

## EXTENSIONS OF REMARKS

## ALLIED SERVICES ACT OF 1974

## HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. MALLARY. Mr. Speaker, I am introducing today the Allied Services Act of 1974. The purpose of this bill is to provide planning assistance to States and localities which desire to improve the management of their human service programs. The bill would better enable the Department of Health, Education, and Welfare to assist States and localities in achieving structural reforms that bring together programs designed to help families avoid sliding down the dependency scale.

What is the dependency scale? At the top are those many Americans who will be substantially self-sufficient all their lives as long as they have good educations, health care, and a decent standard of living. One step down are fellow citizens who can be self-sufficient with a bit more help—perhaps day care for children, or job training and placement. The next step would be those who can sustain themselves with dignity, and who can live at home, so long as they receive a visiting nurse, and a social security check or pension. A somewhat more dependent group of people are those who need the services of a community agency—perhaps a health clinic or an outreach center. At the bottom of the dependency scale are those people who live in institutions—nursing homes, or mental health facilities, for example. It has occurred to many concerned officials that if our human service programs were better managed, many people could become more self-sufficient than they are now. Or, to put it another way, many people would not be as dependent as they have involuntarily become. With more visiting nurse services, perhaps more elderly people could continue to live in their own homes instead of in nursing homes. With proper job training, more unemployed people could find lasting jobs.

It often happens that particular families have a multitude of problems that reinforce overall dependency. It may be that government would do better what government can do—and no one believes government can solve all of the personal problems people have—if government treated the family's problems together; and if the different specialists in the different human service agencies concerned with the family's different problems talked to each other, and knew what parallel efforts were being made.

If human service programs are better related, it seems reasonable to expect that they will be more effective. Fragmentation of service agencies should be corrected. But this takes effort, evaluation, and that takes not just money, but

greater flexibility in the regulations and the laws which build rigidity into existing State and Federal service programs.

Allied Services is a concept which must be demonstrated. It may be that there are also weaknesses in the allied approach. For example, we do not want to strip proven programs of their special identity where that may be an important factor of their success. Nor do we wish to undercut means test categorical programs under the Elementary and Secondary Education Act or certain titles of the Social Security Act. These are specifically exempted from that portion of the Allied Services Act which authorizes transfer of up to 30 percent of the funds from one participating program to another.

Where a family is living in extreme poverty, Mr. Speaker, the chances are that the number of its problems toward which Government programs are directed is greatest. Where the facts of that family's life are unemployment, lack of education, untreated health disorders, and most probably, severe emotional depression or strife, it is in the interest of society to do all it can to help that family back on its feet. Otherwise, the ultimate results are much more costly to society than the efforts of human service agencies. Society should provide education and home health care. If it does not, we now have direct evidence, for example, that malnutrition in a pregnant mother will affect the growth of the fetus and that not only is fetal body size reduced but fetal brain development is curtailed. Clearly no one wants results like this from the inadequate delivery of human services.

Therefore, it is in the enlightened self-interest of all taxpaying Americans to improve the delivery of human services, not just in the worst-case analysis just cited, but at every level of the dependency scale.

I introduced similar legislation in the 92d Congress. I am convinced that this is the most productive approach to the coordination of our often fragmented human service programs.

## SAMA HOLDS 24TH ANNUAL CONVENTION

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. CARTER. Mr. Speaker, the Student American Medical Association is an organization representing over 25,000 of our Nation's medical students. Formed by the American Medical Association in 1950, SAMA became an independent body in 1968.

During the recent 24th annual conven-

tion of SAMA, a number of resolutions were passed in connection with health care legislation. I believe that my colleagues will be interested in these resolutions adopted by those who will be playing a major role in the delivery of health care in years to come.

## RESOLUTIONS OF SAMA

Delegates at the 24th annual meeting of SAMA passed two measures designed to protect the rights of medical students on the local level.

One of the measures is a resolution condemning the "scut work" or the medical school practice of requiring students to perform clinical duties to the point where they interfere with the students' education. The proposal also urges schools to provide for at least five uninterrupted hours for sleep out of every 24 hours. Plans for implementing the resolution call for student participation with active local housestaff groups in order to negotiate with their schools for the establishment of a proper balance between clinical duties and educational service.

Another resolution calls for SAMA to expose medical schools who are found to have violated the confidentiality of a student's medical school records. The resolution was a response to reports of students' medical records being used to find evidence of possible drug use or psychiatric problems. According to the resolution, SAMA will investigate at least one reported violation and if the student's legal rights to confidentiality were violated the institution or individual misusing the records will be exposed through SAMA publications and other media. The student also will be given legal assistance and the violation will be reported to the AMA, the AAMC and the Coordinating Council on Medical Education.

The two proposals were part of an agenda consisting of more than 70 resolutions introduced by SAMA members and acted upon by the delegates, who met March 1-3 in Dallas. The delegates represented 113 medical schools throughout the country.

Medical students voiced their concern for the lack of primary care physicians by passing a recommendation calling for the establishment of more family practice rotations as a formal part of medical school curriculums. It also urged development of other methods to encourage students to enter primary care.

In addition, in a resolution on financing medical education, students urged that loan forgiveness options be tied to the geographical and specialty distribution of physicians in areas of need.

In other actions SAMA delegates:

Came out in support of PSRO.

Voiced their approval of moonlighting by interns and residents as a "legitimate and beneficial practice," condemning the portions of the GAP Report of the National Board of Medical Examiners that would delay licensure of housestaff.

Amended a resolution on foreign medical graduates which now calls only for a universal qualifying exam for graduates of any medical school for admission into U.S. graduate medical programs. The original resolution had called for an end to the foreign brain drain into the U.S. and also asked that doctors with "English language deficiencies" be prohibited from treating patients.

Requested the U.S. Office of Education to re-examine its accreditation policies for chiropractic schools.

Supported the efforts of the Medical College Admissions Assessment Program to develop new admissions criteria.

Delegates reversed a prior policy decision when they voted to break off SAMA's affiliation with the Bach Mai Hospital Fund, a group raising money to rebuild a North Vietnamese hospital destroyed in a U.S. bombing raid. The affiliation had been a particularly controversial one within SAMA last year.

#### FINANCING MEDICAL EDUCATION—1974

Resolved, that:

A. Efforts be continued and supported to keep available the multiplicity of sources for financing medical education;

B. Student loans be increased to conform with adjusted levels of need for actual student expenses, and therefore, that the federal government eliminate the ceilings (currently \$2,500 per academic year) on federally insured loans;

C. Loan forgiveness features tied to geographical and specialty distribution of physicians in areas of need be encouraged;

D. Better screening of applicants for loan forgiveness programs be implemented. Such screening should include examination of the student's motivations, interests, background, and needs;

E. That all student loan programs be required to have repayment of loan provisions since the needs, motivations and family commitments of a medical student may change between the time he incurs the loan and the time he must decide on a practice location;

F. Reaffirmation of support for the National Health Service Corps Scholarship Program be made;

G. Efforts be made by those administering programs placing physicians in areas of need to consider and bolster where deficient, if possible, facilities, equipment, medical support personnel, and provisions for continuing education in these areas.

#### THE NATIONAL HEALTH SERVICE CORPS—1974

Resolved, that the Student American Medical Association continue to support and promote the concept of the National Health Service Corps using the following suggested guidelines:

(a) establishing through local SAMA Chapters current information files on the National Health Service Corps including fact sheets, personnel to be contacted, and so forth;

(b) that the local SAMA Chapter serve as local advocates for the Corps through promotion to medical students and housestaff at the medical center by distributing literature, showing films and whatever other promotion is deemed appropriate;

(c) that the SAMA Chapter serve as a liaison to housestaff personnel on opportunities available in the Corps; and

(d) that the SAMA Chapter communicate to the county and state medical societies opportunities available, the importance of the National Health Service Corps, and the potential for incorporating sites within the state and the interest that its local medical students and housestaff have within the Corps.

#### HEALTH MANPOWER MANDATE—1974

That SAMA reaffirm its endorsement in the SAMA report of the Joint Commission in *Handbook for Change* of the statement that "a program of uniform national service be established for all Americans, with two years to be served between ages 18 and 27" with the modification that the upper age limit be raised as outlined below in this resolution.

That SAMA investigate and support measures that enable young physicians and osteopaths as well as other health professionals of both sexes in the United States to be the first groups to serve two years in a primary

care capacity in a health manpower deficient area under the jurisdiction of such an agency as the National Health Service Corps.

That in such a plan those physicians and osteopaths might agree to so serve at the termination of the first post-doctoral (post-graduate) year of residency training (i.e. after the first year of advanced training after medical school graduation) unless such additional training were to be in a primary care specialty, under which circumstances the physician might not serve until such additional training were completed.

That, in exchange for such service the physician might receive from such sponsoring agency, adequate monies to pay for medical school tuition and to cover living expenses and might also be paid for his two years service at a reasonable set amount.

That any present attempt to federally legislate control of numbers and types of specialty and subspecialty training programs in order to effect distribution and specialty physician choice is inappropriate especially since current programs and other alternatives have not been adequately studied or been given adequate trials.

#### PROFESSIONAL STANDARDS REVIEW ORGANIZATION—1974

Resolved, that SAMA reaffirms its policy of endorsement of responsible peer review, and be it further

Resolved, that SAMA recognizes the opportunity provided by Section 249F of Public Law 92-603 to improve the quality and decrease the cost of medical care, and be it further

Resolved, that SAMA urges more effective means be developed for the maintenance of confidentiality, and be it further

Resolved, that SAMA feels that review, and in particular peer review, should be considered educational first before punitive, and be it further

Resolved, that SAMA urges all medical students and the medical profession to work toward implementing Professional Standards Review Organizations and encourages the inclusion of physicians-in-training at all levels of planning and implementation, and be it further

Resolved, that SAMA acknowledges that PSRO is a legislative mandate which enables physicians to maintain control of their profession.

#### CONFIDENTIALITY OF MEDICAL RECORDS—1974

Resolved, that SAMA reaffirms the concept that transactions between physician and patient, as written in the patient's record (of whatever sort) or stored in the physician's mind, should enjoy the utmost privacy, and be it further

Resolved, that SAMA, recognizing that certain legal processes require a physician to depart from the principle of privacy, strongly condemns any causal or concerted efforts to violate that privacy in the absence of satisfaction of due process, and be it further

Resolved, that SAMA, recognizing the current problems of controlling information channels, encourages all health professionals and their institutions to seek better ways to limit access to a patient's record, especially with the growing interest in using computerized methods where retrieval controls remain inadequate to the task, and be it further

Resolved, that SAMA forward copies of this resolution to the President of the United States; to the Attorney-General of the United States; and to the appropriate officers of the American Medical Association; and of the various concerned professional organizations, associations, and societies.

#### ESTABLISHING A DEPARTMENT OF RURAL HEALTH—1974

Resolved, that some of the problems with establishing a practice of medicine in rural areas or areas of critical need are:

(1) Environmental and cultural factors.  
(2) Non-availability of adequate facilities and support personnel.  
(3) Lack of sufficient population to support a specialized practice.

(4) Decreased earnings in a rural area of urban ghetto. And be it further

Resolved, that SAMA endorse and support the implementation of H.R. 10598, The Rural Health Care Delivery Improvement Act of 1973, introduced by Tim Lee Carter of Kentucky, one of three physicians in Congress. This bill would provide for:

(1) Identification of the demographic and geographic characteristics which categorize an area as rural including the definition and delineation of health service areas;

(2) Identification and utilization of transportation modes appropriate in achieving the goal of making health care services available to residents of rural areas;

(3) Emergency medical care components and systems available to meet the special problems of the rural areas;

(4) Education programs in rural areas, including health and nutritional education, as well as continuing education for health professionals;

(5) Experimentation in appropriate linkages with regionalized health programs and facilities in its and other rural areas, and with health programs and facilities in urban areas;

(6) Provision for community support for appropriate health care delivery models and/or components including necessary staffing, construction and equipment. And be it further

Resolved, that SAMA inform the sponsors and supporters of this legislation of our agreement with them that this is an area of great need.

#### NATIONAL HEALTH INSURANCE—1974

Whereas, health is our nation's third largest industry and number one domestic problem, and

Whereas, our system of health services in this country needs to be improved as we are not making good health care available to as many citizens as we should, and

Whereas, the caliber of medicine and health treatment is not as even as it might be across the nation, and

Whereas, our health system does need change; it is basically good—it lacks only coverage (we have the greatest knowledge of health in the world); and our system is capable of responding to the needs of the people if we will use the relevant parts as a foundation and add to it in moderation, and

Whereas, the essential aim of a national health insurance program is removing the money barrier to adequate health care for all Americans, thus eliminating the present inability of many Americans to pay for medical care, i.e. financial accessibility, and

Whereas, the services rendered must cover a significant share of the average family's total health needs, the system being responsible to consumer needs and desired delivery arrangements, i.e. delivery acceptability, and

Whereas, any national health insurance plan will have to be made financially stable by giving it an adequate "mix" of financial resources and there must be multi-source financing based partly on the concept that government bureaucracy is and would be too flexible for adequately administered financing, and

Whereas, major changes in organization and utilization of health manpower and fa-



ilities must occur concurrently with the implementation of a national health insurance scheme in order to avoid massive disruption of services and spiraling inflation due to massive increases in demand, *i.e.* phased implementation, and

Whereas, *consumer cost sharing* as a strong incentive to responsible use of services and *quality control* involving government, provider, and consumer in an appropriate blend are desirable in any national health insurance program, and

Whereas, any national health insurance plan must command the support of the providers of health care with *incentives not coercion* being parameters of concern to insure an adequate supply of health professionals, and

Whereas, *cost consciousness* and *cost efficiency* through peer review groups are desirable in the implementation of a national care program, and

Whereas, the rising cost of health care makes a catastrophic loss provision for extended illnesses a compulsory feature of any national health proposal, therefore, be it

Resolved, that SAMA endorse and support a voluntary health insurance program providing medical and health care to everyone regardless of his/her ability to pay. Such a National Health Insurance proposal should contain the following features:

A. A guarantee to the consumer of the free choice of physician, hospital, and other health care institutions.

B. Adequate benefit standards and a guaranteed annual renewal.

C. Financial help shall depend on the family or individual financial situation, such that no one shall be forced to accept undue financial hardship.

D. The lack of necessity for complete restructuring of our health care system—a system which currently provides excellent care to those who are able to pay for its services.

E. Flexibility and innovation to constantly improve the health care delivery system, and be it further

Resolved, That SAMA direct its officers and committees to prepare testimony to be presented before the appropriate committees in Congress in support of the concepts espoused in this resolution and that SAMA communicate to the members of Congress and to SAMA's membership informing them of SAMA's endorsement of concepts regarding National Health Insurance which would make it possible for everyone to obtain quality medical and health care.

#### BIOAVAILABILITY AND PHYSICIAN SELECTION OF PHARMACEUTICAL PRODUCTS—1974

Resolved, that SAMA endorses the concept that the physician's role in pharmaceutical product selection remains primary, and be it further

Resolved, that SAMA encourages hospitals and physicians in practice to have printed on their prescription blanks some statement that enables the physician to make a specific, active decision regarding the brand or manufacturer, or permitting generic or other brand substitution, at the time of writing the prescription, and be it further

Resolved, that SAMA encourages hospital pharmacies, wherever possible, to maintain prominent brand name stocks on all preparations where (a) bioavailability studies have shown that therapeutic consequence is directly dependent on the preparation used, regardless of satisfaction of USP and/or NF standards; or (b) bioavailability studies might be as yet inconclusive, but indicate that the situation in (a) probably obtains; or (c) whenever a staff physician or pharmacist might present a legitimate case, as for example, a therapeutic regimen that might

have a dependence on specific bioavailability, especially in cases that might involve intricate drug-drug interactions or individual physiological idiosyncrasies, despite that such studies might not yet be noted in the literature, and be it further

Resolved, that SAMA encourages the Federal Food and Drug Administration and the pharmaceutical manufacturers to make widely available to physicians and pharmacists the definitive reports on bioavailability and therapeutic equivalence (particularly comparing later brand or generic products to the originally marketed product, with which therapeutic effect and dosage levels were first determined), as well as to circulate bulletins indicating current trends where the studies are not yet conclusive; and be it further

Resolved, that SAMA, hoping to encourage greater reliance on the bioavailability parameters of drug product selection, encourages all journals and related publications to provide the following information with all studies involving drugs: (a) generic name; (b) brand name, if any; (c) name of distributor and producer; (d) lot number or similar identifying information used by distributor and producer. The provision of this information would enable future inquiry—regarding bioavailability or seemingly paradoxical drug effects—to efficiently and accurately peruse the literature in retrospect and possibly to discover previously unsuspected differences in formulations, and be it further

Resolved that SAMA specifically discourages any current or future efforts of the federal or State governments to remove from the physician his therapeutic prerogative to select specific brands or manufacturers in prescribing medications for patients, where the physician feels that bioavailability parameters or individual physiological idiosyncrasies are fundamental considerations in selecting drugs used in the therapeutic regimen, and be it further

Resolved, that SAMA, in enacting this Resolution, does not necessarily oppose modification of the current mechanisms of drug product selection, as long as the modifications take into account the considerations of physicians' prerogatives and bioavailability mentioned above, and be it further

Resolved, that SAMA forward copies of this resolution, together with amplifying materials where advisable, to appropriate offices of the federal Food and Drug Administration; of the federal Department of Health, Education and Welfare; of the State governments; and of the various concerned professional and business organizations, associations, and societies.

#### DOCTORS IN THE ARMED FORCES—1974

Resolved, that SAMA endorse the concepts of the all-volunteer armed forces and that SAMA urge the Department of the Defense to continue its scholarship program to provide for volunteer armed forces physicians, and be it further

Resolved, that SAMA endorse S2770, The Military Special Pay Act which would be a step toward adjusting the disparity between the amount of money an armed forces physician makes in comparison with a civilian physician. This Act, introduced by Senator John Stennis, would increase an armed forces physician's annual salary significantly, thereby possibly attracting some physicians into the armed forces, encouraging these physicians to make a career out of armed forces medicine.

#### PROGRESS IN GUIDELINES FOR HUMAN EXPERIMENTATION—1974

Resolved, that SAMA hereby expresses its approval that agencies of the federal government and the pharmaceutical industry have undertaken vigorous efforts to develop

guidelines for human experimentation activities that should enhance the ethical standards by which such programs are conducted, and be it further

Resolved, that SAMA formally endorses and encourages the continuing efforts of the federal Department of Health, Education, and Welfare, in reviewing and recommending comprehensive research policies; and those of the Pharmaceutical Manufacturers' Association and the National Council for Crime and Delinquency, for sponsoring a symposium at which participants were enabled to consider issues involved in forms of human experimentation limited neither to drug research nor to specific populations, and be it further

Resolved, that SAMA forward copies of this resolution to the appropriate offices of the federal and state governments; of the various concerned professional, industry, and lay organizations, associations, and societies; and of the organizations noted above.

#### MEDICAL DEVICES—1974

Resolved, that SAMA support the Medical Device Bill introduced by Rep. Paul Rogers, Chairman of the House Subcommittee on Public Health and Environment (H.R. 9984), which would provide for classification, testing, and pre-market clearance of medical devices, and be it further

Resolved, that medical device legislation should encourage the development and use of new devices in order not to impede the tremendous advances which scientific, engineering and manufacturing technology have made, and be it further

Resolved, that SAMA convey appropriate communication to Rep. Rogers informing him of SAMA's support for medical device legislation.

#### CHIROPRACTIC—1974

Resolved, that SAMA, recognizing that the field of Chiropractic has not been shown to be founded upon some recognized scientific principles of medical practice in any form, hereby publicly and strongly expresses its concern that persons who seek health care from chiropractors might suffer serious harm from inappropriate management and/or from inordinate delay in obtaining referral to recognized medical practitioners, and be it further

Resolved, that SAMA urge the medical community to investigate why Chiropractic care is meeting certain human needs for attention, reassurance, and device—and that this signals a serious shortcoming of scientific medical care delivery, and be it further

Resolved, that SAMA hereby requests the U.S. Office of Education to re-examine its policies by which "institutions of higher learning" are becoming accredited without meeting accreditation review standards, where such institutions are directly concerned with teaching of subject material deemed related to health care personnel training, and be it further

Resolved, that SAMA urge curriculum offices in medical schools to establish lectures in each medical school dealing with the delivery and the mis-delivery of medical care.

#### EXPORT-IMPORT BANK

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. FRENZEL. Mr. Speaker, the Banking and Currency Committee's International Trade Subcommittee has

been conducting hearings for the past 2 weeks on legislation dealing with the Export-Import Bank and the extension of the Export Administration Act. Both measures are extremely important to the United States survival in the highly competitive business of international trade. Thousands of American jobs depend upon exports, so inaction by the Congress on these bills could very well cripple America's export strength and balance of trade. The issue of whether to permit the Export-Import Bank to make loans and guarantees to nonmarket economy nations is an important one. The crucial argument, in my judgment, is whether we can afford to let the non-market economies do business with someone else. I do not believe that we can.

Mr. Peter Flanigan, the director of the Council on International Economic Policy, in his testimony before the subcommittee, explained the realities of this situation very well. A short portion of his remarks, dealing with the Export-Import Bank, follow.

#### FLANIGAN TESTIMONY EXCERPTS

Passage of H.R. 13840 as described above will ensure that we are equipped both to continue the expansion of trade in appropriate products with Communist countries, so important to our trade and payments balances, and at the same time enable us to deal more effectively with newly-emerging commodity supply problems. The bill is consistent with our national security and foreign policy, as well as being clearly in our economic interest.

The Export-Import Bank, whose extension would be authorized under the terms of H.R. 13838, performs a critical function for American workers and companies in our international trade performance. While our price-competitiveness abroad has been helped by the factors I described earlier, price alone does not make sales in the foreign markets in which our firms must operate. Financing is often a critical competitive factor in winning those export sales so important to our country in terms both of our balance of payments and of the jobs these exports mean for American labor. The \$10.5 billion of export sales supported by the Ex-Im Bank in the last fiscal year translates into about three-quarters of a million full-time American jobs. If our exports are to continue to make a contribution of this magnitude to the well-being of our citizens and our economy we must continue to provide competitive financing. The four-year extension of the Export-Import Bank will enable this important activity to continue in the period ahead.

In addition to the economic benefits I have described, there are important considerations of foreign policy which need emphasis as this Committee considers the Export-Import Bank extension. The United States is pursuing an historic initiative in seeking to move our relationship with the Soviet Union away from military confrontation and toward mutually beneficial economic relations. It is often mistakenly believed that the Export-Import Bank is, in effect, giving the Soviet Union large sums of money. It is important to correct this impression, and to understand clearly that the Eximbank only disburses funds to American companies in payment for American products to be used in the Soviet Union in return for the obligation of the Soviet Union to repay with interest at a rate which is currently 7 percent. The goods and services involved in these transactions will be bought elsewhere if competitive terms are not available here, and our competitors in Europe and Japan

are ready and willing to capture these markets. But beyond our own commercial interest, it appears to us to be unwise in the broader context of our foreign policy initiative to consider discriminatory restrictions on the financing of exports to the Soviet Union, as would be imposed under H.R. 774. I strongly recommend passage of H.R. 13838 to enable the Export-Import Bank to continue to make its strong contribution to our nation's economic well-being in the years to come.

#### ELECTRIC COMPANY LEGISLATIVE GOALS

### HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HOSMER. Mr. Speaker, David R. Toll, managing director, National Association of Electric Companies, received his B.S. degree in electrical engineering from the U.S. Naval Academy and his L.B. degree from Yale Law School. He was a professional staff member and counsel, Joint Committee on Atomic Energy, U.S. Congress, and was special assistant to the Director General, International Atomic Energy Agency. Mr. Toll is a member of the American Bar Association, the Federal Bar Association, and the Federal Power Bar Association. In an article which appeared in the March 14 issue of *Public Utilities Fortnightly*, Mr. Toll sets forth certain objectives in regard to the increased use of coal and nuclear power which are affected by legislation pending in the Congress.

There are many bills and proposals in Congress of interest to electric companies this year, but the most vital are those that will help achieve the national goal of energy self-sufficiency or Project Independence. Our Federal statutes and policies must encourage increased use of coal, increased use of nuclear power, and accelerated research and development to develop cleaner fuels and new sources of power, including geothermal and solar energy.

The views expressed by Mr. Toll in the article follow:

[From the *Public Utilities Fortnightly*,  
Mar. 14, 1974]

#### LEGISLATIVE GOALS OF ELECTRIC COMPANIES IN 1974

(By David R. Toll)

##### I. INCREASED USE OF COAL

The United States possesses vast reserves of coal which could indeed help "break the back" of the energy crisis. Unfortunately, federal policies, with the Environmental Protection Agency in the driver's seat, have tended to discourage the use of coal over the past several years. These policies must be modified. Specifically, coal surface mining legislation must be made more reasonable than the versions currently before the Congress, and the Clean Air Act must either be interpreted and administered in a more reasonable fashion, or amended.

##### A. Coal surface mining

Electric companies support reasonable legislation providing governmental controls over surface mining operations and requiring reclamation of the land after mining. Such measures will increase the cost of coal

(which already has skyrocketed because of shortages), but electric companies are willing to pay a reasonable amount of extra costs to protect environmental values.

A coal surface mining bill, S425, passed the Senate on October 9, 1973, but it will cause a decrease in coal production unless further revised in at least two respects. First S 425 contains an amendment sponsored by Senator Mike Mansfield of Montana, the venerable Majority Leader, who rarely sponsors legislation but generally prevails when he does. The amendment would prohibit coal surface mining in all situations where the mineral rights are owned by the United States, but the surface rights are owned by another party. It would prevent mining millions of tons of coal, particularly low-sulfur coal in the West, where the federal government has retained mineral rights under surface lands transferred to private parties under the Homestead Act and other federal statutes.

Secondly, S 425 contains language concerning restoration "to approximate original contour" which, unless made more flexible, will curtail production of coal in many parts of Appalachia.

On the House side, the Committee on Interior and Insular Affairs is currently wrestling with HR 11500, a detailed and unwieldy bill reported by two of its subcommittees after many meetings last fall. This bill incorporates many stringent requirements urged by environmental extremists, prior to the recognition of the increased dependence upon coal in meeting our future energy needs. HR 11500 should be substantially revised by the full committee, or else it too will result in decreased coal production at a time when just the opposite result is needed. As an alternative, the full committee might consider HR 12898, a bill introduced by Representative Craig Hosmer, the ranking Republican member of the committee. This bill, although not perfect, offers a more reasonable vehicle to provide strong and effective, but nevertheless workable, coal surface mining legislation.

##### B. Amendments to the Clean Air Act

Increased use of coal in electric power plants has been made more difficult by court decisions and EPA policies under the Clean Air Act. Specifically, in *Sierra Club v. Ruckelshaus*, the United States Supreme Court left intact, by a divided 4-4 vote, a lower court decision that there should be "no significant deterioration," even in regions where the air already is of a better quality than required by the air quality standards of the Clean Air Act. Because of this decision, the Clean Air Act should be amended to express the congressional intent to protect air quality by standards of performance for new sources, and to enhance air quality by attainment and maintenance of ambient air quality standards. Unless the *Sierra Club* decision is clarified either by legislation or by regulation, the air will remain pristine in remote areas, but the goal of attaining energy self-sufficiency by increased use of coal will be thwarted.

Other Clean Air Act amendments may be needed. For example, many states have submitted implementation plans which call for sulfur oxide emission limitations more stringent than necessary to meet primary (health) and secondary (welfare) ambient air quality standards. EPA has insisted that such limitations be achieved through the use of low-sulfur fuels or emission control systems ("scrubbers"), and has resisted efforts by utilities to employ alternative control strategies, including the use of tall stacks and curtailment of operations during periods of adverse meteorological conditions. Unless EPA changes its views, the act should be amended to authorize use of alternative control strategies and other techniques to



attain and maintain ambient air quality standards.

In addition, EPA has insisted on compliance with emission limitations, even though the source meets air quality standards and regardless of other economic, social, and environmental considerations. Unless EPA can be persuaded to widen its outlook, the act should be amended to permit the owner or operator of a stationary source to apply to the state agency (or to EPA in the case of standards of performance) for an exception from the prescribed emission limitations, if overall costs exceed overall benefits and air quality standards will be maintained.

Electric utilities will use their best efforts to comply with the primary and secondary standards prescribed by the Clean Air Act. But in some cases, the states, egged on by EPA, have adopted implementation plans and emission limitations, and EPA has prescribed performance standards, which require air that is cleaner than "clean air" (assuming clean air means attainment of primary and secondary standards). Some of this "overkill" must be removed from EPA and state policies if our nation is to make full use of its coal resources.

## II. INCREASED USE OF NUCLEAR POWER

Several revisions to the Atomic Energy Act are needed in order to accelerate the United States nuclear power program.

First, most observers believe the AEC licensing procedure can be greatly expedited, without jeopardizing the public health and safety. One bill, HR 11957, has been introduced by Representative Melvin Price, chairman of the Joint Committee on Atomic Energy, for himself and Representatives Hollifield and Hosmer. The administration is reportedly preparing another bill which would also have the objective of minimizing delays in the public hearing and licensing process. In addition, Representative Mike McCormack, another member of the JCAE, has introduced HR 12823 to "eliminate duplicative and unnecessary delays in approving sites for nuclear power plants, (and) preserve states rights." The JCAE has indicated it plans to consider the Price and McCormack bills, as well as the administration proposal, during hearings this spring.

Another needed amendment to the Atomic Energy Act concerns the Price-Anderson provisions relating to government indemnity and limitation of liability in the remote event of a nuclear accident. Although the act should be amended this year to permit advance planning and to allow for time to process future applications. The Joint Committee held preliminary hearings in January and February, 1974. Industry witnesses testified that industry's stake in the program could be increased through a system of contingency fee assessment. However, the paramount consideration should be the protection afforded the public, including a rapid procedure for paying claims, and this can best be obtained by extension of the basic features of the Price-Anderson provisions.

A third foreseeable problem under the Atomic Energy Act are the delays caused by the antitrust review provisions in § 105(c). Under the current act, a copy of each application to construct a nuclear power plant must be sent to the Justice Department for review as to whether the proposed activities under the license would be inconsistent with the antitrust laws. The Antitrust Division has recommended a hearing in approximately a dozen applications to date. Because of the extensive collateral information sought by the Antitrust Division in these proceedings, a full proceeding could apparently last for many years. The current act contains a "grandfather clause" permitting applications on file when the act was amended in 1970 to be issued prior to completion of the antitrust

review. The scope of the grandfather clause should be extended or the act amended so that, once the safety and environmental reviews have been completed, a construction permit or license may issue, subject to any conditions which might later be imposed as a result of the antitrust review.

Finally, if nuclear power development is to proceed at a quickened pace, additional uranium enrichment facilities must be constructed. At the present time, all such facilities are owned by the U.S. Atomic Energy Commission, but several private concerns have expressed an interest in constructing, owning, and operating future facilities. A decision should be made before the end of this year whether to proceed with federal government construction or with a cooperative government-industry arrangement. Legislation may be needed.

## III. INCREASED RESEARCH AND DEVELOPMENT

The electric utility industry demonstrated initiative and leadership by establishing the Electric Power Research Institute (EPRI) in 1972. Under Dr. Chauncey Starr, EPRI has undertaken a broad program to develop new sources of energy and improve utilization of existing sources. Some of these programs are privately sponsored and some are in cooperation with governmental agencies.

The federal government has had difficulty in organizing its own energy research and development efforts, and in agreeing upon a comprehensive R&D program. On November 15, 1973, the House passed HR 11510, establishing an Energy Research and Development Agency (ERDA) and a Nuclear Energy Commission (NEC). The Senate, on the other hand, has not acted on the ERDA-NEC measure, but has passed S 1283, Senator Jackson's bill to provide an Energy Research Management Project to oversee a ten-year, \$20 billion research, development, and demonstration program.

Increased energy R&D is vitally needed, and the electric utility industry stands ready to co-operate with the federal government. Legislation will be needed to set national goals, establish levels of federal spending, and provide mechanisms for government-industry co-operation.

## CONCLUSION

Project Independence is a desirable national goal which can be achieved in the 1980's. But its achievement will require the revision of numerous federal statutes and policies, and a recognition that environmental protection must be placed in a perspective compatible with other national needs and interests.

Decisions must be made by the federal government that will encourage long-term commitments by private industry toward increased use of our abundant domestic fuels coal and uranium. Electric utilities can play a vital role in making national energy self-sufficiency a reality. They are ready to do their part, and ask only for the necessary federal policies to help them get on with the job.

## TASS LOVES JANE FONDA

## HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HUBER. Mr. Speaker, on March 18, 1974, a number of the Members of this body participated in a special order outlining the anti-American activities of Jane Fonda. Taken together these various statements, in my view spelled pos-

sible grounds for investigation and possible prosecution by our Attorney General. Therefore, on March 26, 1974, I rose and spoke of this possibility and subsequently sent a letter to Attorney General Saxbe signed by some 10 of us who felt this way. To date we have not heard from the Attorney General, but there has been an indirect response from Tass the Soviet news agency.

The Tass news broadcast from Moscow on April 1, datelined from Hanoi stated the following as regards the special order and my own statement:

These repressive measures failed to scare this courageous American actress and she is once again on Vietnamese soil. Jane Fonda, it is believed, will be making a film about North Vietnam during the trip.

Now I know we all can hardly wait to see this premiere production saying all the nice things possible about North Vietnam. We all remember the photo of her seated on the mount of a North Vietnamese antiaircraft gun looking as though she would love to have an American plane in her sights. Jane continues to be, in my view, an affront to loyal Americans, and I would like to see her registered as an agent of North Vietnam so she would be at least properly labeled and would not be parading around under false colors.

## ISRAEL: THE DREAM MADE REAL

## HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. NIX. Mr. Speaker, last week marked the 26th anniversary of the independence of the State of Israel. I only wish that this anniversary could have come at a happier time. Unfortunately, the specter of war still hangs over the Middle East. Brave young men are still fighting and dying on the Golan Heights. Israeli civilians are still the target of brutal terrorist attacks, as shown by the bloodthirsty and barbaric massacre of civilians at Kiryat Shmona. And the Soviet Union continues to incite its Arab allies and to supply them with a flood of weapons of death and destruction.

I am particularly saddened at this time by the recent vote cast by the United States in support of the United Nations Security Council resolution condemning Israel. This resolution announces in effect that nations in the area are free to harbor terrorist bands without fear of condemnation. It tells Israel that she cannot defend herself against fanatical marauders who cross her borders from Arab sanctuaries to carry out their bloody missions of indiscriminate slaughter of civilians.

I have been disappointed that the United Nations is incapable of bringing itself to deal with the international problem of political terrorism. I am even more disappointed that the United States is now apparently prepared to abandon

its strong line against terrorism for the sake of temporary political gains that may prove illusory.

Still, there are hopeful signs. I am hopeful, as I am sure all of us are, that the present round of negotiations in the Middle East may once and for all break the vicious chain of war and hostility and take us down the road to a genuine and permanent peace. Until that happy day arrives, we can base our faith in the future on the valiant record of the Israeli people over the past 26 years.

Israel is a small country, founded on a dream. Israel has been a haven for the refugees of oppression, for the survivors of Nazi death camps, and for those brave pioneers who believed that the dream of a reborn Israel could be made. They have come from all continents, speaking many tongues, with divergent histories and customs, to build a new and better society.

The Israelis have built a proud and progressive society. They have made tremendous strides in education and social development and in all those qualities that we take to be the benchmarks of a successful civilization. And through all the difficulties they have faced, they have maintained their democratic institutions and individual liberty.

The Israelis have also built a modern and prosperous economy. They have restored a barren land to fertility and made the desert bloom. They have advanced to the forefront of scientific and technological development.

The story of Israel's accomplishments is made even more impressive by the fact that the Israelis have been a small island in a hostile sea during these 26 years. The heroic history of their struggle to maintain their independence must give us comfort as we face the uncertainties of the future. The Israelis have shown that they will endure every hardship and make every sacrifice to keep their liberty. Through bravery, hard work, ingenuity, and sacrifice they have overcome every adversity. I am confident that whatever adversities must be overcome in the next 26 years of her national life, Israel will remain a proud and independent nation and a source of inspiration and friendship to partisans of liberty and justice everywhere.

#### BROADCAST LICENSE RENEWAL ACT

**HON. WILLIAM H. HUDNUT III**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 2, 1974

Mr. HUDNUT. Mr. Speaker, due to a long-standing commitment to speak on health legislation at the Indiana University School of Medicine, I did not get back to Washington in time to vote on the Broyhill amendment to H.R. 12993, the Broadcast License Renewal Act, or on final passage. If I had been present, I would have voted in the affirmative on the amendment, to increase the broad-

cast license period to 5 years, and on final passage.

I was an original cosponsor of legislation on this subject, and in my judgment the bill which finally evolved from our Committee on Interstate and Foreign Commerce has been carefully structured to achieve a balance between stability in the broadcasting industry and the need for consistently good service geared to local needs, views and interests.

This bill will improve the performance of broadcast licensees by increasing their responsiveness to their service areas and by promoting stability.

I support the concept of increasing the term of broadcast license renewal and feel that by doing so, it will reduce the number of renewals coming up each year and thereby should expedite the FCC's handling of the renewal procedure.

In summary, H.R. 12993, is a good step in the direction of balancing stability of incumbent licenses against the need for diversity and responsiveness to the unique interests of local service areas. I am pleased that the House has passed it by an overwhelming vote.

#### THE PHONY CONFLICT

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. BROWN of California. Mr. Speaker, the American people are being deceived into believing that a clean, healthy environment is incompatible with a sound economy. I have asked for proof of the claims that the devil's choice is necessary, but have yet to see any produced. This body has acted on the assumption that the unsubstantiated claims against the environmental legislation are documented. I believe that a careful examination of the facts should convince any reasonable person that environmental legislation is based upon natural laws, and sound environmental policies are the basis of a sound national economy.

The May issue of Conservation News, a publication of the National Wildlife Federation, had an interesting article on this subject. I commend this article to everyone interested in the concept of tradeoffs between ecology and economy.

The article follows:

[From Conservation News, May 1, 1974]

#### THE PHONY CONFLICT

(By Jeff Stansbury and Edward Flattau)

Newspaper headlines announce that national energy demands may create an environmental backlash.

The Nixon Administration advises the country that some environmental safeguards must be sacrificed temporarily to alleviate the energy shortage and maintain a "balance" between conservationists' aims and a healthy economy.

Political analyst and oil company consultant Ben Wattenberg proclaims: "The energy crisis in large measure has undermined much of the whole windmill-tilting of the ecological movement. People are materialists first and environmentalists second when push comes to shove."

And Time magazine has introduced a new section on energy which recently has overshadowed its separate environmental section.

All these viewpoints have embraced the misconception that energy demands and environmental needs are distinct and often in direct conflict. Their authors have overlooked a fundamental aspect of the power shortage: *Energy is an environmental phenomenon.*

In fact, the best way to guarantee an enduring energy supply for the United States is to maintain a healthy environment.

When this premise is recognized, it becomes clear that rolling back environmental controls to expand energy supplies is cutting off one's nose to spite one's face. If protection of an estuary is weakened to permit the construction of an oil refinery of offshore superport, the destruction of a priceless, renewable natural energy resource will likely occur in exchange for a relatively short flurry of industrial activity. Estimates are rich spawning grounds for many shellfish and other marine creatures which provide us with the nutritional energy essential for life. They are also invaluable regenerative storehouses of plants which convert the sun's energy through photosynthesis into protein on which much human life depends.

The big power companies want to shift coal production from Appalachia to large strip-mining operations in the northern plains states of Montana, Wyoming and North Dakota. Appalachia has abundant deposits of coal which is of a much higher grade than the kind found in the northern plains and is nearer huge eastern and midwestern markets. Yet industry appears eager to ship inferior coal greater distances at higher energy costs in order to gain access to the huge federal land holdings in the northern plains.

Moreover, the strip mining threatens to damage one of the largest natural renewable energy systems in the United States. The northern plains' agricultural cycle needs no pesticides and fertilizers. Natural grasses which evolved over the centuries support the country's finest breeding stock of cattle which is eventually shipped to feed lots in other states for fattening before slaughter. With the loss of grazing lands, the cattle would have to be raised at the feed lots in a much more energy-intensive fashion.

Strip mining will sap the land's vast agricultural energy by massive displacement of the soil. Much of the low-grade coal will be liquified or gasified in plants which would need virtually the entire flow of surface streams in the northern plains to operate. Finally, studies indicate the air pollution from these facilities would adversely affect the area's agricultural productivity through substantial interference with photosynthesis. Nevertheless, the Nixon Administration and the coal companies are pressing for a rollback of the Clean Air Act's nondegradation clause in order to permit such plants to be built.

Suppose people are willing to accept environmental despoliation to obtain cheap abundant energy. It's an equation that just doesn't work. Eventually, the mess will have to be cleaned up and the energy costs will have to be added to the fuel costs of extracting, refining, transporting and burning a given fuel. Thus, the energy we pump into the production of any fuel may well approach or equal the energy which that fuel provides. How could one get off the treadmill to environmental ruin?

When natural waste-recycling systems and sources of food such as wetlands or grasslands are eliminated, they must be replaced by man-made treatment plants and intensive agriculture—both of which consume huge amounts of fossil fuel.

Joel Schatz, a state planner who is assistant to Oregon's Gov. Tom McCall, points out that as plentiful fossil fuel deposits be-



come less accessible the energy consumed to find and exploit them increases and the energy yields decrease. Consequently, Schatz says, the more scarce energy one extracts, the higher the price will go and the greater inflation will be.

This leads into another interrelationship between energy and the environment—and a desirable one for us at least. As net energy yields from our fossil fuels decrease, energy consumption must slacken. Therefore, our society will release less energy flow to pollute the environment and, hopefully, many resilient natural ecosystems currently polluted might be revived.

#### ENERGY COMPANY LAND

The table includes acreage owned and leased, some of which is off-shore. Acreages for companies such as Shell, Exxon and ARCO were not available.

Company:	U.S. Acreage in millions
Standard of Indiana	20.3
Texasco	9.9
Mobil	7.8
Gulf	7.5
Phillips Petroleum	5.3
Standard of Calif.	5.2
Continental	4.5
Union	4.1

Source: *Moody's Industrial Manual*.

As this column has reported since 1970, environmentalists were quick to recognize the mutuality of energy and ecology, and the problems it posed.

Perhaps our governments failure to understand this eco-energy relationship explains the shellshocked manner in which it is trying to resolve the power shortage today.

#### HISTORICAL PERSPECTIVE ON POLISH INDEPENDENCE

#### HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. McKINNEY. Mr. Speaker, it is with deep respect and admiration for the achievements of the Polish people that today, we commemorate one of the most inspirational of international holidays, the Polish Third of May Constitution Day.

This occasion is celebrated worldwide by people of Polish descent and I feel it appropriate that we join in their celebration in the hope of peace, freedom, and liberty throughout the world. Sadly, this is a day which warrants special recognition, for there will be no celebration within the boundaries of Poland; a great hope for peace, freedom and liberty is now suppressed by that country's present Government.

On May 3, 1791, just 2 years after the ratification of the Constitution of the United States, Poland adopted the Third of May Constitution and in so doing, peacefully transformed her Government from a monarchy to a democracy reforming her public life and ending her internal decline. This, a declaration of democratic self-sovereignty, was truly a great day in history.

Unfortunately, this great rebirth and assertion of democracy did not forestall the third partition of Poland by Russia,

Prussia, and Austria in 1795. Their period of autonomous freedom was all too short. Their history since has been a tragic one and today the people of Poland live under Soviet suppression.

It was the indomitable strength, spirit and dedication of the Polish people which allowed them, in their courageous struggle for liberty, to create a document declaring the equality of all citizens under law. It is this great strength, spirit and dedication which still demonstrates their love for freedom, their commitment to human rights and serves as an example for all the world—an inspiration for all mankind.

Mr. Speaker, I feel it is necessary that we understand the importance of May 3 to the Polish people everywhere and that we join them in making this not only a day of recognition but a day of hope; hope that in the future this will be a day which the people of Poland themselves may openly revere.

#### SUPPORT GROWS FOR HISC

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ASHBROOK. Mr. Speaker, the House Internal Security Committee, and its predecessor the Committee on Un-American Activities, has been viciously vilified for many years in the newsletters, flyers, and other propaganda organs of radical and revolutionary organizations, and unfortunately on occasion, by some well meaning but uninformed liberals.

It is therefore most refreshing to come to the office morning after morning and find a substantial volume of mail from men and women in all areas of the country, who offer their unequivocal support of the committee and its work. And I am also informed that many of my colleagues in the House are receiving considerable amounts of correspondence from their constituents on the issue of the proposed abolishment of HISC by the Select Committee on Committees.

While I cannot reprint the letters and postcards from all of our well-wishers, I would like to record here, as I have been doing recently, a couple of letters from selected national groups which I hold in great esteem not only for their patriotism but for their forthright decisiveness where matters of this Nation's security is involved. Both groups have kindly authorized me to reprint their messages of endorsement.

#### FLEET RESERVE ASSOCIATION

The following letter was sent to Members of the House by the Fleet Reserve Association which this year closes out 50 years of dedicated service on behalf of personnel of the U.S. Navy, the U.S. Marine Corps, and the U.S. Coast Guard. It enjoys a membership of 95,000 persons. As a former Navy man myself, I welcome the support of the FRA and its national president Marvin Silberman. The letter follows:

I am writing to you in behalf of my 95,000 shipmates of the Fleet Reserve Association. We are career enlisted personnel, active duty and retired, of the United States Navy, Marine Corps and Coast Guard. By virtue of our chosen profession we are dedicated to the security of our nation. Therefore, we implore you to fully support the retention and continuance of a viable House Committee on Internal Security.

As concerned Americans we oppose the transfer of the duties and responsibilities of the Internal Security Committee to other House Committees.

Each day we read sensational headlines about revolutionary kidnappings and anarchistic bombings by revolutionary terrorists. How are we to effectively combat these lawless elements in our society without the means to identify, describe and document these violent acts and those who perpetrate them? The House Committee on Internal Security has the expertise and machinery to continue this vital job. It must remain a viable Committee which is properly staffed and funded if the United States is to be kept informed about its enemies from within.

We can appreciate the need for the abolition of duplication and expense in government operations. However, please do not relegate the all-important task of internal security to the status of a collateral duty of any House Committee. If we err in duplication of effort and expense, then let us err on the side of national internal security.

God bless you in the performance of your duties. With best wishes from all of our members, I remain in,

Loyalty, Protection and Service.

MARVIN SILBERMAN,

National President.

#### AIR FORCE SERGEANTS ASSOCIATION

The second letter, authored by Donald L. Harlow, chief master sergeant of the Air Force, retired, and director of legislation for the Air Force Sergeants Association, which enjoys a membership of over 25,000 members, is a no-nonsense statement which only a former sergeant who has lived with command tasks might pen-out. In today's moments of illusionary détente-diplomacy compounded by domestic disruptions, some straight talk from a former "top-kick" seems in order. Sergeant Harlow writes:

The billions of dollars that must necessarily be allocated for a strong defense posture will be all in vain if our government permits the various radical and subversive groups to run rampant in our wonderful country.

The insidious attempt to eliminate the effectiveness of the House Internal Security Committee by integrating it with the already overworked Judiciary Committee is ludicrous in view of the terrorism already prevalent in the United States today.

The Roman Empire was one of the greatest the world has ever known, and their armies were never defeated on the field of battle. Left wing, subversive, terrorists and other activities caused the internal fall of the Roman Empire; thus, it would seem prudent to take a page from history in the preservation of liberty for all Americans.

The thousands of members of our association who have served in defense of liberty and those still serving must receive the utmost support of lawmakers, such as yourself, if this nation is to remain strong and free.

We strongly urge that you, along with your colleagues, vote against the designed plot to eliminate the House Internal Security Committee. If ever such a committee is needed, it is in today's environment.

Yours in dedication and service,

DONALD L. HARLOW,

CMSAF, Retired, Director of Legislation.

# THE WHOLE TRUTH OF WATERGATE

**HON. JOSEPH E. KARTH**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. KARTH. Mr. Speaker, I was disappointed, as I think many of my colleagues and many of the American people were, when President Nixon went on television Monday night and repeated a performance he has made in similar circumstances too many times in the past. He declared his intention to cooperate fully with the Watergate investigation while simultaneously failing to comply with a subpoena from the House Judiciary Committee.

I think a column written by Jim Klobuchar that appeared in the Minneapolis Star on April 30, 1974, makes a number of valid points concerning the President's noncooperation. Klobuchar points out that what Congress wants and what the people want is the truth, the full record of Mr. Nixon's involvement in Watergate. He also points out Mr. Nixon's efforts to frustrate that desire. I include Mr. Klobuchar's column in the CONGRESSIONAL RECORD:

## THE WHOLE TRUTH OF WATERGATE

The country suddenly finds itself in the middle of an unscheduled election campaign, the latest of the boggling events spawned by Watergate.

The contest matches Richard Nixon against the congressional investigators, and last night's TV speech by Mr. Nixon was an absorbing demolition job aimed at scattering and demoralizing his interrogators.

Under the normal rules of political warfare, one network has offered Chairman Peter Rodino of the House Judiciary Committee a half-hour of his own to explain the difference between tapes and edited transcripts. He might also explain why it is arbitrary and wrong—if the President is going to have somebody examine the tapes against the transcripts—to exclude the committee's chief counselors, one a Democrat and the other a Republican, who are far more familiar with the evidence than the committee's elected members.

The President's periodically updated explanations for the acts of his administration before and after Watergate are described as reports to the people. It is a broad oratorical canvas that permitted him last night to stick it to John Dean, imply that the case against his administration rested almost solely on Dean, describe his edited transcripts as the whole truth of Watergate and to compare himself once more with Abraham Lincoln.

It was an impressive performance, enhanced by some remarkable visual aids, a stack of blue-covered transcript binders containing 1,200 pages of material digested or laundered from the tapes. One was turned up, revealing title and seal.

This, Mr. Nixon was telling the public, is chapter and verse on Watergate. It is the whole record, or the relevant part as your President construes relevancy. He had spent many hours of his own time, he explained, deciding what part of the tapes were relevant and therefore appropriate for the eyes of the investigators and the public.

But the President understands the consuming truth of the investigation.

As long as the public appears to want it to go forward in an uninhibited quest for the truth, it will. But if Mr. Nixon can turn it around, convince the voters with his re-

newed proclamations of sincerity, his stances of the beleaguered but steadfast helmsman and his visual aids, the investigation will crumble.

It does not take more than a few points in the weekly polls. Which is what this novel election is all about.

Political climate around the country and credibility are what the Watergate crisis is all about at this point. Change it substantially or even measurably with respect to the President, and the shock of the Archibald Cox massacre (Mr. Nixon reminded us again last night he has cooperated fully with the investigators at all times) slips silently into a kind of awkward history.

Mr. Nixon's speech last night was intended to alter that climate by chilling the public's ardor for the kind of investigation Rodino, Jaworski and the public itself have been asking. The President, as a matter of fact, practically declared the official end of Watergate last night.

Nobody should begrudge a president facing possible impeachment the opportunity to present his case. Mr. Nixon avails himself of this opportunity often, in prime time, with the dutiful concurrence of the TV networks he flails. And his TV demands receive no special protest from his political foes. Historically in this country, when a president wants to go on radio or TV, he just goes. Which may explain more than a little why Congress has been reduced to what it is today.

Mr. Nixon has suggested frequently that all or most of his critics want to see him publicly gored or run out of office. That may be neither factually correct nor especially relevant. What the public has needed and wanted, until now at least, is a full examination of the best evidence. And then we may all say, "This is what it says; we are satisfied."

Mr. Nixon is telling Congress it will receive edited transcripts, that he will decide who will compare the tapes with the transcripts and that he, in effect, will determine how Congress should run its investigation.

## HOUSE REFORM AND LEADERSHIP

**HON. ROBERT P. HANRAHAN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HANRAHAN. Mr. Speaker, the reorganization of the U.S. House of Representatives is a vital issue to all committee members. We are all interested in the outcome of the study of the committee structure of the House. For the interest of my colleagues, I insert the following article:

### HOUSE REFORM AND LEADERSHIP

The leadership of the House of Representatives, which has managed the impeachment process so far with praise-worthy skill, is facing a second test almost as important to the country.

This one concerns, not the conduct of the President but the capacity of the House itself to meet its governmental responsibilities. It is, in this sense, even more of a measure of the leadership of those who run the House.

Early in 1973, the two most important of those officials, House Speaker Carl Albert (D-Okla.) and then Minority Leader Gerald R. Ford (R-Mich.), put their personal prestige behind a \$1 million, bipartisan study of the committee structure of the House.

The Republicans appear to be solidly in favor of the reforms. House Minority Leader John J. Rhodes (R-Ariz.) inherited Ford's commitment to the project. Despite some

business opposition to some of the committee shifts, Rhodes and his aides are mobilizing to deliver a heavy Republican vote for the proposal when it reaches the floor.

The Democratic situation is far chancier, with a combination of forces now at work to whipsaw the proposal to death inside the Democratic caucus before it can be brought to a vote by the whole House.

Organized labor, which has stacked the Education and Labor Committee with staunch allies for years, is opposed to splitting it into two separate committees. The maritime unions heavy political contributors, are not happy with the restricted jurisdiction of the Merchant Marine and Fisheries Committee, which was originally ticketed for extinction in the reform. Postal and public employees unions are fighting to save the Post Office and Civil Service Committee from being folded into the new Labor Committee.

Now, the committee created to conduct that analysis, headed by Rep. Richard Bolling (D-Mo.) and Rep. Dave Martin (R-Neb.), has reported its recommendations. The 10-member body, representing the full range of philosophies and interests in the House, is unanimous in its recommendations.

What it is proposing is a basic realignment of committee jurisdictions—the first in 28 years—that is designed to achieve three principal goals. It would give each member a single assignment that would enable him to concentrate his energies on one major national policy area.

It would equalize the workload among the committees, so each can maintain effective oversight of government activities within its jurisdiction.

And it would centralize responsibility for such large policy areas as energy, health, transportation, environment and foreign economic policy, which now are splintered among different committees, so that voters would know who to hold accountable for action or inaction on key questions.

The issue now is whether the House will accept and implement this most important of reforms, and it is really a question of what the Democratic majority and its leaders will do.

Even more serious are the internal complaints. Some committee chairmen, including Rep. Wilbur Mills (D-Ark.), whose Ways and Means Committee would lose from its vast empire of influence health, trade and unemployment compensation legislation, are actively working to kill the proposal.

House members who now enjoy politically advantageous double assignments are unhappy about having to choose a single field of specialization. Some liberals contend that the jurisdictional changes and rules shifts—including the abolition of all proxy voting—would disadvantage them.

All these pressures come to bear on Speaker Albert, and his colleagues in the Democratic leadership. They will have to demonstrate at the scheduled May 1 party caucus on this issue the degree of their commitment to reform.

It is a real test of their leadership, for Albert is, as much as any one man, the instigator of this reorganization effort. His comments consistently have indicated an awareness that Congress—which now enjoys the confidence of only 21 per cent of the public—must improve its capacity to perform if it is going to remain what the Constitution envisaged—the people's branch of government.

It cannot be an easy task for him to take on the most powerful of the special interest groups in his party, the most influential of the House "barons" and the personal preferences of many of his Democratic members.

But not even impeachment will provide a better test of the Speaker's real leadership capacity. The opportunity—and the challenge—are his to seize.



GOV. J. MILLARD TAWES CELEBRATES 80TH BIRTHDAY

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. BAUMAN. Mr. Speaker, recently I was honored to be a part of a public celebration of the 80th birthday of the Honorable J. Millard Tawes, former Governor of the State of Maryland.

Governor Tawes has served in numerous elective posts and is presently the State Treasurer of Maryland. He is also my constituent and if anyone has come to earn the title "Mr. Eastern Shore," it is Governor Tawes.

At the Governor's birthday celebration virtually every political leader and those from many other walks of life gathered together to pay tribute to this great Marylander. I include at this point in my remarks an editorial from the Crisfield Times, the Governor's hometown paper, which shows the genuine affection shared by Marylanders for the Governor:

A MAN NAMED MILLARD

(By Bill Martin)

One of "our own boys," J. Millard Tawes, is slated to be honored next week on the occasion of his 80th birthday. Whatever tribute is paid him will be well deserved.

His birthday is April 8th. On April 7th he will be honored at a dinner party at the Hunt Valley Inn near Baltimore, an event planned by dignitaries from throughout the State of Maryland and expected to be attended by scores of his friends from every corner of the Free State. Mayor John S. Catlin of Crisfield has proclaimed April 8th to 14th as "J. Millard Tawes Week". Both above actions are commendable and appropriate.

Millard Tawes has been a political figure for some 44 years, beginning first with his election as Clerk of the Court for Somerset County. Since this beginning his political aspirations and voter appeal catapulted him into a political orbit that speaks for itself. Serving two terms as Governor of this great State is climaxed only with his distinction of being the only man in the history of the Free State to have held all three posts on the State Board of Public Works (governor, comptroller and treasurer), the state's top administrative body.

We have often wondered how many "speaking engagements" Millard Tawes has filled in his lifetime, for his services have been sought statewide on occasion after occasion. We have often wondered where he keeps that ready reserve of energy and enthusiasm that is so evident. We have often wondered what unseen power has been responsible for keeping him sane and competent through these years that surely have been unfree of pressures and problems.

But Millard Tawes is more than a politician. He is an artist, for he has carved for himself an inscription on the "political tree" of Maryland that will be imbedded in the annals of history yet to be written.

There is a saying that "behind every great man there is a great woman" and this could not be more true than in the case of Millard Tawes and his lovely wife Avalynne, who for eight years as the State's First Lady left a lasting impression with her dignity and simplicity that will be long remembered.

As J. Millard Tawes is honored on his

birthday and the week that follows, we too would like to extend our congratulations and best wishes for him and his family, who will be sharing the occasion with him.

Born, reared, and still residing in Crisfield, J. Millard Tawes has climbed the ladder of success, rung by rung, until he has reached the pinnacle of statesmanship. Even so, he is still just "one of the boys."

ATTACKS ON VA

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. BAKER. Mr. Speaker, the attacks and accusations being directed against the Veterans Administration are a matter of serious concern to me. I strongly believe that each and every veteran who seeks benefits to which he is legally entitled should expect to obtain those benefits through the Veterans Administration on time, with courtesy, and without waste.

The VA should be in business only for a single purpose: to serve the men and women who have served our country well while in uniform.

Although it is difficult to know with certainty just what it is those who attack the VA have in mind, it may be they consider the VA a "safe" target. This target cannot very well spend public funds in order to defend itself or strike back. Well, I have some news for everyone. People should not forget who the veterans are and what they have done. We veterans number more than 29 million.

Veterans' contributions to the Nation's welfare is by no means limited to warfare. Veterans are taxpayers and evidence of their work and leadership is all about us. Veterans today are contributing to a better America through their efforts in every profession, every trade, and every form of endeavor.

The Veterans Administration is a large organization with more than 165,000 employees and fiscal year 1975 budget authority, as recommended by the administration, of \$14,080,000,000. Spending outlays for this year are estimated at \$13,285,000,000.

Insurance programs administered or supervised by the VA provide more than \$72 billion of coverage for veterans and servicemen.

The VA medical system with 171 hospitals and 206 outpatient clinics is the largest medical complex in the United States. It employs 7,600 regular salaried physicians as well as some 20,000 nurses.

Educational benefits make up a large part of the VA workload. In the month of March 1974 the VA: issued 1.4 million educational checks; received 128,000 changes of addresses from veterans going to schools; received 19,000 additional changes of address that accompanied certificates of attendance at schools and in excess of 95,000 changes in such things as courses of instruction, and other changes that would amend the award.

Mr. Speaker, I believe Vietnam era

veterans—most of them anyway—do not want benefits bestowed on them in a way which would single them out from veterans of other wars. Also, I believe the majority of all veterans desire that the Congress not take actions which would render in vain the service and sacrifice of the Vietnam era veteran.

It is not surprising to me that in a bureaucracy there is red tape. With many forms to be filled out and mailed, errors will result. The VA is no exception in this regard. The Congress somewhat compounded the VA problems when it authorized a system of advance payments in the education and training programs beginning last September. This new program, I understand, required many changes not only in VA computer systems but also in the manually handled forms so the veteran could be paid at the first of the month he attends school rather than at the end.

Mr. Speaker, it would be wonderful perhaps if every human institution always functioned perfectly and on time, but as all of us know, real life is not that way. Fortunately, there apparently are no serious charges of abuses in the VA payment system for medical care or educational benefits. At least I have heard of no investigations during this administration involving evil-doers and wastrels in the VA. So far as I know, skulduggery is not taking place.

With 3½ million men and women having taken advantage of the Vietnam GI bill and over 1 million to be treated in VA hospitals, this is a big and demanding job. From what I can determine the Veterans' Administration is doing a responsible job. I applaud the personnel of this agency for their efforts.

ICC RAIL SERVICES PLANNING OFFICE SUBMITS EXCELLENT REPORT

HON. E. G. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. SHUSTER. Mr. Speaker, today Mr. George Chandler, Director of the ICC Rail Services Planning Office, submitted his report to the U.S. Railway Association on the rail abandonment proposed by the Department of Transportation.

Mr. Chandler's report is a thoughtful, carefully measured criticism of the DOT abandonment proposals. I urge all Members to study this report because it goes beyond simple statistics to place emphasis on the fundamental social and economic goals which the new rail system should embrace.

We are quick to criticize the shortsightedness of much Government decisionmaking, and I believe we should be just as quick to praise key Government officials such as George Chandler and his staff when they exercise the far-sighted vision they have demonstrated in this report. By their actions, they are placing the new northeast rail system on the right track.

# NUCLEAR ENERGY AND NATIONAL ENERGY POLICY

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. TEAGUE. Mr. Speaker, on April 16, 1974, Congressman MIKE McCORMACK, chairman of the Subcommittee on Energy of the Committee on Science and Astronautics, which I have the honor of chairing, addressed the Western Energy Conference in Wenatchee, Wash.

The title of Congressman McCORMACK's address was "Nuclear Energy and National Energy Policy."

This was, in my opinion, a brilliant address, setting forth not only the fundamentals of a national energy policy, but discussing nuclear energy and an honest appraisal of some of the criticisms directed toward it.

I am particularly pleased to insert this address in the RECORD at this time so that all the Members of the House may benefit from the observations of the House's own expert on energy. The text of Congressman McCORMACK's address is as follows:

### NUCLEAR ENERGY AND NATIONAL ENERGY POLICY

(By Hon. MIKE McCORMACK)

Thank you, Wilfred Woods.

It is certainly an honor for me to be invited to address the 1974 Western Energy Congress, and I want to congratulate the *Wenatchee World* and you, Wilfred, as well as Chester Kimm for organizing this timely program which I am sure will be a resounding success.

I can't help but observe that I draw substantial inspiration from the background against which this energy congress is set. Here, in North Central Washington, men of vision dreamed great dreams and made them come true. We who are the beneficiaries of the multi-purpose hydroelectric development of the Columbia River, and the spectacular success of the Columbia Basin, will forever be indebted to such giants as Rufus Woods, Jim O'Sullivan, Nat Washington, Sr., Billy Clapp, Gale Matthews, Albert Goss, Hugh Bone, and Clarence Dill, and, of course, in later years Warren Magnuson. I know that everyone here joins me in paying tribute to them.

We are all well aware of the additional fact that this is not the only energy congress or conference that is being held at this time. Literally hundreds of similar meetings have been or are now being conducted throughout the country, attempting to come to grips with the energy-related problems that face this nation. Nothing could be more appropriate, and few activities could, in my mind, be more important to our nation or to its future.

Shakespeare had Julius Caesar say "There is a tide in the affairs of men, which, taken at the flood, leads on to fortune; Omitted, all the voyage of their life is Bound in shallows and in miseries." I believe that such a moment exists at this time in this country, and that the response to it by us all will very substantially influence the fate of this nation for decades to come.

The shortages of gas and other petroleum products experienced by Americans during recent months has finally accomplished what 20 years of insistent warnings of scientists could not do. It has made most Americans aware of the fact that the energy supplies of this nation are not inexhaustible, and that

this nation can no longer control the policies of weaker nations to the end that they will deliver their resources to us to our advantage and to their disadvantage. It has made Americans aware of how much we depend on a prodigious consumption of energy for our standard of living.

What may not yet be apparent to the casual observer is that our consumption of energy must continue to increase even if we establish a successful program to conserve, and that we are faced with a frightening spectrum of implications associated with such increased energy consumption, and the conservation programs we must institute. Any concerned citizen may justifiably ask "What are we going to do?" which, translated into a more professional jargon, would read "What is our Energy Policy?"

The sad fact is that this nation has no energy policy at all, and that we, the general public and the government, have acted as if all sources of energy were cheap, inexhaustible and, until recently, non-polluting.

The challenge that we face today is the need to recognize that we must promptly extricate ourselves from the folly of this dream-like attitude of the past, and that we must now develop a systems approach to an integrated national energy policy. If we do create such an energy policy and if we implement the programs to carry it into effect, the people of this country can have both adequate energy and environmental protection, and can attain a state of greatness and affluence that we have not known. If we fail, the inevitable result will be catastrophe.

I would like to discuss a national energy policy so that we may understand just what it is that we are talking about, why it is so important, how it relates to us here in this Western Energy Congress, and to my comments today.

A national energy policy will not be a permanent, inflexible, dogmatic proclamation, but rather a dynamic set of working goals which will be flexible enough to change and evolve as new information becomes available. However, there are some guideposts which I think will be rather lasting, and which provide some valuable perspective for us at this time.

In the first place, we must have a systems approach to an integrated national energy policy. This is an absolutely essential minimum requirement if we really intend to solve the energy crisis. It must include, along with the administration of all energy research, development and demonstration, all assessment and management of all fuels, an understanding of the supply and demand for each type of energy and fuel for each region of the country, and managerial determination of the conservation potential, the economic impact and environmental feasibility of any energy-related proposal. This is basic to any action we may desire to take with respect to the energy crisis, and it is essential that we establish within the Executive Branch a single administrative agency with the authority to implement such an energy policy.

It must be based on the best information available. We cannot afford the luxury of basing policies on fantasies (such as assuming that solar or geothermal energy or suppressed carburetor designs will bail us out of our problems) or prejudices (such as anti-nuclear fanaticism) or hopes (such as the hope that we will keep finding enough natural gas to keep us going).

A national energy policy must provide the optimum conservation practices through every step of everything we do and, in particular, with respect to the conversion, transmission and consumption of energy. It seems obvious to me today that in the short run we should not burn natural gas to produce electricity; in the very long run we should not be burning fossil fuels at all.

A national energy policy must allow for a

higher standard of living for most people in this country. This ability to gain a higher standard of living is fundamental to our society, and we must design a national energy policy that will permit it.

A national energy policy should, I believe, provide energy self-sufficiency for this nation—not by 1980 or 1985—this is pure political demagoguery—but as soon as is reasonably possible, and certainly by the year 2000. Still further, and of great importance, we should plan now to export the technology that we will develop to every nation of this earth so that no nation will be dependent upon any other nation for its energy or subject to blackmail for its survival. This is one of the most important contributions this country can make to the world in terms of reducing international tensions and bringing true and lasting peace.

Finally, our national energy policy should provide for an ultimate reliance upon inexhaustible supplies of essentially non-polluting sources of energy.

Now that the Arab oil embargo has been relaxed and we appear to have almost enough gasoline for this coming summer, this nation and its people will need to demonstrate an exceptional degree of determination to develop a national energy policy with realistic emphasis on the long-range aspects of the problem. Of course, the key to success of such an effort is appreciation of the fact that the energy crisis is not a short-range problem, but rather a long-range one. Several years ago some of you heard me discuss the energy crisis as being made up of four crises:

The first involving the need for this country to be able to manage the distribution and secure the availability of fuels and electricity on a short-range basis;

The second involving the inevitable conflict between environmental protection on the one hand and energy conversion, distribution and consumption on the other;

The third relating to the necessity for this country to mitigate or eliminate our dependence upon imported fuels, particularly upon oil from the Arab nations; and

The fourth relating to the need for this nation to provide alternate sources of energy before the year 2000.

During recent months, the first three of these crises were telescoped into a single one which has shaken the country badly. The fact is, however, that the fourth element is most important because this nation has, during the last two years, truly passed from one historical era into another. We have passed from an era of cheap, abundant energy to an era of shortages in fuels, energy and materials which will be with us for several decades. The implications of this transition are, I fear, far more profound than is generally appreciated.

I think it may have a salutary effect on our perspective to recognize that future historians will probably record that during the 20th century, western man discovered and burned up as fuel virtually all of the earth's resources of petroleum and natural gas.

This may be a difficult reality to face, but we must assume that this nation has already consumed more than half of all the petroleum and natural gas we ever have discovered or ever will discover on this continent, or off its shores, and that it will all be gone, insofar as a significant supply of fuel is concerned, by about the year 2000. As our supplies of petroleum and natural gas dwindle toward the end of this century, this nation will become dependent for almost all of its energy on coal and coal products, and on nuclear fission. But even these sources of energy are really only transitional, and as we phase them in we must also make plans for phasing them out in the more distant future, and replacing them with other, still-to-be-developed sources.

Thus we have one generation within



which to develop these new sources of energy, and while we are making this conversion we must make the necessary cultural, societal and economic adjustments that will inevitably result.

There seem to be several traits which surface when individuals or societies are faced with such disturbing realities. The first is to deny that the problem exists. Thus I have been deluged with mail stoutly insisting that there was—and is—no petroleum shortage at all.

The second escape mechanism is to find a scapegoat to kick around as if this would somehow make the problem disappear. Thus we have had the oil companies and the Administration and the Congress blamed for our energy crisis and our shortages. Certainly there is adequate blame for each, but no amount of criticism will correct what is basically a problem of exponential demand growth exceeding essentially linear improvement in supply.

The third reaction is to look for fantasies as solutions. Thus we have had such spokesmen as Ralph Nader making ludicrous statements to the effect that either solar or geothermal energy, if adequately funded, could solve our problems.

But finally, the mature, responsible citizen will seek the truth and try to work out constructive solutions based on facts.

The facts available to us now provide a fairly clear picture of what our course must be for the near future. Our options are severely limited during the next three to five years. We can and must conserve, or be prepared to conserve, enough energy to provide for essential needs in any contingency. We must also, of course, initiate permanent comprehensive conservation programs in everything we do.

We must establish our Federal Energy Administration and support its operations. We must obtain a large library of accurate and detailed information on energy and fuels and related subjects as quickly as possible, get it into computers, and have it available for use. It must be kept up-to-date. We need good luck in our weather and we need good international relations.

During this time we must initiate aggressive programs of exploration and drilling for oil and gas, on-shore and off. We must develop an oil shale program, and assist, as is mutually advantageous to both nations, exploitation of Canadian tar sands. We must build new refineries, new ports, new pipelines and new storage facilities for gas, petroleum and petroleum products. This is our best short-range strategy for trying to keep our energy supplies for our existing industrial and societal infrastructure as close as possible to future demands.

Of course coal is our greatest resource of fossil fuel, and we must rely heavily upon it. However, even a superficial glance should warn us against taking it for granted. We will need an entire, new, modern coal industry with new mines that meet modern health and safety standards and have a minimum impact on the environment. It will be necessary for us to allow coal to be stripped under realistic regulations, but provide for responsible reclamation of the land. It will be necessary to restore our railway system with new road-beds and new rolling stock. It may also be necessary to amend our Clean Air Act to allow for the burning of coal to generate electricity provided that the best de-sulfurization technology is employed. I have prepared legislation, which I believe to be realistic, to accomplish this goal.

We will, of course, come to depend more and more upon coal gasification and liquefaction, but here the absolute necessity for a systems approach to an integrated national energy policy becomes overwhelmingly obvious.

For instance, reliable figures indicate that

if we were to attempt to close the presently projected gap between supply and demand for natural gas in 1985 using coal gasification, the capital cost alone for the coal gasification plants would be \$200 billion. Such an operation would require 140% of all the coal mined today and the equivalent of about 10% of the flow of the Columbia River at Hanford for process water.

One can quickly grasp the implications of undertaking even one project of this magnitude in terms of coal, water, dollars, steel, manpower, logistics and environmental impact, and how each relates to the other and to those of every other energy-related activity such as coal liquefaction, expanded mining, shifting to smaller cars, nuclear power plant installation, oil shale development, pipeline installation, and providing new housing and mass transit systems. We must make these plans now for this year and next, for 1980 and 1985, and on to 2000.

It may not be apparent yet but I am certain that one of the greatest strokes of good fortune this nation has experienced is to have our nuclear industry as well advanced as we find it today, ready now to provide much of the energy this nation will need during the next 50 years.

Nuclear energy is the cleanest significant source of energy available with the least environmental impact of any significant option. If we did not have nuclear energy available to us for the coming decades, the future of this country would indeed be black in more ways than one.

Today there are 44 nuclear power reactors licensed to operate in the United States. They produce about 26,000 megawatts or 6% of this nation's electricity. There are 54 more plants under construction or in final testing. Of these, 14 are expected to go on line in 1974, making a total of 58 plants by the end of the year. 107 more are on order, and by the mid-1980's we can have 205 nuclear power plants on line. By 1980, 140 of these should be operational, producing 21% of our electricity. By the year 2000, approximately 1000 nuclear plants will be on line. Incidentally, present projections assume that in the year 2000 we will be producing a total of 2 billion kilowatts of electricity, as compared to 440 million today, and 60% of the total electricity produced in the year 2000 will be nuclear.

Nuclear electricity is cheaper (8.6 mills/kwh) than electricity from fossil plants (10.3 mills/kwh). Both these figures will, of course, inflate, but I suspect that it is fair to assume that inflation and higher "real" costs will strike harder at new fossil fuels than at nuclear energy.

One problem facing the United States' nuclear energy program is the availability of uranium. Atomic Energy Commission figures indicate that known reserves (up to \$15 per pound) total 525,000 tons, compared to a projected U.S. requirement of 38,000 tons per year in 1980 and 154,000 per year by the year 2000. Thus, we have an adequate supply for the next decade—but we will probably encounter problems in the mid-1980's. There are several proposed solutions to this problem, and I have asked the AEC to establish an ongoing review of the total potential inventory of fissionable material on a year-by-year basis for the balance of this century. This would be a significant undertaking in that it would require an appraisal of all known reserves of uranium ore that are yet to be mined, all potential imports and exports, the demand of domestic and foreign nuclear energy industries, the enrichment capacity available in this country and elsewhere in the free world, the impact of the breeder program and the use of thorium as a nuclear fuel in gas cooled fast breeders or molten salt breeder reactors.

Of course, it will be necessary to provide additional uranium enrichment capacity by the early 1980's. Perhaps as many as six new

"Oak Ridge-size" plants must be built in enrichment plant would cost \$1.5 billion to build. If it were a new gaseous diffusion the United States by the year 2000. A new plant, it would require 2400 megawatts of electricity to operate (the equivalent to the present output of Grand Coulee Dam). If it were a centrifuge plant, it would cost about the same, but would require only 240 megawatts of power. A third technique involving the use of lasers for isotopic separation may be developed. If it were successful, it would be less expensive, both in capital and in power requirements. It would also be more efficient.

One of the major frustrations associated with nuclear energy today is the 8 to 10 year lead time involved in getting a plant on line. It should be possible to substantially reduce this time without sacrificing any environmental or safety requirements. France and Japan, for instance, require only 5 to 6 years. During recent weeks, the Joint Committee on Atomic Energy has been holding a series of hearings on nuclear power plant licensing and siting, considering legislation which I have sponsored and legislation which has been sponsored by the Administration. These two approaches are compatible, and hearings which start immediately after the Easter recess may lead us to some new comprehensive bill, including the features of each, as well as other suggestions that have been made during hearings. In the legislation I have introduced, I propose a much greater involvement by the individual states in the selection of acceptable sites for nuclear power plants. The AEC has suggested several additional approaches, including standardized plant designs, pre-selection of sites, and advanced consideration of some administrative and legal procedures associated with construction permits.

One can scarcely overemphasize the significance of reducing the lead time for getting nuclear power plants on line. I mentioned earlier that there are 161 plants under construction, in final testing or on order. It would require 5 million barrels of oil per day to produce the same amount of electricity that these plants will put on line. At \$10 per barrel, this is equivalent to \$18 billion in one year. It is easy to appreciate the beneficial impact nuclear power will have on our trade deficit, as well as the colossal amount of fossil fuels which we will save for other purposes.

Today the nuclear energy program is on track and essentially on schedule, but there is much to do. We must have a liquid metal fast breeder reactor demonstration plant on line by the early 1980's, and we must follow it by a gas cooled fast reactor demonstration plant. In addition, we should continue research related to a possible molten salt fast reactor. The LMFBR will require extensive research and development in advanced fuels such as carbides or nitrides to replace the present oxide fuels. Work on the thorium-232-uranium-233 fuel cycle for the GCFR and MSFR is necessary. Advanced fuels, alternate claddings, and fabrication and reprocessing facilities will require massive research and development, costing large amounts of money and consuming many years. All these programs should be started at once, and I am pleased that they are being carried forward under the leadership of Dr. Dixy Lee Ray, chairman of the AEC, and Tom Nemzek, director of the Division of Reactor Research and Development.

During recent years, a small group of anti-nuclear zealots, including a few technically qualified individuals, have mounted a concerted anti-nuclear campaign, and promoted the concept that this nation should terminate its nuclear program. Over the years, the more extreme anti-nuclear charges, such as exploding power plants and high incidence of cancer and infant mortality in the vicinity of nuclear reactors, have been discredited. In

recent hearings before the Joint Committee on Atomic Energy, individuals and spokesmen for some of these groups concentrated their attacks on three main points—the reliability of the reactor vessels, cooling systems, and containment systems; the safe handling of nuclear wastes; and the possibility of the theft of nuclear materials for the fabrication of weapons or for the threat of radioactive contamination of populated areas.

It may be appropriate for us to consider as best we can the rational aspects of these charges, and to try to put them into perspective. The nuclear industry, just as any other, has some hazardous aspects, and will undoubtedly have accidents causing property damage, injuries and deaths. It is crucial, however, to ask how likely these accidents are and how this risk compares to that associated with other energy industries. Further, we must distinguish between the financial risk to the industry, the personal risk to the employees of that industry and the potential risk to the public at large.

Recent studies by Dr. Norman Rasmussen of M.I.T. indicate that the probability of a loss of coolant and a simultaneous failure of the emergency core cooling system resulting in a core meltdown is from 1 in 1 million to 1 in 10 million per reactor year. Accordingly, with 1000 reactors on the line in the year 2000, the probability of such an incident would be 1 in 1000 to 1 in 10,000 per year. These are long odds, but even a meltdown doesn't guarantee the escape of fission products from a nuclear power plant. All that is guaranteed by a meltdown is a severe financial loss and a potential for harm to individuals. To minimize the possibility of such harm, reactors are built with other engineering safeguards, such as fission product suppression systems and the containment vessel itself. The simultaneous failure of these systems at the moment of a meltdown is, of course, far more remote than the meltdown itself. In addition, the extreme accidents that are frequently postulated by nuclear critics assume weather conditions that will somehow trap extremely hot gases on the surface of the ground, and convey them in a contained cloud to a nearby community that has failed to evacuate. While it is essential that every conceivable accident be guarded against and every reasonable precaution taken, there is a point of absurdity beyond which the rational public should not be expected to go. I believe that these hypothetical extreme accidents lie beyond that point.

Having worked for 20 years at Hanford, I am acutely aware of the extreme safety measures that the Atomic Energy Commission enforces. These have paid off in fewer man-days lost per million man-hours worked (43) than in hydroelectric plants (149) or in all fossil fuel plants (1710). In addition, no radiation injuries or deaths have resulted from operation of licensed nuclear power plants in the United States, and no member of the public has received a radiation exposure in excess of prescribed standards due to the operation of any nuclear power plant in this country.

Assuming 1,000 nuclear power reactors on line in the year 2000, the average person in the United States will receive 102 millirem of radiation per year from natural background, 73 millirem per year from medical X-rays and therapeutic radiation, but only 0.425 millirem per year from the operation of all nuclear plants and their supporting activities.

Dr. Ralph Lapp estimates that of the 2 million cumulative cancer deaths in the United States between now and the year 2000, about 314,000 will be radiation-induced. Of those 314,000, Lapp estimates that 200,000 will come from natural background radiation; 100,000 from medical X-rays; about 7,000 from jet airplane travel; about 7,000

from weapons fallout and 90 from nuclear power plants.

Today, we have 54,000 deaths a year and nearly 2.5 million serious injuries from automobile accidents in the United States. More than 12,000 persons burn to death; more than half of them are children. Overdoses of aspirin and aspirin compounds cause more than 200 deaths per year, 1,000 persons die from electrical shock. About 160 are killed by lightning. About 3,000 choke to death on food. Not a single person has been injured or killed from any nuclear power plant, or supporting activity.

It is probable that some qualified person could make a nuclear weapon if the essential materials came into his possession. Certainly we must take every precaution to protect against any theft of material from any nuclear plant or other facility. The AEC has long-established security programs, and these have recently been strengthened because of international terrorist activity, and because GAO criticism of the AEC. I think the trade-offs involved indicate that we must live with the risk of some attempt by someone to steal nuclear materials. I think this is an acceptable risk, particularly because there seem to be so many thousands of ways to make serious mischief in so many easier ways than attempting to steal enough of the correct raw materials to fabricate a nuclear weapon. There are literally billions of shipments of hazardous materials in this country every year. Many of these materials, such as highly flammable liquids and organic poisons, are shipped in tank car lots through every city in the country without anyone being particularly aware of where they are, let alone providing any protection from them. If one is objective, and disentrains himself from anti-nuclear fanaticism, he must see the very remote possibility of theft of nuclear materials as an acceptable risk to assume to enjoy benefits of nuclear energy.

Most nuclear critics, when talking of handling radioactive wastes, either point to the leaks at Hanford (which come from the military program and have nothing to do with commercial power plants) or complain about the fact that there is no specific permanent waste management program yet announced by the Atomic Energy Commission.

Certainly the storage and management of radioactive wastes is a legacy that we must leave to the future as a price for our having entered the age of nuclear fission. However, this can be approached in the same sound manner which we have used in handling radioactive materials for the last 30 years. Millions of gallons of liquids and thousands of tons of solids containing billions of curies of activity have been handled in an exemplary way, with virtually no harm to anyone. Using the techniques that have been developed during recent years, the safe, permanent storage of radioactive materials is actually a simple matter of good engineering and good management.

I believe that in the near future, the AEC will announce plans for long-range storage of highly concentrated radioactive wastes. One technique which seems attractive to me involves solidifying the wastes from reprocessed fuels immediately after separation, and encapsulating them in canisters. Ten canisters, 1 foot in diameter and 10 feet long, holding about 6 cubic feet each, will contain the solidified wastes produced each year by a 1000-megawatt power plant. These canisters can be enclosed in individual concrete shields, and simply placed on the surface of the ground inside some restricted area such as the Hanford reservation. It would require less than 2 square miles to store all of the high-level wastes that will be generated by the nuclear energy program between now and the year 2000.

Incidentally, while there have been leaks

at Hanford, it has been understood that until the solidification programs of these liquid wastes are completed, some leaks would occur from the underground tanks. The radioactive materials that have escaped from the tanks are trapped far under the surface of the ground, and far above the water table, held immobile in a dry, sandy clay. When I cross-examined Dr. Harry Kendall, spokesman for the Union of Concerned Scientists, he admitted in a formal hearing before the Joint Committee on Atomic Energy that the material that had leaked from the tanks at Hanford does not and never would constitute a threat to any person, or to the environment, unless dug up by some human being.

In summary, then, the safety record of the Atomic Energy Commission is unequalled. No person has been harmed by any radiation from a licensed nuclear power plant. Although accidents are possible, the probability of a serious accident threatening any human being is so small that society can easily afford to live with this risk, particularly in view of the remarkable benefits derived from nuclear energy.

Beyond nuclear fission lie three sources of energy which will be of great importance in our future. All three are inexhaustible and, compared to coal or nuclear fission, they are essentially non-polluting.

The first is solar energy. The House of Representatives recently passed the Solar Heating and Cooling Demonstration Act of 1974, which I authored and which would provide for a \$50 million, five-year program to demonstrate the commercial feasibility of using solar energy to heat and air-condition residences and other buildings. It is my hope that the Senate will pass this legislation in the near future. However, I think it is important to keep the short-term potential of solar energy clearly in perspective. It would require a stupendous effort to provide solar heating and cooling in 5% of the buildings in the United States by the year 1990, yet this would represent only 1% of the total energy consumption of this country. Clearly, then, solar energy will have no impact at all in relieving our current energy shortages.

Still, we must pursue this approach for its long-term potential; more than \$50 million will be authorized for Fiscal 1975 for solar research and development, in addition to the heating and cooling demonstration that I have mentioned. The technology required for generating electricity from solar energy, either directly or indirectly, is still in the initial developmental stages and it is not likely to become economically competitive until sometime after 1990. We must push ahead to reach this goal before the year 2000, but we must not mislead ourselves about the short-range solar potential.

The same general perspective is also true for geothermal energy. Immediately after this Easter recess, my Subcommittee on Energy will mark up a new bill providing for a comprehensive geothermal energy demonstration program. Our goal is to have from 6 to 10 demonstration plants on line by 1980. They would generate from 1 to 10 megawatts of electricity each, using the various undeveloped types of geothermal energy such as dry hot rock formations and geopressed water. Here again, prudence must govern our optimism. Even with a crash program, it is highly unlikely that this could be deriving 1% of its total energy from geothermal sources before 1990.

The third new source of energy is, of course, nuclear fusion, and here indeed may lie the fulfillment of mankind's dreams—an unlimited source of clean, cheap energy available to all.

As many of you are aware, I have been the activist/advocate in Congress for increased financial support for the fusion program. The



past two years have been the most productive in the history of controlled thermonuclear research, and certainly we are now operating on a new plateau—one which we have dreamed of and sought for 20 years. Now, for the first time, we are in a position to move forward with a much more aggressive research and development program; and now we can, with considerable confidence, predict success.

In July of last year, the AEC announced that it will move more rapidly than was previously thought realistic to a "scientific feasibility" demonstration of a deuterium-tritium fusion reaction. This decision, which I support enthusiastically, may save 4 to 5 years in developing fusion power.

I am happy to report that Congress and the Administration seem to reflect my confidence in the potential of this program. Total funding for magnetic confinement and laser fusion have increased from \$52.5 million in Fiscal 1972 to what I expect will be \$177.1 million for Fiscal 1975. Within this total, the funding for magnetic confinement studies will increase from \$57 million in the current fiscal year to what I expect will be \$111.3 million for Fiscal 75. This is particularly gratifying to me, because I have obtained significant increases in this program in both years.

I believe that we can have a commercially feasible fusion electric demonstration plant on line by the mid-1990's. This will require massive support, starting now, for materials research and development and for engineering studies. If this program is successful, we may be able to look forward to providing unlimited quantities of clean, cheap energy forever, not only for this country, but for all mankind.

Implicit in this potential is the prospect of using large blocks of cheap energy for mining from the sea or from low-grade ores that have not so far been feasible to exploit and thus freeing the international community from the threats and tensions that accompany shortages of energy and critical materials. In addition, we may look forward, during the first third of the 21st Century, to a policy of phasing out all of our fossil and fission-powered conversion systems, and operating from that time forward on clean, inexhaustible sources of energy.

And so to summarize:

As our supplies of petroleum and natural gas decline, this nation will, toward the end of this century, depend primarily upon coal, coal products, and nuclear fission for virtually all of its energy.

The hazards associated with the development of nuclear fission are real and must be taken seriously, but the sound safety practices and management techniques of the Atomic Energy Commission can continue to be employed to maintain the outstanding safety record we have established, and allow us to benefit from the tremendous potential of nuclear fission.

In the long run, this nation can be self-sufficient in energy, ultimately depending upon inexhaustible supplies of essentially non-polluting forms of energy such as solar, geothermal and nuclear fusion.

This nation faces a serious, long-range energy crisis which demands that we immediately establish a systems approach to an integrated national energy policy. Failure to do so will inevitably result in catastrophe.

However, if the people of this nation exhibit the common sense, resiliency and dedication with which we have faced previous crises, we can, by the turn of the century, enter a new era, wherein nuclear fusion will provide an unlimited supply of cheap, clean energy for all of the people of this country and the rest of the world for all time.

## TIME FOR A CHANGE IN THIS NATION'S RAPE LAWS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HEINZ. Mr. Speaker, one of our most feared and fastest growing crimes, the crime of rape, has received widespread attention within the past year. Many of us have become increasingly aware that, very often, the degradation and horror experienced by the rape victim only begin with the act of rape itself. They continue in her treatment by the police, by medical personnel, and by the courts, in which ironically, the rape victim often becomes the defendant. For these reasons, I have introduced along with 62 of my colleagues, H.R. 10848, the Rape Prevention and Control Act. This legislation would establish the National Center for the Prevention and Control of Rape, and provide financial assistance for a research and demonstration program into rape's causes, prevention and treatment.

A former resident of Pittsburgh, herself a rape victim, recently brought to my attention her testimony before the Hawaii State Senate Judiciary Committee on the subject of rape. I commend to my colleagues her testimony, which vividly portrays the indignities and terror which she experienced both during the rape, and afterward. Her testimony, as it appeared in the Honolulu Star-Bulletin, follows:

[From the Honolulu Star-Bulletin, Mar. 27, 1974]

### FIRST THE RAPIST, THEN THE POLICE

The real nightmare began after her rape, she said, with the police.

Carmen Rhodes, recently a rape victim, testified this morning before the State Senate Judiciary Committee that her treatment by police and medical personnel—the people who were supposed to help her—caused her more trauma than the assault itself.

"The harassing questions, the insinuating suggestions and the dehumanizing treatment" she received began with the first policeman to arrive on the scene and has continued almost without exception throughout the investigation, she said. She believes that both her credibility and her character have been attacked by the men working on the case.

This reaction to her experience caused her to testify in support of Senate Resolutions 165 and 166 before the Senate Judiciary Committee.

Senate Resolution 165 requests the establishment of a special rape and sex crimes investigation unit composed of qualified female investigators who would more readily understand the trauma of another woman.

Senate Resolution 166 requests that a judicial council review and make appropriate recommendations for the improvement of judicial procedures, rules of evidence and substantive law relating to rape.

This morning's testimony, Mrs. Rhodes said, "was one way of handling the outrage I felt at the police, the doctors. I thought, 'Somebody's got to change this. It can't go on.'"

"That's why I'm perfectly willing for anyone to use my name, picture, whatever, in

the possibility that it might change someone's attitude."

(Her testimony appears below:)

Chairman Ushijima, members of the committee. My name is Carmen Rhodes. I wish to testify in favor of S.R. No. 165 and S.R. No. 166 as a private citizen who has a direct concern with these issues since I am a recent victim of the crime of rape.

In addition and perhaps more relevant to these hearings I am a victim of what has come to be known as "the second rape"—that is, the treatment of women by those authorities whose business it is to deal with rape victims.

Fifty-three days ago on Feb. 3rd a young man broke into my apartment while I slept. I was bound, gagged, raped and strangled until I lost consciousness. Sometime afterwards I was able to free myself and stumbled to my neighbors who telephoned the police.

The nightmare of harassing questions, insinuating suggestions and dehumanizing treatment began with the arrival of the first policeman, continued with the ambulance attendant, included the male nurse and doctor in the hospital emergency room and still goes on as the investigation continues.

The following is an account of what happened during those first hours immediately after the attack:

When the policeman arrived I was asked to retell the series of events in detail and then to give a description of the attacker. Even though I was still frightened and ill and hardly able to talk due to my throat injuries I managed to answer all his questions.

You cannot imagine my shock when the policeman turned to me cynically and said, "Wasn't this really your boyfriend who you had let into your apartment and then had a fight with?" When even my neighbors seemed amazed at this he told them, "This is nothing. She's just hysterical."

He then asked me over and over to describe the man and told me that if I'd only cooperate and tell the REAL truth he would get me the help I had been pleading for, that is, to see a doctor. After this endless period of questioning and cynicism regarding my credibility I became desperate and finally refused to reply until I could see a doctor. The policeman finally relented and called an ambulance.

The back of the ambulance was hot and I was feeling very sick. The attendant and the policeman were conferring outside the ambulance for some time when I asked them if we could please go.

I was told, "Just take it easy, lady, and wait till we're ready." I was then asked for my husband's name. I explained that we were divorced and that my exhusband, Charles Rhodes was living at the Charles Arms, an apartment-hotel in Waikiki.

They looked at each other skeptically and the policeman told the attendant, "Write down no next of kin." Then he asked if I was employed and I told them I worked as a babysitter for an agency. They put down unemployed.

The heat was unbearable and I was having great difficulty in breathing. I asked for some smelling salts or oxygen. The attendant refused and said, "Lady, you've been doing enough sniffing lately."

It was hard for me to believe that all this was actually happening. I began to plead with them to drive me to the hospital and the attendant said, "Come on lady, when you start cooperating we'll move this vehicle."

At this point I again refused to say another word until I saw a doctor.

At the hospital the nightmare continued. A male nurse led me to a cubicle with a high table which I sat on and then questioned

me about the attack. I answered all his questions. I asked for a drink of water. The male nurse said no and left the room.

The next person I saw was the only woman I was to come in contact with. She was a nurse's aide and though she said nothing to me it was the only time I was treated like a human being or had any compassion shown to me at all in this whole grisly sequence of events. . . . The nurse's aide covered me with a sheet and put her hand on my shoulder.

The doctor finally appeared and without even a glance at my bruised throat or swollen face he began asking me questions. His entire role in fact consisted of being a further interrogator. I was asked over and over the details of the attack by the doctor.

He apparently decided to use the same approach as the policeman and the ambulance attendant by continuously suggesting that the attacker was my boyfriend whom I had willingly let into my apartment. When I began vomiting and having attacks of diarrhea the doctor left telling the male nurse to give me a shot (valium) and grudgingly assented to the nurse's aide's request that I be allowed a drink of water.

I never saw him again.

Another policeman then arrived at the hospital. The whole story had to again be repeated and only through the help of a neighbor to substantiate the fact that I had a person to contact, my ex-husband was reached and he came and bailed me out.

Since that time the investigation has proceeded in what I consider to be a less than enthusiastic manner. Each contact with the police has been at my own request and insistence.

In fact on three separate occasions I was informed that there was no record of the incident. They later said it must have either been misfiled or put under a "burglary" category. I feel the entire case would have totally disappeared if it were not for my own persistence in continuing the investigation.

The attack occurred on Sunday morning some time after 3:30. I finally got a detective to meet me at my apartment, which I had been too terrified to return to previously, on Tuesday afternoon. The place was in the same condition that it had been when I first stumbled out of there.

My ex-husband had asked the police in the meantime if pictures were going to be taken, or lab tests made of the blood or fingerprints. They had said they would, in time.

I asked the detective that Tuesday if I could clean up the mess, and he said, yes, they were through with it. As it turned out later nothing had been done at all.

The detective also informed me that the first policeman had reported that he found a bottle of wine, an overflowing ashtray, and some burned joss sticks and reached the conclusion that I was drinking and must be a marijuana smoker (because of the incense). He neglected to mention in his report that there was only one glass of wine and just a bit missing from the bottle.

That policeman also failed to note the pillow that had been forced under my hips by the attacker that was still there on Tuesday and that was still covered with blood and fecal matter and urine as well as the knocked over lamp and general appearance of a major struggle having taken place. I also later discovered that my neighbors had been questioned as to my housekeeping abilities and whether I had a lot of black male friends who came to my apartment.

Eventually and only at my urgent request another detective visited me and at my suggestion brought along pictures of possible suspects for me to look at and someone to draw a composite picture of the attacker.

The case is still open but seems to progress only at my request.

With one notable exception, when a detective was kind enough to inquire if I had told my 12-year-old son of the incident and

ask how he took it, the treatment I've received from all the male authorities has been so demeaning and inhuman that even my ex-husband, who has very traditional values, has been repeatedly shocked by the manner in which I have been addressed and questioned in his very presence.

Excuses have been offered for the conduct of the police by many including Asst. Police Chief Eugene Fletcher and a representative from the attorney general's office. Not one, in my opinion, is valid.

The age, race, sexual experience, marital status, state of dress, occupation, income, time of day or whether a woman lives alone should have nothing to do with influencing the police investigation of rape cases. Neither should the victim be made to feel that she has to prove she is worthy of being taken seriously.

There is another idea commonly held by many men that rape is somehow connected with sex. I know now that it is not. The sexual assault is just another way of hurting and perhaps gaining power over another human being. The sexual experience is not, in my opinion, the rapist's objective. He wants to hurt and/or kill you.

I have been asked what I felt was needed to help other women who in the future may become victims of rape. Until public attitudes can be changed I think it is vitally important that women be on the scene from the beginning of any rape investigation. I do not believe that being a woman necessarily makes one compassionate and caring. However a woman would, I think, be more able to offer support and reassurance because she is in a position of knowing in contrast with a man who could, at best, only imagine.

In regard to the many outrages I have undergone I must say to you that the violence done to the outside of me by one person could be, I believe, in time recovered from. But the repeated attacks on my credibility and, worse, on my character that were done by not just one, but many policemen and others connected with my case have destroyed in me a lifetime of believing and trusting that time will not heal.

In conclusion I have read the two Senate resolutions you are considering this morning. I have never before testified at any legislative hearing but I felt I had to tell you what happened to me hoping to make even more real the deplorable conditions presently being faced by rape victims.

I urgently request passage of S.R. 165 and S.R. 166 so that immediate steps can be taken to alleviate some of the suffering that many women are being forced to submit to at the hands of the authorities and system as it presently exists.

Thank you.

#### POLISH CONSTITUTION DAY

#### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ESCH. Mr. Speaker, every year on May 3 a Polish National Holiday is observed by those of Polish heritage. This celebration is observed in this country and many nations of the world. It is, in effect, a day of affirmation to remember the bitter lessons of history and to reaffirm the love of freedom and liberty.

As Casimir I. Lenard of the Polish American Congress said in a letter to Members of the House and Senate:

"The lessons of the past, the greatness of our country, and the common hopes and dreams we share with the Polish nation,

should inspire our younger generations to maintain their democratic ideals.

This is an important message to our Nation whose people prize personal liberty and the rights of individual freedom and who feel a lasting kinship with the people of Poland. As the Polish American Congress noted:

The philosophy of government discernible throughout the Third of May Polish Constitution leads one to believe that the American people and the Polish people had each drawn inspiration for the respective Constitutions from the same source.

Meditation on the anniversary of May the Third deepens the faith and heightens the courage of every Pole and of every American of Polish origin. It reminds all Americans of Poland's destiny in the history of mankind, and prophesies the ultimate triumph of justice, even though Poland once more has been deprived of her independence, sovereignty and her territory by one of our former allies, Soviet Russia, with the consent of other United Nations.

#### MASSACHUSETTS LAW REFORM INSTITUTE

#### HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ASHBROOK. Mr. Speaker, I believe that most Americans would be deeply disturbed if they realized their tax dollars were being used to finance liberal and sometimes even radical political activities. Unfortunately, however, this has happened all too often in the OEO legal services program.

A case in point is the Massachusetts Law Reform Institute. Thanks to the work of Michael Gazarian, a private citizen who has taken the time to investigate the work of the MLRI, the American public can now get an inside view of how some of their tax dollars are being spent.

Following is the information obtained by Mr. Gazarian, which has been copyrighted in a story by the Public Monitor:

#### BUREAUCRATIC WATCHDOG REPORT: MASSACHUSETTS LAW REFORM INSTITUTE

Michael Gazarian is a young man who takes his citizenship seriously. Like a number of others, he has volunteered to become a "Bureaucratic Watchdog" for Public Monitor. As such, he was assigned responsibility for screening the activities of a single Federally-funded activity and making the product of his informal research available to us in Washington, and to any other interested parties which might use it to increase public awareness of how tax dollars are spent.

When Mr. Gazarian offered his help, he was asked to focus his attention on the Massachusetts Law Reform Institute (MLRI), a private "non-profit" organization, which is totally subsidized by the Federal government, via grants from the OEO legal services program. The current level of annual funding for MLRI is \$288,310. This level was supplemented last year by provision of an OEO-funded Reginald Heber Smith Legal Services Fellow and a \$25,000 grant to support a lawyer "to supervise housing reform activities of lawyers assigned to community action programs."

The staff, overall, has included as many



as twelve full-time lawyers and seven support personnel, together with a number of law students hired at three dollars per hour. One of the lawyers' salaries is partially paid by the NAACP Legal Defense Fund, which assigned \$10,000 for that purpose.

The governing body of MLRI, which is privately chosen, is uniformly liberal in its composition, including, as it does, employees of OEO-funded programs, spokesmen for beneficiary groups, and old line silk-stocking civil liberties union types.

Because MLRI is, like hundreds of other legal services projects, and thousands of other government-supported "non-profit" groups, a technically "private" organization, it is not accustomed to close public scrutiny. Thus, when Mr. Gazarian followed our suggestions to seek out information concerning MLRI audits, inspections, publications, minutes of meetings, annual reports, evaluations, grant conditions, staff and board member biographies, by-laws, and the like, his inquiry was greeted with shock and rebuff by MLRI chief attorney Allan Rodgers.

Mr. Gazarian, a very fair-dealing and forthcoming person, asked Mr. Rodgers both orally, and in writing, for his assistance, writing: "You appear to me as a person who knows right from wrong and it is my belief that you would never do anything unethical or anything to obscure the truth. I therefore ask you to place my name on your mailing list. You will find ten dollars (\$10.00) enclosed for that purpose and also to send me a copy of your most recent newsletter and any other information you may have (i.e., position papers, statement of goals, etc.) that will enable me to write a proper report about your organization and all that it is striving to accomplish. Sincerely, E. Michael Gazarian."

Although Mr. Rodgers' taxpayer-supported MLRI takes credit for enactment of a Massachusetts statute (effective July 1, 1974) which "redefines the public records law so as to shift to government itself the burden of establishing the right to withhold governmental records and documents from citizens" and which deems "all public records of all governmental state and local agencies" to be available to the public (with certain limited exceptions), Rodgers himself, presumably without rebuff from his governing board or his bureaucratic benefactors at OEO, rejected Mr. Gazarian's mild, respectful request, as a member of the public, to find out how his taxes were being spent.

"We are normally happy to make information on our activities available to our clients, to fellow legal services lawyers and to persons who have a serious interest in our work," Rodgers said. "But in view of Mr. Phillips' (meaning Howard Phillips, the Chairman of Public Monitor) well-known fixation against legal services programs, I do not believe that you (meaning Mr. Gazarian, as a Public Monitor Watchdog) are really concerned about our work or the problems of our low-income clients. Nor do I believe that you will evaluate our program with any kind of impartiality or fairness. In short, you wish to bury us. I must therefore refuse your request for information."

I wonder whether Mr. Rodgers would sympathize with the same argument, if used by President Nixon in rejecting requests for confidential White House documents and tapes. In his concern for secrecy, where would Rodgers stand with respect to Daniel Ellsberg's theft of the Pentagon Papers?

Mr. Rodgers' "public be damned," cover-up approach can be better understood when one examines the outrageous political purposes to which, MLRI, under his direction, has assigned the Federal funds entrusted to it. If the people of Massachusetts realized that they were being taxed to promote forced busing, challenges to the authority of police departments and school administrators, assaults on private property, and aid to

prisoners rights groups, even they, who supported McGovern in 1972, would rise up in outrage. Yet those causes have been advanced by MLRI.

Consider the approach advocated in "Your Rights As A Student", a manual for secondary schools students prepared and distributed by MLRI: "This pamphlet should be helpful not only to students, but also to concerned parents, teachers, and administrators, to revolutionaries (3) and reformers alike . . ." The Nixon administration-funded manual quotes Marxist revolutionary V. I. Lenin when he wrote ". . . revolutionaries who are unable to combine illegal forms of struggle with every form of legal struggle are poor revolutionaries indeed . . ." MLRI instigates student dissent, counseling that "rights will sometimes be ignored by school officials unless you are willing to organize and stand up for them . . . it is clear that major changes in the schools will come when people stand up together for their rights."

It is also MLRI's objective to have students control what they shall be taught. ". . . the legal system is still far away from requiring teachers to teach the kind of courses you want; but an effective fight in one school can win that goal politically, getting courses on black, brown, or women's studies, filmmaking, or self defense . . . goals can be won politically when the legal institutions are not willing to help."

In other tidbits of advice, distributed with Federal funds to students across the length and breadth of Massachusetts, the legal services "back-up center", urges as follows:

"You may not be punished for refusing to salute the flag, or for not joining in the pledge of allegiance. Nor may you be forced to participate in a school prayer."

(Your right to a free press) "includes the right to write, publish, and hand out whatever you please, including criticism of any school officials or policies, without fear of expulsion or suspension."

"To be ready for arrests that might be made during a demonstration, you should take with you the phone number of a lawyer or legal services office."

"Since the status of high school students in search and seizure law is not yet fully clear, it would be wise not to keep in your locker illegal drugs or anything else which might get you into trouble."

"Four areas of school life are especially appropriate for student participation in decision-making. These are curriculum planning, discipline, hiring and firing of teachers, and the planning of assemblies."

One of the sources of legal assistance to which MLRI directs students is the Massachusetts Lawyers Guild (for "cases of political importance").

In "Making School Work" (also paid for with a Nixon administration subsidy and disseminated jointly by MLRI and the Massachusetts Advocacy Center (MAC), an MLRI allied group) a strong defense is made of the Massachusetts Racial Imbalance Law, which says that "racial imbalance exists whenever more than fifty percent of the students in a school are non-white. (Under the law, school committees are required to "correct" such imbalance. Sometimes this is difficult, since there are not enough white children to spread around for balancing purposes without busing them in from other districts).

MAC and MLRI flatly state that "A great deal of the opposition (to the racial imbalance act) stems from fear and hatred of the idea of black children attending school with middle and working class whites." It is not allowed that the opposition might be based on the law's inherent foolishness.

In its 1971 funding application to OEO, MLRI described itself as "a law reform program with no neighborhood office responsibilities." Its only participants are "those persons who are represented by the applicant

in test cases, which are largely class actions involving groups of participants." In 1972, MLRI said it would "Continue to provide backup and coordination to neighborhood legal services offices in Massachusetts and to bring about significant law reform for poor people in the state." This would be achieved, in part, through "conferences, memoranda and forms, newsletters . . . legislative advocacy, test case litigation and (strategies for) administrative agency rules and practices." To this end, \$9211 was set aside for telephone costs alone.

As part of its program, MLRI has created a "Coalition of Welfare Lawyers and Advocates", and other networks of lawyers who specialize in particular causes. One such "network" is the "Tuesday Morning Group", which has made such progress in moving the Massachusetts court system further to the left by mobilizing public pressures on individual judges and gaining partial control of the process by which judges are named.

Lobbying and the actual drafting of legislation occupies a major portion of MLRI time. For example, they "Drafted and pushed through the legislature a bill prohibiting discrimination on account of sex in admissions to public schools". This, with other developments, had the effect of ending the all-male instruction which had been provided since 1635 by the Boston Latin School, the oldest public school in America, whose alumni have included Cotton Mather, Benjamin Franklin, Samuel Adams, John Hancock, Edward Everett, Ralph Waldo Emerson, Henry Ward Beecher, Charles W. Eliot, and Joseph P. Kennedy.

To facilitate its own work, MLRI helped enact a bill making it easier to bring class actions against government officials. As counsel to the Massachusetts Union of Public Housing Tenants, MLRI has secured tenant participation in the management of local housing authorities, including even a tax-provided budget to assist the tenants in their management responsibilities.

On the national level, the coalition "took a position in opposition to H.R. 1 and engaged in an effort of several months, lobbying Massachusetts congressmen." They "spent much of the summer identifying and visiting recipient groups" and advanced a detailed action agenda to assist them "in their advocacy efforts".

With respect to "Judicial Selection and Discipline," MLRI advises that "some trial judges . . . are motivated by prejudice against certain groups of people." Furthermore, in MLRI's view, the bar associations haven't done enough to crack down on judges who exhibit deviationist tendencies, nor had the Governor named enough blacks and women to the bench.

The answer: let MLRI pick the judges. "A number of lawyer and non-lawyer citizens, therefore, in June of 1972, organized a new group called the Coalition for Better Judges, for the purpose of pressuring the Governor to agree to a new system of selecting judges. The Coalition consisted of legal services lawyers and their clients and interested non-lawyer citizens from all over the state."

The MLRI-devised Coalition "submitted to the Governor a proposal for a voluntary committee . . . to submit a small list of names from which the Governor would be obliged to select his judicial appointments." The proposal received heavy backing from the Boston media and was substantially adopted, by liberal Governor Francis W. Sargent, who is heavily dependent on such influences for his personal political strength.

Rodgers, the head of MLRI, and other legal services activists were named, with others, to a 12 member Ad Hoc Advisory Committee on Judicial Appointments. (I wonder how legal services types would react if all of President Nixon's Supreme Court nomi-

nees had to be pre-selected by the American Conservative Union; the analogy would be very close).

Not satisfied to simply screen candidates and choose therefrom those closest to their views, MLRI, through the Coalition for Better Judges "then established a network of regional coordinators" to testify at hearings held by the Ad Hoc Committee and propose their own candidates for the bench. As a consequence, the Governor named 38 people to judgeships who had been "found qualified" by the Ad Hoc Committee. Included among the new judges are some legal services attorneys, and others of whom MLRI thinks highly. "Overall", reports MLRI, "they represent a vast improvement over the judges they replaced, and are sure to inject vigor and new ideas into an only recently awakening Massachusetts Judiciary."

All of the above information was obtained by Mr. Gazarian from information on file with the OEO Regional office of legal services in Boston. It was more expensive for him to obtain it there, through xeroxing, than if Mr. Rodgers had responded directly to his request. Nor was the information as comprehensive as it should be if MLRI were committed to a policy of full disclosure. We need more concerned citizens like Michael Gazarian to take the lead in exposing bureaucratic activity. Each year millions of government dollars are spent in direct support of non-profit groups like MLRI and the thousands of other organizations to which assistance is indirectly channeled. The public has a right to know how its taxes are being used—particularly in cases like this where it is underwriting liberal political activity.

#### REPRESENTATIVE KEMP COMMEMORATES POLISH 3D OF MAY CONSTITUTION DAY

### HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. KEMP. Mr. Speaker, it is with a profound sense of admiration for the qualities of the Polish people, that I join with Americans of Polish descent across the Nation in celebration of the Polish 3d of May Constitution Day.

This event has been marked by special observances in both Chambers of Congress since the outbreak of World War II. It is assuredly appropriate that we pause today to reflect upon the Constitution promulgated in 1791 which detailed freedoms unknown in most parts of the world. The Polish Constitution, along with the French Constitution, and our own Constitution, marks a great watershed in the growth and development of constitutional law the world over.

Mr. Speaker, just as courageously as they sought their freedom in 1791, the Polish people seek their freedom today. In this year of détente, conciliation, and arms limitation, we must not allow our attention to be deflected from the plight of the Polish nation, and from the indomitable commitment of the Polish people to the ideals of democracy.

It has been my honor to work with the Polish community of western New York. These Americans of Polish descent have contributed immeasurably to the vitality and diversity of the professions which they have entered, and the community

projects they have undertaken. I am proud to join these Americans in commemoration of such a rich and enduring heritage.

#### VIETNAM REPORT

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ARCHER. Mr. Speaker, the world of international politics brings forth many myths and these myths, even when proved erroneous, continue to be perpetuated as truth. Such a myth is the charge that the Government of South Vietnam has been guilty of imprisoning over 200,000 political prisoners. The critics of South Vietnam have used this charge over and over against the government in Saigon stressing that the United States should withdraw support from such an "oppressive" regime.

Two complete studies have exposed the facts. This myth of over 200,000 political prisoners should be laid to rest once and for all. The first study was conducted by the U.S. Ambassador to South Vietnam, Graham A. Martin, while the second study was concluded as a part of a fact-finding mission of distinguished Americans sponsored by the American Security Council and the Vietnam Council on Foreign Relations. This latter mission was headed by Ambassador John Moore Allison, retired, a former Assistant Secretary of State for Far Eastern Affairs, who also served as ambassador to Japan, Indonesia, and Czechoslovakia. Other members of the mission included Representative PHIL CRANE; Richard Smith, the administrative assistant to the minority leader of the Florida State Senate; Dr. Anthony Kubek, professor at the University of Dallas in Dallas, Tex.; Ambassador Elbridge Durbrow, retired, director of the Freedom Studies Center, Boston, Va., and former ambassador to South Vietnam, 1957-61; Charles A. Stewart, director of Broadcast Communications of the American Security Council; and Philip C. Clarke, capitol editor of the American Security Council's Washington Report. James Carey of the Washington bureau of the Copley Press accompanied this group.

Ambassador Martin discussed the results of his investigation of the political prisoner charges in an interview with the Washington Post reporter Philip A. McCombs, March 15, 1974, Washington Post. Shortly after his arrival in Saigon to assume his post as U.S. Ambassador last year, Mr. Martin ordered his embassy staff to investigate the charges of political prisoners held by the Government of Saigon. After a thorough investigation of the accusations, the embassy staff discovered that South Vietnam's entire prison population numbered about 35,000, which is roughly on a per capita basis the prison population of the United States. It was noted that if abuses did exist in the prison system—as they do in every prison system—the abuses were not widespread and not systematic. The conclusion of this study revealed that

only a handful of prisoners could be considered as "political prisoners," defined as individuals imprisoned solely because of opposition to the Saigon Government. Ambassador Martin noted that he had not been given the name of a single "political prisoner," who, when checked out regarding his prison record, fell into the category of a strictly "political prisoner."

The conclusions reached by Ambassador Martin and the embassy staff were similar in content to the conclusions reached by the fact-finding mission which visited South Vietnam January 12-22, 1974. The mission endorsed the embassy study and reported on the results of its visit to one of the prison facilities on Con Son Island, the area where the "tiger cage" stories originated. I enter into the CONGRESSIONAL RECORD a part of their study entitled "Vietnam Report" which related to political prisoners in South Vietnam:

#### VIETNAM REPORT

The allegation that the Saigon government harbors "202,000 political prisoners" was found to have originated with a well-known government opponent, Father Chan Tin, a Paris-educated Redemptorist priest who seems to put the human suffering he encounters among his parishioners in class struggle terms. He also heads an organization he calls "Committee to Investigate Mistreatment of Political Prisoners"—which he defines, very broadly, to include arrested communist cadre.

In his latest statement, Father Tin lists prisons that allegedly contain many thousands more prisoners than possibly could be physically accommodated.

Yet, apparently without checking into Father Tin's background or supposed sources, a member of Congress recently inserted Tin's "202,000 political prisoner" figure in the Congressional Record.

Interestingly, Father Tin still puts out his story and continues to attack the government without interference from the authorities—a fact that seems to disprove the familiar charge that Saigon jails all its opponents.

A study group composed of five Vietnam critics who were also briefed on the Embassy "political prisoners" survey, recently returned from Saigon, claiming on TV and in press conferences that "the jails of South Vietnam are full of political prisoners."

As U.S. Ambassador Graham Martin concedes: "(Our) report will not convince those who believe only what they wish to believe. It will, I think, be convincing to those reasonable and objective persons who are still concerned with the truth—and fortunately, the majority of the citizens of the United States still come within this category."

Charges of widespread torture and mistreatment of "political prisoners" by the South Vietnamese government lack substantiation and appear to be false or grossly exaggerated.

While it would be virtually impossible for any one private investigative group to personally inspect all the prison facilities in South Vietnam, U.S. Public Safety Advisers who did work closely with the South Vietnamese over the past several years report no proof of any systematic ill-treatment of inmates. Obviously, given the enmity aroused by a quarter of a century and more of conflict and strife, there undoubtedly have been isolated instances of cruelty and ill-treatment. But nowhere is there any evidence of the obvious and systematic brutality practiced against Americans and South Vietnamese prisoners of war by their North Vietnamese and Vietcong captors.

One of the highlights of the fact-finding mission was a day-long visit to Con Son Is-



land where the group was allowed to visit the entire prison facility and to talk freely with both officials and with Vietcong prisoners. More than an hour was spent inspecting the so-called "tiger cages," no longer in use but still employed by propagandists to belabor the South Vietnamese as cruel and oppressive.

Actually, as the fact-finding group determined, these prison cells, built by the French in 1941 as punishment cells for unruly prisoners, were a good deal larger and airier than had been depicted in the famous July 17, 1970 *Life* Magazine "expose."

The *Life* story was based on a report by photographer Tom Harkin, a Congressional staff aide, and Don Luce, then an executive secretary for the World Council of Churches and a leading peace activist. Luce was brought along to Con Son Island by Harkin who was accompanying two congressmen—William R. Anderson of Tennessee and Augustus F. Hawkins of California.

The story claimed that the so-called "tiger cages" were hidden away in a secret area of the island (The ASC fact-finders found it clearly out in the open behind high white walls), and implied that the cells were underground (they were, in fact, above ground with open grates at the top and with a roof some 15 feet above the cells to protect them from sun and rain and individual doors leading to an open courtyard). The Harkin-Luce story also told of prisoners "crouched" in the cells. The cells were, in fact, 10 feet from ceiling to the top grate and 6'3" wide and 10'6" deep—far larger than comparable isolation "punishment cells" in most standard U.S. prisons).

Contrary to the *Life* story, which has been endlessly repeated and enlarged upon by anti-Vietnam critics in the nearly four years since publication, the ASC group found no hard evidence of systematic mistreatment of prisoners on Con Son Island. And there was no indication that any of the prisoners in the cells, (the *Life* photos show from two to four inmates in each cell) had been shackled. Indeed, it would have been physically impossible to "suspend" any of the inmates from the top grate, as has been charged.

Of the 5,739 prisoners now on Con Son Island, a majority have accepted the standing offer of the authorities to work daily on one of the vegetable farms, or in the pig farm, brick factory, machine shop or wood-working shop. These "trustees," numbering some 3,000, were under minimal guard and showed no evidence of strain or hardship. Of the 500 VC's who refused to cooperate and who remained in the large (50 inmates each) barred compounds, there was no visual indication of malnutrition, disease or mistreatment, despite the complaints of some of the VC.

As just one example of prisoner treatment on Con Son Island, the hard-core "uncooperatives" receive 570 grams of rice a day—more than can be spared for war refugees in many resettlement camps on the mainland. And as an example of how U.S. prison training-and-aid has helped, the per capita death rate among inmates is now .36 per 1,000, compared to 1.56 per 1,000 before the aid program began.

#### THE CASE FOR A FEDERAL OIL AND GAS CORPORATION—NO. 26

**HON. MICHAEL HARRINGTON**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HARRINGTON. Mr. Speaker, the Federal Oil and Gas Corporation, an ambitious but seemingly future oriented

proposal 6 months ago, is now being favorably considered by the Senate Commerce Committee. The committee has held 16 days of extensive hearings on the Corporation concept, which is now title III of the Consumer Energy Act, a comprehensive package of energy legislation. Mark up on title I, which deals with oil and gas regulatory reform, is scheduled to begin next week, and the committee hopes to report out the entire energy package this summer. Obviously, the Federal Oil and Gas Corporation must now be considered a serious legislative proposal.

The major oil companies, which have been dismissing the Corporation as quixotic theory, are now recognizing in trade journals that the Corporation is a very real threat to their control of the petroleum industry. They are attempting to defeat the public oil company by labeling it "creeping nationalization." I believe this is an especially inappropriate charge, since the Corporation will not take over a single well owned by the private companies and since the off-shore resources the Corporation will develop cannot be nationalized because they are already national property. The Federal Oil and Gas Corporation will compete with the major oil firms, not destroy them, and in so doing it will provide desperately needed reform to the petroleum industry.

I urge my colleagues to take a serious look at the oil and gas proposal. If our constituents want to see tangible evidence of our moving creatively and effectively to reform energy production in the Nation, the Federal Oil and Gas Corporation should be our answer. We should all urge the House Interstate and Foreign Commerce Committee to begin consideration of this most important legislation.

#### CONTRIBUTIONS OF WOR RADIO STATION

**HON. LESTER L. WOLFF**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. WOLFF. Mr. Speaker, I would like to bring to the attention of my colleagues the worthwhile contribution that a New York radio station has made toward increasing the communication between the Congress and the American people. For almost a year now, WOR radio has given generously of its air time, in the public interest, to Members of Congress from the New York metropolitan area. This has taken the form of a nonpartisan program called Ask Your Congressman, the purpose of which is to familiarize those in the WOR listening audience with all of the Members of the congressional delegations in the tri-State area. In this time of a lack of confidence in many parts of the government and also a growing importance of the Congress, increasing the communication between the American people and the Congress is vitally important. Not only have Members of Congress been able to share their views on major problems which we

face today, but the public has been able to ask questions about the work of the Congress.

I would especially like to thank Mr. Herb Slatzman, general manager, Mr. Dan Griffin, program director, and Mr. George Brown, news director, for their tireless efforts to make the program possible. Their interest in providing a link between the Congress and the people of the New York area has made this show a reality. It is a great honor for me to recognize the fine work of this public-spirited radio station.

#### "FROM SPACE, A ROUNDED VIEW OF THE EARTH"

**HON. OLIN E. TEAGUE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. TEAGUE. Mr. Speaker, a definitive article on the promise and accomplishments of utilizing space for direct benefits was published recently in the New York Times by John Noble Wilford. Mr. Wilford's excellent article points to the success of using manned vehicles and automated satellites for communications, weather prediction, and Earth resources analysis, which has and will continue to make growing contributions to the well-being of our Nation and the people of the world. I commend this significant article on the down-to-earth accomplishments of our space program to my colleagues and the general public:

[From the New York Times, Feb. 10, 1974]

FROM SPACE, A ROUNDED VIEW OF THE EARTH

(By John Noble Wilford)

When men first left the earth for space, they looked back: for orientation, sometimes for reassurance and, more often, simply to enjoy the view. They found, too, that the view could be revealing: Early photographs from orbit helped to revise maps of the remote Tibetan plain and provided clues for discovery of more oil and gas in North Africa. But in those heady days, when space flight was novel and surrounded by glamour, man's sights were set not on the earth, but on the moon, the faraway planets and space itself, the "new ocean."

Now that men have reached the moon and their robot spacecraft have reconnoitered the nearest planets, now that space flight is an accepted and almost routine part of modern life, the emphasis of much of the American space program has shifted earthward. A concerted effort is being made by the National Aeronautics and Space Administration to determine how space can be used to improve life on earth and on how it can yield practical and profitable results. The early results can be considered encouraging.

#### FIRST TECHNOLOGY SATELLITE

It was not until 1972, after years of budgetary constraints and bureaucratic in-fighting, that NASA launched its first earth-resources technology satellite (ERTS). Its purpose was to demonstrate that the earth could be surveyed inexpensively and effectively from space. In 19 months of operations, it has been one of NASA's most striking successes, and a second ERTS is being readied for launching late this year or early in 1975.

From an orbit of 570 miles, the ERTS makes 14 complete orbits a day, crossing the polar regions. It covers the same ground once

every 18 days. The satellite is equipped with cameras and remote-sensing instruments for mineral prospecting, mapping, crop inventory and pollution monitoring. Results so far suggest that, as NASA reported, "many of the major crops and species can be identified well enough for inventory from space; that forest fires and flood damage, even in the remotest areas, can be economically and quickly assessed; that snow surveys can be made with sufficient precision to aid in the control of hydraulic power from dams; that the data can be automatically transformed into usable map products, including land-use maps; and that new geological features can be found even in well-mapped areas."

In map-making, for example, Dr. Robert B. Simpson of Dartmouth College estimates that a land-use map of an area the size of Missouri could be made from ERTS imagery for about \$75,000. A similar map drawn from conventional aerial photography would cost \$1-million. Other cartographers doubt that space imagery will entirely take the place of aerial photography in map-making, except in recording changes in roads and urban sprawl that take place too fast for conventional means to follow.

In geology, scientists have discovered new cracks in the San Andreas fault in California from ERTS photographs. They have found "lineaments" where minerals are more apt to be discovered, "flags" pointing to where the prospector could find new wealth.

Infrared images from ERTS have been used to chart the nation's underground water supply. They have also been used to detect the distinctive heat signatures of different crops such as wheat, corn and cotton and to sense the difference in the heat emitted by healthy and blighted crops. The technique is still in the experimental stages, but great hope is placed in the ability of spacecraft to provide an accurate census of agricultural crops and to give early warning of infestation.

And when ERTS sensors showed the true extent of strip-mining in California and the pollution from a paper mill in Lake Champlain, it became clear that this type of monitoring could also be valuable in enforcing Federal strip-mining or pollution regulations. Says Dr. Fletcher: "If I had to pick one spacecraft, one space age development, to help save the world, I would pick ERTS and the operational satellites which I believe will be evolved from it later in this decade."

Skylab, the nation's first space station, carried a set of multi-spectral cameras and electronic scanning instruments that could point the way to how to build the next generation of earth-survey satellites, whether manned or unmanned.

During their three missions, Skylab crews exposed 46,000 frames of photographic film and collected nearly 50 miles of magnetic tape data. That is what the Skylab astronauts were doing day after day for 28, 59 and 84 days when hardly anyone on earth was noticing. Out of their experiments could come the basis for a forest and range-land inventory of Iran; a crop inventory in Brazil; methods of spotting crop infestation; geological maps of Spain, Australia, Africa and the western United States; volcano surveys of Central America, and detection of biologically rich fishing areas off the coast of Chile.

William C. Schneider, the Skylab program director, says, "I guess it will be about a year before we get anything concrete from the earth resources data." But from early results, Dr. M. L. Jensen of the University of Utah reported finding a region near Ely, Nev., that is likely to contain a significant mineral deposit. New sources of geothermal energy in the western United States were also identified.

Skylab officials have emphasized, however, that the purpose of the experiments was not immediate discovery of new resources. It was the development of a new survey technology.

The future of NASA may be dependent, in part, on the success of such down-to-earth space operations. They are the space agency's defense against those who doubt the relevance of space flight and who question the expenditure of more than \$3-billion a year for space programs.

But it could be suggested, too, it is only natural that after surveying the canyons of Mars, the clouds and haze of Venus and the radiation belts of Jupiter, men turn back and take a new look at the earth and, in the words of T. S. Eliot, "know the place for the first time."

## IS JUSTICE REALLY BLIND?

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. RANGEL. Mr. Speaker, recently in the New York Law Journal, Judge Bruce Wright wrote a scathing article on the judicial system in general, and the excessive bail and restrictive procedures imposed on the poor and minority defendants. Judge Wright's article is so extensive and articulate that I shall merely pose one question to my colleagues. Is justice really blind? His article is as follows:

#### AN ANGRY JUDGE AND CRIMINAL JUSTICE

(By Bruce McM. Wright)

The criminal law is the world of Alice stepping through the looking glass into an underworld wonderland. It is the mad rearrangements 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 fifth 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."<sup>1</sup>

When that Nebraska-born son of the middle-border, Roscoe Pound, propounded the

<sup>1</sup> Olson, *The Morality Of Self-Interest*, Harcourt, Brace (1969).

thesis that the law should be an efficient instrument for social reconstruction,"<sup>2</sup> 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."<sup>3</sup>

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 handmaidens, 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.

#### FORGET THE INNOCENT

Law and Order has recently come to be known as a 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 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.

<sup>2</sup> 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*.

<sup>3</sup> *The Hollow Men*.



## 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 to overthrow the very Constitution 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 over-extended. 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, Biaggi 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 snoot; 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 of 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 AN 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 Traveller*, 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 money-changers. 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 CAN'T 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 vengeance 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 ball 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

<sup>1</sup> 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).

<sup>2</sup> The American Jury, 339-344, H. Kalven and H. Zeisel (1966).

<sup>3</sup> Id. at 341.

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 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 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 house-niggers 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 SET

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 these 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 Ramsay 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.

#### STARK COUNTY FEDERATION OF CONSERVATION CLUBS OPPOSES "GUN CONTROLS"

#### HON. RALPH S. REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. REGULA. Mr. Speaker, at the request of Mr. Eugene Ward, chairman of the Legislative Committee of the Stark County Federation of Conservation Clubs, Stark County, Ohio, I am inserting at this point in the RECORD a portion of the statement submitted to the Ohio General Assembly on behalf of this group in opposition to gun control legislation.

The statement follows:

STATEMENT OF MR. EUGENE WARD

I have been selected to prepare this statement in behalf of the Stark County Federation of Conservation Clubs and its over 7,000 members.

I feel that the United States has always had the finest, most advanced, form of gun control of any nation on earth. In particular, control, by responsible law abiding

citizens which has always proved to be superior to control by government.

The right of the police of this country to carry firearms, and use force, in the performance of their duties is derived by a process of delegation, from the citizens, who have an inalienable right to use force in defense 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 no 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 unsatiable 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.

#### NEED FOR MEDICAL CARE LEGISLATION

**HON. GERRY E. STUDDS**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. STUDDS. Mr. Speaker, there is a desperate need in this country for comprehensive medical care legislation to provide for the enormous cost of long-term health care for the tens of thousands of families that must bear the crushing financial burden of a prolonged serious illness. The family unit has always been one of the strengths of our system. We endanger this unity by subjecting a family to both a financial and emotional crisis when serious illness strikes.

The following statement was read to

me at an open meeting by Mr. Paul Connors of East Falmouth, Mass., in my district. It is a moving and convincing statement of how we have failed to legislate meaningful change in long-term health care services. I insert Mr. Connors' statement in the RECORD at this point because I think my colleagues in the House can benefit from this frank and open appraisal of the shortcomings of our present system of health care:

#### STATEMENT OF PAUL CONNORS

My name is Paul Connors, I live at 40 Cooper Road, East Falmouth.

Congressman Studts, Ladies and Gentlemen: Please forgive my nervousness as I am unaccustomed to speaking in public and also for the fact that this is my first night out in five years. It feels strange not being home at this time of the evening taking care of my wife, Gertrude. She is a Quadriplegic caused by the terrible onslaught of Multiple Sclerosis. She requires my constant attention and care 24 hours a day, 365 days a year.

Contrary to popular belief the largest and the most discriminated minority of America is the severely disabled, handicapped and the chronically ill. I repeat the most discriminated minority in America is the severely disabled, handicapped and the chronically ill.

Again, contrary to popular belief the people who have the highest medical expenses are the severely disabled, handicapped and the chronically ill, not the Senior Citizens.

Architectural barriers are the worst discrimination against the handicapped. In my opinion handicapped people have been the most persecuted people in this country. I don't know of anybody that is as limited, not only by the attitudes of most people around them but all the architectural barriers, transportation barriers, legal barriers and every other kind which reflects the attitudes of the normal person and his total indifference to the handicapped person.

I hope you understand that when I use the pronouns "we & us" I mean to include the millions of people in this country who are severely disabled, handicapped, and chronically ill, their families and loved ones that need help. My wife and I are not selfish people, so we would like to see things done that will help benefit us and other people and families like us.

I would like to give you one classic example of the type of discrimination I am speaking of. I heard of a case in Massachusetts where a husband after taking care of his wife, who was a multiple sclerosis victim, for 17 years and who for some reason, was unable to do so any longer. He was able to have his wife put in a state hospital for the chronically ill with the stipulation that if he made over \$50.00 a week they would send his wife back home for him to take care of.

The laws in Massachusetts say that children are not responsible for the care of their parents, a husband is responsible for the care and well being of his wife, but that a wife is not responsible for the care and well being of her husband. The Woman's Equal Rights bill might remedy this situation.

The State division of Vocational Rehabilitation is usually too busy with public offenders and public aid recipients to find jobs for the handicapped. As house work is a vocation, my wife, years ago, applied for rehabilitation she was refused training for what reasons I never found out.

Milton Friedman the famed economist in an article in a well known magazine said words to the effect. Why should he pay for someone else's medical expenses. Well, I hope he or his family never have a catastrophic illness. He might find that he doesn't have enough money or insurance coverage to cover the expenses. The same Mr. Friedman is now

an unofficial White House adviser on welfare.

William Buckley on his program "Firing Line", said that there wasn't one documented case of anyone in the United States ever being refused medical care. Documented or not there is a lot of unnecessary human suffering going on in the U.S. today because of poor medical delivery practices and services.

E. G. Marshall, a well known actor, appearing on a major net work children's television program extolled the present medical programs and practices in effect in the United States today and told these very young children about the evils of socialized medicine. To refute their claims and misconceptions I would like to tell you the following true story:

I inadvertently heard this story in a doctor's office. The people telling the story didn't realize that I knew of the woman and that she had multiple sclerosis. This young woman ended up, after many years of suffering, lying in bed 24 hours a day in a fetal position. Her only nourishment being finger foods and liquids, unattended while her husband worked 12-14 hours a day to meet the heavy medical expenses. Her only visitors were the visiting nurses who were limited in what they could do for her. They did their best. She also was in and out of hospitals quite a bit. She finally ended up with such massive body sores (decubitis) that they became gangrenous and after some amputating she finally succumbed. This is not an isolated case. Why! If there is aid for dependent children can't there be aid for dependent chronically ill spouses? Without abject poverty being the criterion for receiving this aid, many husbands are divorcing their ill or handicapped spouses, so the spouse will be eligible for medical services, etc. How can a country be called truly great that allows these conditions to exist?

If the President of the United States and other governmental personnel can receive medical care in Government hospitals for \$1.50 to \$2.00 a day, why isn't everyone else in the country entitled to this same care? I call it socialized medicine for a few. It is paid for out of our tax dollars.

After you leave here tonight, I wish you would check on your health care insurance policies, especially the part in small print called custodial care.

When a hospital staff decides they have done all they can for a patient, the patient can no longer stay at the hospital, they then must go to a skilled nursing facility or nursing home and if they can be taken care of by non-skilled personnel (nurses aides are doing an awful lot these days). Also if they are terminally ill or their prognosis isn't too favorable, then this is called custodial care. Your health insurance or medicare does not pay for custodial care and you had better be prepared to pay \$1000.00 to \$1400.00 a month, unless you are very poor and welfare medical or some sort of State aid is available to you.

Thank you for your kind indulgence. Congressman Studts, I'm sure the majority of the people in the twelfth district are thoroughly pleased with your performance so far, as their Representative in Washington, D.C. Keep up the good work, the handicapped and the chronically ill need your help.

#### PERTINENT ISSUE OF ABORTION

**HON. ROBERT P. HANRAHAN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HANRAHAN. Mr. Speaker, there are many varied opinions on the perti-

nent issue of abortion. This is a very heated and important issue to the residents of Illinois' Third Congressional District. This article, which appeared in the Chicago Tribune, expresses some interesting facts regarding right-to-life organizations. I insert this for the benefit of my colleagues.

[From the Chicago Tribune, Apr. 28, 1974]  
THE BATTLE OVER ABORTION HEATS UP AGAIN  
(By Nick Timmesch)

WASHINGTON.—One issue which many political observers thought would go away when the Supreme Court ruled on it 15 months ago is abortion-on-demand. Abortion keeps popping up as an issue, and the pro-life movement is stronger than ever.

Right-to-Life organizations have expanded across the country, stimulated largely by that Jan. 22, 1973, Supreme Court decision which liberalized abortion and made pro-abortionists shout with joy, in seeming victory.

Political analysts who poked over the remains of the special election in Cincinnati awhile back were surprised to find that one factor which helped elect Thomas Luken was a drive by the Right-to-Life organization on his behalf. Luken had simply taken a stronger antiabortion view than his opponent.

Similarly, the Right-to-Lifers have pursued candidates for state legislatures, particularly in Missouri and Illinois, to get them on the record as pro-life.

The big push, however, is in Washington where an amendment authored by Sen. James Buckley (Cons.-R., N.Y.) which would guarantee due process (therefore no deprivation of life) to any "human being" (a term biologists might ascribe to the fetus) is having its hearing in the Senate.

The Right-to-Lifers themselves acknowledge that the hearings, conducted by Sen. Birch Bayh (D., Ind.), have been fair and that their viewpoint has been expressed. There is some lament that the media focused on the appearance of four Roman Catholic cardinals who testified on behalf of the amendment and tended to ignore the pro-life testimony of Protestant and Jewish clergy, thus seemingly making antiabortion a Catholic issue.

Actually, all but two of the cosponsors of the Buckley amendment are Protestants. Indeed, the cosponsors can't be labeled. They include a liberal Democratic Protestant, Sen. Harold Hughes of Iowa, and a conservative Republican Protestant, Sen. Wallace Bennett of Utah. And Sen. Edward Kennedy (D., Mass.) for some reason is not a cosponsor.

While the Senate version gets a fair hearing under a Protestant, Bayh, the House version has been bottled up by Rep. Peter Rodino (D., N.J.), a Roman Catholic.

Actually, Rodino sent the House amendment by Rep. Lawrence Hogan (R., Md.) to subcommittee No. 5 where Rep. Don Edwards (D., Cal.) who is pro-abortion, is chairman. Edwards won't let the Hogan amendment onto the House floor. A discharge petition has netted 80 some signatures, but 218 are needed.

The durability of the Right-to-Life movement, and the persistence of its activists, annoys many pro-abortionists who are coming to realize that the Supreme Court ruling didn't settle this issue at all.

Recently, Harper's magazine published an article, "Enemies of Abortion," in which the writer, Marion K. Sanders, savaged the pro-life movement, laying all of its inspiration, direction, and support on the Roman Catholic hierarchy.

Besides including a number of factual errors, the article so grossly misrepresented the pro-life movement that it had the odd effect of giving encouragement to pro-lifers because to be attacked unfairly shows the opposition must be worried.

Contrary to what Marion Sanders wrote, there is no official link between the National Right-to-Life Committee, Inc. and the Roman Catholic Church. True, many Right-to-Lifers are Catholics, but the organization includes many Protestants and some Jews. Indeed, the new executive secretary of the national organization, Ray L. White of Salt Lake City, is a Mormon.

One of the most effective Right-to-Life speakers is a Methodist, Dr. Mildred Jefferson, M.D., a black woman. Yet another is Dr. Paul Ramsey, a leading Protestant thinker on ethics from Princeton Theological Seminary.

The Right-to-Life movement is primarily concerned with the current abortion binge but also focuses on positive euthanasia, sterilization, medical experimentation, psychosurgery, and other activities which threaten the sanctity of life.

Their upcoming national convention scheduled for June in Washington, will address itself to all these questions, and those who dismiss this organization as a bunch of sign-waving zealots ought to drop around and become educated.

## THE IMPEACHMENT PROCESS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ROUSH. Mr. Speaker, I have had a number of requests from constituents who would like to know more about impeachment so I would like to take this opportunity to explain the process as it was outlined in the Constitution, and has developed through history.

Actually our country has had little experience with impeachment proceedings when you figure that in almost 200 years of our national history we have only resorted to this kind of public investigation of officeholders a handful of times. Twelve times articles of impeachment have been forwarded from the House to the Senate. Eleven of these actually went to trial. Of this number there were four convictions by the Senate.

Impeachment, the act of bringing formal charges against a public official by the lower house of a legislature, is not unique to the United States. We adopted the practice, with changes, from our English forebears. Impeachment by the House is an accusation equivalent to an indictment handed down by a grand jury—equivalent to, but not exactly the same. The upper house receives the charges or indictment and sits as a quasi-judicial tribunal, quasi because for one thing punishment can only consist in removal from office and disqualification for future officeholding. The courts, however, can pursue criminal prosecution of delinquent officials for crimes committed.

The Constitution is brief in its dictates about impeachment, but it clearly defines the relative roles of the House and Senate.

Article II, section 4 of the Constitution provides that—

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article I, section 2 of the Constitution states that—

The House of Representatives . . . shall have the sole Power of Impeachment.

And Article I, section 3 of the Constitution states:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be in Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside; And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

Judgement in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy an Office of Honor, Trust or Profit under the United States; but the Party convicted shall nevertheless be liable and subject to indictment, Trial, Judgement and Punishment, according to Law.

Other provisions of the Constitution deny the President the power to grant reprieves and pardons in cases of impeachment—article II, section 2—and deny the right to trial by jury in cases of impeachment, reserving that to the Senate—article III, section 2.

From the Constitution we draw the mode of impeachment. The House of Representatives is given the responsibility for initiating the charges against a public official, examining them, and if convinced of guilt, recommending by a majority vote impeachment articles which the House will then argue before the Senate, and prosecute before that body.

There is no safer guide to understanding impeachment than the careful reading of the Constitution on the subject. Discussions during the Constitutional Convention are also revealing, but we must also proceed to the bar of history to find out how impeachment has worked.

Precedents, which serve as guidelines, began immediately to be established regarding impeachment. As early as 1797 the question arose as to whom the term "civil officers" covered. Who under the Constitution, besides the President and the Vice President, could be impeached? In 1797, the Senate expelled Senator William Blount for actions bordering on treason, but dismissed later House impeachment charges for the same offenses on the grounds of a lack of jurisdiction. Henceforth Members of Congress were not considered as "civil officers" subject to impeachment; exclusion from either House being considered the appropriate means of punishment. In a later decision the Supreme Court found civil officers subject to impeachment to include all officers of the courts and the executive branch of the Federal Government.

Nine of the 12 cases that reached the Senate from the House involved judges. The four convictions that resulted were of Federal Judges John Pickering—1804; W. H. Humphreys—1862; Robert W. Archbald—1913; and Halsted L. Ritter—1936. Impeachment proceedings have been begun once in the United States against a member of the President's Cabinet. That happened in 1876 when bribery charges were filed against William W. Balknap, Secretary of War, shortly after he resigned. One President has been impeached, Andrew Johnson, in 1868. A year before the House had not mustered enough votes to agree on impeachment. Ultimately the Senate cleared him by one



vote, just missing the two-thirds necessary for conviction.

Where does all of this start? How do impeachment proceedings initiate? Here again we must rely on precedents as the Constitution is silent on the issue. Actually it could start most any place. Impeachment charges may be initiated by charges made on the floor by a Member of the House, by a message from the President, by a charge preferred by a State or territorial legislature, by petition. In 1872, Vice President Schuyler Colfax was the subject of an impeachment investigation—later dismissed—during which a grand jury forwarded information to the House of Representatives that might have resulted in his impeachment.

Whatever the source, the next step is up to the House. An immediate vote can be called for when an impeachment resolution is introduced, because it is a privileged resolution. However, the usual procedure has been to waive that right and to turn the charges over to a committee for examination. This committee then reports to the full House its findings. The five cases to reach the Senate since 1900 were based on resolutions of the Judiciary Committee where impeachment resolutions have customarily been referred of late. This is a committee composed of attorneys and they are used to dealing with constitutional questions.

The investigations conducted by the committee are handled according to the established rules of evidence, but the strict rules of evidence have been relaxed. At this stage the committee may or may not permit the accused to appear in person and by counsel to testify, since this phase consists in an examination, not a trial proceeding. Upon conclusion of its investigation the Judiciary Committee will forward to the House a report containing their findings, which may consist in exoneration of the accused or a recommendation of impeachment, with articles or charges listed.

Action then moves to the full House which may schedule the report of the committee on the calendar for a future date or take it up immediately. If the committee recommends impeachment, the House of Representatives will debate the question on the floor of the House. At the end of the debate, each Member of the House will have the opportunity to vote for or against each article or the whole package of charges. If the resolution upon which the House voted does not contain specific articles of impeachment, these must be drafted and approved as the actual articles must be forwarded to the Senate. So the House may vote a resolution of impeachment and a separate resolution containing the articles thereof. When articles of impeachment are adopted by a majority of the House, these are signed by the Speaker and attested to by the Clerk of the House.

Next the House of Representatives appoints "managers" to carry the case to the Senate. The managers can be elected by ballot by a majority vote, or chosen by resolution naming them or by a resolution authorizing the Speaker to appoint managers. They then choose their own chairman—an important choice since

this is the person who will impeach before the bar—in the Senate—by oral accusation. Having completed the first phase of its work, examination and recommendation, the House notifies the Senate of the action taken and awaits their pleasure; namely, for the Senate to notify—by resolution—the House that the Senate is ready to receive the managers appointed by the House.

Proceedings shift across the Capitol now to the forum of the Senate. The full House may attend their managers who present themselves to the Senate and present the articles of impeachment, reserving the right to file additional articles later. Meanwhile the Senate has resolved into a body for the "trial" of the impeachment articles. The President of the Senate, as indicated in the Constitution, presides over the proceedings, except in case of the impeachment of the President of the United States, when the Chief Justice presides, and for good reason. Since the Vice President is the President of the Senate, if he presided this would mean he was presiding over a "trial" in which he would become President if the accused were convicted.

Henceforth the Senate meets every day except Sunday, unless provided otherwise. The Presiding Officer directs the sergeant-at-arms to make a proclamation to the effect that "all persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against \* \* \*." As mandated by the Constitution, all Members of the Senate sitting are required to be sworn before consideration of impeachment charges.

Meanwhile, a writ of summons is issued to the accused, reciting articles of impeachment and notifying him to appear before the Senate upon a certain day and file his answer in person. Thereafter the accused may appear in person or by attorney, or not at all, in which case the trial proceeds as if a not guilty plea had been entered. In one of the most famous cases, Justice Samuel Chase in 1804 appeared himself along with his four lawyers. President Andrew Johnson chose not to appear at his trial, but he was represented by attorneys.

In the quasitrial proceedings, the presentation of evidence takes the usual order of proceedings in a court. The evidence against the accused is first presented, then evidence in defense and concluding evidence by the managers. The Presiding Officer has the power to issue all orders, mandates, writs needed to compel the attendance of witnesses or to enforce obedience of its orders. The Presiding Officer rules on all questions of evidence and incidental questions which may arise. He may, however, choose to submit questions to a vote of the Members of the Senate. Witnesses are sworn and examined by the managers of the House and may be cross-examined by the respondent or his counsel. If a Senator wishes a question to be put to a witness or to offer a motion, it must be put in writing.

After the conclusion of the evidence there is argument, followed by delibera-

tion of the Senate, which may conduct itself in open or executive session. The final vote, however, is public, for it is a recorded vote. The vote is taken on each article separately, upon which there must be an affirmative vote of two-thirds of the Members present for conviction. If any article of impeachment is sustained the Senate shall proceed to pronounce judgment of conviction and a certified copy of such judgment is deposited in the office of the Secretary of State. Removal from office upon conviction is required. Disqualification is not mandatory. Only two of the four convictions have been accompanied by this qualification, which is subject to a majority vote.

Unlike the English precedent wherein a person convicted may be pardoned or reprieved by the Crown, no pardon is permitted in the American system of impeachment and this is specified by the Constitution—article II, section 2.

#### U.N. SECRETARY GENERAL WALDHEIM DEDICATES PHILADELPHIA BALCH INSTITUTE

#### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. EILBERG. Mr. Speaker, on Wednesday, May 1, the building of the Balch Institute, a unique new public educational institution was dedicated in the city of Philadelphia. The principal address at the dedication ceremonies was delivered by Secretary General of the United Nations Kurt Waldheim.

Balch is unique in that its resources are devoted principally to the history of North American immigrant, ethnic, racial, and minority groups. Our diverse origins are of increased interest today and Balch will meet an important educational need both in my home city and for the Nation.

Balch's building will open at the start of the Nation's Bicentennial year and will stand near Independence Hall in that Philadelphia neighborhood where the Founding Fathers walked and talked, debated, and came together to create this Nation.

I enter in the RECORD the following news release from Balch which outlines its programs and purposes:

A seven-point program and the election of a new president have been announced by The Balch Institute, the Philadelphia educational institution devoted to North American immigration, ethnic, racial and minority group history.

The Institute's new president is Howard L. Applegate, an historian and academic librarian who has been serving for the past two years as Balch's executive director.

Applegate explained that The Balch Institute has begun construction of a four-story museum and library at Seventh and Ransstead Streets in Philadelphia, near Independence Hall National Historic Park.

Balch's seven-point program, as outlined by Applegate, includes:

#### 1. LIBRARY PROGRAMS

The Institute is assembling the nation's most comprehensive collection of books,

manuscripts and printed materials concerning all nationality groups who came to North America, Applegate explained. The library, he said, will hold 400,000 volumes, 20 million manuscripts, 20,000 reels of microfilm and large numbers of ethnic and minority group newspapers. Some 8,000 microfilm reels are now available to the public at the Balch Reading Room, 108-114 Arch Street, Philadelphia and 60,000 books have been collected and are being catalogued.

## 2. EXHIBITIONS

Balch's building will have three exhibition galleries and a public auditorium. Applegate explained that one gallery will host, on a continuing basis, an exciting multi-media introduction to the scope of minority history in North America over the past 300 years. This exhibition will employ a complete range of audio-visual materials and will introduce the visitor to the Museum and Library. The other galleries will be used to house three types of exhibits; those mounted by Balch's own staff, national touring exhibitions assembled by Institutions like the Smithsonian in Washington, and those assembled by nationality and heritage groups themselves. "For example," Applegate elaborated, "if a Greek-American group comes to us with an idea and the materials for an exhibition about some facet of Greek-American life, we'll say 'Go, ahead,' at the same time providing our own professional people to help the group mount the exhibition."

"We want our exhibitions to be challenging, to provoke interest and response from those participating in their presentation as well as in those who visit Balch," Applegate said. "We see our galleries as a window to our subject material, inspiring continuing interest. We envision our exhibitions, indeed all parts of our program, as participatory exercises, not as spectator activities. We want to excite people."

## 3. EDUCATIONAL PROGRAMS

Balch's resources will be available for use by the schools, but, Applegate added, "with a difference." If a teacher calls up and wants to bring her history class in, we'll make a staff member available. If that class is studying, the 19th Century transportation revolution in America, our person might point out that Irish-Americans built the Erie Canal; Italian-Americans, the late 19th Century railroads in the East, and Chinese-Americans, the railroads in the West. We all remember those forced trips to libraries and museums we made when we were in school. We want to make these visits interesting and different, even fun."

## 4. OUTREACH

Two levels of program are planned in this area. Applegate explained that a series of tape-slide presentations will be prepared for use throughout the country. "If you can't visit Balch," Applegate explained, "Balch will visit you. We'll be able to send, in specially-packaged cassettes, a series of programs to you." Regionally, Balch plans to make available similar presentations but with the significant addition of a staff person. This part of the Outreach program will be designed for groups. "We want interaction between a civic group or an educational association and our staff people," Applegate said.

## 5. INTERNAL RESEARCH

Balch plans a series of staff research projects on the impact of nationality groups and ethnicity on American communication, cultural and art forms. "Very little work has been done in this area," Applegate noted, "and we will be pioneering here." Balch hopes to examine the relationship of ethnicity to American newspapers, movies, radio and television programs, theatre, fiction, poetry and art. "We hope to identify and catalogue by nationality group, for example, every movie which either has an ethnic plot,

premise or a major ethnic character," Applegate continued. "In fact, one research project could very well explore how Hollywood helped create all those ethnic and racial stereotypes we find in our popular culture."

## 6. INFORMATION COORDINATION

Applegate said that Balch will provide this service on three levels. As a referral center, Balch will keep abreast of where else in the country research in its fields of interest is progressing. Secondly, it plans to develop a series of reading lists on the life of each nationality group in America. Applegate envisions these as tools for teachers and educators throughout the country. Finally, Balch will serve as an umbrella planning agency in the Philadelphia area for local scholars, nationality groups and persons concerned with ethnic issues.

## 7. BICENTENNIAL PLANNING

Balch currently is working with federal, state and city agencies to provide a flavor of ethnicity to the 200th anniversary of the founding of our nation. The American Revolution, in both political and military terms, represented a victory of a coalition of immigrant and ethnic, racial and minority groups over a common enemy. In the two hundred years following the Revolution, the course of American history was altered dramatically by successive groups of immigrants and their descendants. It is fitting, therefore, for The Balch Institute to emphasize the heritage of America and ethnicity as Bicentennial themes. The following projects constitute The Balch Institute Bicentennial planning:

1. *Motion Picture*: "As It Was," a thirty-minute color/sound film is envisioned to document the history and lore of immigration through personal reminiscences by the interview of selected individuals who will trace their roots. Interviews will be supplemented with art and historic philosophy in order to place the narrative in historic context. The value of this concept lies in that it places the experience of living people in an historic context.

2. *National Exhibition*: "The Spirit," an exhibition of national significance will be developed for installation in the two main galleries of The Balch Institute. The purpose is to capture the spirit and emotion of immigrants as they found and experienced America. The environment for the exhibit shall be created through the use of poignant photographs and personal quotations that reveal the spirit of newcomers to America and their emotions about their new home. Artifacts, documents and publications shall be presented where appropriate. The historical context of the exhibition will be 1826 through 1976.

3. *Outreach*: A series of five programs has been designed to take the theme of ethnicity out to the people rather than wait for them to visit the main building.

a. *Multi-Media Road Shows*: "These People . . . This America," an outreach program is being designed to present some of the themes of the master exhibition to the widest possible regional audience. This road-show will be scheduled into schools and mini-museums and shown to educational, professional, religious, cultural and heritage groups. Thus "These People . . . This America," will be available to those neighborhood audiences with neither the normal access to nor natural inclination for a visit to a center city Philadelphia exhibition. There are six specific program categories consisting of twenty minutes of multi-media presentation integrated with twenty minutes of live narration and audience participation.

b. *Mini-Museums*: "Us People," is a series of ten branch exhibitions that will bring relevant sections of the master exhibition into local ethnic neighborhoods or centers and expand that section of the master theme to focus directly on the history and contri-

butions of the appropriate ethnic group within that community.

c. *Film Festival*: "As Portrayed," a series of twenty-six commercial films on the subject of immigration, ethnic, racial and minority group history would be shown to the public in several community locations on a variable schedule. Appropriate introductory commentary would place each film in its proper historical focus.

d. *Multi-Media No. 1*: "Ethnicity Is," a twelve minute slide show with audio is being planned to define ethnicity pictorially—the who, the why, the how, the where, the when and the result. This multi-screen slide show will illustrate the contributions of various heritage groups through the use of graphics and photographs.

e. *Multi-Media No. 2*: "It's All Around," an eight minute slide show with audio is being planned to give a light-hearted look at everyday evidences of our ethnic heritage including art, architecture, language, folk celebrations and festivals, costume, music, foods and social customs.

4. *Ethnic Reading Lists*: The distribution of a series of reading lists on heritage groups is already in progress. These four page lists include an introductory narrative on one representative immigrant or family and three annotated lists designed for high school students, undergraduate college students and specialized researchers.

The Balch Institute is supported by trusts established by the late Mrs. Emily Swift Balch and her two sons, Edwin Swift Balch and Thomas Willing Balch. Fidelity Bank, Philadelphia, administers the estates and Fidelity chairman Howard C. Petersen serves as chairman of The Balch Institute's Board of Trustees. Fidelity president Samuel H. Ballam, Jr., serves as vice chairman. Other board members include Howard L. Applegate, Dulaney Whiting Balch, Theodore H. Davis, Emerson Greenaway, John C. Haas, Edward Hutchinson, Arthur C. Kaufmann, William Klaus and H. Woodward McDowell.

## SOME HARD QUESTIONS ABOUT PUBLIC CAMPAIGN FINANCING

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. CRANE. Mr. Speaker, in an effort to restore honesty and integrity to government, many legislators and others have shown the unfortunate tendency to accept a variety of panaceas. One of these is the idea of public campaign financing.

The argument in behalf of such an approach is simple. If legislators are not dependent upon big business, big labor, or some other special interest group for campaign funds, then they will not in any way be obligated to such groups. They will, through public financing, achieve real independence.

It is essential that this argument be carefully examined. In his "From the Park Bench" commentary on WMAL-TV, Joe McCaffrey notes that—

Such an idea is not just naive, not just false, it is also most dangerous, because once this trap door is opened to the federal treasury the raid is on, and with disastrous results.

One of the problems connected with public campaign financing, Mr. Mc-



Caffrey points out, concerns States such as New York where there are four parties on the ballot and in other States where new parties can easily qualify. "This would mean," he notes, "that under one public plan now advanced the taxpayers would have to fork up \$360,000 for a House race in one district, perhaps even more than that if other parties sprung up, and with the encouragement of public financing they will."

Mr. McCaffrey asks whether public campaign financing "will eventually lead to control by the central government over who can seek office and, at the opposite end of the pole, would this encourage all kinds of crackpots to jump into campaigns, hoping to raise the initial amount and thus gain a matching sum from the Treasury?"

The fact is, as Mr. McCaffrey states, that—

If a candidate could not sell himself to possible contributors as a man worth electing he cuts his chances of selling himself to the overall electorate—and probably because he really didn't have too much to sell.

Before embarking upon a program of public campaign financing we should carefully consider the serious questions which men such as Joe McCaffrey have posed.

I wish to share with my colleagues the commentary by Joe McCaffrey as it appeared on WMAL-TV on April 24, 1974, and insert it into the RECORD at this time:

#### FROM THE PARK BENCH

The public financing of political campaigns may be the greatest hoax ever pushed off on the American taxpayers.

In the wake of the Nixon scandals it is being pushed as the be-all-cure-all, as if by dipping into the public treasury to support any and all who wished to run for office would, by magic, end political campaign scandals.

Such an idea is not just naive, not just false, it is also most dangerous, because once this trap door is opened to the federal treasury the raid is on, and with disastrous results.

Congressman Melvin Price of Illinois points out that there are great unanswered questions about how it should work. For example in New York state there are four parties on the ballots, and in many states a new party can qualify fairly easily by simply getting the required number of signatures, this would mean that under one public plan now advanced the taxpayers would have to fork up 360 thousand dollars for a House race in one district, perhaps even more than that if other parties sprung up, and with the encouragement of public financing, they will.

Ohio's Clarence Brown warns that public financing would only multiply factionalism in America, encouraging capricious candidates who lacked broad enough support to be politically viable.

California's Craig Hosmer says, if a person can't finance his own campaign then he doesn't have the charisma, ability or potential to be a viable political figure.

Ohio's Delbert Latta is amazed at the plan to put up 90 thousand dollars for a House candidate, especially when his own campaign cost 20 thousand dollars.

James Symington of Missouri wonders if the wrong kind of public financing bill might try to "bribe" uninterested people into running for Congress.

Clarence Brown sums it up when he said, if a politician cannot find in our diverse citizenry enough support for his candidacy or his views, he has no Constitutional right

to public funds to finance his unsupported views.

But riding the back of the Nixon scandals public financing may be near passage unless an alert is sounded.

The other day I was sitting here on the park bench when my colleague Warren Corbett, a top notch reporter, sat down with me and asked how the campaign financing bill was coming along.

I told him the outlook was not (at least at this time) too encouraging.

He said, "That's a pity. Now is time, after all the scandals to get a good, workable campaign bill through."

Corbett's attitude is widely held, yet there is a growing concern up here on the Hill about the wisdom of financing campaigns from the federal treasury. For example, will this eventually lead to control by the central government over who can seek office?

And, at the opposite end of the pole, would this encourage all kinds of crack-pots to jump into campaigns, hoping to raise the initial amount and thus gain a matching sum from the Treasury?

Campaign financing has been a part of the elective process. If a candidate could not sell himself to possible contributors as a man worth electing he cuts his chances of selling himself to the over all electorate—and probably because he really didn't have too much to sell.

The question is, should the taxpayers pay the freight for men and women who seek public office?

Alabama's Senator Allen who is fighting public financing says the big thrust for treasury-backed campaigns is the high cost of modern campaigning. Well, then—says Allen—let's stop spending so much to win public office. This in itself, he believes, would help win back the confidence of the people.

Even many supporting public financing admit it isn't the perfect answer, that with public financing there still could be scandals.

So there is an honest difference of opinion on the merits of having the taxpayers pay for campaigning. And that is why the financing bills are in trouble.

#### THE FUTURE OF OUR ENVIRONMENT

#### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HARRINGTON. Mr. Speaker, my distinguished colleague from Arizona, MORRIS UDALL, delivered an address at the end of March, "The Environment at Valley Forge," which profoundly describes the responsibility conservationists will have to fulfill today. It is not enough to be critical of those efforts which threaten our environment; it is not enough to pose the really tough questions about our development as a society; and it is not enough to continue the old naysaying about projects threatening environmental decay.

Conservationists, as Mr. UDALL pointed out, must get organized. They must limit their targets, consolidate their limited resources, offer positive as well as negative alternatives, and, finally, get back to the basics of what we are talking about. "The issue is not merely whether we will have animal life for the next generation to enjoy, but whether we will have human life."

Mr. UDALL's remarks eloquently outline the challenge facing the conserva-

tion movement—and those of us who support it—today, and therefore I would like to insert the address in the RECORD at this time.

The text follows:

#### THE ENVIRONMENT AND VALLEY FORGE

(An address by Representative MORRIS K. UDALL, March 30, 1974, Denver, Colo.)

John Gardner once noted that the trouble with America was its uncritical lovers and unloving critics. What we needed were more critical lovers.

I come before you tonight both as a lover and a critic of the conservation movement, as one who is at once proud of our past accomplishments and disappointed by them, troubled about the future of the movement and hopeful for it. I stand here to receive this award with great pride, and yet my pride is tempered by my concern for the future of this fine movement. I catch myself wondering if future historians will say that our time was the beginning or the beginning of the end of the environmental cause.

And where could it be more appropriate to consider this question than in the great cathedral of nature known as Colorado? For this is a cathedral under seige. Before the 1930's there was another Colorado known as Appalachia with wooded mountaintops, wildlife, clean and plentiful streams—the kind of outdoor paradise that this Federation fights for. In Appalachia today there are muted mountains, gutted valleys, and nearly 10,000 miles of fishing streams deadened by industrial poison. Once a natural playground, it is now a natural graveyard.

And there are people in industry today who would take Colorado down this same miserable road.

And so tonight in this period of transition, in this magnificent state, and in this gathering of conservation leaders, I will not mince words. I want to talk frankly about the problems of the conservation movement, for they are substantial. I want to be critical, for I believe a dose of loving criticism and analysis is badly needed.

As we meet here to celebrate the environmental achievements of the year, we find if we are truthful that the pickings were pretty slim. 1974 has not been a good year for the environment; nor was 1973. Yes, we can take solace in the addition of a few thousand more acres of wilderness, parks and refuges, in a few court decisions that went in our favor, in the election of a new crop of city councilmen and mayors across the country who believe in the conservation ethic and who are trying to implement the ethic on a local basis.

But on the big national issues that will decide the shape of life in the decades ahead, we are not making headway—on energy, clean air and water, land planning. Four years ago in the Congress when the word "environment" was attached to legislation it virtually assured passage; four weeks ago I went before the Rules Committee with my land planning bill and found that the same word stirred resentment and contributed to defeat. Three years ago Congress would have voted 2 to 1 to resist any attempt to override the basic provisions of the National Environmental Policy Act; when the vote came last year on the Alaska Pipeline, a majority stamped not merely to override NEPA but to get it. And apparently the judges are reading elections returns and thermostats, and are waiting in lines at gas stations. Gone are the heady days when environmental lawyers could storm the courts with NEPA lawsuits in the knowledge they had a fighting chance to change major national policies. If you haven't noticed, the batting average for environmental lawsuits is slumping with judicial tolerance for NEPA injunctions having apparently worn thin. Worse, all of this is a reflection of waning public interest in the environmental movement; not by any means the public abandonment of the issue, but a

general feeling that the movement must take a back seat to pressing natural resource shortages.

And this environmental slippage comes at a bad time. The nation faces now as never before an agenda of environmental decisions whose historic importance will rank with the American Revolution itself. I suppose you could say we are hunkering down at the environmental Valley Forge.

What do I mean?

Call it the energy crisis, or Mr. Nixon's politically comfortable term, the energy problem, it is the first in a series of stark realizations that will shock this country in the months and years immediately ahead. And life will never be the same. For despite the administration's false optimism, America is running out of oil and a whole list of other crucial non-renewable natural resources as well.

Historians of the future will, I suspect, write that the last thirty years were the golden age of American growth and luxury, but increasingly they will write about it as a time when Americans of one generation unwittingly skimmed the cream of this country's most precious resources. For the age of abundant natural resources is over, I assert. And in the years ahead we will have to dramatically restructure our economy and resource policies. It does not mean the end to prosperity or happiness, but it will necessarily require fundamental changes in what many of our countrymen now view as "the good life."

Historian C. V. Wedgwood wrote: "History is lived forwards but it is written in retrospect. We know the end before we consider the beginning and we can never wholly recapture what it was to know the beginning only." I want to suggest that fate has cast us as witnesses and participants in one of history's briefest, most traumatic transitions—from the last whimpers of an age of abundance to the first painful groans of a new age of scarcity. But, as Wedgwood suggests, the perspective is distorted by our habitual allegiance to the policies of the past.

Faced with the scarcity crises of 1973 and 1974, the country is not moving steadily toward enlightened new policies, but rather to a re-assertion—a disastrous one—of the old, discredited natural resource policies of a different age based on a different set of imperatives and a different list of assumptions. And if those policies are not turned around—and turned around during the next 36 months—it may be too late.

And so we're at the moment of decision—decisions whose consequences will pervade life for the last third of this century and beyond—and we find the environmental movement with less clout in national policy councils than it's had in a decade.

I want to suggest three reasons why this is the case, leaving aside for a moment the current concern over energy supplies.

1. The first reason is that the environmental issue has on the vital questions been substantially abandoned by the White House. And in our presidential system, that is to say it has been altogether abandoned by government. Congress and the courts can obstruct, they can delay, they can snipe and fight and sometimes have an impact, but the fact is if the weight of the presidency is thrown against you foursquare, you lose in this democracy.

I don't want to add to the travail of a wounded President, but someone ought to say that Richard Nixon is doing this nation a disservice by caving in on environmental issues for the sake of his impeachment politics. Someone ought to call him on his backtracking and, yes, double-crossing on basic policies such as land use reform. There is simply no decent rationale for such behavior, and we ought to let him know it.

There are good and noble men in this administration—men like Rogers Morton, Rus-

sell Train and Russell Peterson—but these men are finding when the crunch comes, they are left frequently, to borrow a notorious phrase, "twisting slowly, slowly in the wind." Those who have watched Richard Nixon turn his back on the conservation ethic ought to take this as a lesson.

The President abandoned the conservationists because he never counted on them in the first place.

Your movement is essentially non-partisan, non-political, and there is much to be said for this approach. But in this system, policies are not pursued unless there is political pressure behind them. The conservation community really played no substantial role in the 1972 presidential campaign on either side. Crucial natural resource issues were never discussed. Never again should that be allowed to happen. As we go down the road to 1976, conservationists of all political stripes should be united in their insistence that candidates address these issues, and that the next American to occupy the White House—whether Republican or Democrat—be a responsible conservationist.

2. A second crucial weakness of the environmental movement is that it hasn't yet made the transition from a negative effort to a positive one. This is because, during the great membership growth period of the Sixties, the effort took form basically as an insurgency. It was geared to "halt outrages"—and there were many—and "to defeat anti-environmentalists." This is a logical way to begin any effort; it provokes needed publicity and stirs the adrenalin of an outraged public. But the problem is that once the monsters were slain—and mostly they were—we did not know quite what to do with ourselves. You can defeat a hostile politician, impose an environmental review process on the agencies of government, even stop the SST, but if that is all you have achieved, it is far from enough. After the insurgency succeeds you must govern. You must have positive, compelling programs, and we have offered far too few of them. There are still millions of Americans who view the conservation movement as a group of anti-everything fanatics who care more about bird life than human life. And to borrow a phrase from John Ehrlichman, that won't sell in Peoria, or for that matter in Brooklyn, Pittsburgh or Seattle either.

A measure of this criticism is unfair. Enlightened conservation leaders have for the last few years fought for good, positive programs like land planning, but the hard fact is that the engine for such an effort is still lacking. And part of the solution lies in my third reason for the weakness of the movement.

3. That reason is that the movement is still infected with a subtle form of elitism. The conservation effort is not perceived, as it must be, as a humanitarian effort keyed to sound stewardship of the long term future. The truth is it is the most basic of humanitarian causes: The cause of physical and spiritual health, decent communities, clean air and water, sufficient food and natural resources. And with the shortages crisis upon us, the environmental cause is inexorably tied to economic stability, jobs, housing—the gut issue of American life. This critical relationship—the direct tie between the three "E's"—energy, environment and economy—must be spelled out to the policymakers and the public with a massive new re-education effort which advances broad and humanitarian themes.

The elitism to which I refer is a subtle and not at all the vicious kind.

It was born of a time when environmentalists found it both possible and comfortable to avoid delving into the gut, controversial issues—racial harmony, jobs, etc. I say that day is gone. For if this society fails to face up to the problems of the cities, then it cannot begin to solve the energy problem.

And if urban sprawl is to continue, no economic group, no section of the country will escape the consequences. An equally frightful price will be paid on the beaches of the Atlantic and Pacific coasts and on this great western plateau that houses the coal and shale oil of the future.

I remember one of those old patriotic movies when Bing Crosby defends the American flag against a cynic by asking others "to say what Old Glory stands for." A Southerner talks of red clay and pine trees. A Westerner describes sunset in the Rocky Mountains. But it's an old Brooklynite who gets the biggest cheer when he says: "Hey, Mac, ever seen steam comin' out a sewer in Flatbush?"

My point is, where is that environmental constituency in Flatbush? Can we long exist without it? The fact is most Americans will never see a wilderness area, park or wildlife refuge, and unless they are brought into the fold when the crunch comes they can be expected to opt for power, light and heat at any cost—even if the price be wall-to-wall power plants and refineries in Montana, Colorado, New Mexico and Arizona.

Emerson said that "the only way to have a friend is to be one." Part of the reason the environmental movement finds itself in trouble today is that we failed during the heady years of the Sixties to make friends and forge alliance with groups that might be largely with us now: blue collar America, enlightened industry, the minorities who inhabit our rundown cities. But in those days, environmentalists were not in a mood to compromise or to play a role in "their" issues, and we predictably find few friends around to sustain us during the dark days of the energy crisis.

And so we have labor joining the oil industry to cut the throat of NEPA during the Alaskan Pipeline debate, and they shouldn't.

We have civil rights groups in Jacksonville, Florida, joining with development-oriented industries in a coalition against wildlife groups who didn't want important spawning waters destroyed by a facility producing "floating nuclear power plants"—a concept not even approved by the AEC. And the blacks shouldn't have been there, siding against NEPA.

So my criticisms are that we have been too negative, too elitist, too self-centered. Well, what's my prescription? It comes in about three doses.

The first has to do with common sense, that elusive concept called reasonableness, and facing, as Casey Stengel said, "the conditions what prevail." The principal condition that prevails is an energy shortage that can cause high unemployment in blue collar America and in the neighborhoods of the poor. Our most immediate task as a nation will be to keep these millions of families on their feet through the worst moments of the economic downturn. The first line of attack will be on the energy supply front (energy conservation is meaningless to people without money or jobs) and here are some facts you and I will soon be facing.

The nation is going to insist on substantially increased coal production. While I and others wish it were not so, I believe we had better accept this fact and help the nation make the right decisions. I believe we can have an expanded coal program and one that is not destructive to the environment, but we'd better get cracking. The support of the National Wildlife Federation has been the key to our efforts in the Congress to get a balanced coal program underway this year with a responsible strip mining bill.

The American public is going to insist on drilling off the Atlantic coast and stepped up efforts elsewhere. I believe we should say we are not opposed to a careful program which is well conceived and is not a crash effort to ransack what's left of our oil reserves. Instead, we should insist that drilling procedures, environmental impact statements, and



government oversight give every protection to the environment.

A MacKenzie Valley gas line, in addition to the Alaska oil line, is going to be built. The MacKenzie route might house that oil line as well if we had gotten behind the idea earlier, and fought for it instead of *against* the Alaska line. We ought now to say we will support a second line, but we will insist on the best environmental route and every practicable safeguard.

And then there is the matter of shale oil. Should we put our foot down on early efforts to explore the development of this new resource? The temptation will be there, but I say we can't. But we must insist that these initial efforts are truly prototype programs, not camouflaged commercial developments; that the environmental costs be carefully weighed and that the water supply, which is life and death to the West, be protected and fairly apportioned among competing users.

While I'm suggesting hardheaded compromise, I am also recommending that where basic values involving irreparable damage are involved, we will not yield. And let me give some examples:

Increased coal production does not mean stripping every last acre of the West. The new emphasis has to be on deep mining, because while cheap extraction is on the top, the massive reserves the country needs and can have with the least environmental damage are underground.

The mysteries of nuclear power may yet be solved to the benefit of this nation and the world, and we will not inhibit responsible development. But we ought to draw the line on this liquid metal fast breeder reactor program until its many designs and safety problems have been brought into the open, discussed and solved. We must insist further that there be a much more satisfactory solution to the problem of radioactive waste disposal before any reactor construction program is speeded up.

Recognizing the controversies brewing over the technology of auto emission controls, we will nevertheless keep the heat on Detroit to build the smaller cars and better engines which are the real solution to the auto exhaust problem, and part of the answer to the gasoline shortage. The Wyman amendment and other attempts to simply relieve the auto industry of this responsibility will be fought.

We will bow our backs if this or any administration attempts, as the Nixon administration is hinting, to turn over to its energy office the duties and responsibilities of the Environmental Protection Agency. We will not allow the political panic of this administration to bring on the dismantling of the nation's fledgling environmental program.

George Bernanos said, "The worst, the most corrupting lies are problems poorly stated." It is a misstatement of the problem and a misunderstanding of its causes to hold that the energy crisis is the direct offspring of the environmental revolution of the Sixties. And yet, to an incredible extent, that is the belief in the White House and in the boardrooms of some of the country's largest corporations. It is indeed a corrupting lie, for on the issue of natural resources the conservationists have been largely right and their message of husbanding resources has been timely. But the lie is in circulation, and it must be fought by the conservation community with a reasoned, enlightened, cooperative approach in the months and years ahead.

The second big dose of medicine I recommend for the conservation movement is in the organizational area. Conservationists are notorious individualists who get their intellectual heritage from great iconoclasts like Muir, Twain and Thoreau. Will Rogers said, "I belong to no organized political party. I'm a Democrat." Many in this room could say, "We belong to no organized social move-

ment. We are conservationists." But there is one compelling fact that the conservation movement had better come to terms with: in this democracy the key to political success is organization.

Common Cause does it. So do the doctors, organized labor, the homebuilders, the women's movement, and every political party. What do they do? They meet; they have annual conventions; they elect officers; and for five or six days fight each other for the centerpiece of a platform which their entire movement will support. "In politics," John Kennedy counseled, "there are no friends, only allies." People walk away from these annual internecine wars knowing that if they haven't won any friends, they have at least trapped reluctant allies into a common effort.

This is the uncomfortable part of democracy, but it is the most important part. And in the conservation field it is desperately lacking. Conservationists have no central policy institutions, no annual convention where they are packed into a room and forced to work out their differences, no place where they produce unified policy and emerge knowing they share priority goals in the year ahead. In my opinion, this the conservation movement must do or perish as an effective agent of political change in this country. For the truth is the conservation groups are right now involved in self-destructive competition for headlines and a limited pool of members and dollars.

The price of membership expansion for many groups during the Sixties was chaos. Larger membership gave them the budget for expanded Washington staffs, to put out beautiful magazines, and so on—each of these developments wholesome—but too often they felt the price of membership drives was to adopt every policy and fight every fight dictated from the armies in the field. For a while it worked but, as I say, we are now at Valley Forge.

Conservationists have to get organized, limit their legislative targets, and consolidate their limited resources of money and manpower. And all of this has to do with the final dose of medicine I am suggesting.

It has to do with getting back to the basics. In a real sense the conservationist has been the fireman of this cruise ship we call earth, but as the lessons of the energy crisis begin to come home it looks like we have been putting out fires on a sinking ship. For the questions are really much larger than those with which we have traditionally dealt. The issue is not merely whether we will have animal life for the next generation to enjoy, but whether we will have human life. It is not whether we will pass on to our descendants isolated plots of wilderness or parks or a few clean fishing streams, but whether they will inherit anything like what we knew as civilization.

Some years ago my brother was thought radical when he wrote the following lines: "... at this moment in history we need to realize that: bigger is not better; slower may be faster; less may well mean more." Those lines look pretty good today. And it seems to me that this is the central message of the environmental movement—that there are indeed limits to growth, to speed, to luxury.

But those limits are not an indictment against all growth, against all science; it is not a call for a return to the rigid and uninteresting lifestyle of the Spartans or to the negative historicism of Malthus.

It is a balanced approach.

And it is a call—a national appeal—for a more sensible lifestyle, one free as much as possible of waste and despoliation, so that our children and their children can live to experience the magnificence of life. For the conservationist believes above all else that life is worth living, and the possibilities of man living in harmony with nature are endless.

Conservation is not a piece of wilderness here, a wildlife refuge there. It is a celebration of life in its totality. It can be found at Yellowstone and in Jacksonville, at the Grand Canyon and in Brooklyn. It is, as Russell Train recently said, the kind of diversity where people are given choices. The more we exploit nature, the more those options are reduced until we have only one, like the conservation groups at this Valley Forge, to fight for survival.

And so I've engaged tonight in some loving criticism. Lest there are those who would twist my words or misread my intentions, let me reconfirm my belief that this conservation movement, of which the Federation is an important part, is itself a symbol of national health and hope. I treasure the award I have received tonight as I treasure few honors I have received in public life.

And I believe that the conservation community will rise to the challenges I have outlined. I believe that like the wise sea captain the conservation movement can use this new current known as the energy crisis to refill its sails and to redirect the course of this society. For the end to cheap energy may bring on hardship, but it will also end abuses like this wild explosion of rural land development and put the speculators out of business. It may cause us temporary economic pain, but it will force an end to urban sprawl and maybe give the races more incentive to learn to live together. It may force us to redefine leisure and luxury, but it will teach us to better conserve the riches of the earth and thus to enjoy life more. And so we have a mission, you and I and the entire conservation community, to carry on and to work harder for the things in which we believe. In the words of Robert Frost:

"The woods are lovely dark and deep,  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep."

## THE CAPITOL AND THE HANDICAPPED

### HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. BRADEMAS. Mr. Speaker, I recently received a most informative report from George M. White, Architect of the Capitol, which discusses the architectural barriers which impede the access and mobility of handicapped persons in the Capitol and House and Senate Office Buildings.

Such architectural barriers, Mr. Speaker, prompted Congress last year to establish an Architectural and Transportation Barriers Compliance Board within the Federal Government to insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development, pursuant to the Architectural Barriers Act of 1968.

But because we in Congress have yet to put our own house in order with respect to architectural barriers, I am pleased to commend Mr. White for the exhaustive study his office has recently completed.

For the study clearly indicates that we have yet to do a great deal to insure that our disabled citizens have access to

the buildings on Capitol Hill, and have available to them as well adequate drinking, restroom, and telephone facilities in each building.

Mr. Speaker, Mr. White has assured me that the superintendents of each of the buildings are now undertaking those portions of the work which can be accomplished without additional appropriations, and that he will keep me informed of his progress.

But because the work now underway is of such significance to millions of disabled Americans, I want to suggest to my colleagues that should the Architect's Office be unable to complete some of the necessary work without additional funds, I hope Congress appropriates whatever moneys might be necessary.

Mr. Speaker, I include the policy recommendations and basic standards for Capitol Hill buildings at this point in the RECORD:

#### ARCHITECTURAL BARRIERS IN BUILDINGS AND GROUNDS UNDER THE JURISDICTION OF THE ARCHITECT OF THE CAPITOL

(By Edward Noakes, American Institute of Architects consultant to Architect of the Capitol)

##### POLICY RECOMMENDATIONS

(A) In modifying the individual buildings, it is recommended that each floor follow the same pattern of modification wherever subsequent floors are identical.

(B) "Clustering" of accessible facilities is recommended where possible. These central accessible areas are indicated by the shaded areas on floor plans.

For example, the Rayburn House Office Building has four large toilet rooms for each sex on each level from basement to fourth floor, with nearby drinking fountains, telephones, and elevators. It is recommended that modifications to selected toilet rooms on each floor be accompanied by necessary alterations to the adjacent drinking fountains, telephones, and elevators to make the facilities usable by handicapped people. The same principle is applied to the other buildings.

(C) In conducting modification programs, priority should be given to assuring accessible primary entrances, toilet rooms, drinking fountains, telephones, and elevators, in that order.

(D) In every building, toilets should be available for both sexes for front, right-side and left-side approach.

(E) An appropriate number of parking spaces should be reserved for handicapped people in each garage or parking area based on the population of the building it serves. Reserved spaces should be convenient to building access points.

(F) Door closers in most buildings are routinely set with pressure too high to be opened easily by anyone who is physically disabled. It is recommended that door closer pressure be checked and adjusted in every building.

The spaces within most of the buildings surveyed are large enough to permit necessary modifications without extensive alterations. Partial modifications have been carried out in some toilet rooms, which will reduce the amount of work required in those areas.

##### BASIC STANDARDS

For the purposes of this study, facilities were checked against these basic standards of accessibility and usability:

##### Primary access

(a) At least one conveniently located and easily identified accessible primary entrance

point for each building; it should be a major pedestrian entrance with ramps or curb cuts at appropriate points.

(b) At least one door at each major entrance that is power activated.

(c) Entrance doors with each leaf providing minimum clear width of 32" when open.

(d) Flush thresholds.

##### Toilet rooms

(a) Corridor and vestibule doors with 32" clear width when opened, with doors in series opening in the same direction.

(b) Flush thresholds.

(c) Stall equipped for front and side approach to water closet—

(1) Outswinging door with 32" clear width when open, placed diagonally to the water closet.

(2) Minimum stall depth of 60" and width of 54".

(3) Ceiling-hung stall partitions.

(4) Water closet mounted with centerline 18" from one wall and seat 15" from the floor.

(5) Side-operated flush lever on the side of the water closet away from the wall.

(6) Fixed toilet grab bars installed parallel to the floor at a height of 30" on the adjacent wall with swing bars on the clear side.

(7) Accessible toilet tissue mounted on open rolls without stops.

(d) At least one urinal mounted 15" from the floor.

(e) Multi-fold interlocking (pop-up) hand towels in dispensers.

(f) All dispensers mounted with dispensing slot no higher than 40" from the floor.

(g) Sanitary napkin dispensers with coin slots and level handles no higher than 40" from the floor and located on the front of the machine.

(h) One mirror and shelf mounted with mirror bottom no higher than 40" from the floor.

(i) One lavatory with clear height of 30" from floor and rim 33" from floor, with insulated pipes.

(j) Lever handles on water faucets.

##### Drinking fountains

(a) Fountain mounted 34" from the floor.

(b) Operated by lever handle.

(c) Stream of water directed parallel to face at regulated height.

(d) Paper cup dispensers provided with dispensing point no higher than 40" from the floor.

##### Telephones

(a) Instrument mounted so that coin slot, head set, and dial are not more than 48" from the floor.

(b) Accessible booths wherever they are used—

(1) Outswinging door with minimum clear width of 32" when open.

(2) Self-closing doors that do not latch.

(3) Clear floor area within booth minimum 42" deep and 32" wide, increased by door frame width where door is provided.

(c) Counter-mounted instruments should have 30" clearance to the floor, with 22" clear on one side of the counter for directory.

(d) Assistive devices for hard of hearing on instrument.

##### Elevators

(a) Cab and lobby doors equipped with electric eye safety devices.

(b) Raised symbols adjacent to push buttons on both call panels and operating panels.

(c) Raised floor indicator on elevator lobby door jamb adjacent to the operating panel location at a height of 48" from the floor.

(d) Elevator lobby call panels mounted 40" from the floor.

(e) Operating panels mounted with the uppermost button no higher than 48" from the floor.

(f) Emergency phones of the no-dial type mounted no higher than 40" from the floor.

(g) Audible as well as visible arrival and direction signals for elevator cabs.

(h) Handrails on three sides of the cab at a height of 32" from the floor.

##### Subways

(a) Boarding platform level with floor of subway cars.

(b) Entrance to subway cars at least 32" wide.

(c) Space for parking wheelchairs in the subway car.

(d) Clearance between facing seats of at least 36".

##### Tunnels

(a) Tunnel floor with recommended slope not greater than 1:20 and maximum acceptable slope of 1:12.

(b) Non-slip surface on all slopes.

(c) Level rest areas no farther apart than 30'.

(d) Hand rails mounted on both walls at a height of 32".

##### Parking and grounds

(a) Ramps or curb cuts at all pedestrian road crossings, with warning lines perceptible by touch of a blind person's cane.

(b) Appropriate number of parking spaces 12' in width (providing 48" between cars for wheelchair access) reserved for handicapped people.

(c) Ramps at floor level changes on pedestrian walkways within garages and at changes in sidewalk levels on the grounds.

(d) Walkways from parking spaces used by handicapped people should not pass behind parked cars.

##### Ramps

(a) Maximum acceptable slope is 1:12, with gradient of 1:20 preferred.

(b) Non-slip surface.

(c) Flush leading edges.

(d) On ramps leading to doorways, a 5' square level area with a minimum of 12" clear width at the latch side of the door.

##### Dining facilities

(a) Cafeteria serving lines minimum 36" width.

(b) Center-supported dining tables with clear height 30" from floor.

(c) No changes in floor level.

##### Building details and furnishings

(a) Mail Chutes—

(1) Letter and parcel chutes mounted with slots or inlets 36" above floor.

(b) Doors—

(1) Maximum of five pounds pressure on door closers.

(2) Time delay devices on door closers.

(3) Doors in series open in the same direction.

(4) Minimum clear width of 32" when door is open.

(5) Lever handles on all doors.

(6) Textured surfaces on door-opening hardware leading to hazardous areas.

(c) Floors—

(1) Non-slip wax where floors are waxed.

(2) Flush thresholds.

(3) Tapered carpet stops.

(d) Signs and Signals—

(1) Wheelchair routes within buildings, and between buildings, posted on signs.

(2) Facility that does not accommodate the handicapped has sign indicating where such an accessible facility is located.

(3) All warning signs and signals, and elevator arrival and direction signals, are both audible and visible.

(e) General—

(1) Fixed desks and counters with clearance of 30" above the floor.

(2) Building directories designed and located for easy legibility from a wheelchair.

(3) Wheelchair access to all Hearing Rooms.



(4) Wheelchair access to all Galleries and Auditoriums.

(5) Light switches mounted at 36" from the floor.

(6) No signs, ceiling lights, or similar fixtures protruding lower than 7' into corridor space.

H.R. 14409

**HON. WILLIAM R. ROY**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ROY. Mr. Speaker, over the past decade, the costs of health services in this country have increased to the point that health services are today quite expensive. At the same time, the availability and accessibility of health services in many areas leaves much to be desired. Finally, the quality of health services provided is often less than optimal.

The Congress has not, of course, been obvious to these problems. The Congress has established the medicare and medicare aid programs. It has established the regional medical program and the comprehensive health planning programs. For some time, it has supported the development of community mental health centers, neighborhood health centers, and family planning programs. More recently, it has authorized support for the development of health maintenance organizations.

But these programs have not been sufficient to resolve the basic problems within our health services system. And the adoption of a national health insurance program will not, of itself, solve these problems either. In fact, depending on the exact provisions of the national health insurance legislation finally adopted, national health insurance may exacerbate these problems.

With these goals then—the resolution of the basic three problems of our health care system and the prevention of exacerbation of these problems, particularly cost escalation by national health insurance—I have introduced the National Health Services Planning, Development, and Regulation Act, H.R. 14409.

This bill is similar in many of its provisions to H.R. 12053 introduced last December by Mr. ROGERS, myself, and Mr. HASTINGS. There are two major differences, however, along with many lesser differences, between H.R. 14409 and H.R. 12053. The major differences are:

First, the establishment of a system to set rates prospectively for hospitals, nursing homes, and other health services institutions; and

Second, the details of the provisions for review of applications by health service institutions for certification of new services, recertification of services, and prospective rates.

The first major difference between H.R. 12053 and H.R. 14409 is that H.R. 14409 describes, in sections 619 and 634, a system to establish rates for health institutions on a prospective basis.

There has been increasing agreement over the past several months that under national health insurance, it will be nec-

essary to phase out the charges related to costs approach to hospital payment and to develop a system to establish hospital rates on a prospective basis. The administration's national health insurance bill, H.R. 12684, provides, as the introductory comments make clear, that "States would establish prospective reimbursement systems for hospitals." Similarly, section 2043 of the Mills-Kennedy national health insurance bill, H.R. 13870, is entitled "Payment to Providers of Services: Prospective Determination of Payment to Providers; Quality Management Payments."

The importance of the development of prospective rate setting is that prospective set rates have the potential either to reinforce or to subvert a health services planning and development program.

If prospective rates are established by a different unit than is responsible for the planning and development program, then the decisions of the planning and development unit may be ignored, if not outright opposed, by the rate setting unit. In this case, the planning and development unit may approve a service for an institution while the rate setting unit may not allow the institution the funds necessary to develop or operate such service.

On the other hand, if the planning and development and rate setting programs are administered by the same unit, rate setting may be used as a tool to implement the priorities established by the planning and development program. In this case, if the planning and development program proposes a service for an institution, the institution can be sure that funds will be available to develop and operate the service.

It is for this reason that H.R. 14409 includes a rate setting system with a real role for the unit—the area health service agency—responsible for the planning and development program.

The second major difference between H.R. 14409 and H.R. 12053 is that H.R. 14409 includes, in sections 614 through section 620, a set of provisions with respect to the process and the criteria which must be utilized by area health service agencies in reviewing the services to be provided, and the rates to be charged, by health services institutions. The reason for this elaboration of the process and criteria stems from the need for the regulatory type activities of area agencies to be competent. As William J. Curran states in "National Survey and Analysis of Certification of Need Laws; Health Planning and Regulation in State Legislatures, 1974":

I believe that the laws are at a particular stage of development where the articulation of standards can be very helpful to the entire certification process. If public regulation is to be imposed on the health care industry, as these laws so provide, then the statutes ought to contain safeguards to require open consideration of different views and interests. This is the aim of the formalities. The procedures are intended to create the appearance and the reality of fundamental fairness in the process.

I believe that the careful articulation and ranking of criteria to be used in considering applications for construction or expansion of health care facilities is a necessary step in making the entire system workable.

There are a number of reasons for taking special pains to develop criteria in this field.

First, the system is intended to involve consumers at all levels in the determination of needs. These consumers will not be trained or experienced in the health field and most will not be trained or experienced in law either. They will be aided in participating in the process and their voices will be heard more effectively if the bases for the decisions—the criteria for review—are fully articulated and ranked.

Second, the criteria are the main mechanisms for requiring an integration of the health planning process and the certification process. Otherwise, the decisions may deteriorate into the passive review of evidence submitted by the applicants as indicated earlier. The criteria set forth in the Oregon Law, for example, militates against myopic, individualized, decision making.

Third, it is most important to spell out criteria for review in full when the new regulatory program is intended to accomplish basic reform in the practices of the field and where the special interests will be exerting heavy pressure to be allowed to follow their traditional methods of operation. For example, hospitals and other health care facilities are not in the habit of cooperating with or sharing their facilities. These new laws are intended to foster and sometimes to compel cooperation and sharing. The criteria for review spell out these objectives, which are nowhere else mentioned in the law.

The last reason I would mention for taking special care in formulating review criteria concerns the fact that the local administering agencies, the areawide health planning councils, were not created as public regulatory agencies. They were not organized along the lines of licensing or review bodies. They are not groups of lawyers with fact-finding bodies or investigational staffs. They are broadly conceived planning organizations, policy-making boards, composed of a consumer (nonprovider) majority and a provider minority. The interest of these boards is in the health of the community, viewed in very wide terms. Rarely have the staffs any training in law, decision making, or investigatory methods in public regulatory systems; they are generally personnel trained in social work, social and behavioral science, or public health. It is therefore advisable to provide these councils and their staffs with more structure, more procedural safeguards, more articulated criteria for decision making than might be necessary in the average regulatory agency organized and manned by attorneys, hearing officers, and trained regulatory personnel.

It is for the reasons articulated by Mr. Curran that H.R. 14409 spells out in some detail the process and criteria to be applied by the area health service agency in its regulatory type activities.

Mr. Speaker, there is no doubt that changes in the health services system in the United States are necessary. The question is, what kinds of changes shall be made? The bill which I have introduced, H.R. 14409, addresses the problems facing us in a rational and responsible manner. I urge its adoption.

JOHN GRINER, 1907-74

**HON. HENRY HELSTOSKI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HELSTOSKI. Mr. Speaker, John Griner, president emeritus of the Amer-

ican Federation of Government Employees and one of the most formidable figures in the history of the American labor movement, died April 22 in Cairo, Georgia at the age of 66.

John Griner was well known for many years to virtually every Member of Congress as an articulate and effective spokesman for the rights and welfare of the people he represented. To millions of working men and women throughout America, his name was a household word.

A one-time railroad telegrapher, John Griner helped propel AFGE to its present position as the largest union in the Federal sector. Elected national president of AFGE in 1962, he was reelected to five consecutive terms, retiring for ill health shortly after his last triumph in 1972.

Not only have the members of AFGE lost a good friend, but so have the people of this Nation. The size of John Griner's heart was matched only by the depths of his determination.

Mr. Speaker, an article concerning Mr. Griner recently appeared in the AFGE Washington Letter of April 26. In view of the fact that it gives further insight into Mr. Griner's remarkable career, I would like to take this opportunity to share this article with my colleagues. The article follows:

John F. Griner, president emeritus of the American Federation of Government Employees, a giant of American labor, is dead.

He succumbed to a long illness Monday morning at the Cairo, Ga., hospital.

The funeral was held in Cairo on Wednesday.

Among AFGE leaders attending the rites were National President Clyde M. Webber, Executive Vice President Dennis Garrison, National Secretary-Treasurer Douglas H. Kershaw and District 6 National Vice President A. K. Gardner, representing the National Executive Council.

It was Griner, a farm boy and former railroad telegrapher, who led AFGE to its present position as the largest union in the Federal sector.

It was Griner who fought the good fight for his membership, constantly seeking their betterment and vigilant in the protection of their rights.

Because AFGE was barred by law from striking or using other economic measures, Griner and his deputy and successor, Clyde M. Webber, used the power of persuasion in accomplishing gains for the Federal employee.

Their jawboning and cajoling brought great results—increased pay, better job protection, presidential executive orders which spelled out rights for the government worker. The Monroney Amendment which gave higher pay and comparability to the blue collar employee could not have been passed had it not been for AFGE and John Griner. Former Sen. Mike Monroney (D-Okla.) gave that tribute to the union and its leader.

Rep. Robert N. C. Nix said in tribute to Griner's lobbying ability:

"John Griner seems to make his home on The Hill. He is always here and is always alert and convincing in working for his union."

Griner was closely involved with the Federal government for 34 years, 26 of those as an employee and later as an executive with the Railroad Retirement Board.

He was elected National President of AFGE in 1962, having previously served as a National Vice President and member of the National Executive Council representing District 7 from 1946.

Griner was elected for five consecutive terms, retiring for ill health shortly after his triumph at the 1972 convention. He was succeeded by Webber, who was named to the post by the National Executive Council.

Before he entered Federal service, Griner worked from 1925 to 1935 at one time or another as a telegrapher, agent, train dispatcher and assistant car accountant for the Atlantic Coast Line, Seaboard, Georgia Northern and Southern Pacific. At his death he still carried cards in five railroad unions.

Griner entered Federal service in 1936 as an adjudicator with the Railroad Retirement Board at the CAF-6 grade and when he left it in 1962 to devote full time to being AFGE's National President, he was a GS-15.

For the last 11 years of his employment with the board, he was labor relations officer, serving as liaison between the board and the railroad unions and, in addition, was responsible for labor relations and training.

While employed by the Railroad Retirement Board, he studied at Columbus University, now a part of Catholic University, and received its LLB degree in June, 1940.

When he assumed the presidency of AFGE, its membership was approximately 80,000 and when he retired was over 300,000, making the union larger than all other Federal employee organizations combined, excluding the postal unions.

Griner was born in Camilla, Ga., Aug. 9, 1907 and was graduated from Camilla High School in 1924.

His wife, the former Claranell Nicholson, and two sons, John Jr., and Remer Griner; two grandchildren and two sisters survive.

## THE FUTURE OF THE CONGRESS

### HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HARRINGTON. Mr. Speaker, an article by Arthur Schlesinger, Jr., in the May 1 Wall Street Journal eloquently described the challenge before us today—to rebuild Congress as an institution able and willing to deal with the problems we face as a Nation.

Professor Schlesinger's analysis of our failure should be all too familiar to each Member of this body. His challenge is one we cannot afford to ignore. Therefore, I would like to insert the article in the Record at this time.

The text follows:

#### THE FUTURE OF CONGRESS

(By Arthur Schlesinger, Jr.)

There has been much lamentation recently over public opinion polls showing that Congress rates as low as or even lower than President Nixon in the esteem and confidence of the American people (or at least of the thousand or so among them who responded to the poll). This result, however, could not have been less of a surprise to historians.

Congress has never done well in winning the hearts and minds of the people. "It could probably be shown by facts and figures," wrote Mark Twain, "that there is no distinctly native American criminal class except Congress"; or, in another mood, "Reader, suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself." "Who are they as bats and night-dogs askant in the capitol?" asked Walt Whitman. "... Are those really Congressmen?" "You can't use tact with a Congressman," a member of Grant's Cabinet told

Henry Adams. "A Congressman is a hog. You must take a stick and hit him on the snoot." "Some statesmen go to Congress and some go to jail," wrote the gentle Eugene Field. "It is the same thing, after all." "After a man has been out of Congress awhile," wrote the sardonic Ed Howe, "people say, 'You wouldn't think that man had been in Congress, would you?'"

In short, the abuse of Congress is an old and honorable American tradition. Every Congress has its strutters and ranters, its sharpers and pettifoggers, its fools and rogues. Every electorate has its tendency toward synecdoche—taking the part for the whole—and therefore cheerfully identifies Congress as an institution with the recklessness or knavery of a tiny minority of its members. As a large, amorphous, shapeless body embracing a wide diversity of opinion and temperament, Congress can be plausibly blamed for almost everything. Congress, we all know, is myopic; it is venal; it is cowardly; it is ineffectual. And Congress, of course, is even worse when it is ineffectual. Then we have that alarming state of affairs described by Woodrow Wilson as "congressional government", when Congress, as he wrote in 1885, "has entered more and more into the details of administration, until it has virtually taken into its own hands all the substantial powers of government."

#### RESTORING A BALANCE

In those days the Constitution was out of balance in the direction of Congress. In our day it is out of balance in the opposite direction. Our problem is a presidency that has virtually taken into its own hands all the substantial powers of government, and our need is to restore the balance of the Constitution by reestablishing the congressional role. The results thus far, even after Watergate, have been disappointing. With the presidency on the run as it has not been for a long time, Congress outside the area of direct presidential culpability, remains generally feeble and compliant, respecting presidential wishes, sustaining presidential vetoes, cautiously holding back from any aggressive use of its own constitutional powers.

Hubert Humphrey summed it up in a poignant outburst on the floor of the Senate last October, "I have served in the Executive Branch," he began (Senator Humphrey was wrong—or at least Presidents as recent as Truman and Eisenhower would disagree with him—in supposing that the Vice President is a member of the Executive Branch, but that is another story), "and I want to tell you, it is easy to roll this body [Congress] because the Executive Branch comes in with power, comes in with information, is able to mobilize public opinion. ... The Congress, lacking staff, expertise, information, and will, has been overwhelmed by the Executive juggernaut." Sen. Humphrey had tough words for his colleagues: "When it comes to ourselves we are afraid. We are fearful men. We are afraid to go home and face our constituents. We will not even provide a parking lot. And yet we will provide for the Executive Branch of government marble halls."

What is Congress's trouble? Why after Watergate should it still linger in this condition of impotence? Even Congress cannot escape its responsibilities with regard to impeachment; for a decision not to impeach would represent a solemn congressional judgment that Mr. Nixon had done nothing to warrant impeachment and would therefore license his successors to do what he has done. But, apart from impeachment, the post-Watergate Congress, even though controlled by the opposition party, seems rather less consequential than the so-called "rubber-stamp" Congresses of New Deal days.

It is saddening to reflect on the decline of Congress over the last 40 years. It is not



a decline in the quality of its membership. Congress has rarely had a higher average level of intelligence and concern than it has today. Anyone who spends much time testifying before congressional committees is impressed by the thoughtful questions and by the serious desire to get at the substance of problems. But Congress as a whole matters less in the balance of government than it did 40 years ago.

The so-called rubber-stamp Congresses of the 1930s, for example, imposed a number of important laws on the Roosevelt administration. The Federal Deposit Insurance Act and the Wagner Labor Relations Act both originated in Congress. Moreover, though the average ability may be higher today, there were many more men of real power and will in Congress then—men whose views, whose very whims, even Franklin Roosevelt had to take into account. Can one imagine a Majority Leader resigning today because he disapproved of a presidential action as Alben Barkley did in 1944? In those years the Senate contained men like Norris, La Follette, Borah, Carter Glass, Hugo Black, Burton K. Wheeler, Jimmy Byrnes and Joe Robinson, Vandenberg and Taft, Wagner and Barkley, McNary and Truman, William Gibbs McAdoo and Huey Long. They were proud, independent and self-reliant men, like barons in the days before the king had broken the feudal system and created the modern state. FDR worried about them, talked to them, propitiated them, in short took them very seriously indeed.

The present crowd is less egotistical, better informed and probably more responsible than the Congresses of 30 years ago; but far easier for Presidents to ignore. Congress itself, in its periodic fits of bemoaning lost powers, likes to go in for mechanical explanations of its low state. If only Congress had more information, more staff, more computers and so on, then at last it would be equipped to take on the Executive.

I am all in favor of Congress having more information, staff and computers, but I do not think this is the problem. Of Hubert Humphrey's four points—staff, expertise, information and will—the last is vital. The others are alibis. Congress can get all the staff, expertise and information it needs. What it lacks is the will to use the power it has. The fault, as usual, is not in their stars, but in themselves that they are underlings.

#### A CONSPICUOUS EXCEPTION

The barons of 40 years ago did not have computers. What they had was a willingness to challenge Presidents. Today all too few Senators are ready to take on Presidents in a sustained and purposeful way and least of all in the field of foreign affairs. A conspicuous exception is Sen. J. William Fulbright of Arkansas. He is one of the few Senators whom contemporary Presidents have to take into account—one of the few who make a difference to the constitutional balance. His courage, his knowledge, his grace and clarity of expression have been a strong congressional weapon against a foreign policy run imperiously out of the Oval Office.

As Sam Ervin educated the country about the Constitution, Bill Fulbright educated us about the Indochina war. One may disagree with things Sen. Fulbright has done or positions he has taken, but he has been steadily on the side of reason and restraint in foreign policy, and he has made Congress matter in the conduct of our foreign affairs.

There is a strong possibility that Sen. Fulbright's time may be over. The popular governor of Arkansas, Dale Bumpers, has challenged him in the Democratic primaries. The election is on May 28. Gov. Bumpers is well ahead in the polls. From all one hears, Gov. Bumpers is an attractive and liberal-

minded man. But, for those who care about restoring the balance of the Constitution, the defeat of Sen. Fulbright would be a grave setback. Congress cannot afford to lose those few among its members whom Presidents have to take into account. If Sen. Fulbright is beaten, Sen. Sparkman of Alabama is next in line to become chairman of the Foreign Relations Committee. John Sparkman has served the Republic well. But he will be 75-years-old this year; his best years are behind him; and he has never had Sen. Fulbright's skeptical and inquiring mind in international relations.

The voters of Arkansas will make their own decision for their own reasons. But if they care about the effort to reestablish Congress as an effective partner in the American process of government, they will send Mr. Fulbright back to the Senate. And unless Congress recovers a sense of its own powers and the courage to use them, the imperial presidency will survive even the conviction and removal of Richard Nixon.

#### OIL COMPANY REPORTS SHARPEN PROFITS DEBATE

### HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HANRAHAN. Mr. Speaker, we are all very concerned over the energy crisis and whether or not this crisis was manufactured by the major oil companies. The crisis is bound to be questionable when we hear about the large profits by these oil companies. I insert this article, which further states the big oil companies' profits, for the benefit of my colleagues:

#### OIL COMPANY REPORTS SHARPEN PROFITS DEBATE

(By Alvin Nagelberg)

It was a week when the oil giants told their profits and took their lumps.

First quarter earnings of Gulf Oil were up 76 per cent; Texaco, 123 per cent; Continental Oil Co., 130 per cent; Standard Oil Co. of California, 91 per cent; Standard Oil Co. [Indiana], 81 per cent; Shell Oil Co., 51 per cent; and Mobil Oil Co., 66 per cent.

Exxon, the world's largest oil company, reported earnings rose 38 per cent. But Exxon's accounting practices were challenged by some analysts [and defended by Exxon] for some \$400 million in deduction which, if added to earnings, would have boosted the percentage of increase to 118 per cent.

The oil company reports brought into sharp focus the two views of profits.

Simply stated, company officials like profits; inflation-weary consumers don't. And the viewpoints clashed.

How did the oil companies earn such big profits? Most reported that the bulk of the gains came from foreign operations such as the sale of crude from the Arab producing countries to Europe.

"Don't forget that foreign crude oil went up about 300 per cent," said Ted Eck, economist of Standard Oil Co. [Indiana].

There were also big gains from the chemicals divisions of the companies.

And the accounting system of oil companies tends to inflate profit gains, Eck said. In other industries, profit is figured on the basis of the difference between what an item sells for and its current replacement cost, said Eck. In the oil industry, the profit is the difference between the sale price and the original cost.

Companies with direct access to crude oil reserves could get a lot of money per barrel after the Arab producing nations pushed the prices up.

Domestically produced crude, which sold for an average of \$3.40 a barrel last March, now sells for more than \$6 a barrel.

And if the crude oil is in excess of the volume produced in 1972—so-called "new" oil—it is not under price controls and currently sells for about \$10 a barrel.

Some company profits were exaggerated by the fact they have had such small profits in recent years, so a comparison puts the numbers out of perspective.

The oil companies are happy to get the earnings for whatever reason. Profits mean more production and exploration programs and perhaps diversification into new areas.

However, to the man facing rising gasoline and heating fuel prices, profits are too much to bear. An estimated 1,000 persons protested at the annual meeting of Indiana Standard last week demanding relief thru price roll-backs.

Even among stockholders, who could translate profits into higher dividends, there was curiosity about whether officials would also use the profits to boost pensions and wages.

John Swearingen, chairman of Indiana Standard, told shareholders that surveys show "we have now reached the point where no less than 85 per cent of the public thinks business is making too much profit, while 40 per cent think the government should act to limit corporate earnings, and a full two-thirds think most companies make so much profit that they could afford to raise wages without raising prices."

Members of Congress, too, believed the myth of huge corporate profits and are demanding price rollbacks, elimination of depletion, excess profits taxes, and a variety of other measures including dissolution of the major companies.

"The ammunition for the attack has been provided by the long-overdue improvement in earnings. Although few people seem to realize it, the oil industry's rate of return reached a 10 year low in 1972, and has averaged less than that of manufacturing industries in general over the past decade.

Earlier, B. R. Dorsey, chairman of Gulf, said, "In light of the tremendous task ahead, present profit must be maintained. Indeed, they may be insufficient for our capital needs."

Swearingen told shareholders that "our capital and exploration budget for 1973 will exceed \$1.4 billion, or nearly three times the \$511 million in net earnings last year.

"While some may choose to characterize our earnings as excessive, in our judgement our profit level has been inadequate to generate funds on the scale we are going to need to do our part in supplying the nation's future energy requirements."

Swearingen said the greatest single threat to the ability to generate capital comes from excessive taxation and price controls. "While our earnings increased 36 per cent last year, our direct tax burden rose by more than 60 per cent to approximately \$440 million," he said.

He pointed out that "in the first quarter of 1974, the company committed more money to the federal government in bonus payments to obtain off-shore leases and shale properties [\$230 million] than we earned in the same period [\$219 million]."

Outside, a large crowd of senior citizens, teachers, clergymen, middle aged workers, and high school students were protesting Standard's profits and demanding lower petroleum prices.

Inside, Swearingen was calling for more understanding of the role of profits in business.

It was a classic confrontation of divergent philosophies.

# NATIONAL ACCREDITATION COUNCIL: WHAT PRICE ACCREDITATION

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. LANDGREBE. Mr. Speaker, for several months now I have been aware of a controversy raging between the National Federation of the Blind, a service organization blind persons voluntarily join, and the National Accreditation Council for Agencies Servicing the Blind and Visually Handicapped, an organization which receives a great deal of its money from our tax dollars.

Mr. Kenneth Jernigan, president of the National Federation of the Blind, has recently written a brief overview of the controversy, and a decent respect for his opinions and those whom he represents requires that an account of this controversy be presented so that Members of Congress may know full well the unresponsive nature of our fourth branch of Government, the enormous Federal bureaucracy.

I understand that the agency responsible for the funding of the NAC, the Social and Rehabilitation Service of the Department of Health, Education, and Welfare, will be the subject of appropriations hearings early in May. Perhaps the only way to get a response from an entrenched bureaucracy is to hit it over the head with a plank—that is, threaten its source of income.

I know that many Members of Congress have been as interested in this controversy as I have been, and I present this article for their benefit as well as for the benefit of those who are not aware of the situation.

The article follows:

### NAC: WHAT PRICE ACCREDITATION

(By Kenneth Jernigan, president, National Federation of the Blind)

When the Commission on Standards and Accreditation on Services for the Blind (COMSTAC) and its successor organization, the National Accreditation Council for Agencies Serving the Blind and the Visually Handicapped (NAC), came into being during the 1960's, leaders of the organized blind movement sounded the alarm. The American Foundation for the Blind and certain other leading agency officials adopted the idea of establishing a so-called "independent" accrediting system for all groups doing work with the blind. Although individual blind persons who were agency officials were involved in the establishment and development of COMSTAC, the blind as a group were not consulted—that is, the representative organizations of the blind were denied a voice, except occasionally as a matter of tokenism. Thus, the consumers of the services were not heard in any meaningful way, and had no part in developing or promulgating the standards governing the agencies established to give them assistance.

The American Foundation for the Blind appointed an "independent" commission—the Commission on Standards and Accreditation on Services for the Blind (COMSTAC). The full-time staff consultant for COMSTAC was a staff member of the AFB, on loan to the group, purely as a means of demonstrating the Foundation's concern with the improvement of services for the blind. To add re-

spectability, people of prestige outside of the field of work with the blind were placed on the commission—public officials, business executives, the dean of the Temple Law School, et cetera. These were people of good will and integrity, but they lacked knowledge concerning the problems of blindness. Obviously they took their tone and orientation from the Foundation appointees on COMSTAC. All of these appointees, it must be borne in mind, were high-ranking officials of agencies doing work with the blind. Not one represented the blind themselves or came from a membership organization of blind persons.

The American Foundation for the Blind and COMSTAC later proclaimed with pride that they had sought and achieved a broad consensus throughout the field of work with the blind. However, the method of arriving at that consensus was, to say the least, novel. At Denver in the summer of 1965, for instance, the American Association of Workers for the Blind Convention was largely taken up with a discussion of the COMSTAC standards—to gather opinions and achieve consensus, it was said. Only the discussion leaders had copies of the standards, and any touch which was raised was answered either by the statement that it was covered somewhere else in the COMSTAC standards or that another group was discussing the matter and it was not properly the concern of the group in which it had been raised.

Home teachers from throughout the country were present and were considering the standards affecting their specialty. The overwhelming majority apparently disagreed with a particular item in the COMSTAC document and suggested a vote be taken to determine sentiments of the group. They were informed by the discussion leader that a vote certainly would not be taken but that their views would be reported to COMSTAC, which had the sole responsibility for deciding such matters.

It is no wonder that the blind people of the country felt apprehensive. What type of standards were likely to emerge from a commission so appointed and so conducted? Not only the blind but also many of the agencies expressed concern. Many felt the AFB and Federal rehabilitation officials (unwittingly aided by people of prestige in the broader community) would impose a system of rigid control—which would stifle initiative, foster domination, and take the emphasis off real service and place it on bureaucracy, red tape, and professional jargon. It was further felt that what purported to begin as a voluntary system would (once firmly established) become mandatory. The AFB and other proponents of COMSTAC and its successor organization, NAC, vigorously denied these assertions.

The question of NAC's independence, however, is no longer a matter for serious debate. The Scriptures tell us that "where a man's treasure is, there will his heart be also." In an official NAC document entitled "Budget Comparison—1968 and 1969," dated April 15, 1968, the following items appear.

"Total approved budget calendar year 1968, \$154,034; total projected calendar year 1969, \$154,000. Estimated income 1968: grant from American Foundation for the Blind, \$70,000; grant from Department of Health, Education and Welfare \$75,000. Estimated income 1969: grant from American Foundation for the Blind \$70,000; grant from Department of Health, Education and Welfare \$70,000.

Today, the overwhelming majority of NAC's funds still come from HEW and the American Foundation for the Blind. Many NAC meetings are held at the AFB building in New York, and the executive director of NAC is a former Foundation staff member, the same one who was on "loan" to COMSTAC. When the first annual NAC awards were given, in 1970, it may be of significance that two recipients were named: Mr. Jansen Noyes, president of the Board of the Amer-

ican Foundation for the Blind; and Miss Mary Switzer, the long-time head of rehabilitation in the Federal Department of Health, Education and Welfare.

Even more to the point may be Miss Switzer's comments upon that occasion as reported in the NAC minutes of April 24, 1970: "She predicted that difficult times might lie ahead if agencies accept the idea of standards but do nothing about them. The expending or withholding of public money can provide the incentive that is needed."

Thus spoke Miss Switzer confirming what leaders of the blind had predicted and COMSTAC spokesmen had denied a decade ago. The full meaning of Miss Switzer's statement was spelled out by Alexander Handel, executive director of NAC, as reported in the NAC minutes of April 25, 1970: "Mr. Handel reported a new and important step in encouraging accreditation. The Council of State Administrators has passed a resolution that by July 1, 1974, State rehabilitation agencies will require that agencies from which they purchase services be accredited." The "encouraging" of agencies to seek accreditation from NAC will probably be called by some by the ugly name of blackmail. The pressure for conformity and the concentration of power could well be the most serious threat to good programs for the blind in the decade ahead.

The quarrel is not with the concept of accreditation itself. Rather, we object to what is being done in the name of accreditation. Proper accreditation by a properly accredited group is a constructive thing. What NAC is doing is something else altogether.

There is, of course, not time here to go into the details of all of the standards originally developed by COMSTAC and now being fostered by NAC, but a brief sample is sufficient to make the point. The *Braille Monitor*, February, 1966, carried an analysis of the COMSTAC standards on physical facilities. That analysis said in part: "The standards (on physical facilities) are perhaps notable chiefly in that they are so vague and minimal as to be equally applicable to office buildings, nursing homes, or universities by the simple substitution of the names of these other facilities . . .

"Perhaps a brief rundown of the standards themselves would serve as the best and most complete illustration (headings theirs).

"1. Overall Suitability.—The total facility is constructed to best serve the needs of the particular agency. It will adequately serve everyone concerned. It will meet the requirements of its governing body, the Department of Health, Education, and Welfare, and the city building code. The physical facilities will be helpful to the program.

"2. Location.—The facility is located where it can easily be reached by staff, clients, and others who need to use it. The facility should be close to shopping and other community interests. The location is reasonably safe, with hazards minimized.

"3. Grounds.—The grounds will be large enough to allow for future expansion. They will be pleasant ('free of undue nuisances and hazards') with parking areas and roadways. Signs will be posted to help people locate the proper areas.

"4. Activity Area.—The layout of the facility will be efficient. The facility will be designed for the planned activities, will be large enough and well organized (reception rooms next to entries, work areas together, et cetera). Sufficient maintenance will be provided for.

"5. Privacy.—People will have as much privacy as individual cases call for. Confidentiality will be maintained.

"6. Health and Safety.—The health and safety codes of the community will be met. Sufficient heat and light will be provided. Sanitary conditions will be as good as possible. Suitable entries will be provided for



wheelchairs, et cetera. Safety features will be related to the level of competence of the occupants, the activities undertaken, and the equipment used. Adequate first aid facilities are provided.

"7. Fire and Disaster Protection.—All buildings will be so designed and equipped as to minimize the danger of fire. The buildings will be inspected by local authorities &/or independent authorities and records of inspection kept. Smoking areas are clearly specified. Proper protection shall be provided the occupants of the facility to minimize danger should fire or disaster occur. Suitable fire extinguishers will be provided. Fire alarms will be installed as to be heard throughout the facility. Fire drills will be held irregularly. Special provision will be made for fire warnings to deaf-blind.

"8. Maintenance.—The condition of the physical facility gives evidence of plentiful and effective maintenance and housekeeping."

"9. Remodeling.—When remodeling is undertaken, it should be to best suit the needs of the program.

"The preceding is an inclusive summary! One can imagine the breadth of interpretation that can result from application of these standards. One can also imagine the range of individual whim and axe-grinding, not to say blackmail and favoritism, that can enter into the proposed accreditation of agencies for the blind based on such vague and capricious requirements. The danger to be constantly anticipated is the possibility of varying application of standards to friends and foes when 'accrediting' agencies..."

"One is tempted to dismiss this entire report of 'Standards for Physical Facilities' with the single word, 'Blah.' But more intensive study indicates otherwise. Tucked away among the platitudes and the generalities are the age-old misconceptions and stereotypes.

"What, for instance, is meant by the requirement that a facility for the blind be located near to shopping and other community interests, and that it be in a location reasonably safe, with hazards minimized? The exact words of the committee are, 'Where undue hazards cannot be avoided, proper measures are instituted to assure the safety of all persons coming to the agency. (For example, where an agency is on a street with heavy traffic, a light, or crosswalk, or other means is available for safe crossing by blind persons.)'

"If this standard is simply meant to express the general pious platitude that everybody ought to be as safe as possible, then what a farcical and pathetic waste of time and money to assemble a committee to spell out what everybody already knows. On the other hand, if the standard means to imply that the blind are not able to live and compete among the ordinary hazards of the regular workaday world and that they need more shelter and care than others, the implications are not only false but they are insidiously vicious.

"Of a similar character is the committee's statement that the grounds must 'provide pleasant and appropriate surroundings, and be free of undue nuisances and hazards.' Surely we do not need a special commission on standards and accreditation to tell us that people should live in pleasant surroundings that are free of undue hazards, if this is all that is meant. If, however, the committee is saying that the blind require surroundings that are more 'pleasant and free from hazards' than the surroundings required by other people, one cannot help but be unhappily reminded of the 19th-century concept that the blind should be entertained and provided recreation, that they should be helped in every way possible to 'live with their misfortune.'

"If this type of analysis seems blunt, one can only reply that this is no time for nice words and mousey phrases." The people who were formerly the Commission on Standards, and are now the National Accreditation Council, "hold themselves out to the public at large as the qualified experts, the people who have the right to make standards and grant or refuse accreditation to all and sundry. These are not children indulging in the innocent games of childhood. They are adults, playing with the lives of hundreds of thousands of people."

One final matter requires comment. At one meeting of the National Accreditation Council I was telling a new member of the board (a prominent businessman totally uninformed about the problems faced by the blind) that I thought most of the actions of NAC were irrelevant. He seemed surprised and said something to this effect:

"If you think what we are doing here is not relevant, what is relevant?"

To which I said, "In 1970 a blind man in Minneapolis (a person who had worked for several years as a computer programmer at Honeywell and was laid off because of the recession) applied to take a civil service examination for computer programmer with the city of Minneapolis. His application was rejected, on the grounds of blindness. The National Federation of the Blind helped him with advice and legal counsel. As a result, he took the examination, and he now has a job with the city of Minneapolis as a computer programmer.

"How many of the people who are on the NAC Board," I asked, "are even aware that such an incident occurred? How many of them think it important?"

"Or," I went on, "consider another incident. In 1971, in Ohio, a blind high school senior (duly elected by her class) was denied the right to attend the American Legion Girls' State. The story was carried nationwide by United Press. Were any of these people here today concerned or excited about these cases? Do you see them trying to do anything about them?"

"Well," my companion replied, "your organization seems to be working on matters like this. Maybe NAC is doing good in other areas."

"The difficulty," I told him, "is that the actions of NAC are helping to create the kind of problem situations I have been describing to you."

"NAC," I said, "accredits workshops, for instance. What kind of standards does it use in determining whether a shop should be approved and presented to the public as a worthy and progressive institution? NAC is concerned about whether the workshop has a good accounting system. It is concerned about good pay and good working conditions for the professional staff (almost all of them sighted). It is concerned with the physical facilities and (perhaps) whether there is a psychologist or psychiatrist available to minister to the blind workers.

"But what about minimum wages for those same blind workers, or the right of collective bargaining, or grievance committees? On such items NAC is silent. It will accredit a sheltered shop which pays less than fifty cents an hour to its blind workers. By so doing, it puts its stamp of approval on such practices. It helps perpetuate the system that has kept the blind in bondage and made them second-class citizens through the centuries. It helps to slam the door on the computer programmer in Minneapolis and the high school student in Ohio.

"Worst of all, perhaps, it reinforces and helps to continue the myth that blindness means inferiority, that the blind are unable to compete on terms of equality in regular industry or the professions, that the blind should be grateful for what they have and

stay in their places. The workshop example is only that, an example. The same theme is everywhere present in NAC's action and standards—and, for that matter, in its very makeup."

The one central point which must be repeatedly hammered home is the total irrelevance of NAC as it is now constituted and as it is now performing. What we need today and in the years ahead is not more detailed standards but a real belief in the competence and innate normality of blind people, a willingness on the part of agency officials to help blind people secure meaningful training and competitive employment, a recognition that the blind are able to participate fully in the mainstream of American life. We need acceptance and equality, not shelter and care.

When seen in this light, NAC must be viewed as one of our most serious problems in the decade ahead. The blind of the Nation should thoroughly inform themselves about its activities and should insist upon a voice in determining the character of programs affecting their lives. We should insist that State and Federal governments not delegate their powers of setting standards for State agencies to a private group, which is not responsive to the needs or views of the consumers of the services. It is true that many of the agencies doing work with the blind need to be reformed and improved, but NAC is not the entity to do it. We the organized blind intend (in the best tradition of American democracy) to have something to say about the scope and direction of the reform and the improvement. We are not children, nor are we psychological cripples. We are free citizens, fully capable of participating in the determination of our own destiny, and we have every right and intention of having something to say about what is done with our lives.

HON. CECIL KING

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. REES. Mr. Speaker, I was greatly saddened to learn of the death of our former colleague, Cecil King, on March 23.

Cecil was a quiet, gentle man who during his 26 years in Congress, became one of the most effective and respected Members of the House. As dean of the California delegation, he served the best interests not only of his own State, but also those of the entire Nation.

His keen perception, his ability to delve deeply to the root of problems, and his wonderful sense of humor enabled him to exercise great leadership on the Ways and Means Committee.

Cecil had a deep and abiding concern for the public interest, a great devotion to duty, and a sense of integrity which may serve as a model for all of us in the Congress.

His efforts to provide adequate medical care for older Americans through medicare serve as a legacy for all elected representatives of the people, present and future.

Mrs. Rees and I offer our sincere sym-

pathy to Mrs. King and the entire King family.

# U.S. ARMS TO THE SOVIET UNION VIA THE YUGOSLAVIA CONNECTION?

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ASHBROOK. Mr. Speaker, various types of aid programs to Yugoslavia have been applauded by at least some as enhancing the independence of the national communism of Yugoslavia from that of the Soviet Union. This theory views any aid given by the United States to Yugoslavia as driving a wedge between that country and the Soviet Union. Supposedly, the Yugoslav Communists not having to be so dependent on the Soviets will be able to let their own nationalism and own national interests be the guide to their foreign and domestic policies. Thus, American aid to Yugoslavia is a good investment. While Yugoslavia will remain Communist, it will be a different brand than that of the Soviet Union—a brand that desires to live together with other systems.

Although Yugoslavia regularly takes part in meetings of so-called "non-aligned" nations—including such "non-aligned" countries as Castro's Cuba, Yugoslavia's record in voting in the United Nations and actions and words in other foreign policy areas has always very closely followed that of the Soviet Union's.

The United States has provided Yugoslavia with a large amount of armaments supposedly to allow that country to resist aggression by the Soviet Union. Now, there are some indications that these weapons which were to be used against the Soviet Union went to the Soviet Union. Columnist Ray Cromley writes:

Because of the circumstances surrounding these deals, it is certain this delivery to the Russians was made by Yugoslavs acting officially, the theft was not by some Soviet agent stealing for pay.

The American people have a right to know if American weapons are finding their way to the Soviets by the Yugoslav connection. Are the Soviets able to gain American military secrets through the Yugoslavs? If this is true, it is past time that a stop be put to this policy.

At this point, I include in the RECORD the text of Ray Cromley's column "Does Yugoslavia play both sides?" from the Shelby, Ohio, Daily Globe and Tiro World of April 19, 1974:

DOES YUGOSLAVIA PLAY BOTH SIDES?

(By Ray Cromley)

U.S. analysts were amazed at the effectiveness of Soviet weapons tested in last fall's Arab-Israeli war. But what has shocked them more is the discovery that essential components of some of the most advanced Red weapons systems clearly reached Russian designers through a series of U.S. and West European security leaks.

This discovery serves as a most worrisome portent for our future safety. The Russian buildup of recent years makes effective U.S. defense dependent on staying comfortably ahead technologically, a lead which cannot be maintained if the Russians have ready access to our latest discoveries.

Ironically, the leaks were not developed through the ingenuity of Russian agents. Rather, the critical new devices were virtually handed the Russians for free as a result of major mistakes by analysts of East European countries and because of some wishful Washington thinking as to what motivates the leaders of Yugoslavia and other East European nations.

To understand the problem, we must go back roughly two decades to when the Yugoslavs "broke" with the USSR, and the United States thereupon began a daring experiment in foreign aid.

The resulting U.S. support of Yugoslavia has since burgeoned into billions of dollars of direct and indirect assistance. The United States has gone so far as to train Yugoslav pilots and other military officers and technicians. And with the blessings of the State Department and the Pentagon, American companies have delivered the Yugoslavs advanced prototype weapons banned for sale to the Russians and Chinese.

The theory was that nationalism is stronger than communism, and that if it came to a showdown, the Yugoslavs would put their own interests before those of Moscow and would resist Russian aggression.

In the shaky world of these past two decades, this seemed a sound investment to both American conservatives and liberals. A conservative hardliner, in fact, conceived the program.

Recently, however, a sense of shock has spread through those Communist watchers who deal with the most sensitive of technical material. Convincing evidence is now at hand that Yugoslavia is serving as a conduit through which Moscow secures Western military secrets. As a result, at least one U.S. firm has recently cancelled a highly profitable deal with the Yugoslavs and another has refused any business with them.

The Yugoslavs have made much of their "defiance" of the Russians and their role as a leader of the "neutralist" nations. After the Russian invasion of Czechoslovakia, the Yugoslavs reorganized their forces, set up an area defense system, and ordered local troops to continue fighting as guerrillas if Russia should capture the country and force the central government to declare resistance at an end. Marshal Tito himself told Americans this reorganization was intended to insure Yugoslavia would not suffer the fate of East Germany, Hungary and Czechoslovakia at Russian hands.

The Yugoslavs have been furnished with a variety of weapons of types needed by a small country if it is to effectively resist aggression by a large neighbor. Some of the weapons systems and equipment were so advanced that in the hands of determined men they could make a Soviet invasion exceedingly costly—perhaps prohibitively so.

In all this, it was essential for Yugoslav defense to make certain these weapons and this equipment did not fall into Russian hands.

What has been discovered, however, is that before the ink was dry on the contracts, these secret arms and equipment essential, remember, to Yugoslav defense, were in the hands of the Russians. Some of this equipment came from the U.S., some from the Netherlands, Britain and Canada. Because of the circumstances surrounding these deals, it is certain this delivery to the Russians was made by Yugoslavs acting officially; the theft was not by some Soviet agent stealing for pay.

A new assessment of the Yugoslav role in Western defense strategy is now being made.

# REVOLUTIONARY NEW TREATMENT FOR BURNS DISCOVERED BY AKRON DOCTORS

## HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. SEIBERLING. Mr. Speaker, a recent medical discovery by Dr. Howard Igel and Dr. Aaron Freeman, of the Akron Children's Hospital could revolutionize the treatment of burn patients and make the difference between life and death for severely burned patients. Dr. Igel and Dr. Freeman have successfully grown human skin in a laboratory by taking 1 square inch of skin, cutting it into tiny pieces, and spreading it on a base of pigskin. The skin has grown to 50 square inches in less than 3 weeks.

The Akron Beacon Journal has described the process as follows:

At the optimum, between seven and 14 days, the pigskin patches are removed from the laboratory dishes and laid over the open burns.

The patches are flipped over so that the newly grown cells lie flat against the raw connective tissue of the body. The pigskin—which has served as a soil and base for the cells—then serves as a dressing or covering.

The cells continue to grow. But instead of sticking to the pigskin, they let go and attach themselves to the raw connective tissues.

The pigskin withers up and flakes off, and underneath is a smooth layer of new skin.

Dr. Charles Baxter, president of the American Burn Association, praised the discovery as "one of the forefronts we have been waiting for."

In addition to the importance of this discovery to the treatment of burn patients, the ability to grow human skin cells in a laboratory for a prolonged period of time will certainly help doctors in their efforts to determine the causes and possible cures of cancer.

The patience and fortitude of Dr. Igel and Dr. Freeman should be commended. I hope they will receive the necessary resources to continue their exciting and important research.

Following these remarks is an editorial from the Akron Beacon Journal on April 9, 1974, commending Dr. Igel and Dr. Freeman on their findings:

AREA IS LUCKY TO HAVE SUCH ABLE RESEARCHERS

Months of painstaking research at Akron Children's Hospital have paid off with a remarkable double bonus—one that could become a major advance in the treatment of burn victims and open new doors in cancer research.

Two researchers, Dr. Howard Igel and Dr. Aaron Freeman, started out looking for human cells to test for cancer-triggering elements in the environment. They chose skin cells, and the happy result is a dramatic new way to grow human skin quickly in laboratories.

Besides advancing their cancer research, they have come up with new hope—and in some cases, new life—for badly burned persons. It promises to be a vast improvement over the present treatment process, which often requires extensive removal of unburned skin from a patient's body for transplanting to burned areas.

In current burn treatment, the best doctors have been able to do is cut unburned



skin into a mesh which can be stretched like a net to cover up to nine times its original area. However, this leaves a grill-like scar after the graft heals.

Dr. Igel and Dr. Freeman have found that by mincing one square inch of skin and spreading it on a base of pigskin and nurturing it with amino acids, vitamins and salts, they can grow 50 square inches in less than three weeks.

Skin is one of the most critical factors in burn cases. Severely burned patients may die because a lack of skin results in loss of body fluid and infection. Transplants of skin from other persons are usually rejected by the victim's body.

That's why doctors are excited at the prospects of being able to use a small portion of healthy skin from a burn victim to cultivate enough skin to transplant over burned areas.

The Children's Hospital venture is the first time anyone has been able to grow human skin cells in a laboratory for a prolonged period, according to Dr. Freeman. Dr. Paul Nathan, head of research and cell biology for the Shriners Burn Institute in Cincinnati, calls it a "very, very important development."

The success in laboratory growth of skin also means the researchers can move ahead on important cancer research.

It is a double medical triumph, made possible by the skill and determination of the two doctors, the remarkable facilities of Children's Hospital, and a grant from the Greater Cleveland Associated Foundation. The two men hope for a federal grant this summer so they can continue the project. It would be a scientific tragedy if they couldn't.

This is just one more reminder of how fortunate the Akron area is to have such an excellent medical establishment. We salute not only Dr. Igel and Dr. Freeman, but all the doctors and scientists who are patiently trying to push forward the frontiers of medical science to salvage lives and improve the quality of life.

## POLISH 3D OF MAY CONSTITUTION DAY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. GILMAN. Mr. Speaker, on May 3, 1789, the Polish nation adopted a constitution asserting that "all power in civil society should be derived from the will of the people." Because of this recognition of the supremacy of the people in government, May 3 is traditionally celebrated by citizens of Polish origin throughout the world as a Polish National Holiday.

While Polish independence, since May 3, 1789, has been darkened by oppression from neighboring countries, the spirit of the May 3 Constitution had not been dampened; the hearts and minds of the Polish patriots looking forward with faith to the ultimate triumph of their just beliefs.

It is befitting that Congress traditionally takes this opportunity to honor our Polish friends recognizing our common ideals and shared philosophies. We eagerly look forward to the day that Poland will be able to freely practice the provision of her farsighted constitution and congratulate all Polish descendants on the anniversary of the adoption of their constitution.

## RECOGNIZING HUMAN RIGHTS

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. FRASER. Mr. Speaker, on March 29, the Minneapolis City Council passed a civil rights ordinance prohibiting discrimination against homosexuals. The vote was 10 to 0, with 1 abstention.

By this action, the city of Minneapolis has taken a significant step to grant basic human rights to a minority group in our population and to mitigate an historic social stigma.

The Federal Government should recognize this moral imperative in its own employment policies.

The ordinance follows:

#### AN ORDINANCE

Amending Chap 945 of the Minneapolis Code of Ordinances relating to Civil Rights. (99-68).

The City Council of the City of Minneapolis do ordain as follows:

Sec. 1. That subdivisions (a) and (b) of Sec. 945.010 of the above entitled ordinance be amended to read as follows:

945.010. Findings, Declaration of Policy and Purpose.

(a) Findings. It is determined that discriminatory practices based on race, color, creed, religion, national origin, sex or affectional or sexual preference, with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations, and public services, or any of them, tend to create and intensify conditions of poverty, ill health, unrest, civil disobedience, lawlessness, and vice and adversely affect the public health, safety, order, convenience, and general welfare; such discriminatory practices threaten the rights, privileges and opportunities of all inhabitants of the city and such rights, privileges and opportunities are hereby declared to be civil rights, and the adoption of this Chapter is deemed to be an exercise of the police power of the City to protect such rights.

(b) Declaration of Policy and Purpose. It is the public policy of the City of Minneapolis and the purpose of this Chapter:

(1) to declare as civil rights the rights of all persons to the fullest extent of their capacities, and without regard to race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, equal opportunities with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations, and public services;

(2) To prevent and prohibit any and all discriminatory practices based on race, color, creed, religion, ancestry, national origin, sex, or affectional or sexual preference, with respect to employment, labor union membership, housing accommodations, property rights, education, public accommodations, or public services;

(3) To protect all persons from unfounded charges of discriminatory practices;

(4) To effectuate the foregoing policy by means of public information and education, mediation and conciliation, and enforcement; and

(5) To eliminate existing and the development of any new ghettos in the community.

Sec. 2. That subdivisions (r) and (s) of Sec 945.020 of the above entitled ordinance be amended to read as follows:

945.020. Definitions.

(r) Discrimination. "Discrimination" means any act or attempted act which because of race, color, creed, religion, ancestry, national origin, sex, or affectional or sexual preference, results in the unequal treatment or separation or segregation of any person, or denies, prevents, limits, or otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely affect, the benefit or enjoyment by any person of employment, membership in a labor organization, ownership or occupancy of real property, a public accommodation, a public service, or an educational institution. Such discrimination is unlawful and is a violation of this ordinance.

(s) Affectional or sexual preference. "Affectional or sexual preference" means having or manifesting an emotional or physical attachment to another consenting person or persons, or having or manifesting a preference for such attachment.

Sec. 3. That sec. 945.030 of the above entitled ordinance be amended to read as follows:

945.030. Violations.

(a) Act of Discrimination. Without limitation, the following are declared to be discrimination:

(1) For an employer because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to fail or refuse to hire; to discharge an employee; or to accord adverse, unlawful or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition of employment except when based on a bona fide occupational qualification.

(2) For an employment agency, because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to accord adverse, unlawful or unequal treatment to any person in connection with any application for employment, any referral, or any request for assistance in procurement of employees, or to accept any listing of employment on such a basis, except when based on a bona fide occupational qualification.

(3) For any labor organization, because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to deny full and equal membership rights to an applicant for membership or to a member; to expel, suspend or otherwise discipline a member; or to accord adverse, unlawful or unequal treatment to any person with respect to his hiring, apprenticeship, training, tenure, compensation, upgrading, layoff or any term or condition of employment, except when based on a bona fide occupational qualification.

(4) For any person, having any interest in real property and any real estate broker or real estate agent, because of race, color, creed, religion, ancestry, national origin, sex, or affectional or sexual preference, to fail or refuse to sell, rent, assign, or otherwise transfer any real property to any other person, or to accord adverse, unlawful, or unequal treatment to any person with respect to the acquisition, occupancy, use, and enjoyment of any real property.

(5) For any person engaged in the provision of public accommodations, because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to fail or refuse to provide to any person access to the use of and benefit from the services and facilities of such public accommodations; or to accord adverse, unlawful, or unequal treatment to any person with respect to the availability of such services and facilities, the price or other consideration therefor, the scope and quality thereof, or the terms and conditions under which the same are made available, includ-

ing terms and conditions relating to credit, payment, warranties, delivery, installation, and repair.

(6) For any person engaged in the provision of public services, by reason of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to fall or refuse to provide to any person access to the use of and benefit thereof, or to provide adverse, unlawful, or unequal treatment to any person in connection therewith.

(7) For any person, because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, to conceal or attempt to conceal any unlawful discrimination or to aid, abet, compel, coerce, incite or induce, or attempt to induce, another person to discriminate, or by any means, trick, artifice, advertisement or sign, or use any form of application, or make any record on inquiry, or device, whatsoever to bring about or facilitate discrimination, or to engage in or threaten to engage in any reprisal, economic or otherwise, against any person by reason of the latter's filing a complaint, testifying or assisting in the observance and support of the purposes and provisions of this Chapter.

(8) For any person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any real property or any agent or employee thereof to discriminate against any person or group of persons, because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

(9) Wherever religious organizations or bodies are exempt from any of the provisions of this ordinance such exemption shall apply only to religious qualifications for employment or residence in church owned or operated property, and such organizations shall not be exempt from any provisions of this Chapter relating to discrimination based upon race, color, ancestry, national origin, sex or affectional or sexual preference.

SEC. 4. That subparagraph (1) of subdivision (d) of Sec. 945.060 of the above entitled ordinance be amended to read as follows:

(d) Substantive and Procedural Power and Duties. The Commission shall:

(1) Seek to prevent and eliminate bias and discrimination because of race, color, creed, religion, ancestry, national origin, sex or affectional or sexual preference, by means of education, persuasion, conciliation, and enforcement, and utilize all of the powers at its disposal to carry into execution the provisions of this Chapter.

Passed March 29, 1974. Louis G. DeMars, President of the Council.

Approved April 4, 1974. Albert J. Hofstede, Mayor.

Attest: Lyall A. Schwarzkopf, City Clerk.

#### SHOULD THE UNITED STATES SOCIALIZE MEDICINE?

**HON. JAMES M. COLLINS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. COLLINS of Texas. Mr. Speaker, one big question facing Congress is,

"Should the United States Socialize Medicine?" To this question, Congress must speak out loudly with a definite "no." We have the greatest medical services in the history of the world. Progress and new breakthroughs occur every month. Creative science, extraordinary working hours, and American know-how have made all of this possible.

Inflation is already escalating too rapidly. We cannot let Congress add to the overloaded Federal spending, and further accelerate the inflationary spiral. We must have balance when we expand our Government sponsored medical services.

The Dallas Morning News had an enlightening editorial on April 6, 1974. This straight-forward, plain-spoken message is one that makes sense to us in Texas. Read these comments, and I hope you will agree with the logic of the Dallas Morning News:

Hoping to win doubting congressmen over to his national health insurance plan, Ted Kennedy has scaled the plan down by half. The \$80-billion program for (in effect) nationalizing health care has become a \$40-billion proposal somewhat akin to President Nixon's plan, which also is supposed to cost \$40 billion. What is more, Kennedy has picked up Wilbur Mills, the influential House Ways and Means chairman, as collaborator and cosponsor.

But is the Kennedy plan by that token a fine and laudable approach to health insurance? By no means.

Kennedy and Mills have cut the exorbitant cost, of course. Yet \$40 billion is still too much. (It is too much for the Nixon plan as well.) The premiums would be collected through increased Social Security taxes—at a time when existing Social Security taxes are becoming really oppressive. The plan is still compulsory. Sen. Kennedy thinks you shouldn't have the right to say whether you wish to participate.

Doctors, to be sure, could remain outside the program. But any patient consulting them would have to pay his own bills.

Most objectionable of all, however, is the prospect that Congress might perceive Kennedy's \$40-billion "retreat" as a unanimous compromise, surely deserving of adoption.

To ask for the moon but settle contentedly for the stars is a tactic much beloved of politicians. Doubtless that is the way of it with the Kennedy-Mills proposal. Kennedy would prefer an \$80-billion insurance setup; but, really, if everyone is going to get alarmed about it, he will make do with less.

In reality, however, his "less" is a great deal. The senator would poke not only the federal camel's nose into the health insurance tent but also the camel's shoulders, forelegs and hump.

Once established, the principle of health insurance as a normal, reasonable Social Security benefit can be built upon. It is a simple matter to raise Social Security taxes and benefits. With little difficulty, the senator would cajole us back to the \$80-billion program that was his goal for four years. Pretty soon, nationalized health care.

The \$80-billion program lacked a congenial taste; too many Americans made faces over it. But Kennedy now has sugarcoated his medicine. The flavor is apt to be improved. Should we swallow it, however, we soon would find the after-taste just the same. That is to say, just as bitter.

#### IN SUPPORT OF H.R. 11321, THE PUBLIC SAFETY OFFICERS BENEFIT ACT OF 1974

**HON. WILLIAM D. FORD**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. FORD. Mr. Speaker, I would like the record to reflect my enthusiastic support for H.R. 11321, the Public Safety Officers Benefit Act of 1974. This bill would amend the Omnibus Crime Control and Safe Streets Act of 1966 to provide a \$50,000 Federal payment to the surviving dependents of public safety officers who die as a result of injuries received in the course of duty. The legislation would benefit both law enforcement officers and firefighters.

At this point I would associate myself with remarks of the distinguished gentleman from New York (Mr. BIAGGI) and the distinguished gentleman from New Jersey (Mr. HUNT) who, as former law enforcement officers, provided us with eloquent and moving testimony to the need for this legislation.

I, too, would like to emphasize the necessity for H.R. 11321. In 1973, 131 law enforcement personnel, the largest number yet, were killed in the line of duty. So far this year 34 law enforcement officers have been killed, the most recent this past weekend in Flint, Mich. Between 1961 and 1973, 1,002 police officers died as a result of injuries sustained in the line of duty. There has been a 20-percent increase in deaths over the last 10 years.

The Department of Labor has found that firefighting is now the most dangerous profession in the United States. Every year for the last 4 years between 220 and 250 firemen were killed in the line of duty. Between 1960 and 1970 close to 800 lost their lives saving our homes and communities.

Most State and local governments have not been able to provide our public safety officers with adequate insurance coverage. The Law Enforcement Assistance Administration has determined that 30 to 40 percent of all salaried firefighters and police officers are not even partially covered by insurance funded by their employers. Today the family of a policeman or fireman who has died in the line of duty may find voluntary contributions from private citizens the only source of economic support to help them through their difficult days. Furthermore, it is usually the young public safety officer who is killed, the one just setting himself up with a new home—and a mortgage, and a new car—and a debt—and young children to be provided for. Should these families be turned out of their homes? Should their children forego the education and other opportunities they would have had had their father lived?

Mr. Speaker, there is some question in my mind as to whether the \$50,000 benefit this bill provides is even adequate—it certainly cannot compensate the survivors for the tremendous sorrow they must endure. It is a beginning, however, toward implementing the recommenda-



tions of the National Advisory Commission on Criminal Justice Standards and Goals which urges that Federal benefits be extended to local law enforcement personnel who lose their lives in the performance of their duty.

Mr. Speaker, I would now like to explain my opposition to two amendments to this bill. I first opposed the Nixon administration's proposal which was offered as a substitute for H.R. 11321. The narrower language of the administration's bill would have limited the \$50,000 benefit to survivors only in the case where the proximate cause of death was a criminal or an apparent criminal act. It would also have eliminated the provision which provides that the benefits under this bill would be available for families of officers killed on or after October 11, 1972. The administration substitute, as well as the other amendment I opposed, provided for benefits only from the date the bill becomes law, which with our present calendar, could probably take another 5 or 6 months. I strongly oppose both of these changes.

In a sense, any date we could have chosen on which to first make benefits available would have been unfair to the families of the men who died prior to that day. Still it is necessary to make a choice. October 11, 1972, is the day a similar bill first passed the House. It passed unanimously by voice vote. The Senate version of H.R. 11321 also includes a retroactive provision making its legislative proposal effective on or after October 17, 1972, the date it first acted on a similar provision.

Since October 11, 1972, the date H.R. 11321 is to go into effect, 312 families stand to receive benefits under this bill. In Michigan alone 13 officers have given their lives since October 11, 1972. Under the Nixon administration's proposal, these families would receive nothing. Under ours they would receive full benefits.

Retroactive legislation is not unique. It is something the Congress has done before. For instance, in the area of disaster relief there have been at least seven public laws retroactive from the date they were enacted, including the Disaster Relief Act of 1966.

Mr. Speaker, public safety officers are entitled to this bill. They put their lives on the line for us nearly every day. Just recently, in my own congressional district, a young patrolman in Wayne risked his life attempting to aid an alleged suicide victim. This young officer now lies gravely wounded in the University Hospital in Ann Arbor.

It is the responsibility of this Congress to recognize the courage and dedication of our law enforcement officers and firefighters. The benefits which our bill provides are little enough when one takes cognizance of the sacrifices that have been made on our behalf.

Mr. Speaker, I strongly urge the prompt enactment of the Public Safety Officers Benefit Act. These courageous public servants are entitled to it.

## TRAIN ON PRESERVATION

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. GUDE. Mr. Speaker, Harpers Ferry, W. Va., sits at the junction of the Shenandoah and Potomac Rivers. This merging point has been a pivotal place in American history and a place of great scenic beauty. Thus, it is altogether appropriate that Mayor Bradley Nash of Harpers Ferry should be instrumental in merging the ideals of preserving America's cultural heritage and the goals of a cleaner environment.

Environmental Protection Agency Administrator Russell Train was the principle speaker at the annual environmental symposium sponsored by Mayor Nash. I would like to share with my colleagues the remarks of Mr. Train which eloquently describe the importance of preserving our historical heritage as well as our environment:

REMARKS BY THE HONORABLE RUSSELL E. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY AT A LUNCHEON AND ENVIRONMENTAL SYMPOSIUM HARPERS FERRY, WEST VIRGINIA—APRIL 6, 1974

In Hawthorne's "The House of the Seven Gables," a young social reformer named Holgrave declares: "If each generation were allowed and expected to build its own houses, that single change, comparatively unimportant in itself, would imply almost every reform which society is now suffering for. I doubt whether even our public edifices—our capitols, statehouses, court-houses, city-halls and churches—ought to be built of such permanent materials as stone or brick. It were better that they should crumble to ruin once in twenty years or thereabouts, as a hint to people to examine and reform the institutions which they symbolize."

That must be the most extravagant argument ever advanced on behalf of planned obsolescence.

And I am delighted to be here today with Senator Randolph, Congressman Staggers, Gude, Mayor Nash, and so many Americans who are as thankful as I am that, if far too many of our structures do seem to have been built of sand, many more have been made of much sterner stuff—who believe, as I do, that the path to social and economic progress does not lie over the razed and ruined bulks of what earlier generations labored to create—who understand, with William Faulkner, that "the past is never dead, it is not even past."

We have all heard something about the history of this bridge. How it was first built in 1840, how it was washed away in 1889 by a flood, how it remained alive only in memories, histories and faded photographs until today, 75 years later, when once more it stretches across the canal.

Why bother, some might ask, to bring it back? There are no more active mills, ships, foundries or works of Virginian Island. Boats and rafts no longer ply the canal, passing underneath the bridge to take their goods downstream. So why do we bother?

We do so, to begin with, because this bridge is a thing of rugged beauty. But more than that, we do so because it was and continued to be a working bridge. It serves not only as a bridge across a canal, but as a bridge across the wide waters of time, a bridge between past and present.

Like this national historical park, the Jennings Randolph Bridge serves as a kind of meeting ground, a common ground, that stimulates and strengthens our sense of community, of shared accomplishment and anguish, tragedy and triumph, with those who have been here before us.

We Americans have always had uneasy relations with the past. We have tended either to accept it—even embrace it—without question or to reject it out of hand. One of our deepest roots, as a nation, is a rejection of the past—a turning away from the old world and the enormous burden of injury and injustice that it offered. "Our national birth," proclaimed the Democratic Review in 1839, "was the beginning of a new history . . . which separates us from the past and connects us with the future only."

But we have discovered, as we have acquired and accumulated a past of our own, that—no matter how we try to reject it—the past remains a powerful force within and upon us and, to the extent that we do not understand it, the influence it exerts becomes all the more unconscious and uncontrolled. The idea is not that we must live in the past. Rather, the fact is that, whether we are aware of it or not, the past lives in us. And to neglect it is to remain, in no small measure, inaccessible to ourselves.

More than that, it is the past—to the degree that we are aware of it—that gives depth and resonance to the present, that makes of the present something more than simply a random sequence of moments, that of our lives and our times something more than a fleeting, ephemeral affair.

We have lately learned that, along with the legacy of a lengthening past, we have inherited a natural environment whose reservoir of resources and whose tolerance for abuse are not without limits—a natural environment that will continue to support and sustain us only as long as we are willing to respect its laws and its limits.

We can no longer see—as earlier generations saw—our future in the form of a land so rich and wide that we would never run out of room or of resources.

There are limits to how much pollution and punishment our environment can absorb without becoming increasingly unlivable and even lethal. There are limits to its ability to feed our apparently endless appetite for energy and other raw resources.

And there are limits to our ability to continue to grow in ways that waste our energy resources just as surely as they lay waste our natural environment.

We will need, for the foreseeable future, to continue to build bridges and buildings and to mine and burn coal and other forms of fossil fuel. But we will need to take far greater care that we build in ways and in places that conserve land and energy and irreplaceable environmental and historical resources. We will need to take far greater care that we mine in ways and places that do least violence to the integrity of our environment and that we burn in ways that will do least harm to our health and life. There is, for example—as Senator Randolph has said—"no task more important than civilizing coal combustion so that its impact on the environment is minimized."

We will need, in short, to apply some very old-fashioned and, these days, thoroughly unfashionable concepts to the ways in which we grow—concepts like thrift and frugality that require us to make what we have go as far as we can.

This, I think, is the lesson that the Jennings Randolph Bridge and the Harpers Ferry itself has for us: that we must conserve as we create, and that what we conserve is indeed no small part of the life and the world we create for ourselves and for those who will come after us.

There will always be those who will say of places like Harpers Ferry that it would make a splendid development site. That we could tear down all these old buildings and construct a fine shopping center here. That we could level the forests and start building tract housing there. That there are some fine sites along both rivers for factories, and that the waterways and the mountain breezes would carry away the wastes.

Thanks to farsighted legislation introduced by Senator Randolph thirty years ago, Harpers Ferry has remained more or less intact against these degradations that we so often perform in the name of progress. And Americans can continue to come here to make contact with a part of their historic past—and, in so doing, to discover a very real part of themselves as Americans.

But what of all the other historic structures and sites across the country? What of all those other unique buildings whose very antiquity is so often cited as grounds for their destruction?

I am sure you are aware that we have a National Register of Historic Places and that it provides for the preservation of buildings deemed historic through the conferral of landmark status. But are you also aware that over one-half of the 12,000 buildings recorded since 1934 by the Historic American Survey have been destroyed? In too many cases the owner had them destroyed in order to take advantage of the preferential tax treatment they would receive by putting up a new building in its place. Presently, the Internal Revenue Code permits the owner of such a building to deduct from his income the expenses of demolition and his unrecovered investment in the building. It also allows the owner accelerated depreciation on the new commercial building constructed on the cleared site. Under accelerated depreciation, as you know, the owner can deduct a larger portion of his investment in a shorter time than the normal or "straight-line" depreciation method allows. Thus, the Internal Revenue Code inadvertently encourages the demolition of old commercial structures regardless of their historical or architectural merit.

Congress has before it a bill that could very well save historically significant structures from the wrecker's ball. The bill is entitled the Environmental Protection Tax Act and is one of the first to utilize the Internal Revenue Code to promote environmental quality.

Basically, this bill would eliminate the current incentive for demolition by changing the treatment of depreciation on older buildings which the owner decided to rehabilitate rather than destroy. The approach is very simple. If the owner is willing to substantially renovate the building, he can treat it as a new structure for tax depreciation purposes. The bias to demolish is thus removed from the tax laws, and the owner of an older building has, for the first time, a real economic alternative to tearing down a structure which embodies an important and essentially irreplaceable part of our past.

Not every historic structure has a Jennings Randolph around to save it, and the passage of this bill would do a great deal to help preserve such structures.

Thanks to Jennings Randolph, and men like him, Harpers Ferry still stands, and a bridge reaches once more across the Patowmack Company canal.

Carl Sandberg might well have had this place and this occasion in mind when he wrote:

"The bridge says: Come across, try me; see how good I am.

The big rock in the river says: Look at me; learn how to stand up.

The white water says: I go on; around, under, over, I go on.

A kneeling, scraggly pine says: I am here yet; they nearly got me last year.

A sliver of moon slides by on a high wind calling: I know why; I'll see you tomorrow; I'll tell you everything tomorrow."

Thanks to Jennings Randolph, and men like him, this place and this bridge will be here tomorrow, and tomorrow, and tomorrow—and so will generations of Americans to listen and to learn.

## IF YOU WANT TO BE A MILLIONAIRE

### HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. HANSEN of Idaho. Mr. Speaker, I want to share with my colleagues a timely and thoughtful message from one of our Nation's most respected business leaders. Mr. James E. Davis of Jacksonville, Fla., chairman of the board of Winn-Dixie Stores, Inc., and American Heritage Life Insurance Co., delivered the commencement address at the commencement exercised at Jacksonville University on April 21, 1974. Mr. Davis' address contains some sound advice not only for the members of the graduating class but for those of us in Congress and for all Americans as we face the problems and opportunities of a complex and changing world. His formula for success can serve as a guide to all of us.

The address follows:

#### IF YOU WANT TO BE A MILLIONAIRE

I have allotted myself 21 minutes to make you a millionaire—if I can't do it in that time, you may just have to be happy and poor. In these days when the government endeavors to legislate equality through minimum incomes, regardless of productivity or demonstrated ability, we must assume that you buy the theory that what made the U.S. the greatest nation in the world is an inherent desire of individuals to be "unequal"—to excel others and not depend upon the government. It is important that Jacksonville University produce a new generation of millionaires to take the place of those who have been so generous in the past—the Swishers, the Phillips, Alex Brest, the Wolfsons, the Howards, the Goodings and several others who have been the financial underpinnings of this institution. You, the graduating class, are that generation.

I believe in daydreaming. A dream of what you want to be at 45 or 50 years of age is essential to motivate you. A dream so strong it becomes a plan. For the purpose of my talk I have assumed your dream may be to become a millionaire. I've looked back over 66 years to try to identify the characteristics and attitudes that I think will help you.

First of all, let me say that it is a highly competitive world and it won't be easy. I went to the Produce Market in Miami at 2:30 a.m. for years and finished taking my telephone orders at 9:00 p.m. each night. If you don't enjoy long hours and hard work and if you can't select a vocation you can eat, drink and sleep, you probably won't make it and neither will your spouse unless he or she is sympathetic and understanding.

Believe me, life is uncertain at best—each of us is just a heartbeat away from eternity. Failure and loss of life stalks us always. Fear is a very essential element of success. My background is in perishable foods where fear

is the secret of success. Fear the market will go down—fear you will neglect some detail and your merchandise will be garbage tomorrow. You will soon learn my version of Murphy's Law—anything bad that can happen will happen. Think it through in detail and take steps to prevent catastrophe and minimize damage. Always have an alternate airport in mind for bad weather. You must take big risks to make it big—but you must run a very scared race. Where there is no chance for failure, there isn't much chance for success. Risk is just another way of saying opportunity.

The greatest design for becoming a millionaire I have ever seen was written by Mr. Eli Witt of Tampa, the Hav-A-Tampa cigar man. Mr. Witt was an invalid, bedridden for many years, but he built a great tobacco and cigarette business. Through his influence from his sick bed atop the old Tampa Terrace Hotel, he held the cigarette tax off in Florida for many years. He summed up his philosophy in two paragraphs which he called "Design for Success". I quote:

"I say to any person, whether he is able or disabled, that if he expects to make a success through government paternalism, he is doomed to disappointment. First, the person must decide definitely and quickly what business he wishes to follow. Then forgetting obstacles and ailments he must apply his mind to learning every detail of that business, in and out, backward and forward. He must not let his love of golf, or tennis, or card playing or gambling, or even his wife, take his eyes from his objective. He must devote day and night to the task of finding out what makes his business tick or what is needed to make it grow.

"In so applying himself, the person with physical handicaps will not have time for worrying or fretting about his lot. He will become so engrossed that the handicaps will be forgotten. I have found it so and I have been happy."

I recommend Mr. Witt's "Design for Success" to you!

Too many Americans in recent years have concluded "We've got it made—no use to work—no use to worry." The truth is—you must be hungry—that's the basic characteristic you must have some success! If you can't be dedicated to producing a better product or service at a lower price, you aren't going to be even a part millionaire. Most humans produce better under stress—not under affluence. This means that if you are poor now, you may have a better chance of becoming a millionaire than the guy who is already one—and has ceased to be motivated—has to remain a millionaire. Productivity is the name of the game and the Japanese are breathing down our necks in an effort to replace the U.S. as the top economic producers in the world today. We cannot cure poverty with money—only productivity cures poverty and not some scheme to pay people who do not produce. The government cannot give anyone anything it doesn't take away from someone else! Whenever one person gets something without earning it, some other person has to earn something without getting it. Try this on yourself and see where it leads to!

A business is known by the people it keeps. The people who get ahead are those who do more than is necessary and keep on doing it.

Whenever you go out to get a job, remember—you never get a second chance to make a good first impression! You may never see the man who hires you again. A lot hinges on his first impression of you. He might not hire you. If 20% of the people associate beards and long hair with hippies and violence, don't run the risk of making a poor first impression. A \$1.50 haircut could be parlayed into a million dollars. In our business, we find that if we satisfy the cranky customer, we don't have to worry about the



rest. A cranky customer may be a "square", but she is our customer and we intend to keep her.

Of course, the easiest way to become a millionaire is to strike oil, gold or marry money, but assuming you don't do any of these, let's talk about necessary personal traits you should develop.

At the top of the list is character—let's define character as something in your brain or heart that controls what you do when absolutely no one will ever know if you do wrong. It is a trait of personality your wife or husband and your banker will recognize and respect—especially if the banker loans you money. You will have to hire some money in your lifetime if you become a millionaire—and you will have to pay it back. We mentioned that you must take some risks and being able to borrow capital is one of the essential risks.

You must develop good judgment. It has been said that good judgment comes from exercising poor judgment and not making the same mistake twice. Judgment seems to be the ability to make use of experience—and few of us seem to be born with that faculty. We must acquire it. Don't rationalize your mistakes—analyze them coldly and profit by them. Competitors are really good for you in one area—they call painful attention to your mistakes. I believe you will find an important facet of judgment to be the ability to negotiate amiably. Trade hard—but not offensively. Judgment of what a buyer will pay in a sale is very important.

A most desirable characteristic is the ability to handle people—our relations with our associates and even our family. In this field, I think tact is a very important attribute. I recently read that a good supervisor is a guy who can step on your toes without messing up your shine. That's tact!

In developing the ability to handle people, I think you will find fairness is probably the most important ingredient in human relations. Perhaps you have heard the story of the employees chatting one day. One said, "Of course, the boss is mean, but he is fair." The other one said, "What do you mean, he is fair?" The reply was, "Well, he is mean to everyone." That is not the kind of fairness I have in mind when I point out it is important that we have this characteristic. Sincere acts of courtesy are never out of place in any business. I believe you will find a dedicated group is much more productive than one individual, so you must learn to be fair to your associates and work at binding them together, moving toward established goals.

Morale is one of the keystones in any business enterprise. I think it can best be defined as "Faith in the people at the top". You can be a hard boss, and still be liked—but not a nagging boss or a grouchy boss. You must be a boss who stays close enough to his business to know a good job from a poor one—a boss who cuts employees in for some of the "goodies" when it can be done. See that your employees don't refer to you as the "Boss" spelled backwards—double S O B! Encouragement is the all-important ingredient in any enterprise—without encouragement, we wither away and die financially and physically. Don't be afraid to dish out liberal doses of encouragement.

Most important, you can't be a millionaire unless you are a dedicated capitalist, and learn to handle money. Remember, you can't be a millionaire without making and saving \$10,000 first—you crawl before you walk, and so long as you progress every year, that millionaire glint will stay in your eye. To become a capitalist is simple—just maintain the income over the outgo. This is a concept many educational institutions seem to neglect. If we spend more money than we make every week, we are going to be laborers and not capitalists, regardless of education, in-

telligence or high station. Hire money when you can use it at a profit—never borrow money to live on. Cut your spending or up your earnings. If you can't do this, you will never be a millionaire. If you don't have a financial plan, make it right now. If it involves making good money, take a little bookkeeping so you can understand your own finances, read a financial statement and balance your own checkbook. One year of accounting probably should be required course for all college graduates if they are going to have a moderately high income.

Your biggest hurdle in business is to get all the factors together and organize them so you can pay the bills out of the receipts. I think I could run almost any business if somebody would pay the bills. This everlasting problem spoils many business enterprises. Most of the downgrading of business is being done by those who can't do this—do not understand the skill required and turn their envious scorn on those who can do it. Our government for many years has been a classic example of inability to pay the bills out of the receipts—and they mess up any business wherever they get their finger in the pie and eliminate competitive ingenuity.

An important tool of success is keeping your education up to date by reading. The accelerated pace of today's living makes it even more vital. Even with an earned Ph. D. degree, you can be very uneducated within five years. There is no terminal degree in education—it goes on for your entire life. I have assumed that you have found that education comes largely from the written word. Books are an effort by those who went before us to give us the benefit of knowledge, research and experience. The intent was to make it so you would not have to make the same mistakes in a trial and error effort at solving problems. Socrates said, "Employ your time in improving yourself by other men's writings, so that you shall easily come by what others have labored for". Karl Marx said, "History is economics in action—the contest among individuals, groups, classes and states for food, fuel, material and economic power." Even Communists have a yen for economic power. Remember, also, that a memory for figures, names and faces in your business is very important.

You must be an innovator—be on a constant search for better ways to do things. To be an innovator, you must be aggressive, tough minded and persistent. If you are a 3.5 student or better and you got that way by writing long-winded dissertations, shake the habit right now. The habit will lead to what we call the "3-page letter complex"—putting on three pages what should go in one paragraph. The ability to make a logical, concise presentation in writing is a "must"—it may be your only approach to a superior who must be made conscious of your abilities. Ability to cut through fluff and verbiage to get at the crux of a problem is precious—if you have it, cultivate it for it could make you a millionaire. Time is the most precious thing in the world—you must have the ability to make use of it efficiently. Another bad phase of the education problem is the "big word syndrome". When I hear a fellow on television start off with a lot of words that I have to look up, I wonder if he is really informing me or just trying to impress me or maybe make me feel stupid. You don't make progress with your associates by making them feel stupid.

The recent elimination of the grain surpluses in the United States may presage a worldwide famine. There are 75 million new mouths in the world to feed every year. Wheat, rice and corn are the staples of the world's diet and tell the tale in the food business. Available grain lands are relatively static compared to the expanding need.

Food production is probably the growth industry of the 70's. I don't believe burdensome, long-term food surpluses will ever exist

again in our lives. Basic food production will be much more rewarding than in the past. There is as much dignity in tilling the soil, animal husbandry and forestry as there is in science, music or poetry. If this is not recognized by educated people, we may soon go hungry. If there is a crop failure in Russia, China, Australia, Argentina or the United States, we may find millions of people will starve. Don't overlook forestry, agriculture or food distribution in selecting your vocation.

I don't have to tell you that this is the age of the "goof off"—the era of the half-done job. The Winn-Dixie cashier who doesn't thank you—the mechanic who does not fix your car—the executive whose mind is on the golf course—even students who want crisp courses. Tremendous opportunities exist to do jobs right and satisfied customers will flock to your door if you can do them better than your competition.

Let me remind you of some new and old-fashioned ideas in simple language that you need to adopt as a policy:

1. Honesty is not only the best policy—it is the only one for success in life. Don't give your word carelessly, but if you do, keep it. Keep appointments—be dependable—be on time.

2. A fair day's work for a day's pay and fair pay for a day's work. I've heard that the great inventor, Thomas A. Edison, said, "Genius is 1% inspiration and 99% perspiration".

3. The most dangerous drug of our times is not a hard drug, but a drug called "SFN"—something for nothing. Don't get addicted to it, or you will never be a millionaire.

4. There is no such thing as it can't be done—problems are unsolved opportunities. Someone is going to solve great problems and be liberally rewarded.

5. The "I will" is worth more than the "IQ", but together they are unbeatable. Real motivation to get results will make life interesting.

I have often wondered why some of the millionaires I know were not "A" students—some didn't even finish college, but were highly motivated and tenacious. Proper education undoubtedly would have made it much easier—you have this great advantage. If you desire to become a millionaire, don't have many sidelines—you have a full time job ahead of you.

Now if you aren't the aggressive type, if your plans do not seem to work out, but your health is good and you can digest anything you want to eat, don't be downhearted. A lot of millionaires can't digest their food and would give all they have to have good health. Sometimes success brings indigestion and nerves anyhow, so just be happy. There are counterbalancing things even in success. I think there is wealth in things other than dollars. To be a really good teacher, minister or doctor borders on the divine. My third grade teacher inspired me to believe in myself—I've idolized her since—I still keep in touch. She is 84 years old and a Winn-Dixie stockholder. The satisfaction from this type of life work must be overwhelming.

Each person in the world, no matter how humble, has a sphere of influence—real success consists of expanding that sphere of influence constructively each day.

Let me close by pointing out that opportunity for college graduates has never been greater—more people can afford more goods and services than ever before in history—all signals are A-OK—go for the Jacksonville University Graduating Class of April 21, 1974. You can be a millionaire—don't tell me it can't be done—I've seen it done. I made a similar talk almost 20 years ago and I wondered if it was wasted effort. Two years later, a man came to me and said, "I liked your talk—we think alike. My boss and principal stockholder has just died and I need a new boss and owner". I told him I did not

want to be his boss, but if he could manage to become as good an expense man as he was a salesman, I'd show him how to buy the company and I would make an investment with him. He is now several times a millionaire and I am a satisfied stockholder.

In the parlance of the grocery business, there are 57 rules for success—the first one is to do a good job. Don't worry about the other 56!

## NEED FOR OMBUDSMAN LEGISLATION

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. OWENS. Mr. Speaker, last year 20 cosponsors joined me in introducing H.R. 9618, a bill which would establish an Office of Congressional Ombudsman. The House Administration Committee has taken no action on the measure, and the compelling need for serious consideration has grown. I appear today to urge consideration of this bill which would serve to reverse those trends that have been manifested in the public's lack of confidence in Congress.

Last February, the Harris poll showed that the public's confidence in the Congress was even lower than that in the President, whose prestige was at its lowest level ever.

Congressman as a group are more anonymous than the President. Voter opinion of Congress is more a reaction to the institution than it is to the men actually holding the office. That being the case, I find little comfort in the fact that this institution inspires less confidence than the Presidency, which has recently been described as "beleaguered," "paralyzed," and "floundering."

Whether the President feels he has been judged fairly by the media and the public during the last 12 months or not, he can at least trace the events which stimulated each drop of a percentage point of popularity. On the other hand, we have no such series of discernable causes for the loss of confidence in Congress.

Each of us here faces a mountain of work which few outside these halls can appreciate. Every day we take the responsibility of making decisions on dozens of unrelated yet complicated policy questions. Even with the bodies of in-house experts we have created in the form of committee staff to aid us, our legislative duties alone are almost overwhelming. We have committee and subcommittee meetings each morning, often running simultaneously. We must familiarize ourselves with many thousands of bills and amendments in order to cast informed votes. Interest groups, the press, constituents and our own staffs are constantly competing for our time.

Yet all of us know that our tasks do not stop there. Not only were we elected as a body to serve our Nation, we were elected as individuals to serve our districts. For example, Congress as a whole created the Veterans' Administration, but it is up to the individual Members to guarantee redress to our constituents

who have encountered problems in dealing with VA programs. The same basic premise applies to each executive branch agency from the Forest Service to the Army to the State Department. We all take responsibility for creating such institutions on a national level; we individually must accept the responsibility to insure that they function on the local level. The enormous volume of mail we receive every day tells us that our constituents agree with this.

Casework consumes a large portion of our time. Some Members view it as an unavoidable siphon on themselves and their staff. Others see it as the principal service they can offer. All of us agree that it is necessary; all of us know we could always do more if we had the staff and the time.

It is against this background that I introduced the Office of Congressional Ombudsman bill last year. The concept does not represent sweeping winds of revision. Its primary function is simply to help all of us to serve our constituents better.

The Ombudsman may act to investigate a complaint, to gather information relevant to a congressional inquiry, or to undertake studies on the official demeanor of congressionally mandated offices.

Under my bill, the Ombudsman would be appointed by the Ombudsman Board, which would consist of six Senators—three from each party. Thereafter, the Board would continue to supervise the Ombudsman. The Ombudsman would serve for a 5-year term, although he may be removed by a majority vote of both Houses.

The Ombudsman can act only at the request of a Member of Congress. Further, as section 347 reads:

Any information in the possession of the Office and pertaining to the resolution of casework referred to the Office by a Member shall be released only to that Member.

The Ombudsman's actions themselves do not have the force of law. He serves only in an advisory capacity to the Congressman who alone must make the final decision to initiate any proceeding. Nothing in the act compels any Member to accept the Ombudsman's recommendations. He may use part of them as a basis for his own investigation, or, if he wishes, he may reject them completely.

In this way, each Member would still be able to assess the Ombudsman's actions as they relate to his personal knowledge of his district. His relationship would not be weakened by the anonymous aid of the Ombudsman. Rather, that relationship would be strengthened by the Member's ability to do more for the individual constituent.

What would result if this bill passed and the office were created? Procedurally, little would change. Each Member would still receive complaints and requests directly from his constituents, and he would still sign all letters dealing with his constituents. In the interval, each complaint will be individually researched by the Ombudsman's staff of experts. The difference would be that the staff would

be that of the Ombudsman, not of the Congressman himself, and they would be experts on the particular agency's activities.

Although there would be only a small procedural difference, there would be positive change in the overall results. While the Member and his staff would still make the final casework decision, they would be free from the obligation of researching the actual facts. The Ombudsman would take over. Instead of arm wrestling with HUD, for example, the Member would have more time to study legislation or to prepare his committee work.

Another result would be that service to the constituent would improve. No congressional staff is large enough to house an expert on each of the agencies with which we must deal on behalf of our constituents. On the other hand, this type of work would be the Ombudsman's sole duty, and his staff would consist of specialists able to deal with the agencies.

In this way, the quality of work which every Congressman would review would be consistently high, and the benefits to his constituents would be greater.

Furthermore, it would reduce a great deal of unnecessary duplication of effort. Under the present system, I may not know that a constituent who sent his problem to me has written to the two Senators from Utah as well, and we may all conduct our own independent investigations into the same issue at the same time. If we had an Ombudsman service which all of us used, only one investigation of facts would be necessary. Each of us would have the opportunity to attach our own recommended course of action, or we could coordinate our actions on the problem for maximum effectiveness. An Office of Congressional Ombudsman would protect the individualism of each Member of Congress while facilitating genuine service to our constituents.

I believe that each of these results would be an improvement over our present system of constituent service. But I would like to suggest a more far-reaching result of this legislation.

Each of our standing committees, besides having the responsibility of hearing proposed legislation in its jurisdiction, also serves to review executive agency and cabinet office policy.

The Office of Congressional Ombudsman would vastly improve upon our current oversight performance. I feel that this is among the most important features of this legislation. The oversight function of the office is included in section 346(b) of this bill. The section reads, in part:

Not later than January 30 of each year the Ombudsman shall report to Congress concerning the activities of the Office during the preceding calendar year. Such report shall contain a detailed summary of the types of matters referred to the Ombudsman during such preceding year and shall include a statement with respect to those aspects of the functioning of the various agencies which have given rise to such matters. Information contained in the report shall be presented in such a manner as to facilitate oversight by the Congress of the agencies.



The Ombudsman will have a perspective which none of us can achieve. Members may submit their individual constituent problems to him for advice, but to those Members, those cases remain just isolated incidents. To the Ombudsman, cataloging the complaints as they come to his office, a number of complaints against any one agency may indicate the injustice of a new departmental policy which the individual Congressman with one unhappy constituent cannot detect. If all of the complaints go through one office, the Ombudsman will be able to recognize a pattern, investigate it, and advise the Congress of possible remedies for the general condition in addition to the remedies for the individual problems.

The problem that the Ombudsman addresses is a serious one: the lack of confidence our constituents have in this body. The Ombudsman can help us to rectify the situation in three ways: He can take part of our casework load from our shoulders thereby freeing us for more time in our legislative duties; his office's specialization and professionalism can help us to serve our constituents with better answers to their problems; and the Ombudsman's oversight function will help us recognize and solve problems at the administrative level.

I urge every Member to carefully consider passage of H.R. 9618.

#### BROADCAST LICENSE RENEWAL ACT

**HON. JOHN M. ASHBROOK**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ASHBROOK. Mr. Speaker, I am pleased to have played a role in House passage of H.R. 12993, the Broadcast License Renewal Act. I hope that the Senate will pass the House version of this bill—particularly those provisions extending broadcasting licenses. This legislation—long overdue—certainly merits favorable action by both Houses of Congress.

This act will benefit both the broadcasting industry and the community as a whole. Of crucial importance is the extension of the license renewal period. The bill as reported from committee extended the period of licenses to 4 years. I supported a successful amendment to the bill which requires a license renewal every 5 years.

The extension to 5 years for renewal of broadcasting licenses is essential for several reasons. First, the extension will ease the burden on broadcasters who now must face the onerous license renewal process every 3 years. This is especially important for small broadcasters as it reduces the heavy amount of paperwork required by the FCC, thus reducing the workload of broadcasters and of the Federal Government. Second, it will guarantee a greater measure of stability to the broadcasting industry. This stability will allow broadcasters to improve their program planning, staffing,

and the obtaining of the advanced equipment needed to operate broadcasting stations.

I am proud, Mr. Speaker, to have supported extending broadcasting licenses to 5 years.

#### REPRESENTATIVE JACK KEMP COMMENTS ON VARIOUS NATIONAL HEALTH INSURANCE PROPOSALS

**HON. JACK F. KEMP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. KEMP. Mr. Speaker, since 1969, when the Congress first formally recognized the growing importance of a national health program to satisfy the demand for better quality and more accessible preventive and illness medical care, we have witnessed the introduction of a multitude of national health bills. These measures provide for varying degrees of Federal control over the supply of and the cost for everything from catastrophic illness protection and national health insurance to complete national health "security." These proposals received widespread public and congressional attention during public hearings held by the House Ways and Means Committee and the Senate Finance Committee during 1971. We have committed ourselves, in this Congress, to enact legislation that will provide the necessary health programs to cope with the national need for adequate care and coverage in all health areas for all citizens.

I would like to congratulate my colleagues, Senator ABRAHAM RIBICOFF of Connecticut, a member of the prestigious Committee on Finance, and Congressman JOE WAGGONER of Louisiana, a member of the House Committee on Ways and Means, for their diligent efforts to provide the Members with what I believe to be a far more viable alternative to national health care proposals—far too often too costly and extravagant.

The bill in the House, H.R. 14079, the proposed Catastrophic Health Insurance and Medical Assistance Reform Act, would provide catastrophic illness coverage for all Americans through a social security administered trust fund.

The bill would cover all individuals and families with low or poverty level incomes for the major portion of all medical expenses, and it would require private insurance policies to meet Federal policy standards if they wished to be certified under the assistance program. The purchase of private health insurance would be optional, and the cost to the taxpayer, minimal, while still supplying maximum health care coverage to those in need of assistance through the Federal Government.

Coverage under this Medical Assistance Reform Act places greater emphasis on preventive medical care, and would basically provide high quality health care coverage without total Federal control and with a price tag of \$3.6 billion, as opposed to \$30 to \$100 billion in the

numerous other plans that have been introduced.

The catastrophic illness section of the bill will provide middle income families with total catastrophic coverage after their medical bills exceed \$2,000 in 1 year. Of any economic group in this country, middle income families have been most neglected in the area of Federal assistance for the purchase of private health coverage, and consequently they have been subjected to often inadequate health care while being saddled with the heavy burden of exorbitant medical costs. The Medical Assistance Reform Act would go a long way to eliminate this injustice, but I am convinced that still more needs to be done. I am investigating the possibility of providing a tax credit for middle income families for the purchase of private health insurance. It is time that we stopped penalizing middle income Americans, and started offering them their rightful return for their overtaxed dollars.

I urge every Member to give this proposal careful consideration when weighing the responsibilities we each have to our constituents—to deliver to them the most comprehensive and high quality health care at a cost, in dollars and in government control over their lives, that we can afford.

No one can deny that the time has long come for adequate and substantial health care to be made available to all of our citizens. My concern is that we do not all jump on the proverbial federalized medicine bandwagon as though it were a panacea, before we examine the repercussions of total Federal control of health services and insurance—to the medical profession, to the insurance industry, to the welfare of our supposedly decentralizing government, and most importantly, to the people. The taxpayers have been raked over the coals with rising taxes, inflation, and the astronomical cost of living. We owe it to them to objectively consider every avenue of providing health services—and I firmly believe that mandatory federalized medicine is not the answer—and that we are frighteningly close to making a dangerous and irrevocable mistake if we enact such legislation.

#### NATIONAL TACO MONTH

**HON. HENRY B. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. GONZALEZ. Mr. Speaker, May is National Taco Month, an observance made possible by the National Taco Council headquartered in my home city of San Antonio, along with Kraft Foods, Handy Andy Foods, Carta Blanca Beer Co., Hopp's TV of San Antonio, Falstaff Brewing Co., Pearl Brewing Co., and the Texas Executive Chefs' Association.

Some of you will recall that I first advised this body of an observance honoring the taco, one of the tastiest of all the delicious Mexican foods, on April 30,

1968, which was the first day of a National Taco Week proclaimed by a small group in San Antonio but which was celebrated by all lovers of Mexican food.

A taco is the highest form a tortilla can take, whether it be a corn tortilla or one made of harina (flour), whether it is cooked hard or soft. The filling for the taco can take many forms, the most common being beef or chicken meat with lettuce, tomatoes, and cheese.

It was not long ago that you could eat lunch in downtown San Antonio for 45 cents and get three delicious and filling soft flour tacos stuffed with chili meat and beans—with more meat than beans.

There are a number of events scheduled this month in San Antonio in connection with National Taco Month, and I would like to take this opportunity, Mr. Speaker, to invite you and all of my colleagues to consider visiting San Antonio during May and possibly take part in some of these activities.

One of the first events scheduled is a Mexican recipe contest to be held this Saturday, May 4, which will be judged by Lalo Varela, executive chief of the Hilton Palacio del Rio in San Antonio, and other members of the Texas Executive Chefs' Association.

On May 16, the National Taco Council, of which Roberto L. Gomez, Esq., is chairman, will host a Mexican fiesta at the Lone Star Brewery, and on May 17 officials from Kraft and Carta Blanca will be honored at the Falstaff Shield Room.

In addition, there will be a taco breakfast for members of the San Antonio City Council, a dinner at Pearl Brewery, and several other events featuring the delectable taco.

The honorary chairman of all these festivities is 17-year-old Michael Ayala, who recently won the regional AAU flyweight boxing championship in San Antonio and will represent south Texas in the AAU national competitions June 12-18. He was the 1973 national flyweight Golden Gloves champion and defeated the national AAU champion last year.

In any event, while the month of May is a good time to visit the Alamo City, really anytime of the year is a good time to go to San Antonio and sample the cuisine, especially the taco, perhaps while riding one of the motor barges down the San Antonio River.

If you have not been before, it is time to go and to learn that every day is taco day in San Antonio.

## TWENTIETH CENTURY TECHNOLOGY

HON. BILL GUNTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. GUNTER. Mr. Speaker, the petrochemical industry is one which will become increasingly important to the Nation as synthetic materials become ever more necessary to replace our dwindling natural materials resources.

Precisely because this is a complex problem, we have heard only a part of the whole in the current debate which centers primarily on the energy crisis.

However, the energy crisis cannot be separated from other realities which confront spaceship Earth, a relatively small vessel whose cargo of nonreplenishable resources is dwindling as mankind increases not only in numbers but in the development of technologically intensive lifestyles.

While there may be many in the academic community who have recognized the interdependence of many aspects of our technological society, I am glad to see that the business community also has representatives capable of seeing the scope of these challenges.

One of these is Ralph L. Harding, Jr., president of the Society of the Plastics Industry, Inc., who spoke recently at the Town Hall of California on the subject of "The Life Expectancy of Twentieth Century Technology."

Mr. Harding's talk, given March 19 in Los Angeles, is both well-reasoned and provocative and I commend it to my colleagues. Therefore, Mr. Speaker, I include in the body of the RECORD, following my remarks, the text of Mr. Harding's speech:

### THE LIFE EXPECTANCY OF 20TH CENTURY TECHNOLOGY

(An address by Ralph L. Harding, Jr.)

I have given considerable thought—including a few second thoughts—to the title I chose for this address. I work very close to this subject. I feel very strongly about it, and it is my hope that a title of this sort—presumptuous as it may sound—will help me to reach open minds.

The charge of presumption often comes as the swiftest penalty for challenging another man's assumption. The assumption I am now challenging is the automatic identification of this century—as an era of material progress, crowned by affluence—with the technological mechanisms of the past six or seven decades; so that it becomes unclear whether this century produced this technology or is itself this technology's chief product.

My case for this presumption is based on the facts, events and trends of our time. In support of my case, I want—first—to touch upon the political and economic environments into which Twentieth Century technology was born. Then I would like to comment on the changes—first in politics and now in economics—which demand a new, more viable technology for the remainder of this century and for a strong beginning of the next. Then I shall describe what could become the single greatest threat to our current technology, and finally some steps that we can take, to preserve the health of our nation during this time of transition.

Neither the Twentieth Century nor its technology can be understood without some recognition of the differences between technology before and after the start of World War I. It was the First World War that gave, through urgent national policies and governmental directives, unprecedented organization to the Nineteenth Century heritage of scientific innovations. As Peter Drucker notes, in his essays on *Technology, Management & Society*:

"Generally . . . the relationship between scientific work and its technological application, which we today take for granted did not begin until after the turn of the twentieth century . . . such typically modern devices as the automobile and the airplane

benefitted little from purely theoretical scientific work in their formative years. It was World War I that brought the change: in all belligerent countries scientists were mobilized for the war effort, and it was then that industry discovered the tremendous power of science to spark technological ideas and to indicate technological solutions."

In that sense, what we now call "Twentieth Century technology" was actually born in 1914 and—if we are to relate the two—the Twentieth Century was born at the same time. If we count the true ages of these twins as 60 years come August, our reckoning will agree exactly with the calculations of historians who hold that the Nineteenth Century did not really end until the outbreak of the First World War.

That outbreak signalled the final collapse of Metternich's system of international understandings which had permitted the leading powers of Europe, at least, to enjoy decades of general peace and so to make unprecedented material progress—largely by developing and utilizing their colonies and client states as sources of cheap raw materials. After the war, our European Allies set to work building a new cartel of industrial nations, excluding the defeated, and inviting the United States to take a piece of the action.

The dependence of the West on cheap supply sources continued, and high on the list of vital materials was placed one that had proven its importance during four years of combat: petroleum. Essentially, these industrial nations had simply organized the findings of science into a technology which they then expanded and applied with new vigor, fueling it at an ever increasing rate with petroleum and other cheap hydrocarbons. This statement could serve as a working definition of what we call "Twentieth Century technology"—with all its strengths and weaknesses.

Chief among those weaknesses, as we have learned by the experiences of the past six months, is our technology's dependence on cheap and abundant energy in the forms of crude petroleum and natural gas, the two most convenient sources of hydrocarbons.

As a spokesman for the plastics industry, I am painfully aware of this dependence, since plastics are derived from petrochemicals. I see a special irony in the current situation, in which plastics—one industry which points the way to the technology of tomorrow—is now so deeply affected by the shortcomings of the traditional technology and of economic concepts on which we still rely today. Our industry has been seriously but not permanently hurt both by the resultant shortages and by associated misunderstandings of the real priorities.

I know I cannot make any claim for plastics' unique status in tomorrow's technology without offering some authority besides my own. As I have confessed on a previous occasion, "I am, after all, an industry association president, a salaried spokesman, a predictable advocate." So, now as then, I offer the testimony of an expert who, you may now suspect, is one of my favorite authors.

Writing in *The Age of Discontinuity*, Peter Drucker observed:

"All around us there are new industries and new technologies. But as the economist defines 'importance'—that is, by contribution to gross national product, personal income, and employment—these new industries are still almost negligible, at least to the civilian economy."

"Of the new industries only one has, so far, attained major economic importance. It is plastics."

"Even plastics were looked upon until a very few years ago as 'substitutes'—ersatz—rather than a major new industry and technology in their own right. And even the plastics industry today is only a faint premoni-



tion of what the "materials" industry of tomorrow is likely to be, both economically and technologically."

Since I offer Dr. Drucker as my authority, I would not want you to assume that he has overlooked such other new industries as pharmaceuticals or aviation. He carefully states that "in terms of employment or of direct contribution to national product—the pharmaceutical industry is still hardly visible to the naked eye. . . ." And, admitting that "the freight plane may well, within a few years, make obsolete the oceangoing cargo ship," he adds, "So far, however, air freight is still a lesser factor in world transportation than bullock or burro."

Of course, Dr. Drucker was describing the aviation industry as it was five years ago. I'm afraid the past few months have seen the bullock and the burro increasing their lead.

Rereading Drucker with the hindsight of the energy crisis confirms, for me at least, my original impression of his thoughtfulness, his balanced view. Reconsider his description of the plastics industry as a "premonition of what the materials industry of tomorrow is likely to be." At first that sounds simply optimistic—almost a bit of boosterism. But a premonition can bring, with its encouragement, a warning. It can go either way, depending on what we make of it.

What remains essentially unchanged in Peter Drucker's evaluation is the fact that plastics are "riding the point" of our technological future. This industry is a unique, a precocious child of Twentieth Century technological progress; but it is not an only child. If we cannot establish and maintain political and economic environments in which the plastics industry can prosper, the outlook is also grim for other members of the rising technological generation.

Take, for example, the fact that—even when petroleum feedstocks were abundant—plastics of all kinds in this country accounted for less than one and a half percent of total domestic usage of oil and natural gas. And yet, plastics are one of the best, if not the best value-related use of hydrocarbons. This can be seen by charting the cumulative product values of hydrocarbons as they move through the petrochemical industry, into and out of the plastics industry and on to other industries which depend on plastics for their materials and components, finally reaching the consumer.

In this progression, a dollar's worth of basic petrochemical feedstocks becomes two dollars' worth of monomers, the universally useful "building blocks" of our synthetics, produced in the organic chemical industry. This new value is doubled again by the conversion of monomers into polymers. Finally, the processing of polymers into the plastics industry's end products increases their value, on the average, by a multiple of at least 2.5. The total result: an average value-added multiple of ten—and, in some industries, as high as 20 or 30.

A similar progression takes place, of course, for such other synthetics as the man-made fibres, tires and other rubber products, paint and coatings, antifreeze, aspirin and a vast number of other sophisticated materials and products, which are widely used.

As the Shah of Iran perceptively stated, some weeks ago, oil is too valuable to burn. Its most intelligent use is in petrochemicals, an industry of which plastics constitute one quarter and for which the plastics industry provides the best avenue for delivering the benefits of petrochemical production to other industries and to the consuming public.

In centuries to come, men may look back on our time and find it difficult to believe that the leadership of this century—the political, industrial and commercial administrators of Twentieth Century technology—actually permitted widespread destruction of

this planet's precious store of fluid hydrocarbon sources, simply to produce heat and light and power. Men of future centuries, enjoying a practically limitless abundance of solar or nuclear energy, but bequeathed by us a beggarly inheritance of petroleum and natural-gas feedstocks, may condemn our shortsighted consumption of these resources, which nature needed millions of years to prepare.

Neither will they easily understand our slow and feeble efforts to utilize our coal reserves for anything better than a source of cheap fuel. The fact that similar observations could be made for other irreplaceable resources only broadens this threat to the technology of the future.

Long thoughts such as these, unfortunately should have been thought through long ago—years before we maneuvered ourselves, optimistically accelerating till the last, into the time-trap where we now find ourselves, unable to go back and faced with the prospect of crawling painfully ahead, paying an unprecedented price for the energy to make each crippled move.

This is the reduction-to-absurdity of our almost mindless confidence in Twentieth Century technology, a rich banquet of delusions for which we are now finally getting the inflated check, a reckoning without artificial discounts.

If this was a banquet for all industrial nations, we Americans certainly sat at the head table: six percent of the world's population—consuming one third of the world's energy and comfortably expecting that our insatiable demand could be indefinitely served, at an annually increasing rate—an endless affluence based on inexhaustible resources.

We cannot continue to ignore present reality—or to neglect our present obligation to future generations. Our errors can be counted in the percentages of world resources we consume; our correction must now be calculated in the percentages of our needs which we import. In 1972, the latest year for which complete data are available, we imported 87 percent of the bauxite and alumina used in producing our aluminum, 90 percent of our nickel, 92 percent of our cobalt, 93 percent of the platinum group, 95 percent of our manganese, all of our chromium and all of our tin. These deficiencies are more than incidental to our nation's future; they are strategic.

Writing in *Foreign Policy* magazine before the Arab oil embargo, C. Fred Bergsten, a senior fellow of the Brookings Institution, warned:

"Four countries control more than 80 percent of the exportable supply of world copper (Chile, Peru, Zambia and Zaire), have already organized, and have already begun to use their oligopoly power. Two countries (Bolivia and Malaysia) account for more than 70 percent of world tin exports, and four countries raise the total close to 95 percent. Four countries combine for more than 50 percent of the world supply of natural rubber. Four countries possess over one-half the world supply of bauxite, and the inclusion of Australia (which might well join the 'Third World' for such purposes) brings the total above 90 percent."

Bergsten's last sentence reminds me to mention that the title of his article was "The Threat from the Third World." He uses the term "Third World" because in his own explanation "it is widely understood as meaning all countries outside the 'Industrialized West' and the 'Communist Empire.'" The "Threat" in Bergsten's title refers to the potential clout which Third World countries could inflict on the industrialized West, eminently including the United States, by acting singly or in combination to raise prices or to deny supplies outright, supplies which we have grown to take for granted, in abundance and at bargain prices. And built into that smug expectation was the inherent

folly of making confident projections of larger and larger imports, even though the very size of those projections made their reliability less and less credible.

When Bergsten wrote, last summer, of this developing situation, there was still room to escape his conclusions about potential supply embargoes. Writing again, this January, he recalled:

"As recently as a year ago, it was conventional wisdom that 'the oil countries could never get together; it was believed that they could not risk retaliation from a 'United Western world.' But, today, through the Organization of Petroleum Exporting Countries (OPEC), the oil nations have quintupled their price. They have cut back production. They have raised fears of global depression. And they have left the consuming countries, particularly in Europe and Japan, in disarray, and alliances such as the Common Market and NATO, in peril. Indeed Europe's every scramble for a 'special deal' has strengthened the confidence of the oil cartel."

"But oil is just the beginning. . . . (The) lesson of this startling reversal of power seems obvious for other countries with key primary products: Band together and your revenues can rise dramatically. . . . OPEC itself appears ready to support the formation of other cartels, as one way to avoid opprobrium for bankrupting the 'developing countries.'"

In summation, Bergsten notes, "Those who support the producing countries in this central new issue of world economics and politics . . . (say) it is no more immoral for a few countries to produce the lion's share of a particular product than for a few countries to consume the lion's share, as the industrialized world has become used to doing."

If these emerging attitudes do not undermine the economic foundations of Twentieth Century technology, they certainly invalidate the optimistic projections which formerly guided it. Although the oil embargo may be lifted, oil prices will remain extremely high. If the Arab embargo and the OPEC successes become models of action for other Third World nations, we must—as rational observers—anticipate future supply crises. The deep and spreading difficulties which economists now experience in revising their projections in the aftermath of the Arab oil embargo are, in my opinion, traceable to the fact that we are passing from our old economies of demand to a new economics of supply. Gradually at times, abruptly at others—but with a generally accelerating pace—we are moving into an era of scarcities, potential and actual, threatened or imposed.

This fact is central to this address, and it is pivotal for this century: this finally enforced transition from the economics of demand to the economics of supply. Indebted, as they all are, to Nineteenth Century science, the industrial nations must recognize that material prosperity is no longer available on the cheap, and that they must build for the Twenty-first Century within the parameters of the new and unforgiving economics of supply.

I have described the present crisis, of which the energy emergency is the start, as a reduction-to-absurdity of our blind confidences in Twentieth Century technology. Whatever our emotional attitudes toward the Arab embargo or our personal reactions to its uncomfortable consequences, we must give first priority to the intellectual task which this emergency has laid upon us. We must, as any logician would, work back from this absurdity to a re-examination of our now discredited assumptions. The open-ended, lavish and prodigal economics of unending abundance will no longer serve to finance our technology. The old and comfortable margins for error are narrowing day by day. Whatever capital is not consumed by rising import

prices must hereafter be prudently applied to meet the real needs of our populace, whose confidence in their established leaders has been badly shaken in the past year.

As I have stated on another occasion, management's right to manage is unassailable, to the extent that it is based on management's duty to manage, to serve the community as steward of its resources, to implement the public purpose under the directive authority of government. And the directive authority of government, to which the people turn when other leaders fail, is based on conscientious and effective care for the people's needs. Both government and industry, in the final analysis, depend on the consent of the public, on varying degrees of public acquiescence and on public approbation of their efforts.

Each of us is certainly entitled to his own evaluation, but we all have sensed a gathering storm of indignation and disillusionment in this country during the past twelve months. Most evident now is the dismay of those Americans whose jobs have been destroyed by the energy crisis. This is the situation for far too many in the plastics industry.

Less acute but much more widespread is the suspicion felt by those who see a public inconvenience, even a hardship, turned to quick and tidy profit. The motorist who cuts into line at the gas pumps finds himself the object of erupting angers that can reach no better targets.

The public knows what is lacking: at the moment, petroleum, petroleum products, petroleum-based energy and petroleum-powered transportation, for goods and services and passengers alike. Succeeding weeks have brought new shocks, new disillusionments for the public mind. Government moves uncertainly and late. Industry, if not the villain, looks too much like an accomplice.

Neither industry nor government has time to waste. Both must turn to more effective alleviation of this crisis and to the prevention of those crises threatening in other areas dominated by uncertainties of materials supply. Both industry and government must set to the urgent task of technological innovation. Where old technology has failed or priced itself out of consideration, new technology must be developed and applied.

Out of their common responsibility to the people, out of their shared vulnerability to public criticism, government and industry must work as partners, to recruit and mobilize the best thinking available for these public purposes. Despite the all-too-evident examples of personal risk, businessmen must now be willing to take a more active role in advising, assisting and participating in the tasks of government.

Outside of actual wartime emergencies, as we all recognize, government-directed mobilization of the private sector's potential for meeting public crises has seemed alien to our democratic republic. Nevertheless, today we must recognize that not only the energy shortage but continually threatening shortages of other vital materials must be systematically evaluated and successfully met, by our national leadership, both governmental and industrial, with maximum support from labor and the academy.

The exigencies of the energy crisis have moved us rapidly into areas of official control which seemed, to say the least, improbable one year ago. The future requirements of what is already being called "resource diplomacy"—to prevent or alleviate price and supply structures arising from Third World forces—cannot be predicted at this date. But it seems incontrovertible, to me at least, that some adequate response must be prepared, some permanent authority must be given institutional form, preferably founded on in-

dustrial-government cooperation, concern and—may I emphasize this quality—*candor*.

The public, I fear, will not much longer tolerate the confusion—believed by some to be deception—which has aggravated the energy crisis and has needlessly increased the sacrifices which the people have been asked to make during the past months. When the needs of "national security" itself have now become so widely suspect, I cannot see much prospect for a comfortable continuation—at or near the highest levels of government or industry—of close-to-the-vest confinement of information vital to the public welfare.

Furthermore, what we are talking about: development of new technology which will minimize our country's dependence on imports and end our vulnerability to international blackmail—will clearly require expensive research and development which may well be beyond private industry's ability or inclination to afford. And any distribution of public funds demands adequate public—that is, governmental—knowledge of the capabilities and requirements of the private sectors involved.

The bitter experience of the energy shortage suggests that we consider anew the advice given us four years ago by a man whose credentials as an industrial leader can hardly be impugned. Speaking to the Bond Club of New York on January 7, 1970, Thomas J. Watson, Jr., as chairman of the board of IBM, stated:

"I believe that the complexity of our modern economy demands national goal setting and planning closely paralleling that which is commonplace in industry."

Subsequent events have made Mr. Watson's recommendation more urgent than ever. What I propose is commonplace in private industry: the gathering of information and projections for supplies of strategic materials. Individual industries regularly take inventory of stocks required for their future operations, and I propose that a similar inventory function be performed regularly for the aggregate national economy, along with recommending and fostering related developments, as required, in technology.

Whether this task be taken up by an expanded form of the Federal Energy Office, by the Department of the Interior or perhaps by a greatly strengthened Office of Technology Assessment serving the Congress, it seems essential to our future security and prosperity that some national institution be assigned the task of charting our economic and technological future, for fear that this nation may drift again into the shallows of shortage, there to sit—an object of derision and a target for hostile opportunists.

It seems equally essential that businessmen participate in this vital task, this crucial public service.

If you feel as I do, your concern for this republic moves you in two ways: anxiety about its future prosperity and uneasiness about an increase of governmental influence on decisions which shape the private sector. Though I am proposing, in effect, nothing more than a national clearinghouse for economic and technological information, I know that official evaluations of that information will affect choices that must be made by non-governmental decisionmakers—by industrialists, labor leaders, marketers, consumers, all of us. But balance that uneasiness against the danger that our people—in some future crisis—may despair of private enterprise, of its competence to serve as steward of our national resources, and turn abruptly to government, not for information merely, but for relief, for sweeping measures of alleviation through unprecedented allocations and controls.

The energy emergency has opened a new and critical era for our economy, our technology and our society. Important steps must

be taken—in time—sure steps taken in the open light of day, illuminated by the best available information, gathered with care and publicized with candor—so that we can all go forward together, in security and freedom.

#### PARKS FOR THE PEOPLE

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. SEIBERLING. Mr. Speaker, the term "Parks are for people" has become an axiom of the Interior Department. It became popular in the late 1960's, when the Department first became seriously interested in urban recreation. President Nixon and Interior Secretary Morton embraced the term and used it to urge establishment of the Gateway National Recreation Areas in New York and San Francisco. City people, who have long felt left out of Federal recreation programs, were encouraged. For the first time our Government had a stated national policy that parks should be "where people need them."

Unfortunately, it has become increasingly clear in the past several months that the term has eroded. The Department of the Interior has consistently opposed legislation that would establish parks within urbanized areas. It prefers to shift the primary responsibility for recreation to the backs of the States and local governments. Certainly it is up to local communities to do their part in meeting the recreation needs of their residents. But the state and local governments cannot do it all. In many cases the need stretches beyond State boundaries. In other cases the need is too great and the financial resources available are too small—even with Federal matching grants—to meet it.

Nationwide the situation is critical. Although 73 percent of the Nation's people live in cities, only 8 percent of all Federal recreation lands are in urban areas. Within our central cities, one family in two or three does not own a car. Yet most of our parks are located in nonurban areas, accessible only to families with automobiles, and then only for long weekends or summer vacations. Those Federal parks which are near our urban masses are either limited in purpose, such as national battlefields, or unsuitable for intensive recreation, such as national historic sites.

Thus I find the administration's use of the term "parks for the people" very puzzling. What people, I wonder? And what parks? State parks, county parks, city parks—but not Federal parks?

Mr. Speaker, I am pleased to bring to your attention an excellent article on the subject, written by Jonathan Ela, midwest representative of the Sierra Club. It is entitled "People, Parks, & Policy," and it appears in the April issue of the Sierra Club Bulletin.

Mr. Ela points out that among the most exciting prospects for land preservation are areas adjacent to our huge



metropolitan regions, enclaves where the imprint of urbanism has remained small. He cites Indiana Dunes near Chicago, Cuyahoga Valley between Akron and Cleveland, and the St. Croix River near Minneapolis. I would add others, including the Chattahoochee River near Atlanta.

The Department of the Interior has been hostile to each of the legislative proposals for these areas. The National Park Service has discarded half of the congressionally authorized Lower St. Croix River. The Interior Department has been laggard in submitting a report on the proposal to expand Indiana Dunes, and will probably recommend an increase of less than 20 percent of the area that deserves to be protected. At a March 1 hearing of the House Subcommittee on Parks and Recreation, the Director of the Bureau of Outdoor Recreation conceded the outstanding qualities of the Cuyahoga River but argued that it should be a State responsibility—despite the fact that the State cannot afford to acquire the land if it has to rely on the funding schedules of Federal matching grants.

As Mr. Ela points out, the lands near urban areas present "administrative problems" for the National Park Service. They do not always fit the Interior Department's arbitrary definition of "national significance." As Mr. Ela states, it would be interesting to learn why the Cuyahoga Valley, with its magnificent historic, scenic, and natural resources, is not considered to be nationally significant. It is particularly interesting in view of the fact that every major national park and conservation organization in the country has endorsed the Cuyahoga Valley as nationally significant.

Mr. Speaker, I insert in the RECORD the full text of Mr. Ela's fine article.

I would add a postscript to Mr. Ela's comments however. I do not really think that the National Park Service is to blame for the situation. The issue goes much higher, to the policy levels of the administration. The National Park Service necessarily conforms to the policies of the leaders in the Department of the Interior, the Office of Management and Budget, and the White House.

Yet the ultimate responsibility lies with Congress. It is up to Congress to set the priorities of this country, to enact the laws that meet the needs of our people. And it is up to Congress to put parks "where the people are."

The text of Mr. Ela's article follows:

ADMINISTRATION VS. VISITATION—PEOPLE,  
PARKS, AND POLICY  
(By Jonathan Ela)

Scratch a well-trained employee of the Department of the Interior and, instead of saying "ouch!" he will most likely chant "Parks are for the People!" Never in the history of the federal service has a cliché become more ingrained, more instinctive, or more meaningless. But if you probe more deeply into the agency corpus, you reveal the proposition in its entirety: "Parks are for the People, but not too many parks, and not for too many people."

Here in the Great Heartland of America, where the amber waves of grain crash against shorelines of barbed wire, among the most exciting prospects for land preservation are areas adjacent to our huge metropolitan re-

gions, enclaves where the imprint of our urbanism has remained small. Chicago has the Indiana Dunes; Cleveland, the Cuyahoga River; and so on. It would be reasonable to expect that the National Park Service would be excited about the preservation possibilities these areas offer, that the challenge of maintaining natural beauty, while still opening the areas up as a haven for the cities' crowded throngs, would be irresistible. Sorry, no dice: not these parks; not for these people.

The National Park Service has been hostile to each of these areas, a hostility that apparently will infect every imaginative park proposal within a half tank of gasoline from a major urban center. Our main battleground may be in the Midwest now, but anyone interested in the Santa Monica Mountains, for example, had better pay attention.

The St. Croix Scenic River forms the border between the states of Minnesota and Wisconsin, and is actually within commuting distance of the Minneapolis-St. Paul urban centers. It has suffered a minimum of disturbance, and the upper stretches remain a prime canoe stream, while the lower reaches still remain pastoral and serene.

When a proposal to include the lower St. Croix in the federal Wild and Scenic Rivers System was pending before Congress in 1972, the bill had the support of both states' congressional delegations, both states' governors, the vast majority of local communities and residents, and virtually all citizens' organizations: the only significant opposition came from the National Park Service and the Department of the Interior. In spite of that opposition, a compromise was worked out, with about 25 miles of the Lower St. Croix to be protected by the National Park Service. The measure was passed by the Congress in late 1972.

In early 1974, however, the Park Service wanted to give more than half of that away because the cost estimates provided Congress by the department proved grievously faulty: less than \$8 million had been authorized, and it is now estimated that \$18 million will be required. Instead of immediately returning to the Congress for more money, the Park Service decided that it would preserve only half the river; the lower 17 miles were discarded, thus flouting the will of Congress, and the two states were informed that they themselves could save the river if they chose.

The Indiana Dunes presents a comparable situation. The original Indiana Dunes National Lakeshore was authorized in 1966, and is a politically sewn-together patchwork quilt that attempts to satisfy environmentalists and steel companies at the same time. Starting in 1971, Congressman J. Edward Roush has led the battle in Washington to expand the Lakeshore to include the many areas of outstanding natural significance that had been left out five years before. Action has been held up ever since, because the Department of the Interior doggedly refuses to submit a report on the legislation. Word has leaked out from the bureaucracy, however, that the report will recommend an increase of only about 950 acres, less than 20 percent of the area that deserves to be protected. It is also significant that the department's recommendation will apparently not focus on the intrinsic merits of the lands involved, but will only support those parcels that will make administration of the lakeshore more convenient.

The Cuyahoga River between Cleveland and Akron has carved a deep valley into the flat northern Ohio landscape. Amazingly, this valley retains a generally primitive aspect, and has innumerable features of scenic, natural, and historical significance. Citizens' groups, the state of Ohio, local governments and park boards, and numerous members of the state's congressional delegation have carefully developed a proposal for a 15,000- to 20,000-acre Cuyahoga Valley National Historical Park and Recreation Area.

This proposal would preserve the natural and historical aspects of the valley, would permit greater visitation to the many features of interest, and would enable the small communities to maintain a bucolic and pleasant style of living.

At a March 1 hearing of the House Subcommittee on Parks and Recreation, only one dissent was given to the concept of the park. Director James Watt of the Bureau of Outdoor Recreation, acting as flack man for the Park Service, conceded the outstanding qualities of the area, and then turned around to argue that the state should bear the responsibility, with federal assistance coming only in the form of Land and Water Conservation Fund Grants. (He was immediately countered by William Nye, the Ohio Director of Natural Resources, who testified that there is no way the state can afford to acquire the land in a timely fashion, if it has to rely on LAWCON funding schedules.)

A common theme runs through these three cases, as well as other cases that could be presented. The National Park Service has lost its nerve. Avoiding "administrative problems" is the principal criterion by which the department now judges a proposal. Irregular boundaries, industrial pressures, inholdings, easement rights, and visitation from people other than the purest pukkasahib Winnebago types, are all "administrative problems," and the department will pass the buck to any stray taker it can find.

The idea of preserving an area that still has people living in it, where administration will rely on easement acquisition and compatible zoning, as well as on fee-simple acquisition, and where the goal is to protect a cultural ambience as well as to preserve nature and provide recreation, presents a creative hurdle that is simply beyond the bureaucracy. To the Park Service, a national park is square, large, entirely owned by the federal government, and has few enough points of access that it can put up toll gates. Above all, it is empty.

Needless to say, there are few, if any, areas that meet this standard near our metropolitan regions, so there will be few, if any, national park proposals of this kind supported by the department. There is an irony in this; on August 1, 1971, Secretary of the Interior Morton issued a directive entitled "A Second Century of National Parks," which stated:

"One of the great social needs of America in the years ahead will be to provide refreshing recreational opportunities to the city dweller . . . we must identify—and create—parks where people need them . . . utilizing the experience of such recent urban proposals as the New York Gateway project, the National Park Service should develop a set of criteria for the establishment of national recreation areas in urban environments.

Times change. At the March 1 Cuyahoga hearing, Director Watt implied that Gateway, and its western counterpart, the Golden Gate National Recreation Area, were failures from the federal government's point of view, and he spoke of the federal government "divesting" itself of recreational properties that it no longer wished to handle.

The standard excuse used by Watt and others for ducking problems and for refusing to exercise imagination is the self-serving "national significance test." Apparently, unless an area has the world's tallest mountain (which is in Asia), or the deepest canyon (which is in the western Pacific Ocean), it is of no more than local significance, and the National Park Service and Bureau of Outdoor Recreation simply cannot be bothered. That millions of urban residents would use an outstanding national park facility, which would not come into being except under federal auspices, is unimportant.

It is also unimportant that people in fact do travel some distance in order to enjoy nationally significant areas, even if these areas do not contain any of the nation's

largest natural or manmade features. If Mr. Watt doubts that city dwellers cross state lines to enjoy natural areas less imposing than the Grand Canyon, he should come to northern Wisconsin on a summer weekend and compare the number of times he sees "Land of Lincoln" on license plates, as opposed to "America's Dairyland."

It would also be interesting to learn why Ohio's Cuyahoga River Valley, with its rich natural heritage and broadly important historical features, is not considered to be nationally significant, while the home of William Howard Taft, also in Ohio, is administered by the National Park Service. The question answers itself: there are no "administrative problems" involved in managing the latter, and indeed, better yet, there are probably no visitors.

It should not be inferred, of course, that the Park Service is meeting its obligations in a responsible way even in the western parks, where it feels more comfortable: quasi-theological objections to wilderness and a penchant for public-works gimmicks such as tramways, are working to assure that those parks also fail to live up to their promise. Indeed, the only effort that the Park Service seems to be attacking with energy is the American bicentennial celebration, a bogus Potemkin Village of a program that exalts the trappings and baubles of our national mythology, while ignoring the genuine spirit of our revolutionary experience.

Nevertheless, we in the eastern cities want our colleagues in the wide open spaces to know that their frustrations do not arise from the National Park Service devoting its energies to establishing parks in metropolitan areas, for the Park Service could not be less interested. And the next time one of our land's guardians in green clears his throat, solemnly catches our attention with that pregnant pause that almost always presages an unusually vacuous sentiment, and intones that "Parks are for the People," we should know that it is all a lie.

Parks are for the bureaucrats. The people will have to fend for themselves.

#### WYOMING REMINISCENCES

### HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. RONCALIO of Wyoming. Mr. Speaker, I would like to share with my colleagues a very warm and witty excerpt from a memoir on Wyoming's great educator, the late Dr. George Duke Humphrey.

I knew him well and his son Julius, who is now director of the office of scholarships and financial aids, University of Arizona.

Dr. Humphrey was a native of Mississippi and a good friend to many of that state's political leaders, including my colleagues in the House JAMIE WHITTEN and SONNY MONTGOMERY, as well as the State's U.S. Senators.

In the course of his career, he served on dozens of national boards and held national offices and literally had friends from coast to coast. I know they will enjoy this sample of "The Duke," by Dr. William E. "Bud" Davis, who served with Dr. Humphrey at the University of Wyoming and is now president of Idaho State University.

#### "THE DUKE"

George Duke Humphrey, former president of Mississippi State University from 1934 until 1945, and former president of the University of Wyoming from 1945-64, died recently in his Wyoming home at the age of 76.

Humphrey was born in Tippah County, Miss., and was graduated from State Teachers College (now the University of Southern Mississippi), and Blue Mountain College. He received his master's degree from the University of Chicago and his doctorate from Ohio State.

He was a teacher and administrator in Mississippi schools and president of MSU when he accepted the president's position at Wyoming.

Humphrey is survived by a son, Julius, and two grandchildren.

Reprinted below are excerpts from a memoir written about "The Duke" by Dr. William E. Davis, a friend, co-worker and college president:

Getting acquainted with Wyoming's President, George Duke Humphrey, was an education in itself—a graduate course in administrative firmness. In his nineteen years as President of the University of Wyoming, the "Duke" had sat tall in the saddle, and his image was indelibly implanted upon the life and mood of the campus. In all, he was perfectly cast for the feudal role, blending the aggressive nature of an academic kingfish with the practical horse sense of a southern farmer, the finesse of a diplomat with the hard talk of an irate wrangler.

This appealed to Wyomingites who like their men tough and their talk straight. Though he drove his famed black Buick with reckless abandon and terrorized the casual jaywalkers of Laramie, he steered the University through the rough and tumble of Wyoming politics with a sure grip in the reins. In a crisis he demonstrated the ability to deal with the assurance of a poker player with a pat hand—or, in the words of Mark Twain, "The calm confidence of a Christian holding four aces."

Outside the environs of the University, it was not uncommon to hear the President referred to as "Duke," or, more often, "The Duke." Few such liberties were taken in addressing him in that manner on the campus, however, where protocol resided in a place of dignity.

Although Western in location and tradition, the University of Wyoming had no cowboys on the faculty under Humphrey—or at least those who were didn't dress that way. A stickler for spit and polish, this former Mississippian had a flair for the southern gentleman's sense of style and taste. He held to the belief that even though a man might have nothing but holes in his pockets he could comb his hair, shine his shoes and wear a necktie.

This concern for proper dress is supported by a story that upon the occasion of appointing a new dean for one of the colleges, Humphrey called a prospective candidate in. The latter was neatly, but informally, dressed with a western shirt, a string tie, rancher's trousers, and boots.

The President eyed him coolly. "You think we pay enough to our deans around here, Doctor?"

"Why, yes, Mr. President," the anxious candidate replied.

"You think we pay 'em enough to buy a dark suit, a white shirt, a necktie and some dress shoes?"

The candidate blushed.

"I'll tell you what," the President continued. "You think it over and drop in tomorrow, and we'll talk about the job."

The candidate showed up the next day

in appropriate attire and was appointed dean. He never needed to be reminded again.

President Humphrey was just as finicky about time. If a meeting was scheduled to start at four o'clock, it started at four o'clock—come a spring blizzard or a summer flood on the Laramie plains. Latecomers were seldom looked upon in a friendly or tolerant manner.

A perfectionist himself, he, on occasion, was tolerant of error in others—as long as it didn't happen too often. Once in a faculty meeting, considerable confusion arose over a point of order. At this the President graciously acknowledged, "I may be in error on this matter, but I don't see how." No one challenged him.

While he demanded a lot of members of his staff, he also was just as ready to stand behind them in a moment of crisis. Once, during the days when Denver University still played football and the annual Thanksgiving Day game in Denver climaxed the fall festivities, a post-game celebration got out of hand. The head coach and an assistant ran afoul of the law and were hauled into court. The newspapers called President Humphrey and asked if the coaches would be fired because of the incident. The answer appeared in a banner headline on the front page of the Denver Post: "Humphrey Says Hell No!" The language probably made the preachers wince, but it endeared the President to a constituency that admired a man who stuck by his guns and his people.

President Humphrey was an easy man to work for once you understood and abided by the rules.

#### DRUG ABUSE IS STILL WITH US

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. ROBISON of New York. Mr. Speaker, drug abuse continues to be a crucial—yet unresolved—dilemma in the United States. What had been a small problem for a select group of people at the turn of the century has expanded into a major epidemic which threatens the health and security of our entire society. The impact on the Nation is staggering. Our homes and businesses—be they in the city or suburb—are often targets of addicts looking for money to support their drug habit. More importantly, however, is society's loss of a valuable human resource, every time an individual chooses to use drugs.

To me the most disturbing facet of this scenario is the growing population of adolescent drug users. Day after day, the news media carry stories about high school and college-aged youngsters who are involved with drugs. I was alarmed recently by the findings of an ongoing study by the Broome County Narcotics Guidance Council, located in my congressional district, which showed that almost 90 percent of the youthful offenders convicted of crimes in Broome County were under the influence of a drug during the commission of the crime.

What can be done about this dilemma? What is needed is a combined effort by



foreign governments, the Federal Government, and State and local authorities. This year the United States will spend almost \$785 million to curb drug abuse. However, much more is needed for the causes of drug abuse are many. In addition to treatment, rehabilitation, and education, the legal system in our country must be responsive to this problem if we ever hope to put drug abuse behind us. At the same time we are dealing with the forces in our society that lead to experimentation with and habitual use of drugs, we must be sure that those persons who are making a living from encouraging and supplying drug use are dealt with in a forceful manner, both to prevent them from continuing their criminal enterprise and to express societal contempt for their actions.

Last spring, at this time, I introduced legislation calling for mandatory 20 year sentences for the high echelon drug pushers—those who are putting drugs in the hands of young people across the country.

This week, I join my colleague, JAMES HASTINGS, in cosponsoring H.R. 13256. This bill has a dual purpose. The first is to increase the penalties for offenses of illegal drug trafficking. The second portion of H.R. 13256 encourages the denial of bail to such violators under certain circumstances.

In calling for stiffer drug penalties, this bill touches on the new category of drug abuse—poly-drugs, or those produced legitimately in the United States but diverted for illegal use. It is this type of drug that is being sold to young people on a large scale. As heroin traffic declines—primarily through international enforcement—the use of narcotic substitutes, such as poly-drugs, increases. Those who engage in the illegal sale of such merchandise should be punished to the fullest extent.

Frankly, I have several reservations about the second part of H.R. 13256, which recommends the denial of bail for and pretrial detention of suspected drug offenders. The thinking here is that we should at once take the drug pusher off the street, because he is such a serious threat to society. As proper as this goal may be, it runs head-on into the Constitutional provisions of due process and trial by jury, and the concept of innocence until proven guilty. It is important that, in our efforts to deal with problems such as drug abuse, we not trample on the rights which have protected Americans since 1776.

However, the denial of bail and pretrial confinement are two issues which must be addressed by both Congress and the courts. So, despite my reservations on this provision of H.R. 13256, I lend my support to this bill to again highlight the drug abuse problem and to help rekindle congressional interest in the need for further action to bring these issues to a speedy—but careful and proper—consideration.

## PRICE, THE PEACEFUL REGULATOR

### HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. SYMMS. Mr. Speaker, when an important economic principle is articulated in simple terms, concisely and clearly, it is productive for as many as possible to be exposed to it. This is the case with an article in "The Freeman," a publication by the Foundation for Economic Education, Irvington-on-The Hudson, N.Y. I insert this article in the RECORD:

PRICE, THE PEACEFUL REGULATOR

(By C. W. Anderson)

"Gas truck driver shot and killed on tollway," screamed the headline.

The second line could have been "... as he was delivering goods on a contract made voluntarily and peacefully between two parties." How come the violence and third-party interest here? A good question! But, actually, the killed was the fourth party of this transaction—a third party having previously declared an interest in it. The third party was the Government, which had ruled that prices for certain products and for deliveries must have Government approval. In effect, two parties who would normally work out a free-market price agreement to their mutual advantage were prohibited from doing so ... and in the process, many felt their rights were infringed and that violence was required to correct the injustice.

Such actions, which take the law into the aggrieved party's hands, are never justified, of course, but they dramatize the fact that violence in the exchange of goods and services (the market place) is almost always a result of a third party enforcing its decree or demand.

Normal two-party exchanges are nonviolent because of a wonderful economic tool: price, the peaceful regulator. A free-market price is reached by a very complicated, computer-like weighing of a vast number of factors which include not only costs but personal buyer preferences, other attractions for the buyer's dollars, anticipated competition, and the like. When we understand how this process works, we will see our own business and personal activities in clearer focus. Also, what is happening in the current energy shortage will be more understandable!

#### IT TAKES TWO TO TRADE

An example close to all of us may illustrate how this tool works.

If we will ask ourselves how much our own services and time are really worth, we'll find that an honest answer is elusive—actually impossible. This is because our judgment is never the value someone else, the buyer (employer), places on our services. As great as we may sometimes think we are, our effective price is not at that high level unless a buyer agrees with us. Only in a system where a dictator or a law sets an arbitrary price is our compensation determined without an agreement between a buyer and ourselves (seller).

Precisely the same is true of all products and materials. Just as you and I try to get "all the traffic will bear" in selling our time and services, so the merchant does this for his goods and the manufacturer for his "widget." And, this is as it should be because all the buyers of our services, or "widgets," try to pay as little as possible for these. The net result of these "conflicting" objectives is a willing, uncoerced exchange by mutual

agreement ... with no conflict. Even when the buyer and seller don't agree, no violence occurs—each simply seeks a seller or buyer elsewhere. No headlines; no one else even aware of what has happened.

Today, third-party interference is all about us working both subtly and with open violence; in either instance force, or the threat of it, hovers over voluntary, peaceful exchange arrangements. The danger in this is that we tend to be expedient, to adjust to each new third-party interference, soon accepting it as normal. As evidence, consider only the growing normalcy of teacher strikes and the almost complete acceptance of controlled interest rates and plane fares. But as we embrace each new third-party interference, our vision of a free market blurs and the ideals and the miraculous efficiency of a free, peaceful economy become more remote.

Free-market pricing is, indeed, a kind of miracle when we consider the billions of exchanges made peacefully every day in our economy. Without it, the "energy crisis" will continue! Without it, no economy can survive!

## GILMAN SEEKS TO RAISE SOCIAL SECURITY EARNINGS LIMITATION

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. GILMAN. Mr. Speaker, 24 of my colleagues are joining me today in introducing legislation increasing the amount of allowable earnings for social security recipients from the present limitation of \$2,400 to \$7,500.

The inflationary spiral is taking its hardest toll on those individuals living on fixed incomes. The security of millions of Americans, whose incomes have not risen with the times, is gravely threatened by the increasing cost of living.

Under existing legislation, a social security recipient is not allowed to earn more than \$2,400 a year without suffering a reduction in benefits.

This archaic ceiling on outside income not only imposes an onerous burden on the recipient, but also removes a highly productive group of individuals, our senior citizens, from the national work force. Many senior citizens have the skills and desire to enrich their lives through productive employment but are prevented from doing so by the present unrealistic earning limitations.

Accordingly, several of my colleagues, including Mr. YATES, Mr. NIX, Mr. LOTT, Mr. WON PAT, Mr. HANLEY, Mr. DEVINE, Mr. GUYER, Mr. MOAKLEY, Mr. HUBER, Mr. PODELL, Mr. DIGGS, Mr. DUNCAN, Mr. KEMP, Mrs. SCHROEDER, Mr. YATRON, Mr. WALSH, Mrs. COLLINS, Mr. ROUSSELOT, Mrs. HECKLER, Mr. HARRINGTON, Mr. CLEVELAND, Mr. RANDALL, Mr. TREEN, and Mr. MARAZITI have joined me in proposing legislation eliminating this glaring inequity and raising the allowable outside income to \$7,500, in an attempt to provide a more comfortable existence for our older Americans. Our Nation

must not permit its senior citizens to face steadily increasing prices without providing them with the opportunity for providing themselves with an adequate living.

Mr. Speaker, I insert the text of this measure at this point in the RECORD:

H.R. 11309

A bill to amend title II of the Social Security Act to increase to \$7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (f) (3) of section 203 of the Social Security Act is amended by striking out "\$200" and inserting in lieu thereof "\$625".

(b) Subsections (f) (1), (f) (4) (B), and (h) (1) (A) of such section 203 are each amended by striking out "\$200" and inserting in lieu thereof "\$625".

(c) The amendments made by this section shall be effective with respect to taxable years beginning after December 31, 1973.

Sec. 2. Section 202 of Public Law 93-66 is repealed; and the amendments made by such section shall be of no force or effect.

#### THE FIRST STEP TOWARD NATIONALIZATION OF THE OIL INDUSTRY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. RARICK. Mr. Speaker, the news that our new Federal energy czar, John Sawhill, is a card-carrying member of John Gardner's Common Cause is sure to distress more than hardcore Nixonites.

The Energy Supply and Environmental Coordination Act, H.R. 14368, which passed this body yesterday included at section 11, energy information reports. Under this legislation, Mr. Sawhill, as Federal Energy Administrator, is given the authority to require the reporting of information from private energy companies. The power extended is so extreme that it can easily be said to lay the blueprint for the nationalization of the American energy industry.

Few believers in private property, progress, and free enterprise will be heartened by the power given to Mr. Sawhill, let alone his ties with the Common Cause pressure group.

The sections of H.R. 14368 which detail Mr. Sawhill's new powers, and the related news clipping follow:

##### SEC. 11. ENERGY INFORMATION REPORTS

(a) For the purpose of assuring that the Federal Energy Administrator, the Congress, the States, and the public have access to and are able to obtain reliable energy information throughout the duration of his section, the Federal Energy Administrator, in addition to and not in limitation of any other authority, shall request, acquire, and collect such energy information as he determines to be necessary to assist in the formation of energy policy or to carry out the purposes of this Act or the Emergency Petroleum Allocation Act of 1973. The Federal

Energy Administrator shall promptly promulgate rules under the authority of subsection (b) of this section requiring reports of such information to be submitted to the Federal Energy Administrator at least every ninety calendar days.

(b) In carrying out the provisions of subsection (a) the Administrator shall have the power to—

(1) require, by rule, any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (other than at the retail level) of energy resources to submit reports;

(2) sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, and other documents;

(3) require of any person, by general or special order, answers in writing to interrogatories, requests for report, or other information; and such answers or submissions shall be made within such reasonable period and under oath or otherwise as the Federal Energy Administrator may determine; and

(4) to administer oaths.

(c) For the purpose of verifying the accuracy of any energy information requested, acquired, or collected by the Federal Energy Administrator, officers or employees duly designated by him upon presenting appropriate credentials and a written notice to the owner, operator, or at reasonable times and in a reasonable manner, enter and inspect any facility or business premises, to inventory and sample any stock of energy resources therein, and to examine and copy records, reports, and documents relating to energy information.

(d) (1) The Federal Energy Administrator shall exercise the authorities granted to him under subsection (b) to develop within 30 days after the date of enactment of this Act, as full and accurate a measure as is reasonably practicable of—

(A) domestic reserves and production;

(B) imports; and

(C) inventories;

of crude oil, residual fuel oil, or refined petroleum products, natural gas, and coal.

(2) For each calendar quarter beginning with the first complete calendar quarter following the date of enactment of this Act, the Federal Energy Administrator shall develop and publish quarterly reports containing the following:

(A) Report of petroleum product, natural gas, and coal imports; relating to country of origin, arrival point, quantity received, geographic distribution within the United States.

(B) Report of domestic reserves and production of crude oil, natural gas, and coal.

(C) Report of crude oil and refinery activity; relating allocation of crude oil to refiners with products to be derived from such crude oil.

(D) Report of inventories, nationally, and by region and State—

(i) for various refined petroleum products, relating refiners, refineries, suppliers to refiners, share of market, and allocation fractions;

(ii) for various refined petroleum products, previous quarter deliveries and anticipated 3-month available supplies;

(iii) for refinery yields of the various refined petroleum products, percent of activity, and type of refinery;

(iv) with respect to the summary of anticipated monthly supply of refined petroleum products amount of set-aside for assignment by the State, anticipated State requirements, excess or shortfall of supply, and allocation fraction of base year; and

(v) with respect to LPG by State and owner; quantities stored, and existing capacities, and previous priorities on types, in-

ventories of suppliers, and changes in supplier inventories.

[From the Washington Post, Apr. 28, 1974]

#### ENERGY CZAR SAWHILL'S COMMON CAUSE

(By Rowland Evans and Robert Novak)

Apprehension within the oil industry and the White House that federal energy czar John Sawhill will be much more consumer-oriented than predecessor William Simon was confirmed last week when he joined the camp of what true Nixonites consider the enemy: John Gardner's Common Cause.

During a most friendly meeting he had with Gardner last Tuesday afternoon at the Federal Energy Office (FEO), Sawhill suddenly whipped out his checkbook. He not only renewed the March 1973 membership in Common Cause of his wife Isabel, but joined himself with a check on their joint account.

Had hard-nosed Nixon aides known this, they would have gone into shock. Gardner's Common Cause, a liberal lobbying group which has hounded Mr. Nixon for campaign fund scandals, ranks high among White House enemies.

Nearly as distressing to the White House, Sawhill generally agreed with Gardner Tuesday when he proposed registration and regulation of non-congressional energy lobbyists. During a cordial conversation, Sawhill several times stressed the problem of FEO achieving credibility with the public—a favorite Common Cause theme.

Industry lobbyists became worried last Monday about testimony before the Senate Commerce Committee by the 37-year-old Sawhill, once a professor of finance and then a \$100,000-a-year financier before joining the Nixon administration in 1973. Sawhill's testimony stressed consumer protection far more than did Simon, a staunch supporter of free enterprise and defender of the oil industry.

"Sawhill sounds like Ralph Nader Jr.," one FEO official told us. "He changed his colors completely the day he was appointed."

#### TRIBUTE TO SOOKY GOLDMAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. REES. Mr. Speaker, community involvement forms the foundation for our American concept of participatory democracy. There are dedicated, imaginative citizens who donate much time and talent to help improve their communities. My constituent, Mrs. Sooky Goldman, is just such a citizen.

Her knowledge of the needs and unique character of her city has enabled her to make a remarkable and enduring contribution. Her efforts have once again emphasized the important role person-to-person contact plays in the success of civic programs.

Mrs. Goldman was recently honored by the city of Beverly Hills for her civic accomplishments. As the Congressman from California's 26th Congressional District, I would like to heartily commend Mrs. Goldman. The Los Angeles Times has published an article detailing her many activities.

The article follows:



# HER ENERGY, NOT BIG SPLASH, DOES THE JOB FOR B.H.

BEVERLY HILLS.—Sooky Goldman speaks softly, but always gets the job done.

She works unobtrusively behind the scenes to accomplish what she believes in, and her remarkable successes have earned her a rare commendation from the City of Beverly Hills.

It was given in recognition of her work in behalf of education, the arts, health and social welfare here.

"Sooky is one of the best workers we've ever had," said former Mayor Phyllis Seaton. "She goes about projects quietly without making a big splash."

Michael Maher, director of the Maple Center counseling service said, "She operates on the basis of her convictions and is willing to make whatever sacrifices are necessary to see that things happen."

"Even during controversy over the establishment of the center, she took a firm stand that, despite its affluence and its good schools, the city still had unmet needs."

"At some personal cost, in terms of friendships and other involvements, she has given every ounce of energy for that she believes in."

"Without Sooky, the Maple Center would not be here."

The object of all this praise; relaxing amid strawberry print upholstery in the sun room of her fashionable home off Sunset Blvd., Mrs. Goldman generates a combination of charm and determination which have made her so effective on behalf of the community.

The wife of Sam Goldman, prosperous car leasing entrepreneur (a Rolls-Royce and a Datsun 240-Z parked in the circular drive) she probably could have settled into a life of idle pleasure.

Or, capitalizing on her talents for pulling off large-scale events with a great deal of style, she might have headed her own business.

But instead, Mrs. Goldman elected to direct her energy toward the city where she has lived for 20 years.

"I have always known I am not a passive person. I have to be where the action is," she said.

Reared in a family of five children in Philadelphia, she was nicknamed Sooky by childhood friends.

Her community work here started as press chairman for the PTA when the first of her three children started school.

The rest is history, summarized in a two-page, single-spaced resumé of her varied accomplishments.

People in the community agree that her genius is in coordinating large-scale efforts on behalf of causes she believes in.

For example, she directed a dinner in honor of the retiring mayor, Mrs. Seaton. She helped decide when and where, whom to invite and how to make a testimonial a smashing success.

More than 700 packed the Beverly Wilshire for the tribute. And, the affair raised an entire year's operating budget for the Maple Center, which previously had operated hand to mouth.

It may well have been Mrs. Goldman's imaginativeness and knowledge of the city's unique character which drew so many to what could have been a tedious event.

"With a little extra thought, you can make an event unique and special unto itself," she said. "It involves inviting the right people, designing an attractive invitation, selecting the right place, and knowing the people you can count on to come through."

"And in Beverly Hills, it means giving the person-to-person contact which is so important in this community."

"For the Seaton dinner, we told people to save the date, and invitations would follow. This was very effective."

Planning large events calls for attention to detail, added Mrs. Goldman.

"We wanted to make the dinner for Mrs. Seaton a real Beverly Hills event. We decided to use the names of city streets rather than the usual numbers to identify tables where guest would be seated."

"Instead of saying 'You will be at table 25, we could give directions to Beverly Drive, for example."

Hand-stencilled street signs in green and yellow were placed on each table to give a home town feeling to the event.

Having endured countless meetings herself, Mrs. Goldman decided to spare guests the interminable speeches which ordinarily are synonymous with a testimonial.

Rather than having some 20 organizations each make separate tributes to the former mayor, Mrs. Goldman enlisted Charlton Heston to be a sort of "Moses" to speak for them all.

Mrs. Goldman was on the receiving end for honors when the City Council made a resolution recognizing her efforts on behalf of the community.

"I enjoy working within my own community," she said. In a small area, you can see the fruits of your efforts and your voice can be heard.

"And I believe it is more effective when you know the needs of each particular community. Each place has its own ways, and programs won't work unless you take this into account."

"In Beverly Hills, for example, you have to reach people on a one-to-one basis. It depends on who asks you whether you go to an event or not."

Mrs. Goldman's circle of community service has embraced numbers of organizations including American Field Service, Beverly Hills Scholarship Organization, Girl Scouts, Community Art League and League of Women Voters.

Also Inner City Cultural Center, UCLA Art Council, Dinners for Winners, Brandeis University Women's Committee, Beverly Hills Chamber of Commerce, American Cancer Society and Friends of Beverly Hills Public Library.

As Mrs. Seaton said, "She cares."

## AIR FARE RESTRUCTURING

### HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. REES. Mr. Speaker, I know that the Civil Aeronautics Board is currently considering an additional airline fare hike, as well as a restructuring of airline fares. The fare restructuring would increase the short-run fares and decrease the long-haul fares.

As a Californian it has always been a mystery to me why intrastate airlines in California have such lower air fares than the interstate lines operating along the Northeast corridor.

I would like to place in the RECORD a recent article on this subject by John Harding, which appeared in the Washington Post. Mr. Harding is a transplanted Californian, and I wonder what the CAB's answer would be to his ques-

tion, "Why Are Airline Fares Lower in California?"

The article follows:

#### WHY ARE AIRLINE FARES LOWER IN CALIFORNIA?

(By John T. Harding)

Recent articles in the Washington Post have dealt with the increasing cost of traveling by air. This week the CAB granted its airlines a 6% surcharge to compensate for rising fuel costs; in July short haul fares will rise dramatically. A comparison of CAB regulated fares and California intrastate fares (which are regulated by the California Public Utility Commission) suggests that short-haul fares are already substantially higher than they need to be.

Upon moving to Washington from Southern California five years ago, I discovered that it cost over twice as much per mile to travel by air in the Northeast as it did in California. In fact, it costs more per mile to travel by bus here than by air in California. Fares have risen in both regions over the past years, but the aforementioned relationships are still valid.

Reporting on its four year passenger fare investigation, the CAB claims that its carriers' short-haul fares are not high enough, that long-haul passengers are in effect subsidizing the short-haul passenger.

CAB carrier costs are summarized in a "cost based" formula: \$19.25+4.95¢/mile. Now for the first time, a basis exists for comparing costs of CAB and intrastate carriers. Previously whenever fares in high density markets were cited as being unnecessarily high the airlines responded that they were subsidizing low density markets.

The CAB has decreed that cross-subsidization of markets is unacceptable and has obviously concluded that costs depend on distance alone and are independent of traffic density. The table attached compares intrastate fares with CAB costs on the basis of distance.

The interstate fares shown are those currently in effect on Pacific Southwest Airlines, the dominant intrastate carrier in the California corridor. Since PSA is strictly a short-haul airline (all routes under 500 miles) and has never failed to make a profit on its airline operations, it is inescapable that PSA's costs are about half as great, at every distance from 65 to 480 miles, as those claimed for CAB carriers.

Why should a person be able to fly from Los Angeles to Fresno for \$15, yet pay twice as much to fly the same distance from Washington to New York? Surely major trunk carriers are not paying twice as much for Boeing 727 aircraft as PSA, or twice the interest rate on their bank loans.

Apparently operating costs are several times greater for CAB carriers than for California intrastate carriers. Yet a review of those circumstances over which the airlines have no control would make it appear that operations are intrinsically more difficult in California than in the Northeast, for example. Since this conclusion is at odds with conventional wisdom, consider the following information:

Myth: Northeast corridor airports are more congested than those in California.

Fact: Los Angeles International airport in fiscal 1972 produced 32% more flight operations and 7% more passenger enplanements than the busiest New York airport.

Myth: The airspace around the Northeast corridor cities is more congested.

Fact: No less than five airports in the Los Angeles area each experiences more total aircraft operations than any airport in the New York area. If all airports in the metropolitan areas are included, Los Angeles re-

glonal airports produce twice the number of aircraft operations as those in the New York area.

Myth: Northeast Corridor airports experience unusually poor weather conditions.

Fact: The Los Angeles area experiences over twice as much "Instrument Flying Rule" weather conditions as New York, Washington or Boston.

Myth: CAB airlines are subject to more stringent safety requirements than intrastate airlines.

Fact: Safety regulations are imposed by the FAA and are identical for all commercial passenger-carrying airlines. PSA and Air California have flown 15 billion revenue passenger miles without a single passenger fatality, a safety record that few CAB airlines can match.

Myth: CAB airlines provide a higher quality of service than the intrastate carriers.

Fact: PSA and Air Cal presently command 80% of the Los Angeles-San Francisco market, despite the fact that their fares are no lower than the intrastate fares of their numerous CAB competitors, United, TWA, Western, Continental and Air West. These airlines compete on the basis of service and it is clear that 80% of the passengers find the intrastate airlines superior with respect to punctuality and service. By comparison, travel on the Eastern shuttle is spartan.

City pair	Distance (miles)	Intrastate fare <sup>1</sup>	CAB "cost" <sup>1</sup>
Stockton-San Francisco.....	65	\$7.64	\$22.47
Los Angeles-San Diego.....	101	7.64	24.25
Fresno-San Francisco.....	164	10.42	27.37
Fresno-Los Angeles.....	213	15.05	29.79
Los Angeles-San Francisco.....	347	16.43	36.43
San Diego-Sacramento.....	480	24.31	43.01

<sup>1</sup> Exclusive of 8 percent tax and security charge.

Let anyone conclude that this low cost service in California is a small scale phenomenon which is not relevant to the Northeast, the following statistics should be noted:

The California air corridor is the most heavily travelled in the world. In fiscal 1972 there were 5.5 million origin-destination air passengers between the Los Angeles and San Francisco metropolitan areas, as compared to 2.0 million between New York and Boston and 1.7 million between New York and Washington. The number of passenger miles flown by PSA alone exceeds the sum total of all origin-destination air traffic within the Northeast corridor (including every airline and every city between Boston and Richmond).

In 1973 PSA transported 6.4 million revenue passengers—a total of 1.9 billion revenue passenger miles. That is more passenger miles than any CAB local service carrier except Allegheny and more passengers than Continental, and almost as many as Braniff, National or Northwest.

Finally, it is irresistible to point out that had PSA collected \$19.25 per passenger and \$4.95 per passenger mile in 1973, its airlines revenues would have totalled \$218 million instead of an actual \$95 million. The difference of \$123 million is the amount those lucky 6 million Californians saved by not having the CAB regulate air travel within California.

From the foregoing I conclude that there is no intrinsic reason why air fares cannot be as low here as they are in California. Comparing the CAB cost formula and the PSA fare structure, one is forced to conclude that the CAB carriers are annually incurring at least four billion dollars of expenses which are unnecessary to the providing of safe, dependable high quality air transportation. That is a staggering cost to pay for regulation!

The CAB's primary concern is to see that none of its proteges fall financially. Consequently, fares are set high enough that even the most egregiously inefficient airline does not suffer the bankruptcy it deserves.

By contrast, the California Public Utilities Commission has been concerned primarily with the public interest. Traditionally it has regulated fare increases but not decreases, and has not inhibited entry or exit of airlines in the California market. Consequently, any number of intrastate airlines which could not meet the prices set by the most efficient carriers have had to terminate service.

The net result has not been chaos as predicted by the CAB, but a highly dependable, safe and inexpensive air travel system within California. This could not have occurred without some regulation, but the objectives of the regulation have had a profound impact on who is benefited.

Airline stockholders should be very grateful to the CAB. The public must look elsewhere for their interests to be served.

### THE DEMOCRATIC FOCUS: A LOOK AT INFORMATION TECHNOLOGY AND CAMPAIGN REFORM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1974

Mr. FRASER. Mr. Speaker, too often, political activists can see no farther than the next election. Now, a new political group has come along with a broader view. Known as the Democratic Forum, this loosely structured organization believes that winning elections is not the end-all and the be-all of politics.

The Forum wants to look beyond elections to the time when public policies must be formulated and implemented. It hopes to provide a way for Democrats to come together informally to explore new policy issues and reexamine old ones.

This new organization is off to an ambitious start with a monthly newsletter, the Democratic Focus, devoted to an examination of current issues.

In a recent issue of the Focus, Arthur Bushkin discusses the impact of communications and information technology on campaign reform. Bushkin maintains that incumbents will become all but invincible as they learn how to make effective use of new information systems. I am sure my colleagues will find his article quite provocative, and I am inserting it at this point in the RECORD:

INFORMATION AND COMMUNICATIONS: CAMPAIGN REFORM ISSUES OF THE 1980's

(By Arthur A. Bushkin)

The year is 1982 and the upcoming elections are becoming a topic of discussion. The last snows of March are melting, but you are not yet well enough to greet the spring. Late last month, while returning home from the grocery, you slipped and fell on the ice. The results: a broken leg and a letter four days later from your Congressman expressing his concern. He promises to do all that he can to assist you.

Now, a month later, you receive a second letter from your Congressman telling you that he has just learned that you qualify for additional medical coverage under the Uniform Health Care Act of 1979. His research has shown that you broke the same leg while serving in Vietnam in 1967, and there is a

special provision in the Health Care law which makes you eligible for extended benefits. You, of course, are delighted by this news, and you silently vow to vote for this man in the coming elections. Curiously enough, only three incumbents are defeated that fall.

The point of this little story is that it is not at all farfetched. Unless we begin to address some very serious questions in the near future, it is entirely conceivable that the power of the incumbency in our representative democracy will grow to the point of invincibility. This will occur regardless of the nature of the campaign financing legislation which the Congress will enact. It will happen even if we are blessed with 535 supremely honest people who attempt to campaign in the most fair and open way possible. The next decade will witness such advances in information and communications technology, and this technology will become so inexpensive, that we will be in danger of having the concept of a fair election rendered meaningless.

This prediction, unlike most political prophecies, actually grows out of the integrity and not the evil of the incumbent. The use of advanced technologies will enable an officeholder to do such a significantly better job of representing and servicing the needs of his constituents that the electorate will be presented with less and less of a rational choice in an election. Challengers will be forced to use imagery or demagoguery, or to exploit factors not directly related to their particular campaign, just to attract the voters' attention.

The concept of a fair election as first envisioned by our Founding Fathers is extremely fragile; it can be seriously eroded by the advance of technology, no matter how well intentioned the use of that technology may be. There will always be a large block of voters who will see the personal treatment represented by a letter from their Congressman as reason enough to vote for him in a future election. The danger is that the voter who wishes to make an intelligent choice will have less and less of a basis for doing so; future elections may be decided upon the basis of constituent services rather than legislative substance.

In the vignette presented earlier, the letters would have been prepared by a desktop computer in the Congressman's office. Such a computer will soon cost no more than an electric typewriter does now. It is also quite likely that a future Congressman's staff will automatically develop an automated information file (called a data base) on each of the Congressman's constituents. This is essentially feasible right now; much of the pertinent information is readily available in the public record. The shrinking cost of technology will only make this practice more practical. Also, unless the appropriate safeguards are undertaken—and this is surely not a foregone conclusion—the computer in a Congressman's office will be able to call other computers, via a standard telephone connection, for the purpose of querying their data bases so as to augment its own files on each constituent. This too is technologically feasible today.

The natural reaction to this type of prediction is to view it as an invasion of personal privacy and to demand that the appropriate precautions be taken. But the issue of personal privacy notwithstanding, it is important to recognize that at least part of this trend is not the embodiment of some technological evil, but rather is actually quite reasonable. Only its portents for the future of representative democracy need concern us, provided of course that the appropriate privacy safeguards are employed.

Using an example which is applicable today, a Congressman can already send machine-produced letters to members of his



constituency who are interested in any particular issue, perhaps telling them of his latest action in the area. The Congressman already has the franking privilege, and it is certainly easy to accumulate lists of the constituents' interests. Constituents write letters to their Congressman, they sign petitions and advertisements, they join local issue groups, and so on.

Even today, it is a poorly organized incumbent who does not seek to identify preference groups of voters as he seeks reelection. Furthermore, all of this information can be correlated with the past election history and the census data for each precinct within a district. The emergence of the computer in the last decade did not make all this possible; the computer just made it more practical. In the next decade technology will simply become more advanced and less expensive, and its impact on the electoral process will be far greater than we might imagine.

It is easy, though, as one lays blame on the computer, to miss the larger implications of advancing technology. The use of an in-office computer to accumulate publicly available data on a representative's constituency, done properly and with a respect for personal privacy, is a legitimate function of representation. The more an officeholder knows about his constituents, the better the job he will do. The campaign reform issue is that the better the job he does, the more difficult he is to defeat, particularly if he has access to advanced technological aids.

Performance in office cannot be limited, however, the way that campaign contributions or campaign spending can. Therefore, *unless a challenger is provided with compensatory, if not comparable, access to information and communications technology, he will not possibly be able to make a credible challenge.* In the example above, the issue is whether data bases which have been legiti-

mately accrued as a function of representation should not also be made available in some fashion to bona fide challengers prior to an election. After all, is this not public data collected with public funds?

The basic spirit of most campaign reform legislation is a fundamental equalizing of the opportunity to seek public office. This is to be accomplished through a proposed equalizing of services, paid for by public funds or as a result of a limit placed on campaign contributions and spending, or both. The issue that we have yet to address is an equalizing of capabilities. The dilemma is that some of an incumbent's increased capabilities derive not from sources which can be regulated, but from the impact of advanced technology on the incumbent's performance of his Constitutionally mandated responsibility of representation. And the time to confront this issue is now, for the march of technology will not be deterred.

## HOUSE OF REPRESENTATIVES—Monday, May 6, 1974

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God.—Matthew 4: 4.*

Almighty and everliving God, the Maker and Ruler of men, who hast made all things for Thy children and Thy children for Thy glory, we commend to Thy loving care the people of these United States. Save them from violence, discord, and confusion, from pride and arrogance, and from every evil way.

Endue with the spirit of wisdom every Member of this House of Representatives. Grant unto them such a consciousness of Thy presence that what is done this day may be for Thy glory and for the good of people everywhere.

Keep us all clean in mind, pure in heart, and generous in deed. Waiting upon Thee may our strength be renewed, our faith restored, and our love rekindled through Jesus Christ our Lord. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

### MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11385. An act to amend the Public Health Service Act to revise the programs of health services research and to extend the

program of assistance for medical libraries; and

H.R. 12920. An act to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 354. An act to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways;

S. 1227. An act to amend section 415 of the Communications Act of 1934, as amended, to provide for a 2-year period of limitations in proceeding against carriers for the recovery of overcharges or damages not based on overcharges;

S. 1479. An act to amend subsection (b) of section 214 and subsection (c) (1) of section 222 of the Communications Act of 1934, as amended, in order to designate the Secretary of Defense (rather than the Secretaries of the Army and the Navy) as the person entitled to receive official notice of the filing of certain applications in the common carrier service and to provide notice to the Secretary of State where under section 214 applications involve service to foreign points;

S. 2457. An act to amend the Communications Act of 1934, as amended, to permit the Federal Communications Commission to grant radio station licenses in the safety and special and experimental radio services directly to aliens, representatives of aliens, foreign corporations, or domestic corporations with alien officers, directors, or stockholders; and to permit aliens holding such radio station licenses to be licensed as operators;

S. 3072. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes;

S.J. Res. 175. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1974, as "National Historic Preservation Week";

S.J. Res. 195. Joint resolution to authorize and request the President to issue a proclamation designating May 13, 1974, as "American Business Day"; and

S.J. Res. 197. Joint resolution to authorize the designation of the 7-day period beginning June 17, 1974, and ending June 23, 1974, as "National Amateur Radio Week."

### CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar.

The Clerk will call the first bill on the Consent Calendar.

### AUTHORIZING AND DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY INTEREST IN PROPERTY IN JASPER COUNTY, GA., TO THE JASPER COUNTY BOARD OF EDUCATION

The Clerk called the bill (H.R. 510) to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education.

There being no objection, the Clerk read the bill as follows:

H.R. 510

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey to the Jasper County Board of Education, Jasper County, Georgia, all right, title, and interest in and to the real property described in the quitclaim deed made by the United States, as grantor, to the Jasper County Board of Education, as grantee, on April 26, 1940, and recorded on June 5, 1940, in Jasper County, Georgia, which the United States might hold as a result of covenants contained in such quitclaim deed.*

With the following committee amendment:

Page 2, line 5, strike out "deed." and insert thereof: "deed: *Provided, however, That any proceeds from the sale, lease, exchange or other use or disposition of the lands shall be used exclusively for educational purposes by the Jasper County Board of Education.*"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS TO THE NEW MEXICO STATE UNIVERSITY

The Clerk called the bill (H.R. 5641) to authorize the conveyance of certain