Fall of 1778 the army was fairly well-provided for as a direct result of this change in policy. The same historian goes on to say that "the flexibility in offering prices and successful purchasing in the country in 1778 procured needed winter supplies wanting in the previous year."¹⁸

Footnotes at end of article.

The American economist, Pelatiah Webster, writing toward the end of the War of Independence in January, 1780, evaluated in a few succinct words the sporadic record of price and wage controls in the new United States. "As experiment is the surest proof of the natural effects of all speculations of this kind," he wrote, "... it is strange, it is marvelous to me, that any person of common discernment, who has been acquainted with all the above-mentioned trials and effects, should entertain any idea of the expediency of trying any such methods again. ... Trade, if let alone, will ever make its own way best, and like an irresistible river, will ever run safest, do least mischief and do most good, suffered to run without obstruction in its own natural channel."¹⁰

FOOTNOTES

¹ Weeden, William, *Economic and Social History of New England, 1620-1789*, New York, 1890, vol. 1, p. 99.

² *Ibid.*

³ Winthrop, John, *The History of New England from 1630-1649*, Boston, 1825, vol. 1, p. 116.

⁴ Weeden, loc. cit.

⁵ *Ibid.*, p. 98.

⁶ Connecticut, Bureau of Labor Statistics, *Third Annual Report for the Year Ending November 30, 1887*, Hartford, 1887, p. 225.

⁷ Alvord, Clarence, *The Illinois Country, 1673-1818*, Springfield, Ill., 1920, pp. 106-08.

⁸ Bezanson, Anne, *Prices and Inflation During the American Revolution*, Philadelphia, 1951, p. 35.

⁹ Bolles, Albert, *The Financial History of the United States*, New York, 1884, vol. 1, p. 160.

¹⁰ Connecticut, *Public Records of the State*, Hartford, 1894-1922, vol. 1, p. 62.

¹¹ *Ibid.*, p. 366.

¹² Sumner, William Graham, *The Financier and the Finances of the American Revolution*, New York, 1891, vol. 1, p. 65.

¹³ *Ibid.*, p. 66.

¹⁴ Harlow, Ralph, *Economic Conditions in Massachusetts During the American Revolution*, Cambridge, Mass., 1918, p. 167.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Journals of the Continental Congress*, New York, 1908, vol. 21, p. 569.

¹⁸ Bezanson, op. cit., p. 86.

¹⁹ Webster, Pelatiah, *Political Essays*, Philadelphia, 1791, pp. 65-66.

IMPEACHMENT POLL DRAWS HEAVY RESPONSE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. GAYDOS. Mr. Speaker, during the past year, numerous individuals and private groups have taken polls or surveys in an effort to determine public opinion on the highly controversial and delicate question of the possible impeachment of the President.

In an effort to compare the feelings of residents within the 20th Congressional District of Pennsylvania with those expressed elsewhere in the Nation, I recently conducted my own poll. The results have just been tabulated and I was most impressed with the response.

Nearly 60,000 answers were received and many of them were accompanied by a note or letter expanding on the individual's views. Generally speaking, it ap-

pears the results are in line with other surveys.

In counting the 59,517 responses, my staff found 19,216, 32 percent, felt the President should continue in office; 15,607, 26 percent, felt he should resign; and 24,694, 42 percent felt he should be impeached.

However, I feel it imperative that it be pointed out that many of the responses were couched in terms which made it unmistakably clear that the residents of the 20th District are aware of the legal procedures which must be followed in this matter. The one overriding message contained in the accompanying comments was that the individual's opinion was based on the knowledge that no legal evidence has yet been presented to the proper authorities who must decide this question. They urged me to base my decision on this question on the evidence presented; not public opinion polls based on news media reports. I have given them my assurance this will be the case.

Mr. Speaker, I am proud of the people I represent in the House. They do want to be a part of their Government. They are willing to share their opinions with their elected officials. They do so, without hesitation, but they also have shown they form those opinions, to a great extent, on sound reasoning and not on unfounded speculation.

150 YEARS OF SERVICE

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. WALSH. Mr. Speaker, any observance of longevity is noteworthy, but it is especially significant when the celebration marks a milestone in continuous religious service to a community.

I am proud to represent in Congress the village of Marcellus, N.Y., where 150 years ago this year was founded St. John's Episcopal Church.

The first meeting of the congregation, in 1824, was held at the site of the first schoolhouse in what was then a tiny village. The first pastor was Rev. Augustus L. Converse. In 1881, St. John's erected the church which has since been the congregation's permanent home, at Orange and Maple Streets.

For the past several months, under the leadership of the present rector of St. John's, my longtime friend, Rev. M. Dennis Lee, and an outstanding citizen's committee, the congregation has been observing their sesquicentennial with a series of special events which culminate on May 4 and May 5.

On May 4, a national recognition dinner will be held, and sesquicentennial services are to be conducted at the church the following morning. The Right Reverend John E. Hines, presiding bishop of the Episcopal Church of the United States, and the Right Reverend Ned Cole, Jr., bishop of the Episcopal Diocese of Central New York, will join

with Reverend Lee in offering blessings for St. John's.

The history of St. John's Episcopal Church has been an inspirational one to people of all faiths, not only in Marcellus but throughout central New York, and I am proud to call their sesquicentennial observance to the attention of my esteemed colleagues.

KICKING THE CORPORATIONS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. MICHEL. Mr. Speaker, I yield to no one in this Congress in the extent of my commitment and support for the private enterprise system which has given our country the highest standard of living in the history of the world. That does not mean, however, that there are not times when I get a little annoyed with the poor judgment which is exhibited from time to time by our friends in the private sector.

In that regard, I noted an editorial in current issue of the *Farm Journal* entitled "Kicking the Corporations" which makes the point that some of the fire that the corporations have drawn, they have brought on themselves. The editorial winds up with a series of suggestions from the editors of the *Farm Journal* and I commend its message to my colleagues. I insert the text of the editorial in the Record at this point:

KICKING THE CORPORATIONS

Everybody—manufacturers, labor unions, retailers and the government—gets blamed when inflation rages as it does today.

But "the big corporations" have drawn extra fire this winter—some of which they brought on themselves. The oil companies set some kind of a record for poor judgment when they were quoted as boasting of 25% to 50% increases in earnings the very month they raised gas and fuel oil prices 5¢ to 15¢ a gallon.

A concerted attack against corporations has been building for some time. Some farm groups are so angry with the grain exporting companies that they want the government to handle all our overseas sales. The financial difficulties of Penn Central and other railroads have left some people believing that private enterprise no longer can handle big basic industries.

Irving Kristol, a political scientist at New York University, writes: "When hostility to big business goes beyond a certain limit, there seems no alternative to some form of nationalization." And sure enough, Sen. Adlai Stevenson (D., Ill.) has proposed setting up a half-billion-dollar federal corporation to bring "more competition into the oil business."

Corporations usually can defend themselves. But this winter they have been either silent or ineffective—possibly because they feel trapped between the devil and the deep.

Right now they need enormous amounts of capital to build new plants and catch up with demand. So they raise their prices and try to earn more. If they succeed, they want to brag about their earnings to prospective investors, who are scattered out there among the very people seething about the higher prices.

As with everyone else, their problem is inflation. *Forbes Magazine* reports that if you correct 1973 interest and dividends for the inflation we suffered, on the average every major type of investment lost money last year. Corporations try to retain enough earnings to pay at least part of the cost of new plants. But the *Wall Street Journal* reports that when you correct for inflation, retained earnings in 1973 were only about a tenth of what they were in 1965.

The average person doesn't know this. Neither do they understand corporate language. So misunderstanding and distrust are the real corporate problems.

Before public sentiment sweeps us further in the direction of nationalization, *Farm Journal* urges a thorough review of laws regulating corporations. We suggest these areas as worthy of investigation.

1. *Requiring corporations to follow uniform accounting procedures.* For instance, inventories of raw materials and manufactured products are part of a company's assets. Some companies value these at their current replacement cost. Others, to increase apparent profits, value them at their original cost. The average investor can't compare earnings of two such companies.

2. *Require companies to follow uniform and simplified methods of reporting their earnings.* Recently we overheard a college student rail against an oil company that had just reported "a profit of 45%." "Wait a minute," we said. "That wasn't a 45% profit, but a 45% increase over last year's profits. So if dividends amounted to 2% last year, they'd be only 3% this year." "Well why don't they say so?" she shot back.

3. *Find a better means of compensating corporate officers.* The widespread use of stock options and bonuses for showing immediate profits almost guarantees that many officers will have a conflict of interest with their long-term investors. There's too much temptation to go for short-term gain at the neglect of long-term growth, which may explain some current shortages.

Unless we move to restore confidence in our free-enterprise system, we risk losing it. And government-operated enterprises are never as efficient nor as responsive to the public. As Professor Kristol points out: "Once established, a government-operated enterprise and its motives appear beyond reproach."

INTERNAL SECURITY COMMITTEE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. DORN. Mr. Speaker, the House Internal Security Committee, under the dynamic leadership of Chairman RICHARD ICHORD, has been an unsurpassed positive force in protecting our democratic, free society against subversive elements. The committee should be continued; its proper jurisdiction over internal security matters should be confirmed again by the House. Especially on this May Day 1974, Mr. Speaker, we urge the House to authorize a continued mandate for the vital and essential congressional committee. In some countries the first day of May is traditionally marked by goose-stepping and glorification of the all-powerful state. Individual freedom and liberty is discounted. Mr. Speaker, these gigantic ceremonies should be a constant reminder of elements at home as well as abroad that are

dedicated to the destruction of liberty and representative government.

As chairman of the Veterans Affairs' Committee I am especially mindful and appreciative of our veterans and veterans organizations' support for continuation of the House Internal Security Committee. Mr. Speaker, I commend our veterans for this action. On this May Day 1974 I urge all Americans who believe in freedom and national security to join them.

FRANK (WHITEY) CLIFTON

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LEHMAN. Mr. Speaker, a friend of the citizens of the 13th Congressional District of Florida was recently honored for an outstanding record of public service.

Captain Frank "Whitey" Clifton of the Metropolitan Public Safety Department's North Dade District was the guest of honor at a testimonial dinner at the Deauville Hotel.

"Whitey" became the commander of the North District in 1968. In the last 6 years, his attitude and devotion to duty have helped build a community pride in its police force.

I insert the following list of those honoring Captain Clifton be included in the RECORD along with this article from the Miami Herald about the dinner.

RECOGNITION OF SERVICE OF CAPTAIN FRANK CLIFTON

At testimonial dinner Saturday, February 16, 1974, sponsored by the North Dade Chamber of Commerce.

Memorandum of recognition from The White House.

Letter of appreciation from Gov. Reubin Askew.

Letter of appreciation from State Senator Robert Graham.

Proclamation of recognition and appreciation by the Dade County Commission.

Certificate of appreciation from the City of North Miami Beach.

Plaque presented by The Fraternal Order of Police.

Plaque presented by The Greater Miami Beach Motel Association.

Plaque presented by The North Dade Kiwanis Club.

Plaque presented by The North Dade Chamber of Commerce.

SAFETY OFFICIAL IS HONORED BY N. DADE CHAMBER

(By Cathy Grossman)

Frank (Whitey) Clifton, commander of the Public Safety Department's North Dade District, was honored by North Dade merchants, motel owners and fellow policemen Saturday "for those intangible qualities that make a fine officer."

"I'm glad to see the community recognizing a man for these intangible qualities—good relations with the community and a special ability to mold good new young men," Public Safety Director E. Wilson Purdy said.

Purdy was among the 225 North Dade residents gathered at a testimonial dinner at the Deauville Hotel to commend Clifton for his service as "police chief of our community."

Clifton circulated around the room full

of wellwishers, being teased to crinkly eyed-laughter about a rald along motel road in Sunday Isles Friday night in which police made a record number of prostitution arrests.

Clifton, 50, a World War II Navy veteran worked in construction and hotel management before he joined the Public Safety Department in 1954 and became a member of the department's first police academy training class.

"Whitey was always the hardest working one of us," Sgt. Robert Duncan, another member of Training Class One, recalled Saturday.

In 1959, Clifton was named sergeant and organized and supervised the first rescue squad for the department.

He became a captain and commander of the 170 square mile North District, which stretches from the Broward County Line to 95th Street between the ocean and the Collier County Line.

The North Dade Chamber of Commerce, which sponsored the dinner and has the same boundaries except that it only reaches south to 119th Street, gave Clifton a plaque for his dedication.

So did the Greater Miami Beach Motel Association and the Fraternal Order of Police and the Kiwanis. There was a proclamation from Metro Mayor Jack Orr and there would have been a certificate from the city of Surfside "but the one they were going to give him just didn't look as fine as it should for someone like him so we have to get another ready," a Surfside councilman said.

Clifton, father of three including Central District officer Mike Clifton, has "stacks of certificates at home," his wife, Edith said.

Is there one which made him proudest? "Yes, winning the PBA Golf Tournament," Clifton said, blue eyes winking.

BLUE COLLAR BLUES—JOB OR EMOTIONAL ALIENATION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. DERWINSKI. Mr. Speaker, at a time when this Nation is braving its major labor disputes in key industries with issues such as wage increases, it is timely for us to consider the subject of attitudes of employees toward their assignments.

A column by John D. Lofton, Jr. in the March 16 Sentinel Star of Orlando, Fla., devotes itself to the subject of "Blue Collar Blues."

This is a very penetrating and I emphasize timely commentary which I believe is too often a subject that is misunderstood and not given sufficient judgment.

The article follows:

BLUE COLLAR BLUES—JOB OR EMOTIONAL ALIENATION

(By John D. Lofton, Jr.)

WASHINGTON.—Remember the "Blue Collar Blues?" The idea that we had to drastically change our society and economy because the capitalistic system was alienating, frustrating and dehumanizing the American working man?

The BCB soared to the top of the charts in late 1972 and remained there through early 1973. Everybody was singing it, humming it, or talking about it. Television networks ran specials about the subject; newscasts reported on it; Time magazine did an entire essay on the topic; and the Depart-

ment of Health, Education, and Welfare put out a report on it.

Now comes a field survey of automobile workers engaged in production line work—written about in the February issue of Archives of General Psychiatry—which reveals no more evidence of unrelatedness, loneliness, boredom, life dissatisfaction, work dissatisfaction, or depression than among their spouses. Where these phenomena do occur, the article says, they are usually a part of a broader pattern of emotional illness characteristic of diagnosed patients drawn from the same population.

Conducted by three doctors from Rutgers Medical School, the survey compared and contrasted the feelings of two groups of United Automobile Workers of America members employed at a General Motors plant in the Baltimore, Md., area.

The groups were UAW employees diagnosed as "mentally ill" by the Department of Psychiatry of the Johns Hopkins Hospital, and UAW employees found to be "well." Both groups were employed in the same industrial plants, members of the same social class, lived in the same residential areas, and did not differ substantially in annual family income or other demographic features.

Of all the workers, 95 per cent reported themselves as satisfied with their jobs, 71 per cent reported no part of their work as tiring or upsetting. Loneliness and life dissatisfaction were found to be uncommon in the worker population, except among emotionally disturbed workers.

The prevalence of these alleged symptoms of repetitive production-line work was low for the UAW general population. Satisfaction levels were high compared to studies of other populations.

To ethnocentric egomaniacs such as Charles Reich, author of "The Greening of America" who has said that no independent person with a strongly developed aesthetic sense could be happy in a factory job, the doctors issue a warning:

"To impute boredom, alienation, anomie, or the seeds of mental illness to another man's work or existence is a hazardous thing. To some blue collar workers, the social scientist's preoccupation with books, dry articles, tables of statistics, and obsessive academic discourse must seem more boring, more alienating, more fraught with anomie, than his own existence. That worker might provide excellent evidence that the lonely, dissatisfied social scientist has a much higher rate of surveyed mental illness, psychiatric utilizations, and suicides than any UAW population.

Noting that two months after their survey was completed the UAW local went on strike to settle issues related to job security, the doctors also warn against equating job satisfaction with smug acceptance of life as it is:

"Our ethnocentrism should not blind us to the effective coping patterns of those workers. Living in stable neighborhoods they have effectively seized control over their own destiny and security through a powerful yet highly democratic union.

"The job is not the center of their lives, or its source of meaning, but a means toward enjoyment of other pursuits and security. This is what the strike was about. It certainly was not a vague, unfocused rebellion against alienating work. The Marxian image of the powerless, alienated worker may describe these union members less than ourselves!"

Observing that their findings are a tribute to the worker's emotional flexibility and adaptability, not the delights of assembly line work, the article concludes:

"In any case, even if subsequent work were to demonstrate clearly the 'alienation' of the worker from his job, in the sociologic sense one would have to wonder about the meaningfulness of the concept if it is vir-

tually without psychological effect on the worker as these data suggest."

Good point, Charlie? Time? HEW? Anybody?

ANNIVERSARY OF THE POLISH CONSTITUTION, MAY 3

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ROONEY of New York. Mr. Speaker, in these days when constant attempts are being made to chisel away at our personal rights—when daily we find ourselves having to defend our rights as free men and women, we take great satisfaction in being able to stand fast under the protection of our own great Constitution. It is this hallowed document which safeguards us against those who would limit our freedom or impose unwarranted burdens upon us.

The Constitution of the United States stands as a mighty fortress against those in and out of public office who would withhold our precious rights or who would impose mandatory adherence to controls which are not in keeping with the determination of our forebears who so wisely produced and adopted our Constitution.

Mr. Speaker, let us all bear in mind that our magnificent manifesto has had tremendous influence on the people of other nations as well as America. This is particularly true with respect to the people of Poland who 183 years ago this Friday adopted their own constitution which was patterned to a large degree upon our own American Constitution. In view of our close kinship with the Polish people and because of the great similarity of our two Constitutions we can truly join enthusiastically with all our Polish friends here and abroad in celebrating Polish Constitution Day.

It is unfortunate indeed that the people in Poland today find it difficult if not impossible to celebrate this historical event because of the shackles imposed upon them by their Communist puppet leaders.

These shackles of serfdom represent the evils which the Polish Constitution sought to guard against. So it is that the observance of this day will not be one of jubilation and rejoicing as was true during Poland's first, but all too brief, taste of freedom. But with flame of eternal hope burning in the heart of every Pole for a return of his sovereign independence and his personal freedom we can join our friends in observing May 3 with great sympathy and understanding. We can use this occasion to recall the many instances when the courageous people of Poland have risen up against their slave masters and have fought valiantly for their freedom. We can recall with sadness the numerous times when Polish valor has been overcome by military might and any freedom gained has once more been lost. This day then becomes one of sober recollection—a day with too little joy and too much sorrow. It becomes a day of

thanksgiving for the strength of our own Constitution and for the latent greatness of the Polish Constitution.

As history is bound to repeat itself we can have confidence in a future where Poland will once again be free and living under her beloved Constitution. To achieve that goal is the vital part of our destiny—fulfillment of our longtime pledge to hasten the dawn of new and complete independence for the people of Poland. To this end we must rededicate our efforts. Only in helping Poland's millions attain freedom can we be deserving of the rights and privileges which are ours to enjoy under our own Constitution. Only when every Pole has full protection can we fully enjoy our own independence. Meantime, greetings to all and best wishes to all Polish people here and abroad on this important date in their lives.

HIGH COST OF OSHA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ASHBROOK. Mr. Speaker, in April of 1971, the Occupational Safety and Health Act, commonly known as OSHA, went into effect. The result has been a disaster for the businessman, the employee, and the consumer.

The supposed justification for this act is to create a safer working environment for employees. This is certainly a worthy goal. Work-related injuries should be reduced and health hazards eliminated whenever possible.

Federal regulation through OSHA, however, is undoubtedly one of the worst ways of achieving that result. As many businessmen will attest, the act has meant unnecessary harassment of employers and substantial increases in the cost of doing business. A survey released by McGraw-Hill publications estimates that OSHA cost business \$2.5 billion in 1972 and \$3.1 billion in 1973.

The small businessman and the consumer are the ones who usually suffer most from these increased costs. The employee, however, can also be an unwilling victim of OSHA. If a business closes because it is unable to meet higher costs resulting from OSHA regulations, it is the employee who suffers.

The specter of business closure is more than a hypothetical possibility. Hundreds of small businesses have already been forced out of business by heavy fines and impossible demands.

Ironically, many of the demands made by OSHA officials hardly seem necessary. As one employee stated after losing his job when the company was unable to afford changes ordered under the act:

After all, is it better to have a job where there are some minor risks of injury—or no job at all? Even though my employer would have been required to make substantial modifications in our facilities to meet the standards, we never had an on-the-job injury in all the time I worked there.

Farmers also are being subjected to more and more OSHA regulations. Regu-

lations are being promulgated which will affect a small family farm as well as the larger ones. Tractors and most other types of farm machinery are covered by new standards which many farmers believe will be difficult and costly to meet.

Even comprehending what is expected under the act is a difficult task. Farmers and businessmen are presented with a bewildering array of detailed regulations. Understandably they are at a loss to know which ones apply to them. Their first realization of a violation may well be when a Federal inspector fines them for noncompliance.

In 1970 when OSHA was reported from the House Committee on Education and Labor of which I am a member, I and a few of my colleagues raised serious questions as to the effects of OSHA. At that time we stated,

Poor safety laws can and have done more harm than good. Mistakes we make now will have a serious impact on workers and on the state of our economy. We must also recognize that this legislation will affect nearly every aspect of the employment relationship.

This warning has proven all too accurate. As I have previously stated, the Occupational Safety and Health Administration is promulgating standards that cover the small businessman the same as the large corporation. Small businessmen are being required to spend much time filling out forms to meet standards which are vague at best. Furthermore, farmers are also covered by OSHA regulation—be they running small family farms or large corporate enterprises. The regulations make no distinctions. Previously I have asked the Secretary of Labor,

Is the Occupational Safety and Health Administration going to be sending snoopers to every farm in the country to check on tractors, mowing machines and other farm equipment?

Unfortunately, that possibility exists.

OSHA has had some successes. It has created more work for Government officials and more redtape for small businessmen and farmers. Quoting again minority views on the original OSHA legislation,

But to those who cherish constitutional due process—to those who know from long experience that job-safety and health programs developed in an uncoerced, cooperative context hold the best hope for continued progress—and to those who believe that American working men and women deserve more than an unworkable legislative deception—the Committee's action in approving H.R. 16785 is a tragedy . . .

I had serious doubts about the OSHA bill and voted against its adoption when it came up for final passage in the House. Events since that time have confirmed my doubts. Passage of OSHA was a mistake—a mistake that Congress should move to correct.

LNG SAFETY LACKING

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. PATTEN. Mr. Speaker, there is currently before the Federal Power

Commission a series of applications which request permission to, among other things, ship and store Algerian liquefied natural gas to Staten Island, N.Y., and construct a pipeline under the Arthur Kill waterway situated between Staten Island and Woodbridge, N.J. I have openly opposed this project, principally on the grounds of safety.

In the full Appropriations Committee last Thursday morning, we voted over \$2 billion to help solve the energy crisis through research and development of alternative sources of energy. I asked the chairman whether there is any testimony concerning the transportation of LNG through the Raritan Bay. I have tried to get some answers from industry, from the FPC and the Department of Transportation's Office of Pipeline Safety as to safety precautions with no satisfaction.

The fact is that over 200 LNG storage tanks are in operation or under construction in the United States, and yet I am not satisfied that the safety considerations regarding the transportation of LNG through our waterways has been properly and completely explored. I must conclude that the administration is trying to protect the industry. I want the Members of Congress to read an editorial from the News Tribune of Woodbridge, N.J., regarding the recent investigation and study of the February 1973 explosion of an empty LNG tank. The findings of the committee are shocking and deserve to be answered.

The editorial follows:

LNG TANK SAFETY

In February, 1973, a fire broke out in a huge empty liquefied natural gas (LNG) storage tank on Staten Island. Forty workmen were killed.

The tragedy, which focused attention on LNG storage tanks as never before, prompted a congressional investigation. Last week, investigators for Congress reported back that federal safety regulation of LNG tanks is plagued by "duplication of effort, fragmentation of responsibility, and inefficient administration."

The investigators said the Federal Power Commission (FPC) and the Federal Department of Transportation's Office of Pipeline Safety (OPS) both "are doing the same job, and neither of them is doing it well."

The investigators found out that the OPS had never inspected the giant Staten Island tank before the day of the tragic fire.

As for the FPC's investigation of the fire, the congressional subcommittee that made the investigation called the FPC probe "regulatory window dressing . . . a campaign to inflate the FPC's role in safety and enhance its visibility" before the public.

The congressional team also said subsequent FPC efforts at safety regulations "appear more cosmetic than substantive."

It was urged that the FPC leave responsibility for LNG storage tank safety to the OPS—but the OPS was found to be "pitifully understaffed" and in need of more federal operating funds.

These are all immediate and serious problems.

As the congressional investigation pointed out, "more than 200 LNG storage tanks are in operation or under construction in the United States and more are contemplated."

How many of these have not been, and may never be, inspected?

Although the Staten Island disaster bore little relation to the safety problems normally associated with the storage of highly

flammable LNG—the fire struck at a time when the tank was empty and undergoing repairs—the congressional investigation has pinpointed defects that demand correction.

THE CASE FOR A FEDERAL OIL AND GAS CORPORATION—NO. 25

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. HARRINGTON. Mr. Speaker, I wish to insert into the RECORD an editorial which appeared in the Economist on March 24 concerning the Federal Oil and Gas Corporation. The article eloquently demonstrates the danger of allowing the major oil companies to monopolize our Nation's energy resources and endorses the Corporation as a necessary competitive spur to the petroleum industry. In so doing the Economist clearly underscores the need for a public oil company, and I would like to direct my colleagues' attention to the article at this time. The text follows:

TVA FOR OIL?

Already some of the hastily assembled energy legislation of last year is beginning to backfire. Congress included in the Emergency Petroleum Allocation Act a provision which requires all refiners to share equally all supplies of domestic and foreign crude oil. The idea was partly to spread the crude around the country, partly to keep the small independent refiners in business. But of the companies rich in crude supplies—Mobil, Shell, Amerasia-Hess, Gulf—some have balked at having to sell to their competitors at what they consider to be inadequate prices, and they have been diverting their foreign supplies of crude to Europe and Japan for better prices. Gulf Corporation, which has been ordered to sell 11.6 million barrels by May 1st, is in fact suing the Federal Energy Office for what it claims amounts to "unlawful taking of private property". And the Federal Energy Administrator, Mr. William Simon, has since asked Congress to think again and substitute something more flexible.

The survival of the independent oil refiners, as a spur to competition, is also very much a concern of the Federal Trade Commission. As a follow-up to the anti-trust complaint that it made last summer against eight of the country's largest oil companies, it has just issued a staff report urging that these companies be forced to sell 40-60 per cent of their refining capacity to some 10 to 13 new firms, specially formed for the purpose.

As a helping hand, these new companies should acquire some of the pipelines owned by the oil majors. The FTC report also asks for a ban on any further acquisition of refineries by the eight companies. By way of justification, the study details the interlocking nature of the big oil companies which, it says, discourages competition. For example, the Chase Manhattan Bank is both the largest shareholder in Atlantic Richfield and the second largest shareholder in Mobil. The ties between banks and the eight oil companies are so strong that competitors find it extremely hard to get financing. But the FTC complaint is certain to end up in the courts and a resolution of the matter will take years.

Of more immediate solace to the independent oil producers and refiners is a consumer energy bill being prepared in the Senate Commerce Committee. It provides a wide

variety of incentives, including freedom from controls, for the small oil producers whose number has declined from 40,000 in 1954 to 10,000 last year. But the bill's most startling feature is an amendment by Senator Adlai Stevenson which would set up a Federal Oil and Gas Corporation, on the lines of the Tennessee Valley Authority, created in the 1930s. Funded by \$500 m in appropriations over 10 years, the corporation would explore new oil sources, principally at home on federal lands, and it could engage in "down stream" functions such as refining and marketing if that served to stimulate competition. Freed from the both of raising capital, providing a return on capital or paying federal taxes, it would be a formidable competitor. And as such the idea is running into stiff opposition from the established oil companies which argue that such an operation could not expand oil supplies in the short run and would siphon off valuable manpower from private companies. In previous years the oil companies would only have had to raise the slogan of "creeping nationalisation" to beat a proposal such as Senator Stevenson's into the ground. But public mistrust of the oil industry's recent behaviour no longer makes that assumption so certain.

DISARMAMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include my Washington Report entitled "Disarmament":

DISARMAMENT

One of the more depressing facts of life is the amount of money the world spends for armaments. In 1961 total military expenditures were \$150 billion. At present rates of increase, by 1980 such expenditures could reach \$300-\$350 billion (again, at 1970 prices). Military expenditures are now 2½ times greater than the amount all governments spend on health, and 1½ times more than they spend on education. U.N. Secretary-General Waldheim listed the imperative need for substantial disarmament as one of the six great crises in the world.

It is no wonder, then, that governments continue to explore the problem of arms control and disarmament. As the figures make clear, it is easy to be discouraged about the prospects for arms control. Although little evidence exists that the arms race has slackened, there are some reasons to be encouraged by events of recent years. A mutuality of interest exists in the resources saved and the security gained. Both sides recognize that continuation of the arms race is unlikely to increase the security of either side and may well decrease it. And earlier arms control agreements have established a basis of confidence for larger agreements. A decade ago there was only rhetoric about arms control; today there are agreements concluded and negotiations underway.

SALT: Marking a fundamental change in international relationships in 1972, the U.S. concluded an agreement with the Soviet Union to limit each side to defensive systems and an interim 5-year accord on limiting land-based and sea-launched offensive missiles. A comprehensive agreement to limit strategic arms is not expected this year, but a more limited curb is certainly possible. Significantly, the two superpowers have announced their intention of reaching a permanent agreement on more complete measures on the limitation of arms.

MBFR: Last fall talks began in Vienna aiming at reductions in the level of military forces now stationed in Central Europe, an area of major confrontation between East and West. These talks aim at a reduction of the armies of the U.S., the Soviet Union, and East and West European countries, without diminishing the security of either side. The U.S. contends that the present numerical disparity between Eastern and Western forces should be rectified, and the Soviet Union wants to maintain the current balance of forces in its favor with proportional force reductions.

Non-Proliferation Treaty: 100 nations have signed this 1968 treaty to halt the proliferation of modern weapons, and no country has joined the "nuclear club" since 1964. This month 25 nations gathered in Geneva to begin a review of the treaty.

Nuclear Test Ban: The Limited Test Ban Treaty of 1963 bans nuclear tests under water, in the atmosphere, and in outer space. A comprehensive test ban treaty on all nuclear tests (underground testing is still occurring) has yet to be achieved, with the major obstacle being adequate verification. Since 1963 the U.S. has insisted upon on-site inspection by non-nationals of the country being inspected, while the Soviet Union has maintained that national means of detection are sufficient for monitoring a comprehensive agreement. A promising approach to the resolution of this issue lies in the improved technological capability to detect and identify nuclear explosions. The U.S. has already expended \$275 million to improve its capability in this area.

Others: Nuclear free zones have been established in Antarctica and Latin America, and other nuclear free zones have been proposed. President Nixon has announced that the U.S. will never be the first to use lethal or incapacitating chemical weapons, and will never use biological weapons. Discussions are underway to limit further chemical and biological weapons. In the U.N. and other forums a broad range of disarmament issues are being considered in an atmosphere free of exaggerated rhetoric and external pressures, and with an improving understanding of the extraordinarily complex technical issues involved in arms control.

Obviously, progress on arms control has not been rapid. Mutual distrust and divisions are deep-seated in the world, and a long process of negotiations and compromise lies ahead. But the responsibility of governments to move ahead and to build on the base of agreements already achieved is apparent. The quest for arms control is justified, not alone by the cost savings, but because limitations on arms can assure stability and security better than the highest level of armaments.

LOCAL REACTION TO REVENUE SHARING

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ZWACH. Mr. Speaker, just yesterday the Office of Revenue Sharing announced that approximately \$6.2 billion in 1975 funds will be paid out between October 1974 and July 1975.

To date, \$12.740 billion has been paid to State, county, and local governments. The 5-year law authorizes the Secretary of the Treasury to distribute \$30.2 billion to all general-purpose units of governments.

In my home State of Minnesota, our

units of government have received \$281,468,236.

On April 29 I received a letter from Mr. Tom Polansky, county administrator for Renville County, in my congressional district. Mr. Polansky's letter, writing for the five county commissioners, provides a detailed description of how revenue sharing funds were used within the county.

Renville County has made good use of the moneys they have received through Public Law 92-512. I am sure thousands of other local units of government have shown similar wise fiscal management of revenue sharing funds. The Renville letter that follows details one excellent example.

The letter follows:

COUNTY OF RENVILLE,

Olivia, Minn., April 23, 1974.

HON. JOHN M. ZWACH,
House of Representatives,
Washington, D.C.

HON. JOHN M. ZWACH: Of all programs, Federal, State or private trust, designed to give help to grass root, rural financial problems, none have approached the accomplishments of your Revenue Sharing Program.

Programs have distributed many dollars, but mostly at a dollar level above the grasp of the small county, village or township. The problems of the smaller communities, mostly rural, and generally subject to property tax levies, were financially wanting, while financial assistance was readily available in big outlays for the centers of population or big recreational projects.

We have received \$948,867, to date, of the \$1,047,826 projected for Renville County under Revenue Sharing for the Entitlement Periods ending July 1, 1974.

We have allocated, from the total moneys received, \$383,432 toward hospital facility improvement. We have matched this money with County funds and are proceeding to let contracts for the construction of a thirty-five bed hospital annex to replace old hospital rooms with improved, modern rooms complete with running water, toilet and bath facilities; a total estimated cost of \$800,000.

We have allotted \$100,000 and dedicated such funds under Social Services, to relocate the Renville County Social Services Department in rooms available in the old hospital units.

We have dedicated \$30,000 to the Renville County Public Health Nurses' Department to be located in the same area as the Social Services and have further allocated \$100,000 to improve, update and relocate the lab, X-Ray, food service and the delivery and operating facilities in the Renville County Hospital.

The pendulum of Renville County's population swings more and more to the Medicare age. These health and social service benefits are geared to programs and services for the elderly.

We have spent, or have let contracts, for the expenditure of \$213,696 of Renville County funds to acquire land rights, build and black top roads, not under a Federal or State system, in need of improvement as an aid to industry and as a link between existing improved roads. To do this necessary work with County financing would have caused a property tax increase.

We have spent \$40,000 of Renville County funds to update and modernize the County financial system and \$17,129 to insure public safety by the installation of road warning signals and the shouldering of county roads.

The County waste disposal program is financed under Revenue Sharing. We spent \$45,000 of our Revenue Sharing funds over the period 1972-1974 on ecology in Renville County.

Renville County has developed and is continuing a park and recreational program. We, now, boast five County parks with 2,000 acres of natural forested wonderland. We have built sheltered areas, comfort stations, trails and roads and continue to improve these facilities and maintain the parks using Revenue Sharing, County and donated funds. The park system has drawn \$46,390 from Revenue Sharing.

We, the Commissioners of Renville County, feel that we have done a commendable job with the use of County funds. We have developed projects sorely needed, but held off because of the property tax crisis. We feel that we have used Revenue Sharing funds in programs and services for the elderly, in the fields of ecology and recreation and in the economic development of Renville County and have in all cases caused no disservice to Renville County taxpayers.

We, the County Board of Renville County, unanimously approve Revenue Sharing and ask your support in the continuity of the program.

COUNTY BOARD OF RENVILLE COUNTY.

ADDRESS OF DR. KU CHENG-KANG
BEFORE THE WORLD ANTI-COMMUNIST LEAGUE SEVENTH CONFERENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BIAGGI. Mr. Speaker, on April 8, 1974, Dr. Ku Cheng-kang, honorary chairman of the World Anti-Communist League addressed the opening ceremony of the Seventh WACL Conference held in Washington, D.C. By means of background the World Anti-Communist League in its brief 7-year existence has grown to become a major international voice in the struggle for preservation and promotion of freedom and peace in the world.

As the United States enters into the Strategic Arms Limitation Talks with the Soviet Union, and as we continue to make agreements with both Communist powers, perhaps we should reflect on the words of Dr. Cheng-Kang, for they bear a special relevance to these times. He adds his voice to the growing crescendo which is imploring the United States to exercise both prudence and caution in all future dealings with Communist powers. He who throws caution to the wind is bound to be swept up by those same winds eventually.

At this point in the RECORD, it is my distinct honor and privilege to insert some excerpts from this timely and important address:

EXCERPTS OF DR. CHENG-KANG'S ADDRESS

Freedom and peace are the basic rights and conditions for man's survival. But Communist expansion is prejudicial to freedom and peace. Peace is a lofty ideal desired by every individual as an essential to life. To the Communists, however, peace is nothing but a continuation of war. This is why the free nations' talks of peace with the Communists have without exception failed. They have all without exception proved that such attempts are mistaken. For example, the Chung-king talks between the Chinese government and the Chinese Communists while the former was fighting the all-out Communist insurrection, the Panmunjon talks that unneces-

sarily dragged on the Korean War, and the Paris Peace Talks to put an end to the Vietnam conflict that continues up till today. All these are examples of the Communist use of alternative peace talks and battle-field maneuvers. Because of this strategem, the entire Chinese mainland fell into Communist hands, Korea and Vietnam are still divided, war in Indochina continues to spread, and the whole Asian scene is agonizingly punctuated by confusion and turmoil.

We need peace based on freedom, but negotiations with the Communists have sacrificed the freedom of over one billion people and have created a half enslaved world, with the other half constantly subjected to serious threats.

We need peace based on justice, but talks with the Communists have made the free nations disregard justice and effect withdrawal and retreat. As a result, Communist aggression is acknowledged as an accomplished fact. The freedom camp has turned weaker; and the Communists, under the protective umbrella of peace talks, have kept on enhancing their strength for aggression.

We need peace based on honor, but the many conference sessions involving the Communists have turned meaningless all the strenuous efforts exerted by free nations in the last three decades for the containment of expansionist Communism. All the bloodshed on the Chinese mainland, the Korean peninsula and Indochina has become meaningless humiliation and sacrifice in vain.

We need lasting peace, but by inviting the Communists to the conference table, we gain only a moment's breathing spell. Not even a momentary ceasefire is achievable. The continuous fighting in Indochina cruelly negates the effectiveness of any ceasefire accord with the Communists.

We need effective peace, but peace talks have given the Communists enough time to develop missiles and nuclear warheads for better preparedness to bring on a holocaust. Through global naval expansion and development of strategic weapons, Soviet Russia is posing a serious threat to peace. The Chinese Communists have not yet fully grown their nuclear tooth, but they are already being treated by the United States as a potential initiator of nuclear warfare.

We need collective peace, but the Communist peace talk offensive has made the free world's collective security system shaky and the entire freedom camp verges on disintegration and collapse. Such talks have produced in free nations a wishful thinking that peaceful coexistence with the Communists may come about. This amounts to spiritual self-disarmament, thereby providing the Communists with further golden opportunities to divide and conquer.

All these factual results of negotiations with the Communists are enough for us to arrive at the conclusion that talks with the Reds, instead of bringing about the kind of peace we pursue, only inflict irreparable damage to the freedom and security of the free world.

Ladies and gentlemen, for this WACL Conference, we have advanced "Peace Is . . . Freedom and Justice for All" as our guideline of determined endeavor. In so doing, we have pointed out to all the freedom and peace-loving people of the world a broad avenue that they should faithfully follow. This is to say that we must staunchly resist Communist aggression, strive for final victory, and attain a durable peace with freedom and justice for all. Our endeavor is based on the fact that to be free, we must first of all eliminate slavery and avoid being enslaved; that justice demands due respect for free people's common wishes, interests, rights and dignity; and that peace to be possible requires the pooling of forces for freedom and justice to fight against aggression and eliminate the very sources of troubles. The WACL at the present stage should concentrate it-

self on further rousing the freedom- and justice-loving people to a concerted crusade for an enduring peace for all of mankind. History is now about to witness great changes as the surging anti-Communist situation is taking a new shape. At this crucial moment, WACL leadership is ever more urgently important. For this reason, we must now move as follows:

First of all, we must establish the principle of freedom with justice. Since anti-Communism calls for consistent effort in a domain involving both ideology and action, we must, if we are to achieve an anti-Communist victory, launch a full-scale spiritual mobilization of all the free people for the enunciation and application of a common principle for the promotion of justice and safeguard of freedom and human dignity. With this end in view, we firmly advocate the following:

The depotism of the Communist hierarchy and the Communist system of enslavement must be forever eliminated from the history of man.

The Iron Curtain that confines people in servitude and prevents free exchange of visits should be torn asunder.

The results of Communist aggression should under no circumstance be recognized as accomplished facts.

Freedom is indivisible and can never coexist with slavery.

Full support should go to the enslaved people's struggle for freedom from fear and oppression.

The Communist plot to corrupt and poison the free world with narcotics and other means should be completely foiled.

Peace should be sought only under the conditions of national independence, racial equality and freedom of the people.

Differences and disputes among the free nations should be effectively talked over and settled. Individual needs of the states should be accommodated for the good of the whole.

All the freedom-loving people, irrespective of race, nationality, region, creed and profession, should promote unity and cooperation in good faith and strive together to the very end for winning the freedom based on justice.

Philosophical thoughts and cultural patterns of the East and the West should be amalgamated through adequate interflow and mutual enhancement, combining the Western humanism with its concepts of freedom, equality and fraternity with the Eastern humanism—loyalty, filial piety, fraternity, faithfulness, propriety and peace.

We must adopt superlative global strategies for safeguarding peace. For peace to be secure, free nations must be able to preserve their own security and to take effective counter-measures against aggressors. Politically, free nations must be strong enough to foil the Communist united front schemes and institute a stable order on the solid foundation of a democratic society. In the economic field, our moves must be for mutual benefit and common prosperity so that gaps between the poor and the rich can be narrowed down and overall growth rates are heightened through all-out development. Our global military, political and economic strategies must be thus established and effectuated.

We declare positively that to uphold freedom and security, free nations must take the road of total defense rather than precarious negotiated peace. Also to be abandoned is thought about multipolar check and balance that has in fact served to break up the freedom camp.

We also declare positively that free nations must hit back at the Communist united front strategem to set up and utilize a "third world" through maneuvers at the United Nations. The anti-Communist alliance of the people should be elevated to the level of solid governmental unity.

We further declare positively that the post-war U.S. economic aid policy for the other free nations should now be greatly strengthened. At the same time, all the other developed countries should also provide capital and technical assistance for accelerated industrialization of developing countries.

Ladies and gentlemen, science has made so much progress that man now can conquer space. But our human society is still beset with problems of tyranny and of men enslaving fellow men. In this controversy, mankind should find stinging shame as well as looming dangers. Squarely facing our responsibility to safeguard and promote man's freedom, we of the World Anti-Communist League must now call upon all those who do not wish to relegate themselves to be Communist slaves to rise gallantly to the occasion and together strive to usher in a new era of lasting peace based on freedom and justice for all. Thank you.

RESULT OF REOPENING THE SUEZ CANAL

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FLOOD. Mr. Speaker, when the Suez Canal was closed in 1967 some of the traffic using that waterway shifted to the Panama Canal and part of it went around the Cape of Good Hope. Moreover, the closure served to stimulate the construction of supertankers that are more economical to operate via the Cape than to pay canal tolls.

Today, the United States is embarking upon a huge program to reopen the Suez Canal. An appraisal of the military significance of its opening by Lt. Gen. Ira C. Eaker, U.S. Air Force, retired, a respected strategist, was published in a recent issue of the World War Officer Review, the bimonthly publication of the Military Order of the World Wars.

Because of its relevance to the unfolding world strategic situation, I quote it as part of my remarks:

RESULT OF REOPENING THE SUEZ CANAL

(By Lt. Gen. Ira C. Eaker)

If the Arab-Israeli truce and disengagement proceed on schedule, the Suez Canal will probably be reopened late this year. In fact, this may be the second most important result from the aftermath to that conflict, ranking only after the Arab oil embargo in its long-ranged, worldwide significance.

It is therefore essential to examine the probable results of that event, and its influence upon the power balance between East and West. It is likely to have dramatic international results both economically and militarily.

The Suez Canal, formerly the most important man-made roadway in sea commerce, has been closed since the Six-Day Arab-Israeli War in 1967. The principal former international users of that waterway have adjusted to its non-availability. The economy of the Free World nations have survived and expanded during this period. Larger tankers were built so that the long haul around the Cape of Good Hope did not greatly increase the price of Mid-east oil to the NATO countries. These tankers, due to their size and draft, cannot negotiate the Suez Canal, but must continue to make the longer voyage.

The European nations which had extensive military and economic commitments "East

of Suez" prior to World War II, principally Britain, France and Holland, no longer have extensive military and naval forces in those areas and their commerce with Mideast and Far Eastern countries has greatly depreciated.

The nuclear powered, super carriers of the U.S. fleet cannot use the Suez Canal due to their size and draft. The canal is no longer essential or material to the economic well being or application of military influence and power to the Western World.

The USSR, on the other hand, will derive the principal benefit from the reopened Suez Canal. This will permit the growing Soviet Navy to complete its dominance in the Middle East and to extend its naval power into the Indian Ocean.

It is significant that all the ships of the growing Soviet fleet can negotiate the Suez Canal. The Soviet Mediterranean and Black Sea fleets will find their routes to India, for example, decreased by 7,000 miles.

The Russian fleet can now rapidly achieve the superiority in the Middle East and Indian Ocean which it has recently achieved in the Mediterranean Sea.

The few remaining nations in Africa and the Middle East neutral or friendly to the West can be surrounded and isolated and forced for their survival to make an accommodation with the USSR.

Economic gains in these areas for the USSR will quickly follow inevitably. Russia is building a vast merchant marine which can operate more economically than can the merchant fleet of any Western nation, due to lower labor and fuel costs.

Russian influence on the developing nations in Africa and Asia can become dominant. NATO nations, faced with grave economic depression due to the Arab oil embargo and 470% increase in petroleum prices, can scarcely continue to aid these poverty stricken countries. The USSR and her Arab allies will be able and eager to supply this deficit and in dollars, pounds, marks, francs and lira, the result of the increased price of oil to NATO nations, estimated at \$25 billion annually. With all or most of their foreign aid coming from nations under Soviet influence, all these new, excolonial nations will reluctantly, be drawn into the communist camp.

The U.S. furnished the technical management and much of the cost of clearing the Suez Canal when it was closed by Egypt's dictator, Gamal Nasser. There have been suggestions that the U.S. again participate financially in reopening it. It is not in our national interest to support or speed its availability.

Secretary of State Kissinger has been remarkably successful as the catalyst between the Arabs and Israelis in the cease-fire and peace negotiations to date. It will take equally skillful diplomacy to avoid the disaster to the Western World which could flow from a reopened Suez Canal.

LAW DAY STATEMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. FORD. Mr. Speaker, today we commemorate the 17th Annual Law Day. The Governor of my own State of Michigan has issued an executive declaration urging all Michigan citizens to join in the observance of Law Day 1974 by participating in appropriate activities to commemorate this observance which originally was conceived in 1957.

The 87th Congress by a joint resolution signed by the President designated the first day of May each year as Law Day, USA, a permanent national day of observance.

On the occasion of the first observance of Law Day back in 1958, President Dwight D. Eisenhower stated:

It is fitting that the American people should remember with pride and vigilantly guard the great heritage of liberty, justice and equality under law. . . . It is our moral and civic obligation as free men and as Americans to preserve and strengthen that great heritage.

The theme for Law Day 1974 is "Young America Lead the Way. Help Preserve Good Laws. Help Change Bad Laws. Help Make Better Laws." This theme is especially meaningful and appropriate today. We live in historic but difficult days. Many things today cry out for change. The theme suggests the way we must make our changes. We must keep what is good, change what no longer works and step out ahead answering new challenges with new and better laws.

While it is the special role of the legal profession to serve our system of justice and make the constant yet ever changing fabric of our law a constructive, dynamic force in society, the law is everybody's business. Law Day is not a "lawyer's day," but a time for all citizens to examine how the law can better serve America.

The programs planned for Law Day in Michigan will focus especially on young America. They are planned with these objectives in mind:

To convey to youth a better understanding of the law and the American legal system.

To examine and explore areas where the law has failed to provide equality of individual rights; especially for minority groups and alienated youth in the ghettos.

To provide a realistic conception of the potential for change within the legal process.

To encourage youth to support our legal system and institutions and develop a desire to participate in the democratic process—from Michigan State Bar Journal for April 1974.

Above the entrances to the Department of Justice it is written:

No free government can survive that is not based on the supremacy of law. Where law ends tyranny begins. Law alone can give us freedom.

Mr. Speaker, I am somewhat hesitant to inject politics into this statement, but, in concluding I cannot resist the temptation to use a phrase from a past political campaign. We need respect for our laws and our Constitution, "now more than ever."

RAYSTOWN DAM ACCESS ROADS

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. SHUSTER. Mr. Speaker, I have today introduced legislation to provide for the public safety and relieve the

citizens of three townships in my congressional district of a severe and unfair financial burden. My bill would modify the authorizing language for the Raystown Dam project in Huntingdon County, Pa., to enable the U.S. Army Corps of Engineers to upgrade and maintain certain access roads in the Raystown area at a standard sufficient to safely accommodate the expected increase in visitor traffic loads caused by construction of the lake and dam.

The Raystown Lake project was authorized by the Flood Control Act of 1962 to provide badly needed flood protection along the banks of the Juniata River and its tributaries. Unfortunately, this authorizing legislation did not provide for road improvements and maintenance outside the Federal area. And the local citizens have heretofore borne the burdens created by this oversight.

Now approximately 90 percent completed, the lake is 27 miles long and as much as 10 miles wide in parts. In addition to affording the citizens of central Pennsylvania with critical protection from rising waters, the project will also create one of the largest recreation areas in the Nation. The U.S. Army Corps of Engineers, which is constructing the nearly \$70 million multi-purpose facility, estimates that it will attract some 1.8 million visitors per year, placing a severe burden on the network of roads located outside the Federal area leading into and around Raystown.

Mr. Speaker, most of these roads are township roads and have been maintained by local authorities. Prior to construction of Raystown, the roads were adequate and could safely accommodate local traffic. Since construction began in 1968, however, the roads have suffered significant damage and wear and tear by increased traffic loads and construction equipment, and can no longer be considered safe and capable of accommodating the present volume of traffic—much less the volume expected when the 1.8 million tourists come into the area.

Mr. Speaker, for over 4 years, Juniata, Smithfield and Hopewell Townships assumed the financial burden of maintaining these roads. And since construction of the dam and lake necessitated the acquisition by the Federal Government of property contributing heavily to the tax base of these townships, the strain on the local budgets has been even heavier, since their tax revenue has been significantly reduced.

Is it fair, Mr. Speaker, to expect these industrious, hard-working citizens to increase their burden? Is it fair to inflict this additional hardship on a population already shouldering more than its rightful share of responsibility? Is it fair to ask the millions of tourists who will visit the Raystown area to risk life and limb on these dangerous and damaged roads?

Last August, following an inspection tour of the Raystown Dam and Lake, I met personally with Pennsylvania Secretary of Transportation Jacob Kassab to implore him to authorize the State to make the necessary improvements and assume maintenance of the heavily travelled roads in the Raystown area.

The State has a moral responsibility to do this. Secretary Kassab advised me later, however, that the State would not absorb the improvement and maintenance costs in its road budget.

There is nowhere else to turn, Mr. Speaker. The local governments simply do not have the money, and the State government refuses to accept its responsibility. We in the Congress cannot turn our backs on this pressing and important problem; we simply cannot afford to ignore a situation that could have an impact on millions of tourists annually.

A recent study of traffic on these roads indicated that tourist traffic will constitute approximately 90 percent of the total traffic volume. Can we jeopardize the safety of those millions of Americans because the local citizens can't afford to and the State refuses to accept responsibility for improvement and maintenance of these roads? Mr. Speaker, one life lost on these roads—one single highway death—would justify action now. Let us not wait for that tragedy—let us not wait until our faces are red before we do what is right and what has to be done.

I realize, Mr. Speaker, that this may not be the best approach. The proper approach is for the State to take over local roads when the volume of traffic warrants it, which it clearly does in this case. But the State refuses to accept its responsibility. Accordingly, as a last resort, I am asking the Federal Government to act where the State has failed to act, in the interest of public safety.

This legislation will not be a panacea, Mr. Speaker, and I fully realize that it may be months, if not years, before it can be passed and implemented. And I wish there were another way. But there just is no other way. In light of the State's utter refusal to accept its responsibility and do its duty and take over the roads, I hope my colleagues in the House will see clear to support me in this critical dilemma and favorably consider my bill.

MARTIN E. SENECA, JR., SENECA INDIAN, NAMED DIRECTOR, TRUST RESPONSIBILITIES, BUREAU OF INDIAN AFFAIRS

HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. REGULA. Mr. Speaker, as ranking minority members on the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs of the House of Representatives, I am pleased to insert at this point in the RECORD the announcement that Martin E. Seneca has been appointed as the Director of Trust Responsibilities of the Bureau of Indian Affairs.

The announcement follows:

MARTIN E. SENECA

Commissioner of Indian Affairs Morris Thompson announced today the appointment of Martin E. Seneca, Jr., 32, to be Director of Trust Responsibilities, Bureau of Indian Affairs, Washington, D.C., effective May 12,

1974. His post is the second of five directorships—top jobs within the Bureau of Indian Affairs—to be filled.

"As Director of Trust Responsibilities, Seneca will head the Central Office functions related to the Bureau's programs in the development and management of programs relative to the Bureau's trust and legal responsibilities including the protection of the rights of Indians in their trust property and those rights affecting trust property that are afforded by tribal sovereignty," Thompson said.

Seneca is an enrolled member of the Seneca Nation of New York. He holds a Master's degree in public administration from Brigham Young University and a doctorate in law from Harvard University and is presently Associate Professor of Law at the University of Utah.

He accepted that post following a year as a White House Fellow in which he served as special assistant to the Secretary of the Department of Housing and Urban Development. He also has been an associate attorney in the Washington firm of Wilkinson, Cragun and Barker.

In 1970, Seneca received a two-year Presidential appointment as a member of the National Council on Indian Opportunity in the Office of the Vice President. NCIO is composed of eight outstanding American Indian leaders and eight members of the President's cabinet.

From May 1969 to September 1969 he was a project developer of the Seneca Nation of Indians, New York. From June 1966 to September 1967 he was technical assistant, Utah University Bureau of Indian Services which had an Office of Economic Opportunity grant to provide training and technical assistance to Indian tribes of the Northwest.

In high school Seneca represented the American Indians at the First International Youth Conference sponsored by UNICEF.

"His academic preparation for the administrative and legal fields together with his experience in working with Indian people and Government agencies at all levels gives Seneca the unique qualifications needed to administer the Office of Trust Responsibilities," Thompson said.

Seneca was elected President of the American Indian Law Students Association in 1970, and was also appointed by the Chancellor of New York State's university system to serve on a panel which was charged to assist in the long range development of the State university system by providing a philosophical base with respect to change and growth.

Seneca is married to the former Karen Ann Wilson, Boise, Idaho. They have four children, three sons and one daughter.

BAN THE HANDGUN—XLVI

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BINGHAM. Mr. Speaker, the residents of San Francisco, Calif., are living in constant fear of attack by pistol-packing maniacs. In 6 months, 18 people have been seriously wounded or killed, at random on that city's streets; .32-caliber weapons were used.

In response to this terrorism and the accompanying panic, Mayor Joseph Alioto has begun the most intense—and controversial—manhunt in San Francisco's history; just last night two suspects were

arrested. The tragic question arises: Why have we made it so easy for maniacs like this to acquire handguns. And what should we do now to disarm the terrorist in order to prevent similar incidents in the future?

The two following articles, from the April 15 and April 17 edition of the New York Post dramatize the need for strict gun control legislation:

NEW FRANCISCO SHOOTINGS: TWO BOYS WOUNDED
(By Mel Jaffe)

Two teenage boys were in critical condition today after being gunned down in the latest in a wave of random street shootings in San Francisco.

Eleven murders and six attacks causing serious injuries have taken place in the city since last November.

Homicide Inspector Frank Falzon said today that the latest shootings were "most definitely" linked to the so-called Operation Zebra series of shootings.

Zebra is the police code for the 17 shootings that have touched off the biggest manhunt in San Francisco history. In each case, a black assailant, without apparent motive, shot a white victim with a .32-caliber automatic revolver at nearly point-blank range.

The unidentified boys, ages 18 and 15, were approached last night by "at least one black man who opened fire at a distance of about five feet and fired several times," Falzon said.

According to Police Sgt. Victor Wode, the assailant "pulled a gun, fired four shots, turned around and walked away."

Falzon said .32-caliber automatic casings—from the same type weapon used in the other Zebra shootings—were found at the scene.

The teenagers, believed to have been trying to hitchhike at the time, were shot as they stood at the corner of Hayes and Fillmore Streets in the Western Addition section, a racially mixed area composed of small neighborhood businesses, residences and redevelopment projects.

Several other Zebra shootings have occurred in the section, including the most recent—on April 1—when a Salvation Army cadet was shot to death and a female companion critically wounded.

The teenagers were taken to Mission Emergency Hospital where nursing supervisor Marie Rusert said both were in critical but stable condition. One was shot in the arm and upper abdomen, while the other was hit twice in the chest, she said.

Asked to assess the public's reaction to the latest Zebra shootings, Sgt. Wode said: "People are apprehensive somewhat, but I don't think they're staying home and locking their doors yet. It isn't creating any racial tension. Both blacks and whites know this is some kind of abhorrent killing."

In an apparently unrelated incident, about 20 minutes after the double shooting, a white man told police a black gunman fired a sawed-off shotgun at him from a passing car about a mile-and-a-half from where the teenagers were gunned down.

Wode said: "That wasn't a Zebra shooting, unless they've suddenly changed their modes operandi."

The man reported he was missed by the shotgun blast as he was standing on the corner of Fourth and Howard Sts.

He said his would-be assailant was wearing a green Army-type field jacket with a patch over the heart representing a snake.

The emblem of the terrorist Symbionese Liberation Army, which has claimed responsibility for the kidnapping of newspaper heiress Patricia Hearst, is a seven-headed cobra.

Commenting on both shooting incidents, an FBI spokesman said: "There is no indication at this point it's SLA-oriented. In fact, there's no indication these shootings are connected with anything except a couple of screwballs."

ANOTHER WHITE "EXECUTED" ON SAN FRANCISCO STREET
(By Mel Jaffe)

A 23-year-old man was shot to death last night in San Francisco, the latest victim in a series of random street shootings in which 18 whites have been killed or wounded by black gunmen.

Nelson T. Shields, who until this year had attended Hobart College in upstate Geneva, N.Y., was shot in the back as he helped a friend put a rug in the back of a station wagon in the city's Ingleside district.

Hit by three slugs fired at pointblank range, Shields toppled out of the car and fell dead in the gutter.

A nearby resident told police that when she heard the gunfire, she looked out her window and saw the gunman fleeing on foot.

.32 USED AGAIN

San Francisco police use the code "Operation Zebra" to describe the street shootings that have terrorized the city. Since last November 12 persons have been murdered and six critically wounded. Each time, black gunmen, without apparent motive, executed a white victim at close range with a .32-caliber automatic revolver.

A "Zebra" terrorist last Sunday critically wounded two teenagers at a bus stop. On Apr. 1, a Salvation Army cadet was shot to death and his female companion critically wounded.

Police at last night's murder scene said Shields was hit by .32-caliber bullets, but an official police spokesman declined to confirm that report.

Police said Shields had been living in nearby Sausalito and that his family live in Delaware.

Shields had gone to the house in Ingleside with a friend to pick up the rug. The friend, 23-year-old Jonathan May of Mill Valley, Cal., said he didn't see the assailant.

"I came into the house and was talking to the woman who lives here," said May. "I had been in here about two minutes when I heard three rapid shots. I turned around and looked out. Nelson was lying in the street."

Witnesses provided police with a detailed description of the gunman.

"As far as is known," said a spokesman, "there was no exchange of words between the suspect and victim. It was another indiscriminate type of killing."

AT LEAST TWO

The gunman was described as black, about 30, with a stocky build, weighing about 180 pounds. He was wearing a black-knit watch cap, a blue zipper-type jacket and dark pants.

After Sunday's shootings, police said they were searching for a man with a distinctive gold tooth.

Investigators, who say there were at least two "Zebra" killers, are at a loss to explain the motivation for the shootings, except as the work of demented killers.

San Francisco police announced the start of the biggest manhunt in the city's history after four persons were killed and another seriously wounded in a shooting spree Jan. 28. During that night of violence, witnesses told police they saw two black gunmen roaming the city in a 1969 Cadillac picking off their victims.

Police and the FBI have said there is no evidence linking the "Zebra" gunmen to the Symbionese Liberation Army, who kidnapped Patricia Hearst in nearby Berkeley on Feb. 4.

SYMPOSIUM ON ENDANGERED AND THREATENED SPECIES OF NORTH AMERICA, WASHINGTON, D.C., JUNE 11-14, 1974

HON. G. WILLIAM WHITEHURST
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 1, 1974

Mr. WHITEHURST. Mr. Speaker, in the period 1600 to 1850 only two mammal and three bird species became extinct in the United States. Since that time 57 species of mammal, bird, and fish in the United States have been forced into extinction, lost to mankind forever. Worldwide, animals are disappearing at the rate of one species or subspecies every year. Four hundred animals are listed as endangered species, 109 of those in the United States alone. And there are hundreds of threatened species, animals whose numbers are being depleted and considered threatened with extinction. Additionally, it has been estimated the Earth will lose 10 percent of its biota in the next 25 years if the rate of depletion continues unabated.

A living system communicates its condition. As an example, the health of a plant can be observed by the condition of its leaves. When they abnormally change or die we know something is wrong and can take corrective action. The ecosystem surrounding man is also writing its message, and what can be seen of it does not bode well for mankind. The system is being changed, and the initiator of it is largely man's activity. We do not know the contribution to nature's balance made by vanished species. But each species helps maintain the stability of the ecosystem, and the loss of a seemingly insignificant contributor to man's well-being may have been important to the support of a species upon which man is dependent. It is important that man know the effects of his activities and what corrective action can be taken to minimize the impact or reinstitute a balance.

This is a way of saying that all species are ultimately important to man, whether his economic or physical health depends directly on them or not.

One of the most important efforts to date to inform the public of the plight facing endangered animals is a landmark series of meetings to be held in Washington at the Statler-Hilton, June 11 to 14 this year. The gathering is unique in that it will present for the first time in a continuous group of meetings leading conservationists and wildlife experts reviewing the status of many wild species threatened with extinction. The Symposium on Endangered and Threatened Species of North America plans to publish the proceedings and formulate recommendations to enhance the protection of wildlife.

The conference is sponsored by the Wolf Sanctuary of St. Louis, and is being coordinated by Mrs. R. Marlin Perkins of St. Louis, Mrs. Rogers Morton of Washington, D.C., Mrs. Charles Tippy of

Houston, Tex., and Mrs. G. William Whitehurst of Virginia Beach, Va.

Topics to be discussed include whales and sea mammals, reptiles, polar bears, sea turtles, black footed ferrets, wild horses, sea otters, wolves, grizzly bears, cats of North America, birds, wild ungulates, predator problems in the West, pollution of the oceans, wildlife parks and zoos, State and Federal legislation, management of wild animals, science, land use, conservation, the role of education in the survival of wildlife, and international wildlife conservation and protection efforts. The range of inquiry will also include activities in animal requirements in research, and studies of other endangered or threatened species. Question and answer sessions, panel programs, films, and other techniques will be used during the 4-day program. I include the full program at this point in the RECORD:

SCHEDULE OF THE SYMPOSIUM ON ENDANGERED AND THREATENED SPECIES OF NORTH AMERICA
MONDAY, JUNE 10, 1974

1-10:00 PM Registration.
1 PM on—Hospitality room open.
NOTE.—This room is open throughout the Symposium from 9:30 AM to 7:00 PM. Cash bar 5-7 PM.

TUESDAY, JUNE 11

Moderator for the day: Mr. Roger Caras.
9:30 Welcome, Dr. Marlin Perkins.
9:35 Introductions, Mr. Roger Caras.
9:45 Message, The Honorable Rogers Morton.

10:15 Break for refreshments.
10:45 Canids, Dr. Michael Fox.
11:15 Endangered Species Film, Mr. Marty Stouffer.

12:15 Lunch.
2:00 Reptiles, Dr. Wayne King.
2:30 Polar Bears, Dr. Charles Jonkel.
3:00 Break for refreshments.

3:30 Panel "The Role of Education in the Survival of Wildlife," moderator Dr. Erich Klinghammer.

Participants: Dr. John Wanamaker, Mr. John Hoyt, Mr. John Harris, Ms. Carleen Flanagan, Mr. William Mason, Mrs. Marlin Perkins.

7:00-9:00 PM Reception at the Statler Hilton for everyone.

9:15 Tundra Wolves—Film by John Borden and Nell Goodwin.

WEDNESDAY, JUNE 12

Moderator for the day, Mrs. Warren Huff.
9:30 Sea Turtles, Dr. Archie Carr.
10:00 Whales and Sea Mammals, Mr. Tom Garrett.

10:30 Break for refreshments.
10:45 Black Footed Ferrets, Mr. Conrad Hillman.

11:15 Wild Horses, Mrs. Charles Johnston "Wild Horse Annie."

12:00 Lunch.
1:30 Seal Song, film by Brian Davies, introduction by Carol Perkins.

2:00 Sea Otters, Mrs. Margaret Owings.
2:30 Pollution of the Oceans, Mr. Norman Baker.

3:15 Break for refreshments.
3:30 Panel, International Efforts, moderator, The Honorable Ambassador Francis Kellogg.

Participants: Mr. Howard Pollock, Dr. David Challinor, Mrs. Margaret Owings, Mr. Tom Garrett, Dr. Archie Carr, Mr. Norman Baker.

7:30 Congressional—Celebrity Dinner.

Hosts: Dr. and Mrs. Marlin Perkins, Wolf Sanctuary, Mrs. Rogers Morton, Mrs. William Whitehurst, Mr. V. J. Scutt, Mutual of Omaha, Wild Kingdom.

Address: Dr. Durward Allen.

Entertainment: The Winter Consort.
Awards: Coyote and Mr. Arthur Godfrey.

THURSDAY, JUNE 13

Moderator for the day Dr. Marlin Perkins.
9:30 Wolves In the Wild, Dr. Gordon Haber.
10:00 Cats of North America, Dr. Randall Eaton.

10:30 Break for refreshments.
10:45 Wild Ungulates, Dr. Valerius Geist.
11:15 Birds, Roger Tory Petersen.

12:00 Lunch.
2:00 Grizzly Bears, Dr. John Craighead.
2:30 Predator Problems in the West, Mr. Don Balzer.

3:00 Break for refreshments.
3:30 Panel Wildlife Parks—Zoos—Sanctuaries: Centers for Survival. Moderator, Mr. William Conway.

Participants: Mr. Earl Baysinger, Dr. Theodore Reed, Ms. Sue Pressman, Dr. Wayne King, Dr. Marlin Perkins, Mr. Pat Quinn.

Reception for patrons, speakers, moderators, panel participants, and Wolf Sanctuary Board at the Smithsonian Institution.

FRIDAY, JUNE 14

Moderator for the day Mr. Michael Fox.
9:30 Panel Legislation: State and Federal. Moderator, Representative William Whitehurst.

Participants: Dr. David Mech, Mr. John Gottschalk, Mr. Clark Bavin, Ms. Christine Stevens, Mr. Bernard Fensterwald, Mr. Lewis Regenstein.

11:00 Lunch.
1:00 Panel Management of Wild Animals. Moderator Mr. Dan Poole.

Participants: Mr. Cleveland Amory, Dr. Durward Allen, Dr. John Craighead, Dr. Fred Evenden, Mr. Starker Leopold, Mr. Keith Schreiner.

2:30 Break for refreshments.
3:00 Panel Science—Land Use—Conservation: Possibilities for the Future. Moderator, Mr. Charles Callison.

Participants: The Honorable Russell Train, Mr. Lee Talbot, Mr. Harry Crandall, Major General Jack W. Morris, Mr. Tom Kimball, Mr. Leonard Hall.

4:30 Summation of Symposium, Dr. Michael Fox.

The Endangered and Threatened Species Symposium is much more than an historical first in the effort to provide enlarged protection for hard-pressed wildlife. It will provide a forum for those committed to wildlife study to tell their story, encourage the exchange of information among professionals, establish face-to-face discussion of issues important to wildlife conservation, and provide an opportunity to meet the personalities pledged to this effort. It is hoped this symposium will help bring to the attention of America's citizens the requirements of wildlife in an increasingly populated world.

There are several bills introduced in this Congress that if passed would make a significant contribution toward protecting wildlife. They provide Congress an opportunity to show its concern for endangered and threatened species by taking positive action to protect them and enhance their environment. I take this opportunity to briefly review some of these bills for my colleagues. The legislation follows:

LIST OF ANIMAL LEGISLATION
H.R. 12047 provides financial assistance through direct grants and loan guarantees to help zoos and aquariums improve their facilities. Establishes a Federal Zoological and Aquarium Board to set standards and accreditation. Authorizes pilot projects to serve as models for the national standards.

Also creates survival centers for endangered and threatened species. Referred to the Merchant Marine and Fisheries Committee.

House Concurrent Resolution 125 asks that the United States, through its delegation in the United Nations, take steps to urge the UN to initiate the establishment of international criteria for determining endangered species of wildlife; the establishment and maintenance of international lists of endangered species of wildlife; and the establishment of international standards for the humane treatment of animals, especially in shipment. Referred to the Committee on Foreign Affairs.

H.R. 9206 authorizes the Secretary of Interior to establish regulations regarding acceptable means and methods of trapping and capturing mammals and birds on Federal lands in a humane manner. Selling or transporting illegal traps carries a one year prison term and \$5,000 fine. Interstate shipment of any part of an illegally trapped animal or bird is prohibited. It also limits the trapping and capturing of mammals and birds on federal lands. Referred to Merchant Marine and Fisheries.

H.R. 1264 extends Federal law relating to the care and treatment of animals in pet stores and zoos, and increases protection of animals in transit. It also sets minimum standards for pet shops, zoos, laboratories and other facilities, wherever interstate commerce is involved. It increases coverage of the Animal Welfare Act so that more animals can benefit from effective measures to stop abuse and neglect. The bill has been referred to the Committee on Agriculture.

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fense of their persons, families and property. When the government presumes, by any method, that the police may possess firearms that are denied the people we are indeed a long way down the road towards a police state.

I categorically disagree with the contention of many, who advocate gun control laws, that firearms per se are a cause of crime. Rather I maintain that firearms in the hands of the law abiding citizens are and have been, the most effective peace-keeping force in existence and have been the major factor that has kept the criminal element in this country from running completely amuck. The criminal element, I am sure, would welcome passage of any gun control law.

I contend that gun control laws are an effort at legalized erosion of the right to own and bear arms and would amount to an infringement on a right that is older than the Second Amendment to our United States Constitution. Laws regarding the right to own and bear arms existed in English common law and although mine is not a mind trained in legal matters, it is my understanding that it is also part of our own common law.

The Second Amendment to our United States Constitution and the similar protective clause in our State Constitution do not create that right but do prevent the government, Federal and State, from infringing on this precious right.

I condemn gun control proposals as a potential means of infringing on the peoples right to own and bear arms, contrary to long-standing law and judicial decisions. In particular, I am keenly aware of the historical role of the American militia in securing freedom. The citizens militia is, and has been, the backbone of the armed forces of the United States and is, in the final analysis, the ultimate resource of the people against tyrannical government. The history of mankind is that government has an unsatisfiable desire for power.

It is more important than ever before that we retain, and preserve the right to own and bear arms. To deny the people the right to own and bear arms, in any degree, would effectively take power from the people and add to the already awesome power of government. I do not intend to tolerate any attempt to disarm me, or subvert our militia heritage. Such would be the conspicuous effect of any proposal that diminishes the unfettered right of the people to own and bear arms.

Communist use of gun control merits serious consideration. Gun control ranks very high on the lists of priorities contained in the Communist Rules for World Domination. I also point out the fact that Stalin, Lenin, Hitler, Mussolini, and Castro were very ardent supporters of gun control. They also were the most successful destroyers of human freedoms of our century.

The firearms clauses in our Bill of Rights and our own State constitutions are a protection of our citizens right to own and bear arms so that by being adept in the use of firearms they could be a standing reserve, a citizen army, constantly on guard and ready to defend their loved ones and homes, state and country against all enemies, "both foreign and domestic". Those Americans who are unwilling to surrender their firearms, and there are many, understand that the citizen soldier—not the military—is the real strength and defense of freedom in this country.

The patriotic American who may, or may not be, a gun enthusiast or sportsman understands full well that he must never surrender his firearms. Too many great countries that have fallen have first suffered the indignity of government-supported confiscation of its citizens' weapons thus rendering

the people unable to resist tyranny, aggression, and leaving them helpless before criminal and state alike.

The first Amendment to our United States Constitution is well known and cherished by us all as a safeguard of freedom of speech and press. Those who own and control the news media are constantly using this right to defend against any infringement, meddling, or intervention by government. I commend them and join them in this defense.

The news media, for instance, has focused the attention of the public on the effects of the misuse of firearms and rightly so.

Misuse, and not ownership, is the real problem regarding firearms. I ask if the peoples' right to own and bear arms is diminished, or obviated, how long before the right of free speech and press will no longer be considered necessary for the maintenance of our individual liberties? For any committee to report and bring restrictive gun control measures to the House, for consideration, further threatens infringement on individual liberties that have served as a basis for our American way of life. Which committee, at this time would dare impose such action against the right of free speech and press? In my opinion, none would dare such action. I ask them why an infringement on the Second Amendment.

Freedom would be better served by consideration of corrective legislation, aimed at the judicial and penal systems, designed to promote the firm and just enforcement of the more-than-adequate laws we have to control the criminal element.

The law abiding citizen does not need, or deserve the type of control and restriction that gun control laws would impose.

Let us all face the fact that the thrust of all gun control laws are felt, only by the law abiding citizens and there is abundant proof that the criminal, who pays no heed to any law, cannot be expected to pay heed to gun control laws. Those who advocate gun control laws would disarm the citizens. Where is the guarantee that the criminal would also be disarmed?

In my opinion gun control proposals are an insidious attempt to erode the right to own and bear arms. It is but one in a series of progressive steps toward the ultimate goal of those who advocate gun control—the total disarmament of the American people.

TOBACCO SMOKE EMISSIONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. KEMP. Mr. Speaker, later this week, the House will consider the bill, H.R. 13053, the National Cancer Act Amendments of 1974.

That bill is designed to greatly enhance our Nation's effort to control and eventually eradicate the causes of cancer in its many forms. I fully support that bill and such an effort.

I have had recently brought to my attention a fact sheet on tobacco smoke emissions. The facts within this summary on the dangers to nonsmokers from inhalation of tobacco smoke particles and gases occasioned by smokers are indeed startling. I think they are of direct relevancy to the consideration of measures related to the control of cancer, and that, therefore, they ought to be carefully read by Members and the general public alike.

At this point in the proceedings, I

include the text of this tobacco smoke emissions fact sheet:

TOBACCO SMOKE EMISSIONS

FACT SHEET

1. Smoke-filled air contains visible smoke particles and invisible gases that may irritate the eyes and nasal passages. These same substances may also trigger allergic reactions.

2. Several harmful gases in tobacco smoke emissions have been identified: Carbon monoxide, nitrogen dioxide, hydrogen cyanide, hydrogen sulfide, hydrocyanic acid, arsenic, and other compounds.

3. The least obvious and most insidious danger is that a colorless gas, carbon monoxide, may get into the nonsmoker's bloodstream in sufficient quantity to damage his heart and lungs or exacerbate heart-lung disease that he already has.

4. Inhaled carbon monoxide, in smokers and non-smokers alike, enters the bloodstream through the inner surface of the lungs. Carbon monoxide robs the body of needed oxygen and commonly leads to headaches, dizziness, and lassitude.

5. The acceptable maximum in most industrial situations is 50 parts of carbon monoxide to 1,000,000 parts of air. A roomful of cigarette smokers, investigators have found, raise the carbon monoxide content to between 20 and 80 parts per million.

6. Cigarette smoke contains 250 parts per million (ppm) of nitrogen dioxide, an acutely irritating gas possibly giving rise to nitrate, a potentially mutagenic agent. Pollution alert levels in Los Angeles have gone as high as 3 ppm.

7. Hydrogen cyanide is not found in customary forms of air pollution, yet is a highly active enzyme poison, found in cigarette smoke. Long term exposure to levels of about 10 ppm is considered dangerous. Concentration in cigarette smoke is 1,600 ppm.

8. Teams of researchers at the University of Cincinnati Medical Center reported that smoke drifting from the burning ends of cigarettes, pipes, and cigars contains cadmium which could definitely be harmful when inhaled by non-smokers.

9. The presence of tobacco smoke in the air can trigger an attack in a person plagued with chronic lung disease. The attack can result in either a mild discomfort such as a coughing spell, running eyes and nose, and impaired breathing or a more serious attack involving extreme discomfort and great difficulty in breathing.

10. Smoke from an idling cigarette contains almost twice the tar and nicotine of an inhaled cigarette and thus may be twice as toxic as smoke inhaled by the smoker. An idling cigarette contaminates the air for approximately 12 minutes while the average smoker is usually inhaling on the average for 24 seconds.

11. If a non-smoker must be in the company of a smoker, he may be safer when near one who inhales because the inhaling smokers filter mainstream smoke rather effectively. Studies have shown that a smoker's lungs retain more than 85% of the volatile chemicals and particulate matter, and more than half the carbon monoxide in smoke.

12. Since pipe and cigar smokers inhale less than cigarette smokers, they contribute relatively unfiltered smoke into the air.

13. Heavy cigarette smoking while driving in traffic can harm some people. The carbon monoxide present in such a situation can interfere with the driver's ability to judge time intervals and thus lead to accidents. Ten cigarettes smoked in a closed automobile produce carbon monoxide levels up to 90 ppm.

14. 58% of adult men do not smoke and approximately 70% of adult women do not smoke. The American Medical Association estimates that at least 34 million Americans are sensitive to cigarette smoke. They have

respiratory conditions which are made worse, often dangerously so, by tobacco fumes.

15. The patient who is already ill is likely to become much worse if he encounters smoke in the doctor's reception room.

16. A health survey in Detroit homes concluded that smokers' children were sick more frequently than non-smokers' children, and that the presence of tobacco smoke in the environment was associated with "lessened physical health."

17. One test made in Germany showed that smoking of several cigarettes in a closed room makes the concentration of nicotine and dust particles in a short time so high that the non-smoker inhales as much harmful tobacco as the smoker inhales from four or five cigarettes.

Facts compiled from Dr. Jesse L. Steinfeld, Surgeon General of the U.S. Public Health Service; Time Magazine: John M. Keshishian, Md., George Washington Hospital; Frederic Speer, M.D.; Medical Tribune, December 4, 1967; Science Magazine, 1967; Deutsche Medizinische Wochenschrift, 1967; Kostin Cameron; General Robert B. Shearer, Walter Reed Army Hospital; Action on Smoking and Health reports; Harry Swartz, "Tobacco Smoke: A Noxious Air Pollutant"; Readers Digest, November, 1972; Curtis 100, September, 1972; Frederic Speer, Archives of Environmental Health, March, 1968; Philip Albelson, "A Damaging Source of Air Pollution"; Research Dept., Fla. Division of Health.

Prepared by the American Lung Association of Southeast Florida, 2701 Australian Avenue, West Palm Beach, Florida 33407.

FREEDOM IN PORTUGAL—BUT WHAT ABOUT AFRICA?

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. YOUNG of Georgia. Mr. Speaker, the coup in Portugal last week evidently was welcomed by the people who live there. The new regime promised to restore civil liberties, abolish the secret police, lift censorship and hold free elections.

But Portugal's intentions about the colonized African territories of Guinea-Bissau, Mozambique, and Angola are much less clear. The leader of the new Portuguese regime, Gen. Antonio de Spínola, has spoken of "self-determination" for the African colonies, but it remains to be seen what he means by that.

As a matter of human rights, the same freedom and liberties now promised to the people in Portugal should be extended to the people in the African lands so that they, too, will decide the course of their own future. I hope that American foreign policymakers and Congress will have the sense to press for independence for the Portuguese colonies. For the RECORD, I submit a report on the Portuguese developments, published in the May 6 issue of Time magazine.

A WHIFF OF FREEDOM FOR THE OLDEST EMPIRE

The signals on the Lisbon radio station sounded innocent enough one night last week. At 10:55 p.m. the air waves hummed with the popular ballad *After We Say Goodbye*. Two hours later the transmitters beamed another popular song, the lyrics of which included the phrase "dark land." To junior

army officers throughout Portugal, soured by the nation's debilitating 13-year war against guerrillas in three African colonies, the messages could not have been clearer. *After We Say Goodbye* was an alert that this was the night the army would move against the totalitarian regime of Premier Marcello Caetano. "Dark land" meant that this was the moment to launch the coup. Thus began one of the few coups in which military officers threw out a totalitarian regime and declared their intention to establish a democratic government—instead of vice versa. In time, the shock waves sent out by the coup may be felt more strongly in Africa than in Lisbon itself, and the end of the Lisbon dictatorship signaled profound changes for Portugal's vast colonial holdings, the first—and the last—great European empire.

By first light the army was firmly in control of its own barracks, the Atlantic harbors, the airports, the radio and television stations and even the national bank. Though a few companies of the paramilitary National Republican Guard held out, together with the detested D.G.S. (Direção Geral de Segurancas) secret police, the army was clearly superior. "We have all the tanks, and we have the military experience we learned in Africa," said one rebel officer with casual contempt. "The police and the National Republican Guard have only a few obsolete armored vehicles."

GOING OVER

In Lisbon's main square, the Praça do Comércio, the 7th Cavalry Regiment was called upon to crush the rebels. The first contingent, led by a lieutenant, responded by going over to the other side. The second also joined it after its commander, a lieutenant colonel, was arrested. The third, led by a brigadier general, fought for a few minutes, then broke ranks. By that time the rebels were firmly in control.

In the takeover itself, only one person, a civilian, was killed, and 20 were wounded. But in a desperate, irrational outburst, a group of D.G.S. police fired wildly into a crowd of civilians, killing five and injuring 40 more before retreating to temporary safety. The D.G.S., a longtime opponent of the army, provided the only real resistance to the takeover. Still, no more than a dozen people were reported dead at week's end.

Premier Caetano sought refuge in the Lisbon Republican National Guard headquarters, and Portugal's 79-year-old President, Americo Thomaz, retreated to the barracks of a loyal regiment of lancers. Before surrendering, Caetano, in an effort to preserve the dignity of the state, asked if he could formally turn over the powers of his office to General Antonio de Spínola, the spiritual leader of the rebellion, rather than let the government "fall in the streets." Spínola, who claimed to be aloof from the plotting, replied that he would have to consult the junior officers who had led the coup. "I am not the leader of this movement," he maintained. "I did not act against the government." He added: "If the government has the good sense to find a solution, I think I will be doing a service by speaking to the rebels." Though he may not have actually helped plan the coup, Spínola was obviously prepared to act as its leader once it succeeded. Both Spínola and his boss, Army Chief of Staff General Francisco Costa Gomez, were kicked out in March because of their anti-war views on the African conflict.

To the cheers of a waiting crowd, Spínola, who had been one of the country's best guerrilla fighters, entered Republican National Guard headquarters for what was reportedly a polite, even friendly talk with Caetano, who had governed Portugal since 1968 when Dictator Antonio de Oliveira Salazar suffered a stroke. (Salazar died in 1970.) To emphasize the continuity of power despite the coup, the general went to Lisbon's Portela Airport the next morning to bid farewell

to Caetano, Thomaz and their senior Cabinet Ministers; they were jetted to exile on the tourist island of Madeira.

All told, it took only 14 hours to smash the dictatorship established by Salazar 45 years ago and set the 8 million people of Portugal on what the army promised would be a new, democratic course. But it was not a quest for freedom that had motivated the rebels as much as the desire to stop the bloody and costly guerrilla war in the African colonies. The war consumed more than 40% of the nation's \$1.3 billion annual budget, claimed the lives of some 250 Portuguese troops every year, and caused profound frustration in the army, which felt that it was trapped in an unwinnable battle. Disenchantment with the Caetano government's colonial policy climaxed in February when Spínola added his prestigious name to those of the dissenters with his book against the war. Young officers enthusiastically echoed Spínola's criticisms and in March even attempted an ineffectual coup that was smashed within hours. They were better prepared this time.

RED CARNATIONS

Lisbon reacted like a liberated city. People joked with the soldiers guarding the main streets and squares, and long stemmed red carnations, a symbol of support for the army, appeared everywhere. Cheers and hurrahs greeted every mention of Spínola's name. Appointed to the seven-man ruling junta group that he clearly dominated, Spínola went on television with his colleagues to promise free elections "as soon as possible," a phrase later defined as some time within the next year. They also pledged to abolish the hated secret police in Portugal itself and grant full civil liberties. Censorship was lifted, and the Lisbon newspaper *República* placed a red box on its front page to announce the first uncensored edition anyone could recall.

Politically, the new regime's hastily sketched program sounded rather mild and unexceptionable by non-Portuguese standards. Apart from a change in Africa, foreign policy will probably remain the same; and Portugal's membership in NATO will most likely still be a cornerstone of the country's military policy, with the U.S. retaining use of the invaluable airbase in the Azores. The military junta will no doubt try, as Caetano also tried, to speed economic development. It will immediately be confronted, however, with the obstacle of one of Europe's most virulent cases of inflation—a staggering 30% increase last year—and with possible opposition from the famous "100 families" that have long controlled the country's economy through interlocking cartels and conglomerates.

Almost like a magnet, the Bastille-like Caxias prison, which stands high on a hill southwest of Lisbon, drew huge throngs of friends and relatives of the political prisoners inside. All had been freed on orders of the junta. Time's Martha de la Cal witnessed the scene and reported that the crowds, alternately laughing and crying, waited for 73 prisoners to walk—or be carried—out. One man had been in Caxias 21 years, but about 50 were among a group of influential leftists that had been locked up only one week before in the government's frenzied attempt to quash dissent. One ugly rumor about Caxias was confirmed when liberating soldiers discovered a torture building, mute evidence that will no doubt back up the testimony of the prisoners who visited it. "Every night we would hear the trucks rumbling past our windows, taking prisoners to the torture building," said the wife of one prison worker. "Then we would hear them come back, and we would see the result in the hospital."

After the first euphoric outbursts, the residents of Lisbon reacted with some con-

fusion to their new-found freedom. Several hundred youthful leftists, who had been more harshly suppressed than any other group, held a demonstration in Rossio Square and carried banners calling for freedom to form unions and strike. Red hammers and sickles dotted the surface of some monuments, together with hand-scratched announcements of a demonstration scheduled this week for May 1—the traditional day of Communist celebration. Our long, long night is over," one of the students exulted to Time's Steve Englund. "Portugal is free."

Older bystanders watched the demonstrators with as much wonder and surprise as they might have observed visitors from Mars, looking over their shoulders with the ingrained habit of decades to see what the police or the soldiers would do. For the moment the authorities did nothing. The city police had been withdrawn for their own protection, so that mobs would not mistake them for the odious D.G.S. men and lynch them, and army troops stood idly by. It was doubtful, however, that Spínola, who was somewhat alarmed at the city's mood, would let the leftists do more than march and sing. There seemed little chance that the army's coup would be captured by the left.

In Africa, where Portugal has an army of 160,000 men stationed in its major three colonies, the course of the coup was followed as eagerly as it was in Lisbon. In Lourenço Marques, capital of Mozambique, crowds gathered outside newspaper offices to buy up papers as they came off the presses. There was some concern in Lisbon that the hawkish commanders of either Angola or Mozambique might join with white settlers in defiance of the new dovish regime. But when they were fired, both men submitted quietly.

In Rhodesia and South Africa, the reaction was one of extreme nervousness at the possibility that Lisbon might find some accommodation with black guerrillas and break the solid front of white governments in the southern half of the continent. Rhodesia's position might become untenable if Mozambique turned hostile and its lifeline to the sea were broken; South Africa could only shudder at the possibility of unfriendly black governments on its northern borders. To forestall that possibility, Johannesburg might even send its efficient military into both territories. "We cannot make big concessions here, even if Lisbon orders them," one Portuguese official in Mozambique argues. "If we did, the South Africans would be across the border tomorrow in force, uninvited, and simply take over." In Johannesburg, the gold-share index dropped 9% in two days in response to the unwelcome news of the coup.

Exactly what the new government in Lisbon will do in Africa is unclear, but if it follows the prescription of Spínola's book, it will not simply dismantle the empire it began 500 years ago, following the discoveries of the great Portuguese explorers* who were first sent out by Prince Henry the Navigator. Spínola, instead, talks of a federation of Portugal and its territories, with real autonomy—but not independence—for the Black African majorities. "Self-determination should not be confused with independence," he said last week. How such an arrangement would work in practice and whether the white settlers would accept black majority rule are, of course, significant question marks.

The three major African territories have little in common except their relation to

*Portugal's empire also includes half the East Indian island of Timor (the other half belongs to Indonesia), the tiny colony of Macao, just a ferry ride from Hong Kong off the coast of China, and the São Tomé, Príncipe and Cape Verde islands in the Atlantic.

Portugal, as TIME Correspondent Lee Griggs reports:

Portuguese Guinea, a small (14,000 sq. mi.) enclave on the west coast, could be relinquished without any hurt at all except to the Portuguese ego. There are only 2,000 white civilians living in the whole territory, and the swampy land provides nothing that Portugal needs. The war with the rebels is stalemated; there is no hope at all of pacification. The rebels are well armed with Soviet, Czech and Chinese arms, including SAM-7 ground-to-air missiles, and most U.N. members have already recognized the nationalist regime.

Mozambique, the big (300,000 sq. mi.) territory on the east coast, will be harder to deal with. Approximately 220,000 whites regard it as their homeland, and they have been panicked by recent Mau Mau-like attacks by the Frelimo guerrillas, who have been carrying the war ever farther into the south. The railroad line from the port of Beira to Rhodesia has been hit half a dozen times since the beginning of the year, and passenger service has virtually halted. The Portuguese army is still in control, however, and while the rebels grow increasingly brave, the army is successfully moving thousands of natives into fortified villages. Financially, the territory is a drain on the home country, with exports of sugar, cotton and coal not matching the sums poured in by Lisbon. The Cabora Bassa hydroelectric dam on the Zambezi River may, however, make the territory more profitable for industry. Now being built by an international consortium, the dam (cost \$350 million) will be Africa's most important when it is completed later this year.

Angola, the largest (480,000 sq. mi.) and most prosperous holding, is the west coast territory where the new government may have the greatest success. With impressive reserves of oil (Gulf Oil alone made a reported \$70 million there last year), the territory is a financial plus for Portugal, and Angola's 750,000 whites have developed good relations with its 6 million blacks. Guerrillas have had little support, and Angola is the most secure territory of all. Its very success may, ironically, create problems for Lisbon: the Angolans may reason that Portugal is a drain on them and that they would be better off alone.

Spínola, who saw his own best efforts fail to do much more than hold the Portuguese line in Guinea, realizes better than anyone else the difficulty of finding a solution to the African dilemma. "The problem is how to promote self-determination for the overseas populations within the Portuguese nation," he wrote in his book. "This will not be easy under present circumstances. It will be easier when those populations feel they are completely equal, when they can give expression to their traditional institutions, when they can vote for the laws which apply to their communities, when they can elect their own local governments, when the people who govern them are of local origin."

The African rebels have greeted Spínola with both suspicion and hostility, viewing his ideas for federation as merely a more sophisticated brand of colonialism. If it were to be a true federation, says Luis Cabral, a leader of Guinea's rebels, sheer weight of numbers would give the leadership to blacks. He adds sarcastically: "I'm sure Spínola wouldn't want a black government heading Portugal." Said Dr. Agostino Neto, an Angolan guerrilla leader: "What we want is to be completely free to determine the destiny of our own country. If all Lisbon has in mind is a federation—and not freedom—I think the war will continue."

The struggle to keep the territories has nearly wrecked Portugal. The poorest nation in all of Europe—poorer even than the Communist regimes of the East, with the probable exception of Albania—Portugal has nonetheless allotted more of its national budget to

the Africa fighting for the past 13 years than to any other project. As a result, the home country has gone without essential improvements in roads, schools and just about everything else a modern economy needs. Nearly 2 million people have violated restrictions against emigration to find jobs in other countries or to escape the mandatory four-year tour in the army—which usually included service in Africa. In the north, where it is easiest to slip over the border to Spain, whole villages look as if they had been visited by the bubonic plague, with almost all their able-bodied men working in the factories of France and West Germany.

Why did the government go on with a senseless struggle? The answer lies partly in the fact that no matter how colonized the natives may feel, the Portuguese have arrogantly not considered their territories as colonies; they are part of Portugal itself. To give up Mozambique was almost the same, in the minds of the older generation, as giving up the Algarve. For half a millennium the territories had been part of Portugal, romantic symbols of the country's rich past. If the Portuguese should leave now, some hardliners have further insisted, the territories would suffer the same fate that befell the Congo when the Belgians left. "It would be a crime to leave, as the Belgians did," one such rightwinger argues. "The natives would just kill and eat each other."

SPANISH DREAMS

Many Portuguese also believed—and still believe—that Portugal would be too weak to stand up to other European nations, particularly Spain, if it let go its ancient overseas inheritance. "If we lost our African territories, we would be under the economic influence of Spain," argues Manuel José Homen de Mello, former manager of Lisbon's daily *A capital*. "We went to sea because we didn't want to be Spaniards." Adds a former Cabinet Minister: "We have only one powerful neighbor, and the Spaniards have always dreamed, as they are dreaming this very day, of marching in and swallowing us up."

That fear seems farfetched in a period when Spain is suffering its own internal dissent with the Basques and liberals. But it is a fear that Spínola and his young captains may find difficult to explain away to Portuguese traditionalists. In the weeks to come, Spínola must not only attempt to find some solution to the African conundrum, but he must also convince the conservative Portuguese that his formula of democracy is not the radicalism they have been warned against for nearly half a century. No one could say last week whether he would succeed, but the Portuguese were at least enjoying their first heady whiff of freedom.

SPÍNOLA: THE UNLIKELY LIBERAL

On his record, General António de Spínola should be the last man in Portugal to lead a campaign for reform and liberalization. For most of his 64 years he has been a stern authoritarian. The son of a top financial adviser to Dictator António de Oliveira Salazar, he was a volunteer fighter on the Franco side in the Spanish Civil War, commanding a detachment of other Portuguese volunteers. A few years later, the Portuguese high command, recognizing his potential, sent him to Nazi Germany for training with the then invincible Wehrmacht. From the German side he watched the siege of Leningrad.

When African rebels began challenging Portuguese rule in Angola in 1961, Spínola once again was an early volunteer. Brought home after three years, his chest festooned with ribbons and medals, he was made second in command of Portugal's National Republican Guard, a paramilitary police force. In 1968 he was sent back to Africa as commander in chief and military governor of the territory of Portuguese Guinea, where he served until he returned to Lisbon last

summer to receive the Order of the Tower and the Sword with Palm, Portugal's highest military honor, and to become deputy chairman of the joint chief's of staff, a post set up specially for him.

In Guinea, Spinoza created a MacArthur-like aura around himself. His bushy eyebrows, the flashing monocle in his right eye—an adornment he picked up in Berlin—the gloves, and the riding crop he invariably carried were as well known to Portuguese troops as MacArthur's cornucop pipe had been to Marines and G.I.s in the South Pacific. Unlike MacArthur, however, he believed in cultivating the enlisted man, and he would pop from his helicopter in hazardous spots to see personally how the fighting was going.

Though Spinoza had worked in Guinea to involve the native population in the affairs of government—a sign perhaps that his own thinking was changing—few Portuguese were adequately prepared for the heretical turnabout of ideas in his book, *Portugal and the Future*, which came out last March and became Portugal's overnight best-seller (200,000 copies). In words that had an eerie echo of the arguments against U.S. involvement in Viet Nam, Spinoza said what many in the country had been thinking: Portugal cannot win its African wars, and some political accommodation must be achieved with the rebels.

"Any national strategy based on the rigid pursuit of a policy that imposes such heavy spending on defense," he wrote, "will irremediably compromise survival, the very thing for which the expense is being made. Trying to win a subversive war by military means is to accept defeat in advance, unless one possesses unlimited capacity to prolong the war indefinitely turning it into an institution. Is this our objective? Clearly not."

Probably no one but Spinoza could have said such a thing and escaped confinement in Caxias prison. But not even the staunchest right-wingers could fault his patriotism, bravery or adherence to accepted Portuguese values. Indeed, Spinoza is a man whose character is conservatism itself.

Except during his service abroad, he has lunched every day for as long as anyone can remember at the same rooftop restaurant of a Lisbon hotel. His hair has been cut by the same barber for 30 years, and his nails have been cared for by the same manicurist for 26 years. A teetotaler, he has stayed trim by regular riding on his horse Achilles, the mount on which he has won several national and international competitions. He can also be somewhat overbearing. In Guinea, he told fat officers to lose weight, and if they did not, he ordered them shipped home. He is an odd man indeed to inspire a liberal-leaning revolution, but he is perhaps the only man in Portugal who could have done it.

FLORIDA ENERGY COMMITTEE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. LEHMAN. Mr. Speaker, last year the Florida Legislature created the Florida Energy Committee, and charged it with responsibilities for studying present policies affecting energy conservation and use in Florida, as well as available sources of energy, and for recommending both a comprehensive system of energy policies to meet Florida's needs, and the necessary administrative and statutory changes necessary to improve energy policies.

The committee was cochaired by the Honorable George Firestone of the Florida Senate, and the Honorable Kenneth H. MacKay, Jr., of the Florida House of Representatives.

The committee has recently released its interim report and recommendations. Because I believe that these recommendations may be appropriate on a Federal level, I am inserting below a summary of them:

SUMMARY OF RECOMMENDATIONS OF FLORIDA ENERGY COMMITTEE

(1) The state provide incentives for persons wishing to construct, produce, install, or purchase solar energy systems. In order to help foster an embryonic industry, to save public funds through lower energy operating costs, and to help develop a reliable product for consumers, state building construction must consider solar water heating, space heating and air conditioning. The use of solar equipment must be considered in design alternatives which include evaluation of life cycle building costs. Furthermore, to encourage persons to invest in solar energy systems production and installation, tax incentives in the form of corporate income tax credits should be provided. In order to encourage persons to purchase solar energy systems products, tax incentives in the form of sales tax exemptions for such products should be provided. To assure suitable equipment and installation, standards should be promulgated and licenses should be required.

(2) A mandatory, periodic reporting be made to a state energy information center by all persons producing, importing, exporting, refining, transporting, transmitting, storing, or selling any products used as fuel including, but not limited to, petroleum and its refined products; natural gas and products made from its conversion; coal and products made from its conversion; uranium or such other resources used in the process of nuclear reaction for the production of electrical power.

Such reports should include the identity of the person or persons and the quantity or quantities of each product produced, imported, exported, refined, transported, transmitted, stored, or sold and reserves held in the state for future production.

In order to minimize duplication, energy information already prepared for federal and state agencies shall be utilized to the maximum extent possible, provided that such information is consistent with the needs stated in this recommendation.

(3) The necessary studies and analysis be conducted to establish rules setting up standards and methods of disclosure of fuel economy of new automobiles and light trucks by July 1, 1975. Such fuel economy disclosure should be expressed in "miles per gallon" and "dollars expended for fuel for average use per thousand miles" based on a specified, reasonable, and assumed fuel cost. Such disclosure should be on the price sticker of each vehicle and in the advertisement of the vehicles. Decreases in economy resulting from the inclusion of options on the automobile should be clearly delineated within known limits.

(4) Studies and analyses shall be carried out by an appropriate state office which shall utilize the extensive efforts of the National Bureau of Standards and of other federal agencies and professional societies to develop detailed requirements and standards on energy conservation considerations for state buildings. These requirements and considerations shall include the details for an energy life cycle cost analysis of alternative architectural and engineering designs.

There shall be developed an energy performance index by which appropriate judgment can be made on the energy requirements and performance of a building. The

index established shall reflect the proposed fuel source for the building.

Such requirements shall be promulgated within one year of the assignment of this recommendation and shall be used in the bidding for construction of all state-financed buildings.

(5) Disclosure shall be required on all major electrical and non-electrical energy consuming appliances for the typical energy use, use efficiency, and expected annual costs of operation, under average assumed use conditions. The disclosure shall include the cost figures and assumed average use conditions corresponding to these costs and should be affixed to the product, listed on sales contract at the time of sale, and indicated in product advertising.

(6) Responsibility be assigned to develop a plan which will identify alternatives that would increase the efficiency of energy utilization within the transportation sector. The alternatives considered shall include expansion of existing modes of transportation, and the application of newer modes including, but not limited to high speed rail systems for inter-city transit and specialized intracity multimodal systems which can be incorporated in the future. The first report of this plan shall be presented to the Governor and Legislature on March 1, 1975.

This plan shall contain a detailed transportation profile for the state to include inter-urban and intra-urban systems, capital costs of developing alternative systems, cost of energy use in competing systems over the anticipated life of such systems, costs of maintenance and operating systems, a means of financing such systems, and the ability of these systems to integrate with and supplement existing systems. Energy costs should include a distinction between energy costs for the equipment for the system and those energy costs required for operation and maintenance. The development plan shall be completed by March 1, 1976 so that implementation of plans can begin by July 1, 1976.

NATIONAL WOMEN IN EDUCATION DAY

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BELL. Mr. Speaker, in recognition of the ninth anniversary of the Association for Women's Active Return to Education—AWARE, I have introduced today a resolution calling upon the President to designate the 19th day of May each year as "National Women in Education Day."

In today's world which is faced by issues of national and international import, the great majority of our Nation's women are pursuing educational and community services goals which will better enable them to exercise their franchise and the leadership which they have gained through responsible use of their vote.

In an effort to encourage women to continue their educational pursuits, AWARE International has offered scholarships for both part-time and full-time study to women beyond the usual college age. This year AWARE International is celebrating its ninth year of distinguished service and activity. Since its beginning in 1965, AWARE International has expanded with chapters throughout

California, as well as in Arizona, Kentucky, Missouri, and Texas.

AWARE International recognizes women nationally and internationally for outstanding achievements in their fields with the presentation of Minerva awards (named after the Roman Goddess of Wisdom) during the anniversary programs. This ninth anniversary will be celebrated on May 19 at Pepperdine University in Malibu.

It is a privilege to contribute to this effort by commending to my colleagues the resolution calling for observance of "National Women in Education Day."

JOINT RESOLUTION

Authorizing the President to proclaim annually the day of May 19 as "National Women in Education Day."

Whereas, it is recognized that a complex, technological society such as the United States requires expanded knowledge, acquired both formally and through experience, by all its citizens;

Whereas, the genius and skill of our Nation's youth is dependent in great measure upon the wisdom and technical knowledge of the Nation's women during the critical formative years;

Whereas, historically women have had less opportunity than men to participate to their own full educational potential;

Whereas, the women of this Nation have continually and persistently, at the cost of great personal sacrifice in many instances, expended energy, money, and time in acquiring advanced education from the Nation's great institutions of learning;

Whereas, further achievements by women will be encouraged by recognition of the contributions of the educated women of this Nation; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled, that the President is hereby authorized and requested to issue annually a proclamation designating the nineteenth day of May as "National Women in Education Day" and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

THE ZEBRA KILLINGS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. RANGEL. Mr. Speaker, in today's New York Times, the distinguished civil rights leader Vernon Jordan, Jr. wrote an article on the bazaar Zebra killings and the curious police investigation of them. Mr. Jordan aptly points out the subtle distinction between a legitimate police search for suspects and a racially motivated harassment of black citizens; harassment which before it was brought to its end by the courts, had no qualification or parameters. The article, and a press statement issued by the Congressional Black Caucus last week before the court acted follows:

LOSS OF RIGHTS IN SAN FRANCISCO

(By Vernon E. Jordan, Jr.)

Under pressure of court challenge and black protests, the large-scale stop-and-frisk operation undertaken by the San Francisco police to find the so-called Zebra murderer has been modified. It amounted to the most senseless violation of civil rights in years, yet

few people outside the northern California black community spoke out.

Part of the reason may be the horrible nature of the crimes. In each instance, white persons on a relatively deserted street have been shot, usually in the back, by one, sometimes two, unidentified black men. The toll has reached a dozen dead in five months and quite naturally San Franciscans, black and white, are alarmed about the killings and want the killers apprehended.

No one will argue seriously that the situation is not urgent or that unusual actions are not called for. But the police actions taken have been illogical and racially inspired.

Take logic first. No one in his right mind could really believe the killer would pack his pistol in his pocket and walk the streets knowing that every black man in his age, height and weight group is going to be picked up by the police. There was no chance of finding the killer by stopping and questioning black men on the street in a dragnet operation that in effect suspended the Bill of Rights for black San Franciscans; now only black men who appear to be "suspicious" will be stopped.

Even the argument that this would deter the killer does not hold up. It may have deterred him so long as the dragnet continued. But what now? Will officials plan a permanent pass system for black people along South Africa's lines? That hasn't stopped murders from occurring in South Africa and it will not stop them in San Francisco.

About all the dragnet accomplished was to manipulate public opinion to give the appearance that something was being done to catch the killer. It reinforced public prejudices linking all blacks to the crimes committed by a handful.

Last, and far from least, it increased the rage of black people, for whom this is the latest of a series of indignities heaped upon them, and thus worsened the very racial tensions that may be at the root of the crimes.

I expect a lot of people to disagree with me that the city's action is racial in nature. Mayor Joseph L. Alioto went to lengths to separate race from the manhunt, saying he's "not making a racial issue out of this."

But if applying special restrictions to black citizens is not racial, what in the world is? Put it another way. Would the city fathers have acted the same if the victims were black and the suspect white? Would they have ordered that all whites be frisked? Would they have subjected all young whites to a "pass" system? The question answers itself. It has never happened and never will. When the so-called Boston strangler, a white man, was at loose in that city, no one ever heard the suggestion that white people who resembled his description should be stopped and questioned in the street.

In 1942, Californians followed the same method of group attack, with Japanese-Americans. Because it was thought that a few might be disloyal to the nation, then at war, the state convinced Federal authorities to ship every man, woman and child of Japanese ancestry to internment camps. Is this going to be the next aim of panicky extremists now that the dragnet failed?

So paranoia stalks the streets. The constitutional rights of all black people have been freely violated and the "killer" stigma placed on all young blacks. The black community is fearful of what new racist policies may be lurking in the wings, and the white community's fears have been whipped into unreasonable fury.

This is a model lesson in how not to go about handling a volatile situation. The panic and hysteria that gripped the city's leadership in a moment of crisis has now spread outward, a sizable stain of unreason and fright that will take years to erase.

And behind it all is the implicit suggestion that the rights of black people are less worthy of respect and more fragile than those

of white citizens. That is the basic lesson of the San Francisco panic, and it is the one that most people seem intent on ignoring.

THE ZEBRA KILLINGS, APRIL 25, 1974

Congressman Charles Rangel, speaking for the Congressional Black Caucus today stated, "It seems as though the statement 'all Blacks look alike' is coming true on the streets of San Francisco." Hundreds of black people of all shapes and sizes have been stopped by police and questioned on the Zebra killings. Many of these individuals have been repeatedly stopped and questioned. To remedy this situation those checked out and cleared by police are now issued identification cards.

Mr. Rangel further stated, "Members of the Congressional Black Caucus are aware that such a system works well in South Africa. However, we question the utility and more importantly the constitutionality of such stop and search tactics in this country. Such measures are apparently more directed at relieving white fear rather than solving the case. Yet the price of these tension reducing measures is too high. It can only accelerate the deteriorating relationships between police and the black community in our urban centers."

Recent news articles cite the 1969 search for the Zodiac killer in which any white man matching a specific description was stopped as a "firm legal precedent." While we might question the vigor in which this search has been carried out as compared to that of the Zodiac killer, we wish to raise another question.

This question is as clear in the minds of blacks throughout this nation as it is to the members of the Congressional Black Caucus: Where are the extensive manhunts, the elaborate police procedures and the public concern when blacks are murdered? The victims in the Zebra killings and the Zodiac murders were white. The murder of eight black girls by a "freeway phantom" here in the nation's capital has not drawn one percent of the attention that the kidnapping of one white girl—Patricia Hearst—has drawn. Moreover, the killer still roams free.

It was here in the District of Columbia that the first "no knock" laws were passed and signed by the President. It is in the black community that the killers of black people are permitted to roam free. The Congressional Black Caucus believes the black community of San Francisco has every right to be "overwrought." "Zebra" has more than one meaning in San Francisco.

Mr. Rangel said, "the test of any individual or organization's commitment to democratic principles is how effectively the individual or institution carries out these principles under stress." The Congressional Black Caucus contends that the San Francisco authorities have not passed the test in their response to the recent events in their city. The announcement yesterday by the Police Department, after the NAACP filed suit in federal court, that the broad search and stop practices would end, is not sufficient evidence of that department's intentions when today such discriminatory and illegal procedures continue.

The members of the Congressional Black Caucus can not forget what this nation did to the Japanese in this country during the 1940's, or the Indians at Wounded Knee less than two years ago. This nation would do well to remember the words of the German Pastor speaking in the late 1930's:

"In Germany they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. They came for the Catholics, and I didn't speak up because I was

Protestant. They came for me, and by that time no one was left to speak up."

"We in the Congressional Black Caucus ask," said Mr. Rangel, "that we do not start along this path by ignoring the systematic violation of the rights of one particular community."

INADEQUATE GOVERNMENT COMMODITY POLICY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to submit to the RECORD two newspaper articles which appeared this week in the Washington Post and the Boston Herald American. These articles, describing the nonexistence of an adequate Government commodity policy and showing a dramatic increase in the cost of food in Massachusetts, point out the need for a national agriculture-food policy to assure the consumer adequate food supplies at reasonable costs. The articles follow:

COMMODITY-SHORTAGE POLICY HIT

(By Morton Mintz)

The government has no system worthy of the name to cope with shortages of agricultural and industrial commodities that are vital to the economic, social and political health of the United States as well as other nations, Congress' General Accounting Office charged yesterday.

The decision-making process, far from being either clear or coordinated among at least 20 involved federal departments and agencies, is slapped together to meet each commodity crisis as it occurs, the GAO said in a 281-page report.

"It is almost impossible to pinpoint accountability," the GAO's boss, Comptroller General Elmer B. Staats, told a joint hearing of the Senate Commerce and Government Operations Committees.

As for the future, basic commodity problems "have not even been adequately defined, let alone agreed upon," despite "the highest rate of inflation in 20 years, booming agricultural exports, rising mineral and fuel imports, and restrictions on the export of certain U.S. commodities," he said.

The report—acclaimed by several senators but greeted coldly by the Nixon administration—found re-enforcement in a hitherto undisclosed memo prepared for Commerce Secretary Frederick B. Dent by his director for East-West trade, Steven Lazarus, last July.

The memo warned that the cumulative effect of past actions—including export controls on soybeans and other commodities and export-reporting requirements on still other items—could lay the administration open, in the GAO's words, "to the charge that it had no consistent plan for dealing with the problem, no control of the situation, and was reacting to events on a day-to-day basis, with no real ability, knowledge, or program for dealing with them."

Last June's decision to impose a near-total embargo on soybean exports, the report disclosed, was taken without consultation with the State Department, although the embargo worsened a world food shortage, ran counter to a concerted effort to increase exports, reduced the flow of foreign currency needed to pay for petroleum imports and depressed domestic agriculture.

"State's officials were informed of the controls . . . just before public announcement

of the administrative action," the GAO said. "Consequently, they could not provide a perspective on the possible foreign impact. . . . Moreover, the GAO said:

Officials of the Agriculture and Commerce departments and the Cost of Living Council (CLC) "disagreed over the accuracy, reliability and timeliness of Agriculture's commodity supply and demand estimates," and the disagreements, in turn, "contributed to doubts about the quality of available market information gathered and analyzed by the government."

"Basic policy conflicts surfaced between agencies," with, for example, the Cost of Living Council putting high priority on economic stabilization while Agriculture emphasized a need to increase exports. The final result: "Differences between public pronouncements and actions weakened the government's credibility abroad."

Staats said that although some agencies, especially Agriculture's Economic Research Service, now are improving their ability to deal with commodity shortages, Congress should consider creating a centralized agency "for developing and coordinating long-term policy planning."

Tentatively, he endorsed a proposal by Sen. Gaylord Nelson (D-Wis.) to make such an agency an independent unit. Its mission, as defined by Nelson, would be data collection and monitoring, so the country would know "what and when to conserve, how much to produce, how to avoid shortages or gluts now caused by ignorance, when to begin significant research programs."

Nelson termed the GAO report, which he had requested in July, "the most important single document" of its kind. Sen. Charles H. Percy (R-Ill.) called it "invaluable." Sen. John V. Tunney (D-Calif.) found it "devastating."

Commerce Committee Chairman Warren G. Magnuson (D-Wash.), who conducted the hearing, said the report reveals "a complete lack of planning and preparation to handle . . . shortages." He has proposed assigning data collection and projections to the Council of Economic Advisors.

But presidential assistant George P. Shultz, in a "Dear Elmer" letter published with the report, charged that the GAO is seeking "a fundamental change in the economic philosophy of this nation"—one that would have government rather than the marketplace make "the essential decisions concerning availability, allocation, and price."

Staats replied that Shultz "misunderstands and misinterprets" the GAO's intent, which is to assure that commodity information is reliably gathered and disseminated, not to create "a massive bureaucracy or a centrally managed economy." Moreover, Staats said, Shultz's "ideological stance" ignores efforts by the administration itself to intervene in market situations.

MASSACHUSETTS FOOD COST UP 34 PERCENT IN 3 YEARS

It costs \$18 more now for a family of four to eat for a week in Massachusetts than it did three years ago, according to government figures.

The price of dried beans and potatoes, staples of poor people's diets, has risen dramatically. But everything from peas to pretzels has gone up.

The cost of food has increased 34 per cent in Massachusetts since 1971, according to the Bureau of Labor Statistics. That brings the cost of a week's groceries for a middle-income family of four to \$71.

A 10-pound sack of potatoes cost 94 cents in the Boston area three years ago, according to the federal figures. Now the same bag costs \$2.05.

A pound of dried beans that used to cost 23 cents now sells for 74 cents.

Other traditionally cheap basic foods have also skyrocketed.

A one-pound box of long grain rice has gone from 52 cents to 77 cents. And a five-pound bag of white flour has increased from 60 cents to \$1.10.

A loaf of white bread that sold for 26 cents in 1971 now costs 42 cents. And a half gallon of milk has increased from 59 cents to 76 cents.

Meat has been a well-publicized leader of the high price trend. Hamburger, for instance, has risen from 79 cents a pound to \$1.18, and lamb chops have increased from \$1.91 to \$2.51 a pound.

Fish, another source of protein, has also risen sharply. Frozen haddock has increased from 92 cents to \$1.44 a pound.

A pound of coffee has gone from 93 cents to \$1.18. And sugar has increased from 70 cents to \$1.13 for a five-pound bag.

Some fresh fruits and vegetables have gone up less than other kinds of food. A pound of tomatoes has increased from 56 cents and carrots from 19 cents to 23 cents. Cucumbers and green peppers are cheaper.

Among processed vegetables, a No. 303 can of peas has increased from 27 cents to 29 cents, tomatoes from 23 cents to 26 cents and beets from 19 to 28 cents.

OPEN LETTER TO AMBASSADOR TO SOUTH VIETNAM, GRAHAM MARTIN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Ms. ABZUG. Mr. Speaker, today I had the privilege of testifying before the Asian and Pacific Affairs Subcommittee of the House Committee on Foreign Affairs, regarding our commitments in Southeast Asia. I believe that my colleagues may be particularly interested in an open letter I have sent to Mr. Graham Martin, our Ambassador to South Vietnam.

I would like to insert this testimony into the RECORD.

TESTIMONY OF BELLA S. ABZUG

Mr. Chairman, I am very pleased that this Committee is continuing its study of our Defense commitments in Asia, and I appreciate this opportunity to share with you my apprehensions about those commitments. I believe they are artificial and counter-productive. Artificial, in the sense that they are commitments to small elite segments of the populations we supposedly help; the people of these countries reap nothing but death and grief from the bombs we have plowed into their fields. Counter-productive, in the sense that our so-called commitments perpetuate war and the conditions of war rather than forcing the adversaries to come to a political settlement. In addition we run the constant risk of direct new involvement by the United States; the Pentagon has already indicated that this is a possibility.

I am convinced that we must do three things: we must drastically reduce the number of troops we support in the Pacific area; we must refuse any further aid to dictatorships; and we must make it our Congressional responsibility to free the political prisoners still being held by President Thieu, with our complicity.

At the end of my brief statement I shall make a proposal regarding those prisoners. But first I would like to review our troop commitments in this region. I am indebted

to the Center for Defense Information and Rear Admiral Gene R. LaRocque (Retired) for a concise summary of the situation.

Other witnesses, especially Mr. Fraser, have dealt at length with the extremely important problem of our commitment to Japan. I will confine my remarks to those peripheral areas in which our troops, planes and ships keep dictatorships in power, or are poised to assist dictatorships.

SOUTH KOREA

South Korea has been under martial law since October 1972. Senate Foreign Relations Committee staff members who visited there in November, reported "The Assembly has been dissolved, an action not provided for in the constitution, and there were tanks (provided by the United States under the Military Assistance Program) in front of the National Assembly building, government ministries, newspaper offices and universities." President Park has been given greater powers and there is no limit to the number of 6-year terms to which he can be re-elected. The U.S. has spent \$36.9 billion in South Korea 1946-1972 for war costs, economic and military assistance and to maintain forces there. Currently there are 42,000 U.S. troops at over 40 facilities in Korea. Korea is the headquarters for the 8th Army, the U.N. Command/Joint U.S. Forces, and Army I Corps, with 1,345 military personnel assigned to these headquarters.

THAILAND

There are 39,000 U.S. troops in Thailand, the 13th Air Force with 50 B-52 bombers, 19 KC-135 fuel tankers, and 230 combat aircraft. The U.S. has 6 air bases in Thailand; 3 are major bases. The U.S. bases in Thailand provide logistics support to Laos and Cambodia. Their primary purpose is the resumption of bombing in South Vietnam, if a new offensive occurs—although the Congress has specifically prohibited such bombing without prior Congressional approval. Also in Thailand are the U.S. Support Activities Group (which replaced the Military Assistance Command, Vietnam), a U.S. Special Forces Battalion, the U.S. Military Assistance Command, and 2,300 U.S. military internal security personnel. It is proposed that 27,000 troops be left in Thailand after agreed-upon reductions. I see no reason for leaving 27,000 troops there.

REPUBLIC OF CHINA (TAIWAN)

There are 8,000 U.S. officers and men on Taiwan and 54 aircraft at three major bases. Taiwan is also the headquarters for Air Asia, subsidiary to the CIA-owned Air America airline, which carried out overflights of China and Tibet and was involved in CIA's secret war in Laos.

The U.S. commitment to the defense of Taiwan and the Pescadore Islands is lessening since Congress withdrew the prior authority previously given to the President. It is doubtful if Taiwan contributes in any way to the defense of the United States.

OKINAWA

Once again part of Japan, Okinawa has a total of 77 U.S. bases, properties, and facilities, and 37,000 U.S. military personnel. The First Marine Airwing is based there, with 92 aircraft. Air Force high flying long range electronic intelligence aircraft rotate through Kadena, Okinawa. The first Special Forces Group (Green Berets) is based on Okinawa. U.S. installations on Okinawa are to be reduced over the next three years to 70 and of those, 13 will be reduced in size. There is no planned reduction in numbers of military personnel.

THE PHILIPPINES

President Marcos instituted martial law in September 1972. A new constitution gave Marcos the powers of both president and prime minister for as long as he likes. Arrest and suppression of rebels continues, particu-

larly in the Southern Philippines, locale of Muslim insurrection. Special Forces from the 1st Special Forces groups based on Okinawa were deployed to the Southern Philippines in the later part of 1973. In addition, there were 14,000 U.S. Military personnel at 6 bases in the Philippines. The U.S. Naval Base at Subic Bay is the largest naval base in a foreign country in the Pacific. It is frequently used by Navy ships for repair and overhauls and one submarine is permanently based there.

Clark Air Force base is home for a large number of U.S.A.F. aircraft and personnel. Even Secretary of Defense James Schlesinger agrees that a sizable reduction can be made in U.S. forces in Asia. This is already beginning; for example, some 4,000 troops were removed from Thailand recently. But the pace is far too slow. Every day we remain in these areas is costly and threatening to our real security.

As Chairman Nix has said, "Some of our troops are stationed in foreign countries for political rather than military purposes. . . . The requirements of 1974 differ from those of 1945. . . . Guerrilla warfare requires domestic reforms and Asian versions of democracy to meet internal subversion. . . . Extensive overseas bases with large garrisons do not deter either guerrilla wars or intercontinental attack. These bases are obsolete."

Now please permit me to turn to our commitment to South Vietnam. Our continued support of the Thieu regime poses one of the greatest moral crises of our time.

On April 5 the House decisively rejected any increased military assistance to Vietnam. With inflation and possible recession at home, the Members reflected their constituents' desire to waste no more money in support of a regime that is a disgrace to our country. With sublime indifference to this expression of public opinion, President Nixon comes back with a request for \$1.45 billion for fiscal year 1975 military and/or economic aid to Southeast Asian forces. He calls it reconstruction but it is really destruction. The post-war war continues unabated. Vietnamese casualties since the cease-fire number 120,000 and the steady stream of refugees continues. Neither side has fully observed the Paris Peace Agreements, but in South Vietnam it is illegal even to print or distribute the Peace Agreements in South Vietnam. This tells us a great deal.

I will leave to other witnesses, today, the documentation of these violations. My chief concern—as it has been for several years—is the fate of those thousands of South Vietnamese of all walks of life and all political opinions, who are being held in jail solely because they—or their friends or relatives—do not agree with President Thieu.

Group after group of Americans visiting South Vietnam over the last few years have reported on these prisoners, bringing back documents and photographs. The highly respected organization, Amnesty International, confirmed the accounts in a recent report.

In the New York Times March 19, James P. Harrison of Amnesty International asks why, if there are only some 35,000 prisoners in all of South Vietnam as President Thieu claims, the U.S. is asked to budget some \$20 million a year for Saigon's police system?—four times the amount we give for hospitals in South Vietnam. "And why," he continues, "are there some 120,000 security personnel and over 600 detention centers in a country the size of an average U.S. state?"

Feeling the pressure from these reports, the Nixon administration and the Thieu administration have combined forces to mount a campaign against those who protest the detention and inhumane treatment of Thieu's prisoners. A hawkish team from the pro-military American Security Council visited the area and issued a whitewash. Like the three monkeys they saw nothing, heard nothing,

and told nothing. Apparently they talked with no one except President Thieu and the people he selected—including the Saigon police chief who had refused interviews with journalists and other prominent Americans.

The Council in fact produces no hard evidence for any of its claims. Their bland statements on prisoners, for example, must be contrasted with literally hundreds of pictures of victims and interviews widely reported here and abroad.

Even the U.S. Ambassador to Saigon has jumped into a verbal battle with those opposing administration policy.

He has stated that the total prison population of South Vietnam does not exceed 35,000, and that if there were any political prisoners, it could only be a handful. He impugns the motives and the patriotism of those who question this assertion, implying that they are tools of Hanoi.

This amazes me, because of my own experience in Saigon during the August recess. At that time I met with Ambassador Martin and found him a gracious host as well as a strong-minded defender of the Thieu regime. He very kindly used his good offices to help secure the release of a prisoner whose existence no one could deny—Madame Ngo Ba Thanh, the internationally known attorney and women's leader.

Now I read that the Ambassador will be in this country next week to carry on his crusade for funding Thieu's government. Therefore I am today sending to the Embassy the following open letter:

"DEAR AMBASSADOR MARTIN: I am writing this open letter to you, in the hope that all who read it will join with me in urging you and Secretary Kissinger to ensure that outside observers be permitted to visit South Vietnamese civilian detention centers.

"I take this step because I believe that only through such visits can the truth about what is happening in GVN prisons be finally determined, once and for all.

"I need not repeat here the various charges and countercharges that have been made. Suffice it to say that I'm sure you'll agree with me that if mass torture, arrest and incarceration without trial is occurring in South Vietnam right now, we as Americans whose taxes support these practices have a moral duty to do anything we can to stop them.

"And I need not also stress that it is already 15 months since the signing of the ceasefire, 12 months since President Thieu announced that 'anyone' could visit the prisons—and yet visits have been regularly denied to groups like the Senate Refugee Subcommittee staff, individuals like Bishop Thomas Gumbleton of Detroit, representatives of the international press and Buddhist monks and Catholic priests within South Vietnam.

"I am sure that you will agree with me also that given the extremely serious nature of the charges made about the treatment of political prisoners, the truth can only be determined through visits by outside observers into South Vietnam's prisons.

"The time for talk has passed. I urge you to consider the following actions:

"1. Please let me know if you have any objections to my personally visiting several prisons in South Vietnam. I am prepared to go to Saigon if this seems appropriate.

"2. Please join with me to urge that the Thieu government allow visits by various representative American groups into South Vietnamese prisons—visits from a variety of humanitarian and political groups from different places on the political or religious spectrum. If the Thieu government does not agree, I would ask that you join with me in urging that aid to the GVN be suspended until such time as the issue of allowing outside observers into the prisons can be re-

solved once and for all. I am introducing a Resolution to this effect.

"3. Please advise me also as to your willingness to support prison visits by other congressional delegations; by delegations representing church or humanitarian organizations; by private delegations representing various political shades of opinion, in the realization that groups regarded as 'neutral' and 'objective' by all sides are often difficult to find.

"I should amplify this only by stressing that of course such visits would be carried out in accordance with the three minimal conditions established by the International Red Cross for visits to detention centers; visitors are to be allowed to bring their own interpreters (acceptable, of course, to all concerned); visitors are to be permitted free access throughout the prison; visitors are to be permitted to interview in private prisoners whom the visitors themselves select for interviewing.

"From the American point of view this action would help quiet the fears of so many of our people that terrible things are occurring in South Vietnam—inhuman tortures for which we are paying; it could, if such abuses are occurring, help correct them; it would help clear the air.

"President Thieu has told a nationwide TV audience on April, 1973 that 'anyone' is free to visit his prisons. This, together with similar, more recent statements, would seem to indicate that the GVN would not regard such visits as an infringement of national sovereignty.

"Given these factors, of course, any reluctance on either your or the GVN's part to allow such visits could only be considered a cause for serious alarm.

"Finally, I should tell you that my sense of urgency about the need for such visits has been increased by your recent intemperate attacks on those who sincerely seek reconciliation.

"Senator Kennedy, the New York Times, and the peace groups continue to share the concern that brought me to Saigon last summer. We must continue to ask questions until we receive satisfactory answers.

"I know that you are aware of the fact, for example, that during my visit to Saigon last summer I gathered my information about political prisoners first-hand from Vietnamese and foreigners living in Saigon, none of whom are agents of Hanoi. You know, for example, that I talked with people like Chan Tin, a Catholic priest, whom you yourself say in your study of political prisoners is not a 'witting communist' and 'views people's plights in a human way.'

"You also know that the information spurring world-wide concern about political prisoners comes directly from Saigon and other parts of GVN zones, not Hanoi. You know that dozens of western correspondents have filed stories based on interviews with former political prisoners, relatives of political prisoners, prison officials, etc.; that substantial testimony and documentation has been massed by Americans who have investigated the situation first-hand in South Vietnam, ranging from people like Jane and David Barton—who worked in the Quang Ngai hospital for years treating political prisoners who had been tortured—to Mike and Diane Jones of the American Friends Service Committee (Quakers), to former Air Force doctor John Champlain, to Bishop Gumbleton of Detroit to Fred Branfman of the Indochina Resource Center.

"You know that the British TV company Granada has made a moving film called 'A Question of Torture,' made in Saigon and showing former political prisoners crawling about like crabs after what they claim was years of shackling, prisoners who said they were blinded in jail, prisoners who describe water shocks and electric shocks in a way that is not easily forgotten.

"And, finally, you know that hundreds of pages of material authored by Vietnamese living in GVN zones has flooded out of South Vietnam since the ceasefire; tearful pleas signed by mothers who have not seen sons or daughters for years; statements signed by dozens of distinguished Vietnamese Senators and Deputies, religious and labor leaders, professors, lawyers and judges.

"That you would twist and distort this basic fact that the great bulk of the information about political prisoners has come from non-communists—Buddhists, Catholics—living in Saigon and other GVN controlled areas has convinced me that the time for action has come.

"I appreciate your writing me of your reactions to the recent visit of the group headed by the Rev. Dr. George W. Webber, President of New York Theological Seminary. But I must assure you that I stand firmly with Dr. Webber when he replies that 'you and our Government have massive and decisive influence where it counts most.' I hope you will use this influence and accept my recommendations.

"Cordially,

"Bella S. Abzug,
"Member of Congress."

HISTORICAL HIGHLIGHTS OF KARAMU THEATRE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. STOKES. Mr. Speaker, I would like to take this occasion to bring to the attention of my colleagues the fact that this is the 50th theatrical year of Karamu.

The record of Karamu is one to be proud of. By providing an arts education program for the underprivileged without regard to race, Karamu early showed its character. During the past 50 years, it has repeatedly demonstrated its commitment to excellence and I am honored to present the highlights of its history.

The history follows:

HISTORICAL HIGHLIGHTS OF KARAMU THEATRE

Karamu was little more than a glimmer in the eyes of Russell and Rowena Jelliffe in the year 1915. Arts education for the less privileged—and on a voluntary interracial basis—were considered rather startling. From the outset, the Jelliffes met skepticism, lack of understanding and outright hostility. But they had a loyal handful of well wishers and supporters. It was June 17, 1915, just a few weeks after their marriage when the Jelliffes set out to explore East 38th Street, on Cleveland's lower east side. By September they had found the two small frame houses next to the playground and on December 19th, moved into the backyard cottage that was their home for 14 years. They started casually and informally working with children.

January 7, 1916, the front "Playground House," (as the children called it), officially opened with a party for 26 girls. Very early the Jelliffes injected into the program of fun and games, sports, cooking, sewing and manual training, new ventures in sketching, clay modeling, song, dance, and creative dramatics. By 1919, "The Neighborhood Association" became an independent entity with its own trustees, a charter member of the Welfare Federation, and the first Community Chest. It was a time for new advances.

Children's theatre of 1917-1918 led to the Adult Dumas Dramatic Club in 1920, who in

1922 renamed themselves as The Gilpin Players, honoring an interested contributor, Actor Charles Gilpin. From the start they performed plays of substance. The first "Negro Drama" Granny Maumee, by Ridgely Torrence in 1925, was followed soon by, Compromise, by Willis Richardson and Paul Green's The No Count Boy in 1926. During the early years the Drama Clubs played in schools such as East Tech and Longwood High School. The first Karamu Theatre opening was February 24, 1927. For the first time the players had their own home and it exhibited striking African Decor.

Through the drab depression of the 1930's the decade was fruitful in a new burst of creativity and social awareness. The Gilpins introduced many manuscript plays, and some by Negro Dramatists, including six by Langston Hughes. Smaller drama groups formed The Robison Players, Harrison Players and the Sightless Taylor Players. Some of the plays during the 1930's were "Porgy," in which Nolan Ball, child actor appeared. Stevedore, a labor play, Langston Hughes, Little Ham, Joy To My Soul and Mulatto. Also the hit musical Pinafore, by Gilbert and Sullivan.

Fire struck in the night of October 22, 1939. The beautiful little theatre was a charred ruin. But from the ashes arose the spirit that built a new Karamu. The artist exhibited in Manhattan. The Karamu Dancers, which had started in 1935, appeared at the World's Fair in 1940. But a new home had to wait. The Karamu players appeared at Cleveland Playhouse and High School Auditoriums. The desperate struggle for funds went on. In 1946, the Karamu Nursery opened at its present Quincey Avenue site, upstairs were art studios, and a temporary arena style studio theatre. The opening play was The Corn is Green.

Karamu, as we know it today, opened December 6, 1949. Some of the highlights of the next ten years were: The Medium, with Zelma George, Golden Boy, Antigone; all successful. The unforgettable Lost in the Stars, Androcles, Amahl and the Night Visitors. During this period there were more musicals and operas than in previous years, Carousel, Out of This World, On The Town, Kiss Me Kate, The King and I, Three Penny Opera, Simply Heavenly, and many more. Directors of musicals were Helmuth Wolfes and J. Harold Brown. The season of 1955-1956 Dr. Ruben Silverman joined Karamu as director of Dramatic Productions.

In the 1960's there were still many good plays and musicals, but also a new type of theatre. In the late 1960's there were plays that related to the Black Revolution—early 1960; Raisin in the Sun, The Sign of Jonah, Purlie Victorious, Death of Bessie Smith, Fantastics, later 1960's: in White America, Dutchman, The Blacks, Mother Courage, Day of Absence.

A few plays of the 70's are Tamborines for Glory, Viet Rock. On Monkey Mountain, which Ron O'Neil starred in, Ceremony for Dark Old Men, "To Be Young, Gifted and Black," was very successful and Karamu players performed this play for Governor Gilligan at his inaugural celebration.

Many talented directors, actors, dancers, singers, and artists all have contributed to the success of Karamu Theatre. Some of the people have gone on to stardom, others have stayed striving always for higher standards of excellence. The many talents of those who make up Karamu and the general public are thankful for the founders of Karamu House, Mr. and Mrs. Russell Jelliffe.

To commemorate the fiftieth theatrical year of Cleveland's Karamu Theater, the Karamu Women's Committee, May Company and Essence Magazine will sponsor "Karamu Golden Experience" on Saturday, May 11, 1974, at the Cleveland Plaza Hotel.

This eloquent production will feature a

unique fashion theatrical show with Essence Magazine model, Susan Taylor of New York, along with the popular and talented Karamu dancers directed by Joan Hartshorne, and poetry and vignettes by the Karamu theatrical group. We are inviting notable Karamu Alumni from throughout the country who have achieved prominence on the stage, in television and motion pictures to be with us.

The Karamu Women's Committee was organized early in the history of Karamu House and has played an important role in the continued success of this organization.

The primary objectives of the Women's Committee are to help with the basic needs of Karamu House and to help interpret Karamu to the community at large.

THE PUBLIC IS CONCERNED ABOUT AIR POLLUTION AND PUBLIC TRANSPORTATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. BROWN of California. Mr. Speaker, many comments have been made about what the public thinks about various types of public services. Most of these comments are merely opinions, unsubstantiated by factual data. In my own district I have had the benefit of surveys that have, fortunately from the point of view of a politician, confirmed my own opinions about the public's concerns. The Washington metropolitan area recently was surveyed to determine public attitudes toward public services.

I was not surprised by those results since they were in accord with the results that I have seen from other areas of the country. Since most of the population of the United States lives in metropolitan areas, the results of the Washington metropolitan area survey, and the survey from Riverside, Calif., which is consistent with this survey in spite of the differences between the areas, should be of interest to this body.

In the Washington metropolitan area the general public rates the police protection very high, and public transportation and air pollution control very poorly. In my own district in southern California a survey in the city of Riverside, population 150,000, showed rankings very similar, although the actual percentages changed. In Riverside air pollution was rated as the most serious local problem, while the more traditional problems of crime were rated far down the list. In terms of public services, the Riverside survey showed that the people were generally satisfied with fire and police protection, but unsatisfied with public transportation and air pollution control measures. In the Washington area survey the police protection was likewise rated high by the local residents, while public transportation and air pollution control were rated very poorly.

The interconnections between public transportation and air pollution cannot be ignored, nor denied. Politicians have found it easy to push for fire and police protection. They have also done a reasonably good job of providing other or-

dinary services, such as garbage collection, sewage lines, or electricity. But public transportation and air pollution control have always seemed to receive a lower priority. The public has indicated that it wants this situation changed. The switch from private automobiles to public transportation will improve air quality and ease the fuel pinch. This is not a local problem, or even a regional problem; it is true a national problem. Mr. Speaker, Members of the House, I commend this article from the Washington Post to you. I suspect that the results of this survey will be duplicated in your own district, if it were surveyed.

The article follows:

TRANSIT, AIR POLLUTION IRK CITIZENS

(By Jay Mathews)

Local governments in the Washington area perform worst in providing public transportation and air pollution control, according to a major survey of opinions of metropolitan area residents.

This great concern with inadequate bus service and bad air—revealed in an extensive survey by the Bureau of Social Science Research, Inc.—is so great that area residents give mass transit and air pollution control top priority for increased government spending. Only spending for schools receives a higher priority, according to the Bureau survey.

The bureau's poll-takers attribute the great dissatisfaction with air pollution controls at least in part to the fact that the poll was taken last summer, when the Washington area suffered a record 29 days of air pollution alerts.

"There's nothing like sneezing, coughing and running eyes to convince one that air pollution control is not quite what it should be," said James M. Kretz, associate director of the Bureau's Washington Survey.

The support for increased spending on mass transit came at a time last summer, when local governments were telling taxpayers of the great costs of Metro subway construction but before any one was aware of what a strain on local budgets the Metrobus operating deficit would be.

Local officials asked about the survey results noted that spending on public transportation has increased tremendously. "Somewhere close to 5 per cent to 6 per cent of our total city expenses will be going to the Metro bus deficit," said Alexandria Vice Mayor Wiley F. Mitchell.

Local air pollution control officials complained that the U.S. Environmental Protection Agency is threatening to cut the grants that have financed air quality monitoring here. Local and state governments so far have appeared unwilling to make up for the U.S. cuts or authorize new programs that would seek to reduce use of the area's primary polluter, the automobile, said officials at the Metropolitan Washington Council of Governments, Virginia State Air Pollution Control Board and Maryland's Bureau of Air Quality Control.

The bureau surveyors determined public service priorities in the area by asking each of the poll's 1,209 respondents: "If you had to recommend changes in the amount of tax money spent for (various public services), which one would you most like to see increased?"

It was to that question that the largest percentage, about one of every four people, said public schools, followed by one out of seven for public transportation and about the same proportion for air pollution control.

When the poll-takers went on to ask respondents which services they would "most like to see cut back," more than two of every five people said none.

"They were not offered that alternative," said Albert E. Gollin, director of the Washington Survey, "yet that proportion volunteered that answer. When it comes out naturally that way, you pay a hell of a lot more attention to it."

"People are proud of their community standard of living, despite the taxes," said Bert W. Johnson, county manager of Arlington where more than half of the survey respondents said they do not want any services cut.

Public services that most frequently received "very good" or "good" ratings in the survey were police protection, parks and recreation facilities and sanitation, in that order.

Although interest in spending more money on school, public transportation and air pollution control was widespread throughout the area, the residents of each jurisdiction offered a slightly different mix of high priority items: The first three items in descending order of interest are:

District of Columbia: public schools, air pollution control, public health and hospital services.

Montgomery County: public transportation, air pollution control, public schools.

Fairfax County: public schools, public transportation and air pollution control (tie), roads and highway maintenance.

Prince George's County: public schools, public transportation and air pollution control (tie), parks and recreation facilities.

Arlington County: public transportation, roads and highway maintenance, public schools.

Alexandria: public schools, public transportation, air pollution control.

In addition to giving priorities for increased spending each survey respondent was asked to rate the quality of nine basic public services in their areas as very good, good, fair or poor.

Here public transportation and air pollution control received the lowest ratings. "I've been to London and the public transportation there is so superior to what we have here," said Bonnie Gottwald, a housewife living near Olney who did not participate in the confidential survey but was contacted separately by the Post.

"Right now if I take a bus, it takes more than an hour a day to get to work," said Erik A. Neumann. Neumann said he now drives his car from his home near DuPont Circle to his job as curator of education at the National Arboretum in Northeast Washington.

Asked about the survey results, John S. Winder, executive director of the Metropolitan Washington Coalition for Clean Air, Inc., said he hopes the poll meant "people are beginning to connect air pollution control with mass transit. A few years ago, they weren't doing that."

Respondents rated the two highest and two lowest rated delivery of public service as follows:

Police protection:
Very good or good, 64%.
Fair, 23%.
Poor, 11%.
Don't know, 3%.
Parks and recreation:
Very good or good, 62%.
Fair, 17%.
Poor, 14%.
Don't know, 7%.
Public transportation:
Very good or good, 24%.
Fair, 26%.
Poor, 37%.
Don't know, 13%.
Air pollution control:
Very good or good, 19%.
Fair, 28%.
Poor, 36%.
Don't know, 17%.

The only service on the list presented to the survey respondents not yet mentioned is social services and welfare. Nearly half of all respondents said they did not know enough about this service to rate it. An article in this series yesterday gave a detailed analysis of the school rating results—that people were generally pleased in the suburbs and displeased in the District of Columbia.

Public officials said the survey reinforces their strong feeling that area residents are determined to have better public transportation. In a mail pool conducted late last year by the Montgomery County Council, mass transportation turned out to be the only public service county residents found so inadequate that they clearly favored increasing taxes to improve it.

Officials questioned yesterday said they are not so sure that air pollution is something local governments are doing much about. Local governments here monitor pollution rates and occasionally cite smoke stack owners for pollution violations, while the federal government has taken over much of the responsibility for developing plans to limit use of automobiles and cut down on automobile exhaust pollution.

William K. Bonta, chief of the planning division of Maryland's bureau of air quality control, said he has sought financing for programs to determine how to plan communities so that people will be discouraged from using automobiles, but has so far been turned down at both the U.S. and state level.

As occurred in the survey's findings on satisfaction with the public schools, D.C. residents indicated they generally were less happy with public services than residents of any other local jurisdiction.

"I don't think our level of service is really worse," said Sterling Tucker, vice chairman of the City Council, when told of the survey findings. "I think probably when you have a large, low-income population that is in constant need, there is always more dissatisfaction."

SATISFACTION RANKING FOR PUBLIC SERVICES IN METROPOLITAN AREA JURISDICTIONS

(Percentage who rate service "good" or "very good")

Police

1. Montgomery (80)
2. Fairfax (78)
3. Arlington (76)
4. Alexandria (72)
5. Prince George's (60)
6. District (39)

Health Services

1. Fairfax (66)
2. Arlington (63)
3. Montgomery (61)
4. District (61)
5. Prince Georges (44)
6. Alexandria (42)

Parks and Recreation

1. Montgomery (79)
2. Arlington (71)
3. Fairfax (67)
4. Prince George's (62)
5. Alexandria (58)
6. District (46)

Public Transportation

1. Alexandria (47)
2. Arlington (46)
3. Fairfax (27)
4. District (25)
5. Montgomery (18)
6. Prince George's (17)

Sanitation

1. Alexandria (76)
2. Montgomery (74)
3. Prince George's (64)
4. Arlington (63)
5. Fairfax (58)
6. District (36)

Social Services*

1. Fairfax (37)
2. Montgomery (34)
3. Arlington (33)
4. Alexandria (28)
5. District (28)
6. Prince George's (26)

Roads Maintenance

1. Montgomery (68)
2. Prince George's (53)
3. Arlington (52)
4. Alexandria (50)
5. Fairfax (49)
6. District (36)

Air Pollution Control

1. Fairfax (33)
2. Alexandria (24)
3. Montgomery (24)
4. Arlington (20)
5. Prince George's (16)
6. District (9)

A FAREWELL TO CONTROLS AND A WELCOMED RETURN TO ECONOMIC FREEDOM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. KEMP. Mr. Speaker, today, May 1, is the first day that this country has been free from the strictures of stagnating economic controls since August 1971. As a long and consistent critic of "central planning," I welcome a return to market economies.

In an address last week at Hillsdale College in Michigan—as a part of the Ludwig von Mises Distinguished Lecturers in Political Economy Series—Mr. Robert M. Bleiberg, the very able editor of *Barron's* spoke on the failure of wage and price controls.

What follows is an excerpt from his address. I think it worthy of the attention of all my colleagues and only add this admonition, the answer to inflation is fiscal and monetary restraint, reason and commonsense. Let us cut the cost of government in order to cut the cost of living.

Let us resolve to follow his advice and to heed well his statistical evidence. The reimposition of wage and price controls would be a disaster.

The article follows:

FAREWELL TO CONTROLS—THE BENEFITS HAVE BEEN ILLUSORY, THE COSTS REAL

(By Robert M. Bleiberg)

August 15, 1972, was another Sunday that Americans will long remember. That was the night President Nixon, against the best advice of his economic counselors, and in total repudiation of his party's campaign platform, took the unprecedented step of imposing wage and price controls upon the United States in the absence of a war emergency. Today, half-a-dozen freezes and phases and 32 months later, the U.S. stands on the brink of decontrol, which—despite last-ditch efforts to extend them on a stand-by basis—is scheduled to occur at midnight tomorrow.

What did controls achieve? Well, let's look at the record. In early May of 1972, Don Con-

*The large percentage of "Don't Knows" (nearly 50 per cent) in this category makes the results unreliable.

lan, chief economist of the Wall Street brokerage firm of Dean Witter & Co., estimated that wholesale prices at the time were roughly where they would have been without controls. Projecting trends evident prior to August 15, 1971, he reckoned that the Wholesale Price Index in March of 1972 would have stood at 117.5% of the 1967 average. The actual figure was 117.4%. Observed Mr. Conlan: "All that grief and confusion for one-tenth of a percentage point improvement over free markets."

For the full 32 months of Freezes One and Two, Phases Two, Three and Four, the figures are appalling. In August of 1971, the Consumer Price Index was rising at a rate of roughly 3% per year. In 1973, the cost-of-living officially increased by 8% (and, ask any housewife, in fact perhaps half again as much). In the early months of this year, the rate of inflation as measured by this index has nearly doubled, to the so-called double-digit bracket.

As to wholesale prices, the record is even worse. From the end of 1970 to the end of 1971, the U.S. Wholesale Price Index rose from 110.4 (1967=100) to 113.9, or by less than 3%. Twelve months later, the Index stood at 119.1, and 24 months later, on January 1, 1974, at 135.5, a rise of over 20% in two years. Since the turn of the year, wholesale prices have advanced at an even more shocking pace.

If the benefits of price and wage controls have been largely illusory, the costs have been painfully real. There are, of course, many ways to measure cost. In dollars-and-cents, the direct cost of regulation looks fairly modest. On this score, according to John T. Dunlop, head of the Cost-of-Living Council, five freezes and phases, stretching over more than two and a half years, cost the taxpayer nearly \$200 million and U.S. industry an estimated \$721 million—\$2 billion. The latter estimates look low—other sources have put the cost to industry more than twice as high.

What might be termed the indirect, or unanticipated, costs have been heavier. From the outset, even in a relatively slack economy, controls had begun to create economic distortion. As business activity started to quicken throughout the world, prices of commodities bought and sold on a global basis, like the non-ferrous metals, began to rise above domestic ceilings, thereby impelling producers to channel their output where it fetched the most and creating artificial shortages at home. Last fall, in large measure thanks to price controls, the National Association of Purchasing Management reported that "almost everything is in short supply." Ironically, one of the first moves made by the Cost-of-Living Council under Phase Four last summer was to roll back prices of heating oil and gasoline, steps which, once the Arab oil embargo began to bite, made a bad situation worse.

Apart from aggravating and creating shortages, with all the inconvenience and cost that entailed, controls did perhaps their worst damage on the financial scene, domestic and foreign alike. The harm was inflicted less by the Price Commission, Pay Board or Cost-of-Living Council, than by a little-known, if highly strategic, part of the controls structure called the Committee on Interest and Dividends. Headed by Arthur Burns, Chairman of the Federal Reserve Board, and comprising such other top officials as the Secretaries of the Treasury and Commerce, CID early on decreed that corporate dividends could increase by no more than 4% per year, compared to 5½%-7% for wages, salaries and fringe benefits.

This was unfair on the face of it. To make matters worse, it aggravated a distortion of several years' standing. From mid-1967 to mid-1972, the Consumer Price Index advanced by 25.4%, wages of production work-

ers, 35%. In dismal contrast, dividends on the Standard & Poor's 500 stocks inched ahead by only 5.1%, while payments on the Dow Jones Industrials actually declined 4.5%. Dividends, of course, reflect corporate profits, which, until business activity began to pick up in 1972, had been depressed. What the CID decreed, in effect, was that for the first time in history, stockholders should no longer enjoy the right to share in the fruits of business recovery.

Not surprisingly, investors reacted badly. Despite one of the biggest upswings in production and trade in this country's annals, stock prices today are 50-odd Dow Jones points below the level at which they stood on August 16, 1971. But the true comparison is far worse. Because corporate profits overall have been rising, stocks currently sell at far lower multiples than in mid-1971. Indeed, the Dow Jones Industrials go for roughly ten times earnings, compared to 15 or more three years ago, while many lesser-known issues sell at multiples of five, four and even three.

In short, by placing a lid for more than two years on what investors could hope to receive in the way of returns, the Committee on Interest and Dividends must shoulder much of the blame for the sorry showing staged by the stock market since late 1972, the slow disintegration of Wall Street, and, perhaps most significant, and ominous, the clogging of the customary channels by which corporate enterprise taps the nation's savings.

There is a second count to the indictment. Owing largely to the Committee on Interest and Dividends, the dollar suffered its second and third devaluations. The sequence of events began unfolding in the fall of 1972, when Western Europe, beset by mounting inflationary pressures, moved to tighten credit. Despite the sharp upward trend of interest rates abroad—one which accelerated in the early months of 1973—the Federal Reserve persistently kept a lid on interest rates at home. Hence the gap between U.S. and foreign interest rates gradually widened alarmingly, to three full percentage points.

In February of 1973, a great confrontation occurred between Dr. Burns and the banking system. Four commercial banks sought to raise the prime rate from 6% to 6½%. The Committee on Interest and Dividends reacted angrily. In a not-so-veiled threat of retaliation, it demanded cost and profit data to "justify" the move. Three of the four banks promptly yielded to government pressure and rescinded the boost, while the fourth held out a few days longer before surrendering. In a bitter statement on the controversy, First National City Bank of New York charged that CID high-handedness had aggravated the latest sinking spell in the dollar. "Such action is interpreted by foreign holders of dollars as being unresponsive to the needs of controlling inflation. Consequently, artificially holding down interest rates is contributing to the weakness of the dollar overseas. . . . A few days later, the dollar was devalued for the second time officially, and continued to sink in the world's foreign exchange markets for several months more."

Even as they phase out, controls are leaving behind another ugly and unwanted legacy: a huge inventory build-up, plainly aimed at jumping the gun on the scheduled expiration date. Since last fall, to illustrate, stocks in the hands of business have been climbing at a rate of over \$3 billion per month, or perhaps \$20 billion all told. According to the latest issue of the Morgan Guaranty Survey, in January-March of 1974 the rise in "real" inventories (as measured in 1958 prices) other than automobiles ran to over three times that of the like year-ago period, far and away an all-time first quarter high. Nor is there much reason to doubt, so the Survey suggested, that the heavy accumulation was "voluntary—the product of

a deliberate effort by business men to add some depth to their supplies and, perhaps, also to beat the rash of price increases expected because of the dismantling of controls."

If so—like virtually all cases of consensus and mass response—"great delusions and the madness of crowds"—the trend is apt to prove both ill-advised and ill-timed. To be sure, the standard forecast calls for the persistence of inflation at today's near-unbearable rate. Cost-of-Living Council head Dunlop, who has a vested interest in the continuance of controls, scoffs at prospects of early relief. In some realms, notably non-ferrous metals, steel and textiles, pent-up pressures are apt to explode. However, the impact may not be as great as so many fear. As Townsend-Greenspan & Co. has observed: "Although prices reported by the major producers for many commodities may rise quite substantially, the actual average prices paid by purchasers of these materials may go up considerably less."

"Owing largely to the existence of controls, marginal supplies of materials purchased not only in foreign markets, but also in quasi-black U.S. markets, have often run to premiums of 100% or more. Even though the proportion of total purchases falling into these extreme price categories was relatively small, they had the effect of pushing the average price paid for a number of chemicals and metals considerably above the domestic official price authorized by the Cost-of-Living Council. Since with the elimination of price controls these premium markets will disappear, the average price increase is likely to be a good deal less than the reported increase of major suppliers. As a consequence, the rise in prices of consumer products may be far less than one would have inferred from the recorded wholesale price changes."

In what may be the wave of the future, some prices, indeed, have begun to decline. For example, inventories of meat, grown so unwieldy as to exceed available cold storage space, have pushed down wholesale prices by 25% or more. From their February highs, the Dow Jones Commodity Indices, spot and futures alike, have fallen 15% or so, with corn, silver, sugar and wheat especially weak. The bottom has dropped out of the market for steel scrap, while the bubble has burst for vintage French wines. Six months—or perhaps six weeks—from now, it may have burst across-the-board.

There is a final point to be made about wage and price controls, one which the late Ludwig von Mises, in "Planning for Freedom," makes very well. "The superstition that it is possible for the government to eschew the inexorable consequences of inflation by price control is the main peril. For this doctrine diverts the public's attention from the core of the problem. While the authorities are engaged in a useless fight against the attendant phenomena, only few people are attacking the source of the evil, the Treasury's methods of providing for enormous expenditures. While the bureaus make headlines with their activities, the statistical figures concerning the increase in the nation's currency are relegated to an inconspicuous place in the newspapers' financial pages."

These figures are staggering. From the twelve months ended June 30, 1971, barely six weeks before the New Economic Program was unveiled, to the current fiscal year, the federal budget rose from \$211.4 billion to an estimated \$274.7 billion. In each of the past three fiscal years, the U.S. government has incurred a heavy budget deficit: \$23 billion in fiscal '71, \$23.2 billion in fiscal '72, \$14.3 billion in fiscal '73 and perhaps another \$5-\$10 billion in the fiscal year ending on June 30, 1974. Under the Nixon Administration, the federal debt has increased from less than \$370 billion to over \$480 billion.

Since mid-1971, by the same token, the money stock (currency in circulation and

demand deposits) has increased from roughly \$228 billion to \$269 billion. Time and savings deposits jumped from \$290 billion to \$369 billion. Total bank loans and investments surged from \$450 billion to \$633 billion.

In sum, while pretending to control inflation, the Nixon Administration, aided and abetted by the Federal Reserve Board, has turned the inflationary spigots wide open. Small wonder that despite wage and price controls—or, more accurately, in large measure because of them—the U.S. currency has suffered its worst loss of value in generations.

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. ARCHER. Mr. Speaker, the United States has made great advances in the practice of medicine and in providing health care to our population through a medical system free from Federal Government control. However, a real concern has been expressed over a threat to the freedom which has been a part of our medical system—the establishment of Professional Standards Review Organizations.

Congress passed amendments to the Social Security Act in 1972 and the President signed this bill into law (Public Law 92-603). The law included a new section providing that all those doctors who treat patients under the medicare and medicaid program must submit themselves to a judgment of professional standards review organizations. The provision was added, states its proponents, in order to provide some type of accountability and cost controls on the implementation of the Federal program. However, the provision even in its initial stages has far reaching and much more serious consequences for the medical profession than merely cost controls. The implications and consequences should be of concern not only to every doctor but also every American who utilizes the services of a doctor.

Under the PSRO provision in the law, an elaborate nationwide system of local, State, and Federal review of professional medical decisions would be established. Each local PSRO would apply "professionally developed norms of care, diagnosis, and treatment, based upon typical patterns of practice in its region." A doctor treating medicare and medicaid patients would have to operate within these "norms." If a doctor moves out of these norms in treatment, he may lose his claim to payment for medicare and medicaid services rendered.

Each decision of the doctor outside the norm would be subjected to extensive review by PSRO; the PSRO would not only review the doctor's judgment but could review and examine his private records. This power would subject every doctor's diagnosis and recommended treatment to a second-guess by an outside organization; the examination of the records of the doctor would be a breach of the traditional confidentiality between a doctor and patient. This PSRO control

would extend from the local level upward through a network of review boards to the offices of the Department of Health, Education, and Welfare in Washington, D.C.

This legislation represents a significant and even frightening step toward Federal control over the American medical profession.

We need to review the significance of this legislation:

Doctors will have their confidential records—records beforehand limited only to doctors and patients—inspected and examined by outsiders;

Doctors will have to be ready to have each and every decision—decisions based on their own medical judgment, training, and experience—reviewed by outsiders;

Doctors will have to be willing to have all their facilities open to examination by PSRO;

Doctors will be listed and categorized in a central information bank maintained by HEW according to how they meet the PSRO "norms"; and

Finally, doctors who do not meet these standards—who demonstrate "an unwillingness or lack of ability substantially to comply with the obligations"—will be subjected to strong financial sanctions.

The PSRO provisions—although presently limited to physicians treating the medicare and medicaid patients—propose a dangerous precedent. If we carry this precedent a step further, we could see how such a review power under the control of the Federal Government could change the entire practice of medicine in this country. "Big brother" government would be standing over and reviewing the professional actions of the doctors throughout our country. The enforcement of these "norms" could seriously limit the freedom of the doctors in making professional judgments and limit innovations by doctors in the care and treatment of patients. The PSRO enactment provides a mechanism which could be used to expand and extend the control of the Federal Government over every physician in this country. Such control would represent a serious threat to members of the medical profession, to patients, and to our fine system of private medical care.

As with other Federal programs of control and regulation, the proponents of PSRO seek to expand the authority of these review organizations. Each one of the major proposals before the Congress providing a system of national health insurance includes a PSRO provision. If a national health insurance program is adopted to cover our population, the PSRO provisions with the resulting control and bureaucracy would be extended to every physician in this country.

We need to stop this threat to our whole philosophy of medical care and the freedom from government control which has been the essence of our medical profession in this country. We must take a stand now before this odious PSRO concept extends to every doctor in

our country. It has been reassuring to see the growing number of bills presented to repeal PSRO. We need to repeal the Professional Standards Review Organization provision in the 1972 enactment in order to keep our medical system free from control by the Federal Government.

TO MY FRIENDS AND FOES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1974

Mr. MICHEL. Mr. Speaker, over the past year I have inserted in the RECORD a number of editorials written by Mr. C. L. Dancy, editor of the Peoria Journal Star, Peoria, Ill., relating to Watergate.

These editorials have generated a good deal of comment and discussion in the area served by the Peoria Journal Star and I have received calls and letters from various parts of the country from people who have read the editorials which I placed in the RECORD.

As might be expected, the editorials have been praised by many and condemned by many, but Mr. Dancy is concerned that his readers not miss his central point, which is that he is less concerned about the fate of Richard Nixon "but whether: First, the processes critical to justice and decency; and second, a continued system of checks and balances in the American Government are compromised by the zeal of some in this matter."

He discusses these distinctions in an editorial from the issue of April 19, 1974, and I place the text of the editorial in the RECORD:

TO MY FRIENDS AND FOES

These days, I find that I get hell from those who disagree (which I don't think I deserve, of course) but also credit from many that I know I don't deserve in regard to "Watergate."

Those who give me hell accuse me of defending "immortality" which is not the situation. We do not convict people of immortality on the basis of political statements, press reports and claims, or the indictment of their friends. It has yet to be proven.

In any case what I have been concerned about is not and has not been the personal fate of Richard Nixon, but whether (1) the processes critical to justice and decency and (2) a continued system of checks and balances in the American government are compromised by the zeal of some in this matter.

That's not the same thing and is only transposed as if it were the same thing by prejudice and that same overkill excess of zeal.

What is even farther from the mark, however, is the praise I am continually receiving for my "courage" in standing up "for what is right" in the face of the popular steamroller.

"What a chance you are taking!" some say. "What if he is impeached? Where will that leave you?"

Why, my dear friends, where that will leave me is in great shape for editorial writing in the future about the consequences!

I would be happy to take credit for boldly taking risks, and can claim to have taken my share, but that just isn't the case regarding "Watergate."

The people who are taking the risks are those pursuing impeachment by every gimmick, every device, and every "dirty trick" they can think of.

Not me.

Consider, if Nixon is not impeached we have a record which shows that these people conducted themselves shamefully and abusively—without having the real "goods" when it came down to a half-decent respectable process of testing the evidence.

They are then in the frying pan—not me.

Consider, however, if Nixon would be impeached. Why, then, we could forget about Nixon, the man, and face the surviving question of what effect the processes used in the past year and half are actually having on the nature of American government and the basic fairness of the system.

Who has most to fear from that?

Why, once again, those who would have impeached him!

Hardly a year will pass—and the record of all past U.S. history makes that a surety—before somebody makes violent charges against whomever is President.

Any administrative misconduct at any level will raise the question: "Did the White House know? Were they in on it?"

At that point, a whole posse of congressmen, senators, and newsmen will have a choice of cavalierly dismissing those charges as crackpot and unfounded—without serious investigation—or of pursuing the investigation into those questions as zealously and using the same means as they have these.

That means once again demanding White House records, demanding no confidentiality for White House aides or cabinet members, demanding that the Fifth amendment be set aside, etc. etc.

Consider the reaction if they do not treat future charges and questions of White House involvement with as zealous an investigation?

They will be admitting the political nature, ruthlessness and unfairness of their actions in regard to this case!

But consider the reaction if they do pursue another such massive and costly investigation, stripping the presidency of its normal ability to function with some degree of confidentiality?

A basic change in the American system itself would be dramatically demonstrated—and the truth of both the President's and some of us editorialists' concerns about violation of process.

Overkill would become the "hindsight" image, and this whole process would be reviewed in the light of new problems and new results—with the most romantic versions now becoming the misconducts of the accusers.

So, don't embarrass me with praise for "courage," friends.

By trying to take a broader look and a longer look than those who can see only the face of a Nixon—and see red I don't require courage on this one.

I plan to live with the future, whatever it brings, and enjoy it.

The folks who have worn blinders in short term enthusiasm are the ones who have their necks out—either way it goes.

But give them no credit for "courage" either.

They are getting there by being too eager. They have "taken the leap" blindly. Where it lands them is yet to be demonstrated.

And so, on with the show!